

Date: 12/01/97 Time: 10:12

SI inmates lose high court bid over parole

WASHINGTON (AP) The Supreme Court today rejected an appeal by Texas inmates who say their chances for parole shouldn't suffer if they have sued prison officials or if the victim of their crime opposes parole.

The court, without comment, turned away the inmates' argument that they should not be penalized for exercising their right to sue. The inmates also said crime victims' letters to parole boards often include false information.

The class-action lawsuit, originally filed in 1985, sought an order barring parole officials from considering whether inmates filed lawsuits while in prison. Many prisoners are denied parole at least partly because they have filed legal claims over prison conditions, the inmates said.

The inmates also sought to bar parole officials from considering letters written by crime victims or their relatives' opposition to parole. Texas law requires parole boards to consider such ``victim impact statements,' ' which are not disclosed to the inmate.

A federal magistrate judge in Austin barred parole officials from considering crime victims' statements or inmates' activities in filing lawsuits.

The use of victim statements violates inmates' equal-protection rights because those who are the targets of such letters tend to be denied parole, the judge said in 1995. The judge also said bias against inmates considered overly litigious has harmed their access to the courts.

The 5th U.S. Circuit Court of Appeals reversed. The policy allowing victim impact statements aims to protect victims' rights, and it applies equally to all inmates, the appeals court said.

It also said inmates who file frivolous lawsuits are not protected from retaliation by parole officials. The lower court judge was ordered to reconsider the case to decide whether any inmates were denied parole for filing valid lawsuits.

The case is Johnson vs. Rodriguez, 97-403.

APNP-12-01-97 1017EST

Office: (202) 225-3951

June 25, 1996

FOR IMMEDIATE RELEASE

Hyde Says Dole Far Ahead on Victims' Rights Constitutional Amendment; Hits Clinton as the "Me Too" Candidate

(WASHINGTON) - U.S. Rep. Henry J. Hyde, chairman of the House Judiciary Committee, today praised Senator Bob Dole's leadership on the proposed constitutional amendment to provide rights for victims of crimes.

"As usual, Bob Dole is far ahead of Bill Clinton when it comes to fighting crime. That is why he endorsed the victims' rights constitutional amendment last month," Hyde said.

Hyde is the lead sponsor of the Victims' Rights Constitutional Amendment in the House of Representatives. "Bob Dole knows what it is like to fight back in difficult circumstances," Hyde said, adding: "Senator Dole wants to give decent, honest, hard-working Americans ways to fight back against the thugs who too often prey on them."

When asked about today's belated Clinton endorsement of the general concept of a victims' rights constitutional amendment, Hyde said: "This is just another of President Clinton's attempts to hijack a Republican idea -- to establish himself as the 'me-too' candidate. We've seen how his endorsements have worked out with the Wisconsin welfare waivers. I'm sure this will be the same. He'll try to convince crime victims that he feels their pain, but when the time comes to act, he'll be missing."

The constitutional amendment introduced by Hyde and endorsed by Dole includes the following rights for victims of crimes: the right to be informed of, and to be present at, every relevant proceeding involving the accused person or convicted offender; the right to be heard at any proceeding involving sentencing; the right to be informed of any release of, or escape by, the offender; the right to object to a previously negotiated plea or a release from custody; the right to a speedy trial and a final conclusion of the case free from unreasonable delay; the right to restitution from the convicted offender; and the right to be protected from violence or intimidation by the accused person or convicted offender.

Hyde said he plans to have hearings on the constitutional amendment in the House Judiciary Committee in July.

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Judiciary Homepage

NEWS

Office of U.S. Rep. Henry J. Hyde *House Judiciary Committee*

CONTACT: Sam Stratman

OFFICE: (202) 225-0131

June 25, 1997

For IMMEDIATE Release

Hyde Urges Enactment of Crime Victims' Rights Law

(WASHINGTON) - U.S. Rep. Henry J. Hyde (R-IL) on Wednesday urged that Congress adopt measures granting victims of crime important new rights.

"Violent criminals damage and destroy the lives of innocent victims every day in our country. But what about the victims? Do they have any rights? Well, they do not have any that are protected by the federal constitution. That is what we must do our best to change," Hyde said.

Hyde, chairman of the House Judiciary Committee, has introduced both a constitutional amendment and a corresponding implementing statute designed to spell out for the first time specific rights for crime victims. Which measure is successful in Congress will depend, Hyde said, on a number of factors including the strength of presidential support for victims' rights legislation.

Both measures provide crime victims a number of new federal legal rights including: 1) a right to receive notice of public proceedings related to the crime; 2) a right to be heard, if present, and to submit a written statement at any proceeding to determine the release of the criminal defendant from custody, to accept any negotiated plea agreement, at the sentencing of the defendant and at any parole proceeding; 3) a right to consideration for the safety of the victim prior to determining any release of the defendant from custody, and other rights

"Constitutional rights for persons accused of crimes exist not to protect the guilty, but to protect innocent persons who are falsely accused," Hyde said. "Crime victims are innocents dragged into the criminal justice system against their will just like the falsely accused. These victims should be provided specific, defined rights under the federal constitution," he added.

Hyde made his remarks at a judiciary committee hearing that included supporting testimony from Attorney General Janet Reno and advocates for victims' rights.

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Judiciary Homepage

CONTACT: Sam Stratman

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April 14, 1997

For Immediate Release

Chairman Hyde Introduces Victims' Rights Amendment

(WASHINGTON)-U.S. Rep. Henry J. Hyde (R-IL), chairman of the House Judiciary Committee, today unveiled the text of a constitutional amendment to provide rights to crime victims.

The measure, accompanied by the text of a proposed federal implementing statute, will be introduced Tuesday by Hyde and others.

"Many of the rights of the accused are spelled out in the Constitution - none of the rights that victims should have are so enshrined," Hyde said.

"It is not enough to bring criminals to justice, we must also bring justice to victims," Hyde added.

Among provisions included in the proposed amendment and implementing statute:

Right of victims not to be excluded from all public proceedings

Right of victims to be heard and to submit a written statement at proceedings to determine a release from custody, acceptance of a plea bargain, sentencing, and parole proceedings

Notice to victims of any release or escape from custody

Right of victims to seek relief from unreasonable delay in the proceedings

Right of victims to an order of restitution

Right to have the victim's safety considered in determining a release from custody

Notice to victims of all of these rights

These rights, Hyde said, would apply in all federal and state criminal proceedings, military criminal proceedings, juvenile justice proceedings, and habeas corpus proceedings.

Hyde said the statute, which will complement the Constitutional amendment, is designed to track these rights and provide greater detail on how they will be implemented in the federal criminal system. "Our statute should serve as a model for state implementing statutes," Hyde said.

Hyde said he expected extensive hearings on the amendment and implementing statute to begin in June.

"It is my intention to find the broadest possible consensus for this amendment by opening the process to all interested groups," Hyde said.

LRM ID: REJ141

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Tuesday, June 17, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: JUSTICE Draft Bill on Victim's Right Act

DEADLINE: NOON Friday, June 20, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The Department of Justice intends to transmit this draft bill prior to a 6/25 House Judiciary Committee hearing on victims rights.

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SUBJECT: JUSTICE Draft Bill on Victim's Right Act

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

(2) sending us a memo or letter

TO: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

The following is the reponse of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

FAX RETURN of _____ pages, attached to this reponse sheet

SUMMARY OF DRAFT VICTIMS' RIGHTS ACTSECTION 2 -- VICTIM'S RIGHT TO NOTICE AND INFORMATION:

- Authorizes necessary sums in each fiscal year for establishment and operation of automated victim information and notification system.
- Strengthens standards and procedures for HIV testing of defendants and informing victims of defendant's HIV status, where offense risks transmission of the virus.
- Authorizes prosecutors to inform victims of the status of juvenile delinquency proceedings.

SECTION 3 -- VICTIM'S RIGHT TO ATTEND PROCEEDINGS:

- Amends statutory crime victims' bill of rights to provide that the victim has the right to be present at all public court proceedings, including all public proceedings concerning release of the accused or convicted offender, plea acceptance, the determination of guilt or innocence, or sentencing.
- Adds right of victims to have their interests considered in decisions about changing the place of trial to the statutory crime victims' bill of rights. Would be implemented without rules change by legislation and AG Guidelines. (Prosecutors would effectuate.)
- Provides that victims are presumptively entitled to attend juvenile delinquency proceedings and that such proceedings will be presumptively open to the public.

SECTION 4 -- VICTIM'S RIGHT TO BE HEARD:

- Gives victims a right to communicate with the court both orally and in writing concerning release decisions, plea acceptance, and sentencing.
- Requires reasonable and diligent efforts by prosecutors to consider the interests of victims in plea and sentence negotiations.
- Gives victims a right to be heard concerning the disposition in juvenile delinquency proceedings.

