EC–2630. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to onions grown in south Texas, received on July 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2631. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to almonds grown in California, received on July 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2632. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to amending the marketing order of almonds in California on July 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2633. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Farm Credit Administration's report for calendar year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2634. A communication from the Administrator, Farm Service Agency, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Inventory Property Management Provisions (RIN0560–AE88); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2635. A communication from the Secretary of Agriculture, transmitting, pursuant to law, framework for hiring welfare recipients; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2636. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to soybean promotion and research, received on July 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2637. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to farm labor housing loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2638. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of four rules including one relative to sodium salt of aciflourfen, received on July 24, 1997 to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 1078. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1079. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEAHY, and Mr. DASCHLE):

S. 1080. A bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1081. A bill to enhance the rights and protections for victims of crime; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. HAGEL):

S. 1082. A bill to authorize appropriations to pay for United States contributions to certain international financial institutions; to the Committee on Foreign Relations.

By Mr. MACK (for himself, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 1083. A bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself and Mr. BREAUX):

S. 1084. A bill to establish a researh and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE:

S. 1085. A bill to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes; read the first time.

By Mr. HELMS:

S. 1086. A bill to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GLENN:

S. Con. Res. 45. Concurrent resolution commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 1078. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly 3 years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive order. It was also populated by then American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: First, $20,000 for death; second, $7,000 for personal injury; and third, $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war, who made previous claims but have since died. The specific damage benefits would be as follows: First, $7,000 for personal injury; and second, $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This act would also establish a Guam trust fund from which disbursements will be made. Any amount left over in the Fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine-member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended to make Guam whole. The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the

true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a 1-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess Federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage below $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for their ''inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks.'' Secretary Ickes termed the procedures as shameful results.

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80–896), which provided reparation relief to American prisoners of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this Act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the now inactive Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over $390 million in reparations to the Philippines, and over $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States government liquidated over $84 million in Japanese assets in the United States during the war for the specific purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under Article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 2200, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian government through local enactments of legislative bills and resolutions, and discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this Act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1078

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Guam War Restitution Act''.

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

''SEC. 35. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

''(a) DEFINITIONS.—For purposes of this section:

''(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

''(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

''(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

''(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

''(A) Death.

''(B) Personal injury (as defined by the Commission).

''(C) Forced labor, forced march, or internment.

''(5) GUAMANIAN.—The term 'Guamanian' means any person who—

''(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944, and

''(B) was a United States citizen or national during such portion.

''(6) PROOF.—The term 'proof' relative to compensable injury means any one of the following, if determined by the Commission to be valid:

''(A) An affidavit by a witness to such compensable injury;

''(B) A statement, attesting to compensable injury, which is—

''(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

''(ii) made before a committee of the Guam legislature;

''(iii) made in support of a claim filed with the Guam War Reparations Commission;

''(iv) filed with a private Guam war claims advocate; or

''(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

''(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

''(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

''(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

''(A) the name and age of the claimant;

''(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

''(C) the approximate date or dates on which the compensable injury occurred;

''(D) a brief description of the compensable injury which is the basis for the claim;

''(E) the circumstances leading up to the compensable injury; and

''(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

''(2) GENERAL DUTIES OF THE COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission

shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

''(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

''(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

''(c) ELIGIBILITY.—

''(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

''(A) The claimant is—

''(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

''(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

''(B) The claimant meets the requirements of paragraph (3).

''(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

''(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

''(B) The claimant meets the requirements of paragraph (3).

''(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

''(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

''(B) The claimant furnishes proof of the compensable injury.

''(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

''(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS—

''(A) AWARDS.—

''(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

''(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

''(B) BENEFITS.—

''(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

''(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

''(d) PAYMENTS.—

''(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits that the Commission determines are payable under this section.

''(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

''(A) $20,000 if the claim is based on death.

''(B) $7,000 if the claim is based on personal injury.

''(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

''(A) $7,000 if the claim is based on personal injury.

''(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

''(5) FORM OF PAYMENT.—

''(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

''(B) BENEFITS.—In the case of a claim for a benefit—

''(i) IN GENERAL.—Payment under this subsection shall consist of—

''(I) provision of a scholarship;

''(II) payment of medical expenses; or

''(III) a grant for first-time home ownership.

''(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in subparagraph (B).