SECTION 5 -- ENFORCEMENT AND ADMINISTRATION OF VICTIMS' RIGHTS:

- Authorizes the government to redress violations of victims' rights to be present and to be heard through application for mandatory writs and appeal. Provides management authority to prosecutors to ensure orderly and effective participation by victims in mass victimization cases and other cases presenting unusual difficulties.

SECTION 6 -- VICTIM'S RIGHT TO PROTECTION:

- Extends to victims in criminal cases the same protection as jurors against adverse action by employers.
- Broadens authority to seek detention of defendants who seriously threaten victims.

SECTION 7 -- VICTIM'S RIGHT TO RESTITUTION AND COMPENSATION:

- Generally extends mandatory restitution to property offenses under the criminal code (now limited for the most part to violent crime cases). Consistently requires courts to order restitution as agreed to in plea agreements.
- Gives Attorney General authority to use civilly forfeited property for restitution to victims; the existing authority is generally limited to criminal forfeiture. Clarifies that the government may dismiss a forfeiture action at any time in favor of restitution to victims. Creates authority for freezing and seizing of property that may be subject to restitution, parallel to the existing authority for forfeitable property.
- Generally holds multiple offenders jointly and severally liable to a victim for restitution. Facilitates prompt payment and collection of restitution. Improves restitution sentencing procedures.
- Creates authority for victims to enforce restitution orders in the same manner as civil judgments, supplementary to the government's enforcement powers.
- Provides that strengthened enforcement procedures enacted by the antiterrorism legislation will apply to all restitution orders, including those entered or arising from offenses occurring prior to that legislation's enactment.
- Increases certain special assessments, thereby increasing revenues to the Crime Victims Fund. Authorizes release of information on child victims to victim compensation agencies, so that they can receive compensation. Authorizes funding for appointment of guardians ad litem in child abuse cases.
- Makes various improvements in the administration of programs under the Victims of Crime Act, including enhanced authority and support for demonstration projects, training, technical assistance, and program evaluation.

SECTION 8 -- EFFECTIVE DATE:

- Provides for the bill's provisions to apply as broadly as permitted by the Constitution. The bill's reforms accordingly would apply to protect the rights of victims in pending cases, as well as in future cases.

A BILL

To secure the rights of crime victims, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE. -- This Act may be cited as the "Victims' Rights Act of 1997".

(b) TABLE OF CONTENTS. -- The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Victim's right to notice and information.
- Sec. 3. Victim's right to attend proceedings.
- Sec. 4. Victim's right to be heard.
- Sec. 5. Enforcement and administration of victims' rights.
- Sec. 6. Victim's right to protection.
- Sec. 7. Victim's right to restitution and compensation.
- Sec. 8. Effective date.

SEC. 2. VICTIM'S RIGHT TO NOTICE AND INFORMATION.

(a) AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM. There are authorized to be appropriated in each fiscal year such sums as may be necessary for the establishment and operation by the Attorney General of an automated victim information and notification system.

(b) INFORMATION CONCERNING DEFENDANT'S HIV STATUS. -- (1) Section 40503(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14011(b)) is amended --

(A) by amending the heading to read as follows:

"(b) TESTING OF DEFENDANTS. --";

(B) in paragraph (1) --

(i) by striking "of the type referred to in subsection (a)" and inserting "or the Government";

(ii) by inserting "(or to the victim's parent or legal guardian, as appropriate)" after "communicated to the victim"; and

(iii) by inserting ", unless the recipient does not wish to receive such counseling" after "counseling"; and

(C) in paragraph (2) --

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(i) by striking "To obtain an order under paragraph (1), the victim must demonstrate that" and inserting "The victim or the Government may obtain an order under paragraph (1) by showing that";

(ii) in subparagraph (A) --

(I) by striking "the offense" and inserting "an offense involving alleged conduct that poses a risk of transmission of the etiologic agent for acquired immune deficiency syndrome"; and

(II) by inserting "and" after the semicolon;

(iii) in subparagraph (B), by striking "after appropriate counseling; and" and inserting a period; and

(iv) by striking subparagraph (C).

(2) There are authorized to be appropriated to the Judiciary in each fiscal year such sums as may be necessary to carry out testing and related counseling pursuant to court orders under section 40503(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14011(b)).

(c) JUVENILE PROCEEDINGS. -- Section 5030(a)(6) of title 18, United States Code, is amended to read as follows:

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, or the victim's official representative's, allocation at disposition."

SEC. 3. VICTIM'S RIGHT TO ATTEND PROCEEDINGS.

(a) RIGHT TO BE PRESENT. -- Section 502(b)(4) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)(4)) is amended to read as follows:

"(a) The right to be present throughout all public court proceedings related to the offense, including but not limited to all public proceedings concerning release of the accused or convicted offender, acceptance of a plea, the determination of guilt or innocence, or sentencing, unless the victim's presence would violate a constitutional right of the defendant."

(b) ATTENDANCE AT TRIAL OF OKLAHOMA CITY BOMBING VICTIMS. -- Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by adding at the end the following:

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"(5) The Director may set aside up to [INSERT NEEDED AMOUNT TO BE DETERMINED BY OVC] of the emergency reserve fund described in paragraph (4) to make supplemental grants to United States Attorney's Offices to provide necessary assistance to victims of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, to facilitate observation of and/or participation by such victims in trial proceedings arising therefrom, including, without limitation, provision of lodging and travel assistance, and to pay such other related expenses as are determined to be necessary by the Director."

(c) CHANGES OF PLACE OF TRIAL. -- Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended --

(1) by inserting "the" before "attorney" in paragraph (5);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) The right to have the victim's interests considered in decisions about changing the place of trial."

(d) JUVENILE PROCEEDINGS. -- Section 5032 of title 18, United States Code, is amended in the third undesignated paragraph by striking "in chambers or otherwise" in the second sentence and inserting: "and shall be open to the public, except that the court may exclude all or some members of the public from the proceedings if required by the interests of justice or if other good cause is shown. Even if all or some of the members of the public are excluded from the proceedings, the proceedings shall be open to victims of the alleged offense and their relatives and legal guardians unless required by the interests of justice or otherwise good cause is shown."

SEC. 4. VICTIM'S RIGHT TO BE HEARD.

(a) VICTIMS' BILL OF RIGHTS AMENDMENT. -- Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended --

(1) by redesignating paragraphs (7) and (8), as designated by section 3(c), as paragraphs (8) and (9) respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

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"(7) The right to be heard by the trial court concerning the release of the accused or convicted offender, acceptance of any plea, and sentencing, if present at the pertinent proceedings."

(b) SENTENCING. -- Rule 32 of the Federal Rules of Criminal Procedure is amended --

(1) in subdivision (c)(3)(E), by striking "if sentence is to be imposed for a crime of violence or sexual abuse,"; and

(2) by amending subdivision (f) to read as follows:

"(f) DEFINITION. -- For purposes of this rule, 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by --

"(1) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

"(2) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present."

(c) RELEASE AND DETENTION. -- Chapter 207 of Title 18, United States Code, is amended --

(1) by adding at the end of section 3142 the following new subsection:

"(k) In any hearing under this section, or under section 3143 or 3148, if the victim is present at the hearing, the victim shall be allowed to make a statement and present any information relating to the release or detention of the defendant, or to release conditions, including any statement or information concerning the danger posed by the defendant."; and

(2) in section 3156(a) --

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting at the end a new paragraph (5) as follows:

"(5) the term 'victim' means any individual against whom an offense with which the defendant is charged has allegedly been

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committed, but the right of allocution under section 3142(k) may be exercised instead by --

"(A) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated;

if such person or persons are present at the hearing, regardless of whether the victim is present."

(d) ACCEPTANCE OF PLEAS; SUBMISSION OF WRITTEN STATEMENTS.
-- Chapter 224 of title 18, United States Code, is amended --

(1) by inserting at the end the following new sections:

"§ 3511. Victim's right to be heard concerning plea

"(a) In any proceeding relating to acceptance of a plea of guilty or nolo contendere, the victim shall be allowed to make a statement in relation to the plea, if the victim is present at the proceeding.

"(b) As used in this section, 'victim' means any individual against whom an offense included in a proposed plea or with which the defendant was charged in the indictment or information was allegedly committed, but the right of allocution under subsection (a) may be exercised instead by --

"(1) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

"(2) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the proceeding relating to acceptance of the plea, regardless of whether the victim is present.

"§ 3512. Victim's right to submit written statement

"(a) In any public proceeding in a criminal case in which the victim would have a right to make an oral statement if present at the proceeding, including any public proceeding before a trial court relating to release of the accused or convicted offender, acceptance of a plea, or sentencing, the victim shall be allowed to submit a timely written statement, whether or not present at the proceeding.

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"(b) As used in this section, 'victim' means any person who would be authorized to make an oral statement as a victim or instead of a victim, as provided by statute or rule, if present at the pertinent proceeding.

"(c) This section shall not be construed to require the delay of any proceeding."; and

(2) by inserting at the end of the table of sections the following:

"3511. Victim's right to be heard concerning plea.

"3512. Victim's right to submit written statement.".

(e) CONSIDERATION OF VICTIM'S VIEWS. Section 503 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10507) is amended

--

(1) in subsection (c), by adding at the end the following:

"(9) The government shall make diligent and reasonable efforts to consider the victim's views concerning any proposed or contemplated plea or sentence negotiations.";

(2) in subsection (d), by inserting "to or consult with or consider the views of any person" after "information"; and

(2) by adding at the end the following:

"(f) Guidelines

"The Attorney General shall issue guidelines to effectuate the rights and services set forth in this section and section 502.".

(f) JUVENILE PROCEEDINGS. -- Section 5037(a) of title 18, United States Code, is amended --

(1) in the first sentence, by striking "twenty" and inserting "forty"; and

(2) by inserting after the first sentence the following: "A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representative, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition.".

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SEC. 5. ENFORCEMENT AND ADMINISTRATION OF VICTIMS' RIGHTS

(a) IN GENERAL. -- Chapter 235 of title 18, United States Code, is amended by inserting at the end the following new section:

"§ 3743. Review of denial of victim's rights

"(a) MANDAMUS. -- If a district court denies any right of a victim under section 502(b)(4) or (7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)(4), (7)), Rule 32 of the Federal Rules of Criminal Procedure, or section 3142(k), 3511, or 3512 of this title, the government may apply for a writ of mandamus to the appropriate court of appeals. The court of appeals shall take up and decide such an application forthwith.

"(b) APPEAL. -- In an appeal by the government under section 3145, 3742, or the third paragraph of section 3731 of this title, the government may assert as error the district court's denial of the victim's right to be heard in, or the district court's exclusion of the victim from, the proceeding to which the appeal relates, in violation of a right of the victim under section 502(b)(4) or (7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)(4), (7)), Rule 32 of the Federal Rules of Criminal Procedure, or section 3142(k) or 3512 of this title.

(b) CLERICAL AMENDMENT. -- The table of sections for chapter 235 of title 18, United States Code, is amended by adding at the end the following:

"3743. Review of denial of victim's rights."

(c) MANAGEMENT AUTHORITY OF ATTORNEY GENERAL. -- Chapter 33 of title 28, United States Code, is amended --

(1) by inserting at the end the following:

"§ 530B. Authority of the Attorney General concerning victims' rights

"The Attorney General may waive or limit the application of laws and rules establishing the rights of victims in criminal cases to notice or information, to attend proceedings, or to be heard or consulted, where the application of such laws or rules is unfeasible or inappropriate because of the number of victims, in the interest of justice, or for other reasons. The Attorney General's authority under this section includes, but is not limited to, the authority to designate representative victims to exercise these rights on behalf of the whole class of victims. The exercise of the Attorney General's authority under this section is in the sole discretion of the Attorney General, and shall not be reviewable in any court."; and

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(2) by inserting at the end of the table of sections the following:

"530B. Authority of the Attorney General concerning victims' rights."

(d) LIMITATION OF STANDING CONCERNING VICTIMS' RIGHTS . -- Chapter 224 of title 18, United States Code, as amended by section 4(d), is further amended --

(1) by inserting at the end the following new section:

"§ 3513. Limitation of standing concerning victims' rights

"(a) A person accused or convicted of a crime shall have no standing to assert a right of a victim of the crime, or to appeal or otherwise challenge any judgment or order on the basis of a violation of a right of a victim of the crime.

"(b) As used in this section, 'a right of a victim' means any right under a law or rule establishing the rights of victims in criminal cases to notice or information, to attend proceedings, or to be heard or consulted."; and

(2) by inserting at the end of the table of sections the following:

"3513. Limitation of standing concerning victims' rights."

(e) NO IMPLIED LIABILITY FOR DAMAGES. -- No provision or amendment in this Act which does not expressly authorize a cause of action or liability for damages shall be construed to give rise to a cause of action or liability for damages against any person or entity.

SEC. 6. VICTIM'S RIGHT TO PROTECTION.

(a) IN GENERAL. -- Chapter 119 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1829. Protection of employment

"(a) No employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's actual or scheduled attendance at or participation in any proceeding in a criminal case in any court of the United States involving the prosecution of a crime for which the employee was a victim.

"(b) Any employer who violates the provisions of this section --

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"(1) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of such violation;

"(2) may be enjoined from further violations of this section and ordered to provide other appropriate relief, including but not limited to the reinstatement of any employee discharged in violation of this section; and

"(3) shall be subject to a civil penalty of not more than \$1,000 for each violation as to each employee.

"(c) Any individual who is reinstated to a position of employment in accordance with the provisions of this section shall be considered as having been on furlough or leave of absence during any period of absence resulting from the individual's attendance at or participation in a proceeding as a victim, shall be reinstated to his or her position of employment without loss of seniority, and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the commencement of the absence.

"(d) (1) An individual claiming that the individual's employer has violated the provisions of this section may make application to the district court for the district in which the employer maintains a place of business and the court shall, upon finding probable merit in such claim, appoint counsel to represent the individual in any action in the district court necessary to the resolution of the claim. Counsel so appointed shall be compensated and necessary expenses repaid to the extent provided by section 3006A of title 18, United States Code.

"(2) In any action or proceeding under this section, the court may award a prevailing employee who brings the action by retained counsel a reasonable attorney's fee as part of the costs. The court may tax a defendant employer, as costs payable to the court, the attorney fees and expenses incurred on behalf of a prevailing employee, where the costs were expended by the court pursuant to paragraph (1) of this subsection. The court may award a prevailing employer a reasonable attorney's fee as part of the costs only if the court finds that the action is frivolous, vexatious, or brought in bad faith.

"(e) The term 'victim' as used in this section refers to an individual against whom a charged offense was allegedly committed, or, if that person is deceased, any immediate family member as defined in section 115(c)(2) of title 18, United States Code."

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(b) CLERICAL AMENDMENT. -- The chapter analysis for chapter 119 of title 28, United States Code, is amended by adding at the end the following new item:

"1829. Protection of employment..".

(c) DETENTION TO PROTECT THREATENED VICTIM. -- Section 3142(f)(2)(B) of title 18, United States Code, is amended by inserting "or a victim" after "juror".

SEC. 7. VICTIM'S RIGHT TO RESTITUTION AND COMPENSATION.

(a) EXTENSION OF MANDATORY RESTITUTION FOR CRIMINAL CODE OFFENSES. -- (1) Section 3663A(c)(3) of title 18, United States Code, is amended to read as follows:

"(3) In the case of an offense described in paragraph (1)(A)(ii), the court shall order restitution to all victims whose identities and losses can be shown by the government at the time of sentencing. If the court finds, from facts on the record, that the identities of all victims or the amount of each victim's loss is not known to the government and is unlikely to be known at the time set for sentencing, the court may --

"(A) limit the order of restitution to the identified amounts of the losses to the identified victims; or

"(B) issue an order postponing sentencing for 90 days and requiring the Government to publish in a newspaper of general circulation in the judicial district or in a newspaper with nationwide circulation a notice that states --

"(i) the name of, and other identifying information about, the defendant;

"(ii) the offense for which the defendant was convicted;

"(iii) the terms and conditions for submitting a claim for a loss incurred as the result of the offense for which the defendant has been convicted;

"(iv) a date certain for submitting a claim that shall be at least 30 days prior to sentencing;

"(v) that the court may allow or disallow any claim for a loss, including any losses of victims independently identified under section 3664; and

"(vi) that any person required to submit a claim who fails to submit a timely claim or whose claim once submitted is disallowed by the court shall have no right to restitution, but may pursue any other legal remedy including a civil action; or

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"(C) order restitution to the identified victims in the identified amounts of each victim's loss and specify the amount of a reserve fund to be included in the restitution ordered by the sentence sufficient to compensate victims or victims' losses that are unidentified at the time of sentence. A determination on distributions from the reserve fund shall be made under the procedures set forth in subparagraph B, or under such other procedures reasonably calculated to identify victims and victims' losses as the court may approve. Should the reserve fund be insufficient to satisfy the identified victims' losses, the amount available shall be distributed to the victims pro rata. In the event that an amount remains in the reserve fund after all identified victims' claims have been paid, the remaining reserve funds shall be disbursed to the Crime Victims Fund."