''(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

''(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

''(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

''(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

''(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

''(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

''(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

''(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

''(9) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards paid to eligible claimants—

''(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

''(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

''(e) GUAM TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

''(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

''(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

''(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

''(A) the funds are invested as described in paragraph (2);

''(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

''(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

''(f) GUAM TRUST FUND COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

''(2) USE OF GUAM TRUST FUND.—The Commission may make disbursements from the Guam Trust Fund only for the following uses:

''(A) To make payments, under subsection (d), of awards and benefits.

''(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

''(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

''(3) MEMBERSHIP.—

''(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

''(B) TERMS.—

''(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a

length determined pursuant to subparagraph (F).

''(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay as such, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

''(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

''(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

''(F) SUBSEQUENT APPOINTMENTS.—

''(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

''(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

''(4) STAFF AND SERVICES.—

''(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

''(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

''(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

''(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

''(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

''(6) TERMINATION.—The Commission shall terminate on the earlier of—

''(A) the expiration of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

''(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

''(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

''(h) REPORTS.—

''(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

''(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

''(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

''(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

''(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

''(B) the status of the Trust Fund and the amount of any existing balance thereof.

''(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

''(B) the final status of the Trust Fund and the amount of any existing balance thereof.

''(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums appropriated to the Department of the Interior, such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.''.

SEC. 3. RECOMMENDATION OF FUNDING MEASURES.

Not later than 1 year after the date of the submission of the first report submitted under section 35(h)(1) of the Organic Act of Guam (as added by section 2 of this Act), the President shall submit to the Congress a list of recommended spending cuts or other measures which, if implemented, would generate sufficient savings or income, during the first 5 fiscal years beginning after the date of the submission of such list, to provide the amount of compensation necessary to fully carry out this section (as determined in such first report).

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1079. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

OIL AND GAS DEVELOPMENT AT FORT BERTHOLD RESERVATION LEGISLATION

Mr. DORGAN. Mr. President, today I am introducing legislation, along with my good friend and colleague Mr. CONRAD. that will promote economic development on the Fort Berthold Indian Reservation in our State.

Economic development must be among our top priorities in Indian country, and our Federal policies should support, not hinder, the creation of new employment opportunities on our Nation's Indian reservations. This bill is aimed at addressing a provision in Federal law that is unnecessarily hampering the economic development efforts of Three Affiliated Tribes in North Dakota and has the support of the Tribes' Business Council.

The Fort Berthold Indian Reservation has been working for years to develop partnerships with the oil industry to explore the development of oil and gas resources on its tribally owned or allotted lands. The Fort Berthold Reservation covers about 1 million acres of land in the middle of the proven oil-rich Williston Basin. There has been active oil and gas exploration and

development on the lands surrounding the reservation, but Three Affiliated Tribes itself and its members have been able to participate in this activity in only a very limited way because of a Federal requirement that 100 percent of all tribal members with ownership in an allotment agree to the leasing of that allotment. Some of the allotted land tracts on this reservation are owned by up to 200 individuals, and if even one of these owners will not sign the lease, the exploration cannot proceed. This outmoded 100-percent requirement makes it virtually impossible for tribes and its members to pursue this kind of economic development, even if a vast majority of allottees are supportive.

This legislation, which is narrowly drawn and applies only to the Fort Berthold Reservation, would allow a leasing agreement to go forward if more than 50 percent of those with an interest in specific allotted lands agree. By keeping in place a majority requirement for the leasing of mineral rights, the rights of individual landowners would still be protected. The Secretary of the Interior would also still have to review and approve a proposed leasing agreement.

The economic implications of this legislation for Three Affiliated Tribes are enormous. The drilling of just 1 well would create 50 to 100 jobs, so clearly, this bill can help the Indian people on Fort Berthold Reservation to move away from welfare dependency to economic independence. I look forward to working with my colleagues to enact this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1079

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

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) and the regulations issued under that Act), the Secretary of the Interior or a designee of the Secretary may approve mineral leases of an allotment described in paragraph (2) in any case in which the Indian owners of that allotment have executed leases to more than 50 percent of the mineral estate of that allotment.

(B) BENEFITS OF LEASES.—At such time as mineral leases on an allotment have been approved for all Indian ownership interests pursuant to this section, all Indian owners of the allotment shall be entitled to the benefits of the leases.

(2) ALLOTMENTS.—An allotment described in this paragraph is an allotment that—

(A) is located in the Fort Berthold Indian Reservation, North Dakota; and

(B) is held in trust by the United States.