(2) Section 2327(a) of title 18, United States Code, is amended by striking "Notwithstanding section 3663 or 3663A, and in" and inserting "In".

(3) (A) Section 228(c) of title 18, United States Code, is amended --

(i) by striking "under section 3663"; and

(ii) by adding at the end the following: "An order of restitution under this subsection shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A."

(B) Sections 3563(a)(6)(A) and 3664(p) of title 18, United States Code, are each amended by inserting "228," before "2248".

(b) MANDATORY RESTITUTION AS PROVIDED IN PLEA AGREEMENTS. --

(1) Sections 3663(a)(3) and 3663A(a)(3) of title 18, United States Code, are each amended to read as follows:

"(3) The court shall also order restitution in any criminal case to any person, including a person other than the victim of the offense, to the extent agreed to by the parties in a plea agreement."

(2) Section 3663(a)(1)(A) of title 18, United States Code, is amended by striking the final sentence.

(c) USE OF FORFEITABLE PROPERTY FOR RESTITUTION TO VICTIMS; PRESERVATION OF PROPERTY SUBJECT TO RESTITUTION. --

(1) CIVIL FORFEITURE. -- Section 981(e) of title 18, United States Code, is amended --

(A) in subsection (e)(3), (4) and (5), by striking "in the case of property referred to in subsection (a)(1)(C)" and

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inserting "in the case of property forfeited in connection with an offense resulting in a pecuniary loss to a financial institution or regulatory agency";

(B) in subsection (e)(7), by striking "in the case of property referred to in subsection (a)(1)(D)" and inserting "in the case of property forfeited in connection with an offense relating to the sale of assets acquired or held by any Federal financial institution or regulatory agency, or person appointed by such agency, as receiver, conservator or liquidating agent for a financial institution"; and

(C) by amending subsection (e)(6) to read as follows:

"(e)(6) as restoration to any victim of the offense giving rise to the forfeiture, or any other offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or".

(2) CRIMINAL FORFEITURE. -- Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following new subsection:

"(v) Victims and restitution

"(1) The defendant may not use property subject to forfeiture under this section to satisfy an order of restitution. However, if there are identifiable victims entitled to restitution from the defendant, and the defendant has no assets other than the property subject to forfeiture with which to pay restitution to the victims, the government may move to dismiss the forfeiture allegations before entry of a judgment of forfeiture to allow the property to be used by the defendant to pay restitution in whatever manner the court determines to be appropriate if it grants the government's motion.

"(2) If an order of forfeiture is entered pursuant to this section and the defendant has no assets other than the forfeited property to pay restitution to identifiable victims who are entitled to restitution, the government may restore the forfeited property to the victims pursuant to subsection (i)(1) once the ancillary proceeding under subsection (n) has been completed and the costs of the forfeiture action have been deducted. On the motion of the government, the court may enter any order necessary to facilitate the distribution of the property under this subsection.

"(3) For purposes of this subsection, a 'victim' is a person other than a person with a legal right, title or interest in the forfeited property sufficient to satisfy the standing requirements of subsection (n)(2) who may nevertheless be

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entitled to restitution from the forfeited funds pursuant to the regulations issued by the Attorney General governing the remission of forfeited property to victims. A person shall be considered a 'victim' if the person is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity."

(3) DISMISSAL OF FORFEITURE ACTIONS TO ALLOW RESTITUTION;
PRESERVATION OF PROPERTY SUBJECT TO RESTITUTION. --

(A) Section 3663(c)(4) of title 18, United States Code, is amended by striking "or under the Controlled Substances Act (21 U.S.C. 801 et seq.)" and inserting ", under the Controlled Substances Act (21 U.S.C. 801 et seq.), or under any other provision of law".

(B) Section 3664 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(q) A person may not use any property criminally or civilly forfeited to the United States or subject to a pending criminal or civil forfeiture action to make restitution, provided, that the government may dismiss a criminal or civil forfeiture action at any time to allow property to be used to make restitution. The custodian of the property at the time a forfeiture action is dismissed shall retain the property and shall not release the property except pursuant to court order. Any protective order entered or warrant of seizure executed pursuant to section 413(e)-(f) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)-(f)) shall remain in effect pending such order of the court."

"(r) The provisions of section 413(e)-(f) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)-(f)) shall apply in like manner to property that may be subject to restitution under any provision of this title."

(C) Section 3572 of title 18, United States Code, is amended --

(i) in subsection (g) --

(I) by inserting "or restitution" after "Security for stayed fine";

(II) by inserting "(1)" before "If a sentence imposing a fine";

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(III) by striking "(1)", "(2)", and "(3)" and inserting "(A)", "(B)", and "(C)" respectively; and

(IV) by adding at the end the following:

"(2) If a sentence imposing restitution is stayed the court may issue such orders as may be reasonably necessary to ensure compliance upon disposition of the appeal, including imposing any of the conditions set forth in subparagraphs (A)-(C) of paragraph (1). In issuing such an order, the court shall consider the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate."; and

(ii) by striking subsections (h) and (i).

(d) JOINT AND SEVERAL LIABILITY FOR RESTITUTION. -- (1) Subsection (h) of section 3664 of title 18, United States Code, is amended to read as follows:

"(h) IF the court finds that more than one defendant has contributed to the loss of a victim, the court shall hold all such defendants jointly and severally liable for payment of the full amount of restitution."

(2) Section 3553(e) of title 18, United States Code, is amended by inserting ", or involving liability for restitution below that otherwise required by section 3664(h)," after "minimum sentence".

(e) PAYMENT OF RESTITUTION. -- (1) Paragraph (2) of section 3664(f) of title 18, United States Code, is amended by striking "(2) Upon" and all that follows through "consideration of" and inserting:

"(2) A defendant shall be immediately liable for payment of the full amount of restitution ordered, unless the court, pursuant to section 3572, provides for deferred payment or payment in installments. In providing for deferred payment or payment in installments, the court shall consider".

(2) Paragraph (3) of section 3664(f) of title 18, United States Code, is amended --

(A) in subparagraph (A), by striking "(A) A restitution order" and inserting "A restitution order that specifies the manner of payment"; and

(B) by striking subparagraph (B).

(3) (A) Subsection (i) of section 3664 of title 18, United States Code, is amended by striking the first sentence and

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inserting the following: "If the court finds that more than one victim has sustained a loss requiring restitution by a defendant, the court may specify priorities in payment to the victims in light of their economic circumstances and the type and amount of their respective losses.".

(B) Section 3664(j) of title 18, United States Code, is amended --

(i) in paragraph (1), by striking "of victims required by the order" through "compensation" and inserting "be paid to the victims named in the order before any such provider of compensation is reimbursed"; and

(ii) in paragraph (2), by inserting "required to be" before "paid".

(4) (A) Section 3664(k) of title 18, United States Code, is amended by striking the third and fourth sentences and inserting the following: "The court or the Attorney General shall notify the victim or victims owed restitution by the defendant of the change in circumstances. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust any payment schedule prescribed by the court, or require immediate payment in full, as the interests of justice require.".

(B) Section 3664(n) of title 18, United States Code, is amended --

(1) by striking "substantial resources" and inserting "property";

(ii) by striking "during a period of incarceration,"; and

(iii) by striking "resources" and inserting "property".

(5) Section 3572(d) of title 18, United States Code, is amended --

(A) in paragraph (1), by amending the first sentence to read as follows: "A person sentenced to pay a fine or other monetary penalty, including restitution, shall be immediately liable for payment of the full amount specified in the sentence, unless, in the interest of justice, the court provides for deferred payment or payment in installments.";

(B) in paragraph (2), by striking "permits other than immediate payment" and inserting "provides for deferred payment or payment in installments"; and

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(C) in paragraph (3), by striking "permits payment in installments" and inserting "provides for deferred payment or payment in installments".

(f) SENTENCING PROCEDURES FOR RESTITUTION. -- (1) Subsection (d) of section 3664 of title 18, United States Code, is amended --

(A) in paragraph (1), by striking "but not later than 60 days prior to the date initially set for sentencing,";

(B) in paragraph (5) --

(i) in the first sentence, by striking "shall set" and all that follows through "sentencing", and inserting the following: "may defer sentencing as necessary to permit a final determination of the victim's losses"; and

(ii) by inserting at the end the following: "The amendment of a restitution order based on later-discovered losses shall not affect any other aspect of the sentence.".

(2) Section 3664(o)(1)(c) of title 18, United States Code, is amended by striking "(3)" and inserting "(5)".

(g) AUTHORITY FOR VICTIM TO ENFORCE RESTITUTION. -- (1) Subparagraph (A) of section 3664(m)(1) of title 18, United States Code, is amended to read as follows:

"(A) An order of restitution may be enforced --

"(i) by the United States, in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title; and

"(ii) by a victim named in the order to receive restitution, in the same manner as a judgment in a civil action.".

(2) Section 3664 of title 18, United States Code, as amended by section 7(c)(3)(B) of this Act, is further amended by adding at the end the following:

"(s) Notwithstanding section 552a of title 5, United States Code, the government may disclose to a victim who is owed restitution the following information about a person sentenced to pay such restitution:

"(1) place of residence or domicile;

"(2) place of employment;

"(3) date of birth;

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- "(4) date and place of death;
- "(5) country of citizenship;
- "(6) deportation date and destination; and
- "(7) such information about property as may be available."

(h) CORRECTION OF LIEN PROVISION. -- Section 3613(c) of title 18, United States Code, is amended --

- (1) by inserting "228," before "2248"; and

(2) by inserting "or liable for restitution" after each occurrence of "fined".

(i) COLLECTION AND ENFORCEMENT. -- (1) (A) Section 3611 of title 18, United States Code, is amended to read as follows:

"§ 3611. Payment of fines, restitution, and certain forfeitures

"A person who is sentenced to pay a fine, assessment, or restitution or who forfeits a bail bond or collateral shall pay the fine, assessment, restitution, or forfeited bail bond or collateral, including any interest or penalty, as specified by the Director of the Administrative Office of the United States Courts. The Director may specify that payment be made to the clerk of the court or to an officer, employee, or agent of the United States who consents to receive such payment."

(B) The table of sections for chapter 229 of title 18, United States Code, is amended by amending the item relating to section 3611 to read as follows:

"3611. Payment of fines, restitution, and certain forfeitures."

(2) Section 3612 of title 18, United States Code, is amended:

- (A) in subsection (a) --

(i) by striking each occurrence of "604(a)(18) of title 28" and inserting "3611"; and

(ii) by inserting "and any other person designated by the Director of the Administrative Office of the United States Courts" after "notify the Attorney General";

- (B) in subsection (c) --

(i) by inserting after the first sentence the following:
"The government may require the defendant to pay a fine or

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restitution in installments, consistent with any provision regarding the timing of payment in the sentence."; and

(ii) by striking "Any money" and all that follows through "sentence.";

(C) by amending subsection (d) to read as follows:

"(d) **Delinquency.** -- Payment of a fine or restitution is delinquent if payment is not made within 30 days of the date it became due. The person designated under section 3611 or the Attorney General shall inform the defendant of the delinquency, and of the court's authority to remedy any default by the defendant under section 3613A(b).";

(D) in subsection (f) --

(i) in paragraph (1) --

(I) by striking "fine is" and inserting "fine or restitution is"; and

(II) by inserting ", including any judgment providing for deferred payment or payment in installments" after "judgment"; and

(ii) in paragraph (2), by inserting "or restitution" after "fine";

(E) in subsection (h), by striking "under this section" and inserting "imposed under this subchapter";

(F) by amending subsection (i) to read as follows:

"(1) **Application of payments.** -- Payments received from a defendant shall be applied so that each of the following obligations is paid in full in the following sequence --

"(1) a penalty assessment imposed under section 3013 of title 18, United States Code;

"(2) restitution with interest, if any, to all victims;

"(3) all fines imposed by the sentence, including any interest;

"(4) late payment penalties; and

"(5) costs.";

(G) by striking subsections (e) and (g); and

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(H) by redesignating subsection (f) as subsection (e) and subsections (h) and (i) as subsections (f) and (g) respectively.

(3) Section 604(a)(18) of title 28, United States Code, is amended to read as follows:

"(18) Establish policy and procedures to meet the requirements of sections 3611 and 3612 of title 18."

(4) Effective September 30, 1996, section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)), as amended by section 3(b) of this Act, is further amended --

(A) by striking paragraph (1);

(B) in paragraph (2), by striking "the next" and inserting "The first"; and

(C) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4) respectively.

(5) Section 1404B(b) of the Victims of Crime Act of 1984 is amended by striking "1404(d)(4)(B)" and inserting "1402(d)(3)(B)".

(6) Section 3613 of title 18, United States Code, is amended --

(A) in subsection (a) and (e), by inserting "or restitution" after each occurrence of "fine"; and

(B) in subsection (a), by inserting "or subject to restitution" after "fined".

(7) Section 3613A of title 18, United States Code, is amended to read as follows:

"§ 3613A. Orders in aid of enforcement

"(a) **Acceleration of payment.** -- The government may request the court to issue an order modifying a payment schedule or requiring immediate payment in full or in part of any fine or restitution amount owed, upon a showing of the defendant's ability to pay or for other good cause.

"(b) **Motions to compel.** -- The government may request the court to compel compliance with a sentence to pay a fine or restitution if the defendant is in default.

"(1) **Default.** -- A defendant is in default if payment on a fine or restitution order is not made 90 days or more after the payment became due.

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"(2) **Effect of Default.** -- Upon any default by the defendant, the court may --

"(A) revoke or modify the conditions of probation or supervised release pursuant to section 3565;

"(B) resentence a defendant pursuant to section 3614;

"(C) enter or adjust a payment schedule;

"(D) impose a late payment penalty of up to 25% of the amount owed; or

"(E) hold the defendant in contempt of court.

"(3) **Factors to be Considered.** -- The court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the fine or restitution order, and any other circumstances that may have a bearing on the defendant's ability or failure to comply with the order of a fine or restitution.

"(c) **Hearing.** -- If a hearing is held pursuant to this section to enforce a fine or restitution order, the hearing may be conducted by telephone, video conference, or other communications technology when a defendant is confined to jail, prison, or other correctional facility, and the defendant's participation is required."

(8) Section 211 of the Mandatory Victims Restitution Act of 1996 is amended to read as follows:

"SEC. 211. EFFECTIVE DATES.

"(a) **IN GENERAL.** -- Except as provided in subsection (b), the amendments made by this subtitle shall, to the extent constitutionally permissible, be effective for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of this Act.

"(b) **COLLECTION AND ENFORCEMENT.** -- The amendments made by paragraphs (1) and (3) of subsection (c) of section 207 shall apply to any case commenced on, before, or after the date of enactment of this Act."

(9) Section 3002(3) of title 28, United States Code, is amended --

(A) by striking "or" at the end of subparagraph (A); and

(B) by striking "and" and all that follows through "3011(a)." and inserting:

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"(C) an amount owing to the United States for the benefit of an Indian tribe or individual Indian; or

"(D) an amount the United States is authorized by statute to collect for the benefit of any person."

(j) INCREASE OF SPECIAL ASSESSMENTS. -- Section 3013(a)(1)(B) of title 18, United States Code, is amended --

- (1) in clause (i), by striking "\$25" and inserting "\$50";
- (2) in clause (ii), by striking "\$50" and inserting "\$100";
- and
- (3) in clause (iii), by striking "\$125" and inserting "\$250".

(k) VICTIMS OF CHILD ABUSE ACT AMENDMENT AND AUTHORIZATION. -- (1) Section 3509(d)(4) of title 18, United States Code, is amended by striking "or an adult attendant", and inserting ", an adult attendant, or a crime victim compensation board or agency".

(2) There are authorized to be appropriated to the Judiciary in each fiscal year such sums as may be necessary for the appointment and compensation of guardians ad litem pursuant to section 3509(h) of title 18, United States Code.

(1) VICTIMS OF CRIME ACT AMENDMENTS. -- (1) Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended --

(A) in subsection (b) --

(i) in paragraph (1), by inserting "(and the interest thereon)" after "all fines";

(ii) in paragraph (3), by striking "and" at the end;

(iii) in paragraph (4), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(5) gifts, bequests, and donations from private entities and individuals for any purpose authorized under this chapter, to be disbursed as may be specified by the Director."

(R) in subsection (d)(2), as designated by section 7(i)(4)(C) of this Act --

(i) by striking "48.5" in each of subparagraphs (A) and (B) and inserting "47.5"; and

(ii) by striking "3" in subparagraph (C) and inserting "5";

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(C) in subsection (d) (3), as designated by section 7(i) (4) (C) of this Act, by adding at the end the following:

"(C) State compensation programs which receive supplemental funding to respond to incidents of terrorism or mass violence, and which receive funds through the state's subrogation interest from a claimant's civil recovery, refund, or other reimbursement, shall be required to reimburse the Crime Victims Fund. The amount of reimbursement shall equal the amount received through subrogation times the percentage of Crime Victims Fund money in the total compensation award to the claimant."; and

(D) in subsection (e), by inserting at the end the following: "Any sum made available to the judicial branch under this section that has not been expended as of February 1, 1997, shall be deposited in the Crime Victims Fund and may be used by the Director to improve services for the benefit of crime victims in the federal criminal justice system.".