(b) RULES OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

Mr. CONRAD. Mr. President, I am pleased to introduce, along with my distinguished colleague from North Dakota, legislation to increase opportunities for oil and gas leasing on the Fort Berthold Indian Reservation in North Dakota.

Mr. President, as a member of the Senate Select Committee on Indian Affairs, I understand the importance of increasing economic development in Indian country, in particular, development that creates high-paying, skilled employment. Members of the Three Affiliated Tribes at Fort Berthold have been working on a plan to create jobs and increase revenue through oil and gas development on the Fort Berthold Reservation, which lies within the oil-rich Williston Basin.

At present, there are only seven oil producing wells on land owned by the Three Affiliated Tribes or tribal members. The Tribal Business Council is considering possibilities for development of oil and gas reserves of its tribally owned land and allotted lands of its members and is pursuing approval by the Bureau of Indian Affairs of an exploration and development agreement under the Mineral Development Act.

The fractionated ownership of allotted lands complicates the leasing and exploration process. The Bureau must approve tribal oil and gas leases, and in order for the Bureau to approve a lease of Indian lands, all who have an interest in the land must agree to the particular oil and gas lease. The number of people who have an undivided interest in various land allotments grows larger each year and now involves hundreds of people. Thus, for an oil and gas exploration to commence, hundreds of oil and gas leases for small allotments of land would have to be executed. If any one person with an interest—no matter how small—in the land objects, the lease agreement would fail. Present law creates a nearly insurmountable barrier to this type of oil and gas development, even in the face of overwhelming support by allotted landowners.

The legislation we are introducing today—which applies only to the Fort Berthold Indian Reservation—would allow an oil and gas lease to become effective if those individual owners of 50 percent or more of the interests in a particular tract of mineral acres agree to the lease. The bill also includes safeguards to ensure that all Indian owners of the allotments are entitled to the benefits of the leases.

This legislation is an important step for oil and gas development on the Fort Berthold Indian Reservation; it is supported by the Tribal Business Council of the Three Affiliated Tribes. I believe the bill can also serve as a model for addressing other problems in Indian country that have arisen as a result of fractionated heirship, and a first step toward a more comprehensive solution.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEAHY and Mr. DASCHLE):

S. 1080. A bill to amend the National Aquaculture Act of 1980 to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL AQUACULTURE DEVELOPMENT, RESEARCH, AND PROMOTION ACT

Mr. AKAKA. Mr. President, today I am introducing the National Aquaculture Development, Research, and Promotion Act. Senators CRAIG, LEAHY, and DASCHLE have joined me in introducing the bill.

This legislation is not merely a reauthorization of an expiring law. It will help establish a coordinated national aquaculture policy. It will stimulate the fastest growing segment of U.S. agriculture.

The ever-growing demand for fish and fish products is a driving force behind the decline of our fisheries. Aquaculture can help satisfy demand for fishery products and, at the same time, reduce pressure on wild stocks. The bill will also provide a framework for sustainable aquaculture development by encouraging best management practices for aquaculture at the State level.

The National Aquaculture Development, Research, and Promotion Act addresses the most pressing needs of aquaculture farmers, such as research, aquacultural credit, and production and market data.

For too long aquaculture farmers have suffered from the absence of a consistent and unified Federal policy to aid the development of aquaculture. My bill promotes policies to allow our country to become more competitive in the expanding global market for aquaculture products.

The world market for aquaculture is vast, and the United States has the potential to lead future aquaculture production and technology. Efforts to expand the U.S. aquaculture industry will not go unrewarded. The United States imports 60 percent of its seafood, which results in a $3.5 billion annual trade deficit for fish products. Reducing our seafood trade deficit by one-third through expanded aquaculture production would create 25,000 new jobs.

World production of aquaculture in 1995 was 21,300,000 metric tons. The U.S. contributed less than 3 percent to world output, however.

With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture production will have to increase by 700 percent, a total of 77 million metric tons annually, to meet future demand. The important question is whether U.S. aquaculture will share in this explosive growth.

This bill is about creating jobs, expanding food production, and achieving sustainable aquaculture development. America has outstanding institutions for conducting aquaculture research. A coordinated effort, with appropriate Federal support, can advance aquaculture development and promote significant economic growth. Aquaculture has an important advantage because it can be conducted successfully on lands that are marginal for other forms of agriculture.

Aquaculture is a diverse industry that affects all regions of the country. More than 30 States produce at least two dozen commercially important aquaculture species. Yet the United States ranks 9th among nations in the value of its production. China, Japan, India, Indonesia, Norway, Thailand, and Korea all enjoy a larger share of the global aquaculture market. In addressing the problem of our balance of trade, aquaculture can be part of the solution.