(2) Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended

(A) in subsection (a) (3), by inserting "and program evaluation" after "administration"; and

(B) by amending subsection (c) to read as follows:

"(c) EXCLUSION FROM INCOME AND ASSETS FOR PURPOSES OF MEANS TESTS. -- Notwithstanding any other law, any payment, asset, or resource that a victim receives through a crime victim compensation program under this section shall not be included in the income, assets, or resources of the victim for the purpose of any maximum allowed income, assets, or resources requirement in any Federal, State, or local program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), and shall not result in a reduction of the assistance available to the victim under such a Federal, State, or local program, provided, that this subsection does not entitle a victim to compensation for a loss under any program or combination of programs that exceeds the full value of the loss.".

(3) Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended --

(A) in subsection (b) --

(i) in paragraph (1) (A), by inserting "(including an agency of the United States Government performing law enforcement functions in and for the District of Columbia or the United States Virgin Islands)" after "public agency"; and

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(ii) in paragraph (3), by inserting "and program evaluation" after "administration";

(B) in subsection (c)(1) --

(i) by striking "The Director, shall make grants" and inserting "The Director shall make grants or enter into cooperative agreements"; and

(ii) by amending subparagraph (A) to read as follows:

"(A) for demonstration projects, program evaluation, training, and technical assistance services to eligible organizations with a history of working with victim issues or mandated responsibilities for victim assistance, or with a demonstrated history of conducting program evaluations; and";

(C) in subsection (c)(3) --

(i) in subparagraph (A), by inserting "federal statutes, including but not limited to," before "section 6";

(ii) by striking "and" at the end of subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (F);
and

(iv) by inserting after subparagraph (C) the following:

"(D) be authorized to use program funds for fellowships, and to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects, as deemed appropriate by the Director;

"(E) coordinate the annual commemoration of National Crime Victims Rights Week, including the Presidential Crime Victim Service Award Ceremony and the Attorney General Crime Victims Fund Award Ceremony; and";

(D) in subsection (d)(2) --

(i) in subparagraph (C), by striking "and";

(ii) by inserting "and" at the end of subparagraph (D); and

(iii) by adding at the end the following:

"(E) public awareness, education, and intervention activities that promote and are conducted in conjunction with the provision of victim assistance; and

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"(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for crime victims and organizations that provide victim services;"

(E) in subsection (d)(3) --

(i) by striking "and" at the end of subparagraph (B);

(ii) by inserting "and" at the end of subparagraph (C); and

(iii) by inserting at the end the following:

"(D) victim assistance programs which provide long-term mental health counseling services, and training and technical assistance which addresses the significance of and effective delivery strategies for long-term psychological care;"

(F) by amending subsection (d)(4) to read as follows:

"(4) the term 'crises intervention and mental health counseling services' means services to provide emotional support in crises following and related to the occurrence of crime for individuals, couples, or family members;"

(G) in subsection (d)(5), by striking the period at the end and inserting "; and"; and

(H) by adding at the end of subsection (d) the following:

"(6) the term 'eligible organization' includes national organizations with an interest in and/or commitment to developing, implementing, evaluating, or enforcing victims rights and the delivery of victim services, State agencies and local units of government, agencies of the United States Government performing law enforcement functions in and for the District of Columbia or the United States Virgin Islands, tribal organizations, private and public not-for-profit agencies, and other public or private organizations and agencies deemed appropriate by the Director."

(m) EFFECTIVE DATE AMENDMENT. -- Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by striking "1 year after the date of enactment of this Act" and inserting "on October 1, 1999".

SEC. 8. EFFECTIVE DATE.

The provisions and amendments in this Act shall, to the extent constitutionally permissible, apply to all cases, actions, and proceedings pending or commenced on or after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED VICTIMS' RIGHTS ACT

President Clinton has stated that the victim of a crime "should be at the center of the criminal justice process," and has endorsed amending the Constitution to include several specific rights for victims which are necessary to achieve this objective. The President has further stated that we should proceed immediately with legislative and administrative reforms to maximize victims' rights under the current constitutional regime. (Remarks of June 25, 1996; Memorandum of June 27, 1996, to the Attorney General.)

This bill, the proposed "Victims' Rights Act of 1997," will implement the President's victims' rights agenda in federal cases. The specific measures proposed in the bill are as follows:

SEC. 2. VICTIM'S RIGHT TO NOTICE AND INFORMATION

The President has stated that victims should have certain informational rights -- including the right "to be told about public court proceedings" and the right to "notice when the defendant or convict escapes or is released" -- and has endorsed the creation of "a computerized system so victims get information about new developments in a case, in changes in the status or the location of a defendant or a convict." (Remarks of June 25.)

Subsection (a). Subsection (a) in this section authorizes necessary funding for an automated victim information and notification system, as proposed by the President. The contemplated appropriations authorized by this subsection would be out of general funds, and not at the expense of amounts available from the Crime Victims Fund for other victim-related purposes.

Subsection (b). Subsection (b) of section 2 contains amendments to supplement and strengthen the provisions of the Violent Crime Control and Law Enforcement Act of 1994 which authorize HIV testing of defendants, with disclosure of test results to victims, where the offense may have risked transmission of the virus. The Attorney General has previously transmitted similar recommendations for strengthening the defendant HIV testing provisions. See Letter of Attorney General Janet Reno to Honorable Joseph R. Biden, Jr., Detailed Comments at 37-38 (June 13, 1994).

The principal improvements in subsection (b) are: (1) providing coverage of all offenses that may result in HIV transmission, (2) making it clear that the prosecutor may assist the victim in obtaining a testing order in all cases, (3) preserving the availability of counseling but making it clear that victims need not submit to counseling in order to obtain a testing order, and (4) correcting a restrictive standard (proof of necessity for the victim's health) that now limits the

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circumstances in which a victim may obtain a testing order. Subsection (b) also makes it clear that the Judiciary is responsible for paying for court-ordered HIV testing of defendants, and authorizes the appropriation of necessary sums for that purpose.

Subsection (c). Subsection (c) of section 2 allows prosecutors to communicate with victims to advise them of the status or disposition of juvenile delinquency proceedings, and to assist them in exercising their right to be heard concerning the disposition in such proceedings (as provided in section 4(f) of this bill).

SEC. 3. VICTIM'S RIGHT TO ATTEND PROCEEDINGS

The President has stated that victims should have the right "to be told about public court proceedings and to attend them" (emphasis added). (Remarks of June 25.) While Governor of Arkansas, he signed legislation to secure the attendance rights of victims in that state.

Subsection (a). Subsections (a) of this section amends the federal statutory crime victims' bill of rights to establish as far as possible the attendance right endorsed by the President for victims of federal crimes. The amendment provides that victims have the right to be present throughout all public court proceedings related to the offense, including but not limited to all public proceedings concerning release of the accused or convicted offender, acceptance of a plea, the determination of guilt or innocence, or sentencing, unless the victim's presence would violate a constitutional right of the offender.

Subsections (b)-(c). The right of victims to attend proceedings may be undermined or nullified at a practical level if the case is transferred to a remote venue. Subsections (b)-(c) of section 3 address this problem by authorizing the use of funds from the Crime Victims Fund to facilitate victim attendance in the Oklahoma City bombing case (in which the trial of a second defendant is forthcoming), and by amending the statutory crime victims' bill of rights to include a right of victims to have their interests considered in decisions about changing the place of trial.

Subsection (d). Subsection (d) states that federal juvenile delinquency proceedings are presumptively to be open to the public, and that victims are presumptively to be allowed to attend such proceedings (even if they are not open to the public generally).

SEC. 4. VICTIM'S RIGHT TO BE HEARD.

The President has stated that victims should have the right "to make a statement to the court about bail, about sentencing, about accepting a plea if the victim is present." (Remarks of June 25.)

Subsections (a)-(d). Subsections (a)-(d) in this section implement the allocution right endorsed by the President for victims of federal crimes. The amendments in this part specifically (1) extend the victim's right of allocution in sentencing to all criminal cases (limited under current federal law to violent crime and sexual abuse cases), and (2) create allocution rights for victims in release proceedings and plea acceptance proceedings. Most states currently recognize allocution rights for victims in sentencing, *see, e.g.,* Ariz. Rev. Stat. § 13-4426; Cal. Penal Code § 1191.1; Or. Rev. Stat. § 137.013; Maine Rev. Stat. title 17-A § 1257; Ind. Stat. Ann. § 35-35-3-5, and a number of states also recognize allocution rights for victims in relation to plea acceptance and/or release decisions. The amendments in this part also provide that victims have a right to submit written statements in proceedings where they would have a right to allocute if present at the proceeding.

Subsection (e). Subsection (e) in this section amends existing victims' rights provisions to direct the government to make reasonable and diligent efforts to consider victims' views in plea and sentence negotiations. It also provides a statutory basis for Attorney General guidelines to effectuate victims' rights provisions.

Subsection (f). Subsection (f) in this section requires that victim impact information be included in a predisposition report in juvenile delinquency proceedings, and that victims in such proceedings shall be provided the opportunity to make a statement to the court or present any information in relation to the disposition.

SEC. 5. ENFORCEMENT AND ADMINISTRATION OF VICTIMS' RIGHTS

Subsections (a)-(b). Subsections (a)-(b) of this section provide means of enforcing the victim's right to attend proceedings, and right to be heard in certain proceedings, established by sections 3 and 4 of the bill. The section provides that, in case a trial court fails to respect these rights, the government may apply to the appropriate court of appeals for a writ of mandamus directing compliance with these rights. It further provides that in seeking review of release determinations and sentences, the government may assert a violation by the trial court of the victim's right to be heard or to be present as error.

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Subsection (c). Subsection (c) of this section gives the Attorney General the authority to waive or limit the application of certain victims' rights provisions in cases where their application is unfeasible or inappropriate because of the number of victims or for other reasons, including the authority to designate representative victims to exercise such rights as allocution and attendance on behalf of the whole victim class. This provision would, for example, ensure that orderly and effective participation by victims can be effectuated in mass victimization cases, allow notice of release of a protected witness to be waived, and provide a means of dealing with situations where there is reason to believe that a person claiming the status of a victim was involved in the perpetration of the charged criminal conduct.

Subsection (d). Subsection (d) of this section ensures that defendants and convicted offenders will not be able to exploit rights created for the benefit of victims, by providing that they have no standing to assert such rights and cannot challenge judgments or orders on the basis of violations of such rights. This means, for example, that a defendant or convicted offender could not challenge a release determination, conviction, or sentence on the basis of a claim that a victim's right to notice, attendance, or allocution had not been respected in the proceedings.

Subsection (e). Subsection (e) makes it clear that the reforms proposed in the bill do not give rise to implied causes of action or liability for damages.

SEC. 6. VICTIM'S RIGHT TO PROTECTION

The President has stated that victims should have a right to "reasonable protection from the defendant," and has stated that victims who attend proceedings should have the same protection as jurors against adverse action by employers. (Remarks of June 25.)

Subsections (a)-(b). Subsections (a)-(b) of this section give victims in federal cases the same protection against employment discrimination as jurors, as proposed by the President. The proposed statute, 28 U.S.C. 1829, is parallel in protection and remedies to the existing statute for jurors (28 U.S.C. 1875).

Subsection (c). Section 3142 of the federal criminal code generally authorizes pretrial detention of defendants where conditional release cannot reasonably assure the safety of others. Subsection (f) of that section imposes certain limits on the circumstances in which detention may be sought. Under paragraph (1) of subsection (f), the government may seek a detention order in cases involving a crime of violence or other

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limited categories. Paragraph (2) of subsection (f) allows detention to be sought regardless of the charge where there is a serious risk that the defendant will threaten, injure, or intimidate a person -- but only if the person who is at risk is a prospective witness or juror.

Subsection (c) of section 6 amends 18 U.S.C. 3142(f)(2) to include victims explicitly among the protected persons. This ensures that the option of seeking pretrial detention will be available consistently where victims are seriously threatened, regardless of whether they may be called as witnesses.

SEC. 7. VICTIM'S RIGHT TO RESTITUTION AND COMPENSATION

The President has identified restitution as one of the rights of victims which are sufficiently fundamental to merit inclusion in the Constitution. (Remarks of June 25.) This section contains provisions to strengthen restitution and other compensation for victims.

Subsection (a). The Department of Justice has recommended that restitution be made mandatory for all offenses under the federal criminal code. See Letter of Assistant Attorney General Andrew Fois to Honorable Orrin G. Hatch Concerning § 506 of S. 3 and H.R. 665 (October 11, 1995). This reform has been implemented for violent crime cases by the enactment of 18 U.S.C. 3663A in the Antiterrorism and Effective Death Penalty Act of 1996. However, that statute authorizes courts to decline to order restitution in cases involving offenses against property under the criminal code for reasons similar to those allowed under prior law. See 18 U.S.C. 3663A(c)(3).

The main objection that has been urged against extending mandatory restitution to property offenses is that it might result in unmanageable burdens in mass victimization cases (such as mass fraud cases). However, even in such cases, there is no reason why restitution should not be required in relation to the victims whose identities and losses can be established by the government at the time of sentencing.

Subsection (a) of section 7 proposes an intermediate approach, under which mandatory restitution would be extended to criminal code property offenses, for victims whose identities and losses can be established by the government at the time of sentencing. In circumstances where victim identities and losses were not fully known to the government, the court would be authorized to (1) limit restitution to known victims and losses, (2) temporarily defer sentencing and order advertising through newspaper publication to identify additional victims, or (3) establish a reserve fund for payment of additional victims and losses, in addition to ordering restitution for presently known victims and losses.

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Subsection (a) also makes conforming changes relating to the child support offense under 18 U.S.C. 228, to harmonize that offense's restitution requirement with the restitution provisions of the antiterrorism legislation.

Subsection (b). Courts in the past have sometimes frustrated, to the detriment of victims, agreements to pay restitution that were voluntarily entered into by the parties. Subsection (b) of section 7 ensures that this will not occur in the future by providing clear and consistent requirements that courts order restitution as agreed to in plea agreements.

Subsection (c). Subsection (c) of section 7 provides consistent authority for the Attorney General to use civilly forfeited property for restitution to victims. Existing authority of this type is generally limited to criminal forfeiture. Subsection (c) also guards against potential windfalls to offenders by making it clear that property subject to forfeiture cannot be used to pay restitution obligations, and makes it clear that the government may dismiss a forfeiture action at any time in favor of restitution to victims. Finally, subsection (c) guards against the dissipation and concealment of assets that may be subject to restitution by authorizing court orders to "freeze" such assets prior to conviction, parallel to the existing authority to freeze assets that may be subject to forfeiture, and by authorizing court orders necessary to ensure compliance with restitution orders following the disposition of an appeal, where a sentence imposing restitution is stayed pending appeal.

Subsection (d). Under normal principles of tort liability, joint tortfeasors are held jointly and severally liable for the injured party's losses. However, existing restitution law gives courts discretion concerning the apportionment of liability for restitution among multiple offenders. This increases the likelihood that the victim will never receive full restitution or that its payment will be delayed, because shortfalls in one offender's ability to pay cannot be offset by collecting from other offenders if they have already discharged their shares of the liability. Subsection (d) of section 7 corrects this problem by providing that offenders who have jointly contributed to a victim's loss are to be held jointly and severally liable for restitution. The subsection makes a conforming amendment to 18 U.S.C. 3553(e), to enable the government to seek a limitation of a cooperating defendant's share of liability for restitution, parallel to the existing authorization in that provision to seek a sentence below a mandatory minimum for a cooperating defendant.

Subsection (e). Subsection (e) of section 7 primarily provides that offenders are to be immediately liable for payment of the full amount of restitution ordered, unless the court provides for deferred payment or payment in installments.

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Prior to enactment of the restitution reforms of the antiterrorism legislation, offenders usually were subject to immediate liability for the restitution ordered, and the Bureau of Prisons, U.S. Attorney offices, or probation officers set the payment schedules in most cases for offenders who lacked the means to pay the full amount at once. This approach facilitated the prompt payment and collection of restitution, since payment requirements could be accelerated and collection could be undertaken immediately if an offender was found to have additional assets.

In contrast, a number of the amendments enacted by the antiterrorism legislation seem to specify or presuppose that courts will regularly set payment schedules. This approach works against the effective enforcement of restitution, since further judicial proceedings are then required to accelerate payment if an offender is found to have additional assets, and such assets are likely to disappear during the pendency of judicial proceedings.

Subsection (e) resolves this problem by restoring immediate liability for restitution as the normal approach, while preserving the court's authority to provide for deferred payment or installment payments in appropriate cases.

Subsection (f). Subsection (f) of section 7 corrects three problems in the new sentencing procedures for restitution enacted by the antiterrorism legislation:

First, 18 U.S.C. 3664(d)(1) provides a procedure for probation officers to request information concerning the amounts subject to restitution from prosecutors, which includes a provision that the procedure is to be carried out "not later than 60 days prior to the date initially set for sentencing." The language relating to timing is ambiguous, and could be interpreted to mean either that the probation officer's request or the prosecutor's response must occur at least 60 days before sentencing. Subsection (f) deletes the timing language, thereby avoiding this ambiguity, and providing flexibility for U.S. Attorney offices to make arrangements with their districts' probation officers concerning the timing of such requests and responses.