Nowhere is the opportunity for aquaculture more promising than in Hawaii. We have a skilled labor force, access to Asian and North American markets, a climate that allows harvesting throughout the year, and a 1500-year tradition of aquaculture farming.

Aquaculture supports more jobs per acre than other forms of agriculture, so it can strengthen our employment base at a time when other areas of Hawaiian agriculture are declining. Our tradition of aquaculture that operates in harmony with the environment will help assure that its growth and development is sustainable.

However, the legislation I have introduced today was not designed merely to promote aquaculture in Hawaii. The bill was drafted with one basic principle in mind: to assist all segments of the aquaculture industry equally. It would be wrong to promote one segment of the industry, whether it is marine or freshwater aquaculture, or a particular species of fish or shellfish, over another.

The United States can be a world leader in aquaculture in the same way that it leads in agriculture. This bill is an important step in achieving that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1080

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aquaculture Development, Research, and Promotion Act of 1997''.

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

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2 of the National Aquaculture Act of 1980 (16 U.S.C. 2801) is amended by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds the following:

''(1)(A) The wild harvest or capture of certain seafood species exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

''(B) The Food and Agriculture Organization of the United Nations has identified aquaculture as one of the world's fastest growing food production activities.

''(C) The world production of aquaculture doubled from 10,000,000 metric tons in 1984 to 21,300,000 metric tons in 1995, with a value of approximately $40,000,000,000.

''(D) The United States produced 666,000,000 pounds of aquaculture products in 1994, less than 3 percent of the world output.

''(E) The United States is a major importer of aquaculture products.

''(2)(A) To satisfy the domestic market for aquatic food, the United States imports more than 59 percent of its seafood.

''(B) This dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies and product quality.

''(3)(A) Although aquaculture currently contributes approximately 17 percent by weight of world seafood production, less than 9 percent by weight of current United States seafood production results from aquaculture.

''(B) As a result, domestic aquaculture production has the potential for significant growth.

''(4) Aquaculture production of aquatic animals and plants is a source of food, industrial materials, pharmaceuticals, energy, and aesthetic enjoyment, and can assist in the control and abatement of pollution.

''(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquaculture technology.

''(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

''(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as—

''(A) inadequate credit;

''(B) limited research and development and demonstration programs;

''(C) diffused legal jurisdiction;

''(D) inconsistent interpretations between Federal agencies;

''(E) the lack of management information;

''(F) the lack of supportive policies of the Federal Government;

''(G) the lack of therapeutic compounds for treatment of the diseases of aquatic animals and plants;

''(H) the lack of reliable supplies of seed stock; and

''(I) the availability of additional species for commercial production.

''(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies and regulations that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

''(9) In 1994, the United States ranked only ninth in the world in aquaculture production based on total value of products.

''(10) Despite the current and increasing importance of private aquaculture to the United States economy and to rural areas in the United States, Federal efforts to nurture aquaculture development have failed to keep pace with the needs of fish and aquatic plant farmers.

''(11) The United States has a premier opportunity to expand existing aquaculture production and develop new aquaculture industries to serve national needs and the global marketplace.

''(12) United States aquaculture provides wholesome products for domestic consumers and contributes significantly to employment opportunities and the quality of life in rural areas in the United States.

''(13)(A) Aquaculture is poised to become a major growth industry of the 21st century.

''(B) With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture will have to increase production by 700 percent, a total of 77 million metric tons annually, to meet that projection.

''(14)(A) In 1983, United States aquaculture production was 308,400,000 pounds with a farm gate value of $261,000,000.

''(B) In 1994, the industry produced 666,000,000 pounds with a farm gate value of $751,000,000.

''(C) Aquaculture accounted for approximately 6 percent of the total United States fish and shellfish harvest in 1994.

''(15)(A) In 1994, per capita consumption of aquatic foods in the United States was 15 pounds per person per year.

''(B) Demand is projected to double by 2025.''.

(b) PURPOSE.—Section 2(b) of the National Aquaculture Act of 1980 (16 U.S.C. 2801(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) establishing private aquaculture as a form of agriculture for the purposes of programs of the Department;'';

(2) in paragraph (3), by striking ''and'' at the end; and

(3) by inserting after paragraph (4) the following:

''(5) establishing cultivated aquatic animals, plants, microorganisms, and their products produced by private persons and moving in commodity channels as agricultural livestock, crops, and commodities; and

''(6) authorizing the establishment of a National Aquaculture Information Center within the Department to support the United States aquaculture industry;''.

SEC. 3. DEFINITIONS.

Section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking ''the propagation'' and all that follows through the period at the end and inserting ''the controlled cultivation of aquatic plants, animals, and microorganisms, except that the term does not include private, for-profit ocean ranching of Pacific salmon in a State in which the ranching is prohibited by law.'';

(2) in paragraph (3), by inserting before the period at the end the following: ''or microorganism'';

(3) by redesignating paragraphs (7) through (9) as paragraphs (9) through (11), respectively;

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following:

''(5) DEPARTMENT.—The term 'Department' means the United States Department of Agriculture.''; and

(6) by inserting before paragraph (9) (as redesignated by paragraph (3)) the following:

''(8) PRIVATE AQUACULTURE.—The term 'private aquaculture' means the controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government or any State or local government.''.

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 of the National Aquaculture Act of 1980 (16 U.S.C. 2803) is amended—

(1) in subsection (b)(3)(B), by adding at the end the following: ''including the development of best management practices for maintaining water quality,'';

(2) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the identification of efforts of States to improve water quality through the development of best management practices.''; and

(3) by adding at the end the following:

''(f) ACCOMPLISHMENTS IN AQUACULTURE PROGRAMS.—Not later than December 31, 1998, the Secretary, in collaboration with the Secretary of Commerce and the Secretary of the Interior, shall submit to Congress a report evaluating the actions taken in accordance with subsection (d) with respect to the Plan, and making recommendations for updating and modifying the Plan. The report shall also contain a compendium on Federal regulations relating to aquaculture.''.

SEC. 5. NATIONAL AQUACULTURE INFORMATION CENTER.

Section 5 of the National Aquaculture Act of 1980 (16 U.S.C. 2804) is amended—

(1) in subsection (c)(1)(B)—

(A) by striking ''Secretary shall—'' and inserting ''Secretary—'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(C) by striking clause (i) and inserting the following:

''(i) may establish within the regional centers of aquaculture established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), or within the institutions affiliated with the regional centers, a means of electronically compiling and accessing information for the National Aquaculture Information Center;

''(ii) may establish, within the Department, a National Aquaculture Information Center that shall—

''(I) serve as a repository and clearinghouse for the information collected under subparagraph (A) and other provisions of this Act;

''(II) carry out a program to notify organizations, institutions, and individuals known to be involved in aquaculture of the existence of the Center and the kinds of information that the Center can make available to the public; and

''(III) make available, on request, information described in subclause (I) (including information collected under subsection (e));'';

(D) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting ''shall'' before ''arrange''; and

(ii) by striking the comma and inserting a semicolon; and

(E) in clause (iv) (as redesignated by subparagraph (B)), by inserting ''shall'' before ''conduct''; and

(2) in the first sentence of subsection (d), by striking ''Interior,,'' and inserting ''Interior,''.

SEC. 6. COORDINATION WITH THE AQUACULTURE INDUSTRY.

Section 6(b) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(b)) is amended—

(1) in paragraph (4), by inserting before the semicolon at the end the following: '', including information on best management practices for maintaining water quality'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) facilitate improved communication and interaction among aquaculture producers, the aquaculture community, the Federal Government, and the coordinating group, establish a working relationship with national organizations, commodity associations, and professional societies representing aquaculture interests.''.

SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7 through 11 as sections 9 through 13, respectively; and

(2) by inserting after section 6 the following:

''SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

''(a) ASSISTANCE AND COORDINATION.—

''(1) IN GENERAL.—The Secretary may make grants and enter into contracts with any person or governmental agency to support the market development and commercialization of aquaculture research and technology that—

''(A) demonstrates strong potential for accelerating the transfer to the marketplace of aquaculture products, processes, and technologies that can improve profitability, production, efficiency, and sustainability of existing and emerging aquaculture sectors;

''(B) will help the United States aquaculture industry to be more competitive in the global marketplace; and

''(C) will facilitate the commercialization of promising research and technologies deriving from existing aquaculture research programs.

''(2) COST SHARE.—

''(A) FEDERAL SHARE.—Except as provided in subparagraph (B), the Federal share of the cost of a grant or contract under this section shall be 80 percent.