Second, 18 U.S.C. 3664(d)(5) provides that if the victim's losses are not ascertainable 10 days before sentencing, then the court shall set a date for the final determination of the victim's losses which may be up to 90 days after sentencing. Deferring a final determination of the victim's losses until after sentencing is not generally a workable approach, because the amount of the victim's losses can affect other aspects of the sentence (beyond restitution), including the applicable guideline range for determining the length of imprisonment, and the

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propriety and amount of a fine. Subsection (f) corrects this problem by providing instead that the court may defer sentencing as necessary to permit a determination of the victim's losses.

Third, 18 U.S.C. 3664(d)(5) provides that a victim may seek amendment of a restitution order based on later-discovered losses, within 60 days of the discovery of such losses. Since, as noted above, the amount of loss can affect other aspects of the sentence (fines and imprisonment) under normal sentencing procedures, this provision creates uncertainty whether later determinations of victim losses for restitution purposes could require the modification of previously imposed fines and prison terms. Subsection (f) resolves this uncertainty by providing that the amendment of a restitution order based on later-discovered losses does not affect other aspects of the sentence.

Subsection (g). Subsection (g) of section 7 authorizes victims to enforce restitution orders in the same manner as civil judgments (supplementary to the government's enforcement powers). It also allows the government to disclose to victims specified information about offenders who owe them restitution, in order to facilitate enforcement efforts by victims.

Subsection (h). Subsection (h) of section 7 corrects a provision which creates liens on offenders' property to enforce restitution. It adds restitution orders under the child support offense, 18 U.S.C. 228, to the scope of this provision -- the omission of a reference to the child support offense evidently resulted from an oversight in drafting -- and corrects other drafting errors.

Subsection (i). Subsection (i) of section 7 makes statutory amendments to complete the termination of the National Fine Center. This includes termination of a required annual transfer of \$3 million to the Judiciary from the Crime Victims Fund for purposes related to operation of the Center. A provision in subsection (l) provides that funds returned to the Crime Victims Fund as a result of this change may be used for the benefit of victims in the federal criminal justice system. Subsection (i) also makes several amendments to 18 U.S.C. 3612, including clarification that payment of interest on restitution has priority over payment of fines; amends 18 U.S.C. 3613A to provide clear authority for the government to seek court orders accelerating restitution payments because (for example) the offender has been found to have additional assets; and makes the strengthened enforcement procedures established by the antiterrorism legislation apply to all restitution orders (not just those based on convictions occurring after the enactment of that legislation). The subsection includes an amendment to 28 U.S.C. 3002(3) which makes it clear that the procedures of the Federal Debt Collection Procedures Act can be used to collect

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debts that the United States is authorized by statute to collect for the benefit of any person, including restitution obligations.

Subsection (j). Subsection (j) of section 7 increases certain special assessments under 18 U.S.C. 3013. By increasing the amount of special assessments, these changes will increase revenues to the Crime Victims Fund and benefit victims.

Subsection (k). Subsection (k) of section 7 provides that information on child victims can be provided to victim compensation agencies, so that they can receive compensation. This corrects a problem under existing confidentiality provisions relating to child victims, which have prevented the release of the necessary information. Subsection (k) also makes it clear that the Judiciary is responsible for paying for guardians ad litem for victims of child abuse or exploitation under 18 U.S.C. 3509(h), and authorizes the appropriation of necessary sums for that purpose.

Subsection (l). Subsection (l) of section 7 makes various improvements in the program of federal support for victim assistance and compensation under the Victims of Crime Act. It provides that unused funds which were transferred to the Judiciary for the establishment of the (now defunct) National Fine Center are to be returned to the Crime Victims Fund and may be used for the benefit of federal crime victims. It clarifies that interest on fines is to be deposited in the Crime Victims Fund; authorizes the receipt of private donations to the Crime Victims Fund; enhances authority and support for demonstration projects, training, technical assistance, and program evaluation; ensures that victims will not lose federal benefits under means-tested programs solely because they receive compensation from state victim compensation programs; and authorizes support for victim assistance activities of the U.S. Attorney offices in the District of Columbia and the Virgin Islands in relation to their local law enforcement functions. The subsection also requires states to return to the Crime Victims Fund amounts for which they are reimbursed under subrogation provisions as a result of third party payments to victims, where the state has received supplemental funding for incidents of terrorism or mass violence. This will help to replenish the funds available for assistance to victims of terrorism and mass violence.

Subsection (m). Subsection (m) of section 7 extends the effective date for an amendment requiring states to provide compensation to state residents who are victims of terrorist acts, regardless of the site of the terrorist act. The current effective date does not provide adequate time for compliance for states whose legislatures meet only every two years, and could result in a number of states becoming ineligible for victim compensation funding.

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SEC. 8. EFFECTIVE DATE.

Section 8 provides for the bill to apply as broadly as permitted by the Constitution. Many of the bill's provisions, such as those extending victims' attendance and allocution rights, only affect procedure and evidence (as opposed to substantive criminal law or penalties). Hence, there is no constitutional impediment to making these provisions applicable in pending cases as well as future cases. This approach maximizes the value of the proposed reforms.



U.S. Department of Justice

Office of Justice Programs

Office for Victims of Crime

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DEC 2 - 1997
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The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I am pleased to forward to you a report on the accomplishments of the Justice Department's Office for Victims of Crime (OVC) during Fiscal Years 1995 and 1996. This report contains information on OVC's implementation of programs authorized by the Victims of Crime Act of 1984, as amended, and funded with deposits from the Crime Victims Fund (Fund). The report is being submitted to you and to Congress in accordance with Section 1407 (g) of the Victims of Crime Act of 1984.

Although it is not required for this report, we have also highlighted important activities undertaken by OVC in Fiscal Year 1997, which include:

- **Unprecedented level of Federal funding for local crime victims programs.** The OVC-administered Crime Victims Fund reached an historic level of \$528.9 million in 1996, which enabled OVC to distribute three times more Federal victim assistance dollars to states in 1997 than ever before.
- **Comprehensive services for Oklahoma City bombing victims.** The enactment of the Antiterrorism and Effective Death Penalty Act of 1996 enabled OVC to provide major support for victims of terrorist acts, including funding for additional advocates, crisis counseling, safe havens, and travel expenses to court proceedings for Oklahoma City bombing victims.
- **Federal system improvements.** In response to a 1996 Presidential directive to "hold the Federal system to a higher standard of victims' rights than ever before," OVC developed a comprehensive action plan to improve the treatment of victims in the Federal system. The plan included convening the first National Symposium on Victims of Federal Crime to provide intensive training for nearly 1,000 key Federal employees; providing increased funding and technical assistance to enhance victim-witness programs of Department of Justice (DOJ) components; and producing a film entitled "Justice for Victims" on victim-witness responsibilities to serve as a training tool for all DOJ personnel.

The enclosed *Report to Congress* describes the Crime Victims Fund, the innovative funding mechanism established by Congress through which over \$2 billion has been distributed

to states to improve services and enhance the rights of crime victims since 1986, when the first Fund deposits were distributed. In Fiscal Years 1995 and 1996, OVC grants helped to provide services to more than two million victims each year and support more than 2,800 victim assistance programs around the country as well as state victim compensation programs. The report also highlights many of OVC's national-scope training and technical assistance initiatives.

As the Federal Government's chief advocate for crime victims, OVC collaborates closely with many DOJ components, other Federal agencies, and public and private organizations to improve services to crime victims. In fact, the past three years' successes can be attributed to an unprecedented level of intra- and interdepartmental coordination, including jointly-funded projects with the STOP Violence Against Women Grants Office, the Department of Transportation, the Department of Health and Human Services, and the Department of Education. Our collaborative efforts have allowed us to maximize Crime Victims Fund dollars for the benefit of crime victims.

The Attorney General has initiated at your direction a series of actions to review the Department's commitment to victims of crime. These actions will make our practices with respect to victims more comprehensive and consistent, raise the level of our implementation of victims' rights, and improve how we provide services to crime victims. We are mindful of the many challenges ahead and hopeful that, with your support for a Federal Constitutional Amendment and your strong leadership, justice and healing will indeed become a reality for all crime victims in America.

The Department of Justice remains committed to achieving this goal. I hope that you find the enclosed information useful.

Respectfully,

A handwritten signature in black ink, appearing to read 'Aileen Adams', with a long horizontal line extending to the right.

Aileen Adams
Director

Enclosure