''(B) REMAINING SHARE.—The remaining share of the cost of a grant or contract under this section may be—

''(i) in the form of cash or in-kind payments; and

''(ii) partially comprised of funds made available under other Federal programs, except that the non-Federal share may not be less than 10 percent of the cost of the grant or contract.

''(b) PRIORITIES.—In making grants or awarding contracts under subsection (a), the Secretary shall give a higher priority to—

''(1) highly focused, applied aquaculture research;

''(2) investigations of new aquaculture products or processes that demonstrate a high potential for commercialization;

''(3) market development programs for new or improved aquaculture products or processes;

''(4) activities that have a strong potential to create employment opportunities involving aquaculture;

''(5) other activities that accelerate the commercialization of promising aquaculture technologies;

''(6) the extent to which the proposal promotes sustainable aquaculture development; and

''(7) the extent to which the proposal includes participation with a private aquaculture farm or business that supplies products or services that are necessary for aquaculture farming.

''(c) COMPETITIVE REVIEW.—

''(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under subsection (a), a proposal shall be competitively reviewed under procedures established by the Secretary.

''(2) COMPETITIVE REVIEW PANELS.—A competitive review panel shall be composed of individuals appointed by the Secretary, at least 50 percent of whom work in private aquaculture or have a demonstrated competence to objectively evaluate the likelihood of a proposal being economically successful or promoting economic success within the aquaculture industry.

''(3) EVALUATION.—The competitive review shall be based on an evaluation of—

''(A) the quality of the proposal and the research methodology;

''(B) the capability of the participating organization to perform the proposed work;

''(C) the amount of matching funds provided by the participating organization or obtained from non-Federal sources;

''(D) in the case of a noncommercial entity, the existence of a cooperative arrangement with a commercial entity; and

''(E) such other factors as the Secretary determines to be appropriate.

''(d) LIMITATIONS.—

''(1) REGIONAL AQUACULTURE CENTERS.—Not less than 40 percent of the amounts made available to carry out this section for a fiscal year shall be used to carry out projects that will facilitate the commercialization of research or investigations funded or coordinated by regional aquaculture centers established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)).

''(2) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amounts made available to carry out this section for a fiscal year may be used by the Secretary to pay the expenses of administration and information collection and dissemination.

''(3) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

''(e) REPORTS.—An eligible entity that receives a grant or enters into a contract with respect to a project carried out under this section shall submit an annual progress report, and a final report, to the Secretary that describes project activities and commercial and economic accomplishments and impacts.

''(f) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this section.''.

SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended by inserting after section 7 (as added by section 7(2)) the following:

''SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

''(a) REQUIREMENT.—In collaboration with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall coordinate and implement a national policy for

private aquaculture in accordance with this section.

''(b) DEPARTMENT OF AGRICULTURE AQUACULTURE PLAN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a Department of Agriculture Aquaculture Plan (referred to in this section as the 'Department Plan') for a unified aquaculture program of the Department to support the development of private aquaculture.

''(2) ELEMENTS.—The Department Plan shall address—

''(A) programs of individual agencies of the Department related to aquaculture that are consistent with Department programs applied to other areas of agriculture, including livestock, crops, products, and commodities under the jurisdiction of agencies of the Department;

''(B) the treatment of commercially cultivated aquatic animals as livestock and commercially cultivated aquatic plants as agricultural crops; and

''(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

''(c) NATIONAL AQUACULTURE INFORMATION CENTER.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center at the National Agricultural Library as a repository for information on national and international aquaculture.

''(d) TREATMENT OF AQUACULTURE.—The Secretary shall treat—

''(1) private aquaculture as agriculture for the purpose of programs of the Department; and

''(2) commercially cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and transported or moved in standard commodity channels as agricultural livestock, crops, and commodities, respectively.

''(e) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

''(1) RESPONSIBILITY.—The Secretary shall coordinate, develop, and carry out policy and programs of the Department related to private aquaculture.

''(2) DUTIES.—The Secretary shall—

''(A) coordinate all intradepartmental functions and activities of the Department relating to private aquaculture; and

''(B) establish procedures for the coordination of functions, and consultation with, the coordinating group.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the National Aquaculture Act of 1980 (as redesignated by section 7(1)) is amended by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this Act (including the functions of the Joint Subcommittee on Aquaculture established under section 6(a)) $3,000,000 for each of fiscal years 1998 through 2002.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) take effect on October 1, 1997.

SEC. 10. ELIGIBILITY OF AQUACULTURE FARMERS FOR FARM CREDIT ASSISTANCE.

Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking ''fish farming'' both places it appears in paragraphs (1) and (2) and inserting ''aquaculture (as defined in section 3 of the National Aquaculture Act of 1980 (16 U.S.C. 2802))''.

SEC. 11. INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.

(a) IN GENERAL.—Section 502 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692) is amended by adding at the end the following:

''(d) INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.—

''(1) IN GENERAL.—The Secretary is authorized to establish and carry out a program of data collection, analysis, and dissemination of information to provide continuing and timely economic information concerning international aquaculture production.

''(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with the Joint Subcommittee on Aquaculture established under section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)), and representatives of the United States aquaculture industry, concerning means of effectively providing data described in paragraph (1) to the Joint Subcommittee and the industry.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) take effect on October 1, 1997.

SEC. 12. AQUACULTURE INFORMATION NETWORK REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the feasibility of expanding current information systems at regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), universities, research institutions, and the Agricultural Research Service to permit an on-line link between those entities for the sharing of data, publication, and technical assistance information involving aquaculture.

SEC. 13. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the progress made in carrying out this Act and the amendments made by this Act with respect to policies and programs of the Department of Agriculture.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of all programs and activities of the Department of Agriculture and all other agencies and Departments in support of private aquaculture;

(2) the specific authorities for the activities described in paragraph (1); and

(3) recommendations for such actions as the Secretary of Agriculture determines are necessary to improve recognition and support of private aquaculture in each agency of the Department of Agriculture.

Mr. CRAIG. Mr. President, I rise today to join my colleagues and friend from Hawaii, Senator AKAKA, in the introduction of the National Aquaculture Development, Research, and Promotion Act of 1997.

This important piece of legislation is designed to help make the United States competitive in the expanding world market for aquaculture products. The United States is poised to become the world leader in aquaculture, yet it remains far beyond other nations, including many with fewer resources and less developed infrastructure.

Already there are more than 1,000 Idahoans whose jobs are either directly or indirectly connected to aquaculture. They represent a $92 million industry for my home State: An industry committed to a cleaner environment, a safer food supply, and community development.

However, much more lies ahead of us if the United States is to become a world leader in this growing industry. Despite recent growth, America's annual trade deficit in seafood remains stable at approximately $3 billion—a reduction of which could mean a stronger domestic industry, more jobs, and less dependency on others for our food supply.

Mr. President, it is for these reasons I am pleased to join my colleague in introducing this measure today.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1081. A bill to enhance the rights and protections for victims of crime; to the Committee on the Judiciary.

THE CRIME VICTIMS ASSISTANCE ACT

Mr. LEAHY. Madam President, during National Crime Victim Rights Week, I said that it was important to focus attention on the needs and rights of crime victims not just during that week of special ceremonies, but throughout the year. I am, therefore, pleased to have this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY. Our Crime Victims Assistance Act represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's attorney for Chittenden County, VT, and witnessed first hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past 15 years, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982; The Victims of Crime Act of 1984; The Victims' Bill of Rights of 1990; The 1994 Violent Crime Control and Law Enforcement Act; and The Justice for Victims of Terrorism Act of 1996.

Just this March, Congress passed the Victim Rights Clarification Act of 1997, which I cosponsored with Senators NICKLES, INHOFE and HATCH. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial.

As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial were able to do so.

Also, on the first day of this session, we introduced S.15, a youth crime bill. In that legislation, which we have identified as a legislative priority for the entire Democratic caucus, we included provisions for victims of juvenile crime

so that their rights to appear, to be heard, and to be informed would be protected. Those provisions have now been incorporated in the juvenile crime bill ordered reported by the Judiciary Committee last week along with added protections against witness intimidation.

The legislation that we introduce today, the Crime Victims Assistance Act, builds upon this progress. It provides for a wholesale reform of the Federal rules and Federal law to establish additional rights and protections for victims of federal crime. Particularly, the legislation would provide crime victims with an enhanced: right to be heard on the issue of pretrial detention; right to be heard on plea bargains; right to a speedy trial; right to be present in the courtroom throughout a trial; right to give a statement at sentencing; right to be heard on probation revocation; and

Right to be notified of a defendant's escape or release from prison.

The legislation goes further than other victims rights proposals that are currently before Congress by including: Enhanced penalties for witness intimidation; an increase in Federal victim assistance personnel; enhanced training for State and local law enforcement and officers of the court; the development of state-of-the-art systems for notifying victims of important dates and developments in their cases; and the establishment of ombudsman programs for crime victims.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

I look forward to continuing to work with the administration, victims groups, prosecutors, judges, and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

In my State, Vermont, there are many individuals who have made a difference by dedicating themselves to serving the needs of crime victims. Individuals, such as Lori Hayes from the Vermont Center for Crime Victims Services, have joined in leading the Nation on issues pertaining to crime victims. I congratulate Lori on the results of the Justice Department's recent site visit of Vermont's Victims of Crime Act programs. The Justice Department concluded that

Vermont's programs are setting the standard for outreach to under served populations and service coordination among providers and allied professionals * * * Other States interested in improving their services and advocacy for crime victims would do well to study the model created by Lori Hayes, her staff, and other victims advocates in Vermont.

Without the commitment of people like Lori, we would not be making the progress that we are.

I would like to acknowledge several others who have been extremely helpful with regards to the legislation that we are introducing today: The Office for Victims of Crime at the Justice Department, the National Network to End Domestic Violence, the NOW Legal Defense Fund, the National Clearinghouse for the Defense of Battered Women, Professor Lynne Henderson from Indiana Law School, the National Organization for Victim Assistance, Roger Pilon, Director of the Center for Constitutional Studies at the Cato Institute, the National Victim Center, and many others.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue will join Senator KENNEDY and me in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1081

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act''.

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

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Attorney General'' means the Attorney General of the United States;

(2) the term ''bodily injury'' has the meaning given that term in section 1365(g) of title 18, United States Code;

(3) the term ''Commission'' means the Commission on Victims' Rights established under section 204;

(4) the term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(5) the term ''Judicial Conference'' means the Judicial Conference of the United States established under section 331 of title 28, United States Code;

(6) the term ''law enforcement officer'' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers;

(7) the term ''Office of Victims of Crime'' means the Office of Victims of Crime of the Department of Justice;

(8) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(9) the term ''unit of local government'' means any—

(A) city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; or

(B) Indian tribe;

(10) the term ''victim''—

(A) means an individual harmed as a result of a commission of an offense; and

(B) in the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased—

(i) the legal guardian of the victim;

(ii) a representative of the estate of the victim;

(iii) a member of the family of the victim; or

(iv) any other person appointed by the court to represent the victim, except that in no event shall a defendant be appointed as the representative or guardian of the victim; and

(11) the term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General may establish.

TITLE I—VICTIM RIGHTS

Subtitle A—Amendments to Title 18, United States Code

SEC. 101. RIGHT TO BE NOTIFIED OF DETENTION HEARING AND RIGHT TO BE HEARD ON THE ISSUE OF DETENTION.

Section 3142 of title 18, United States Code, is amended by adding at the end the following:

''(k) NOTIFICATION OF RIGHT TO BE HEARD.—

''(1) IN GENERAL.—In any case involving a defendant who is arrested for an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, in which a detention hearing is scheduled pursuant to subsection (f)—

''(A) the Government shall make a reasonable effort to notify the victim of the hearing, and of the right of the victim to be heard on the issue of detention; and

''(B) at the hearing under subsection (f), the court shall inquire of the Government as to whether the efforts at notification of the victim under subparagraph (A) were successful and, if so, whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

''(2) LIMITATION.—Upon motion of either party that identification of the defendant by the victim is a fact in dispute, and that no means of verification has been attempted, the Court shall use appropriate measures to protect integrity of the identification process.

''(3) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

''(4) DEFINITION OF VICTIM.—In this subsection, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and also includes the parent or legal guardian of a victim who is less than 18 years of age, or incompetent, or 1 or more family members designated by the court if the victim is deceased or incapacitated.''.

SEC. 102. RIGHT TO A SPEEDY TRIAL AND PROMPT DISPOSITION FREE FROM UNREASONABLE DELAY.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. ENHANCED RIGHT TO ORDER OF RESTITUTION.

Section 3664(d)(2)(A)(iv) of title 18, United States Code, is amended by inserting '', and the right of the victim (or the family of a victim who is deceased or incapacitated) to attend the sentencing hearing and to make a statement to the court at the sentencing hearing'' before the semicolon.

SEC. 104. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE OR RELEASE FROM PRISON.

Section 503(c)(5)(B) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is amended by inserting after ''offender'' the following: '', including escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental health services to offenders''.

SEC. 105. ENHANCED PENALTIES FOR WITNESS TAMPERING.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) Whoever uses physical force or the threat of physical force, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

''(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

''(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

''(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; and

''(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

''(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).''; and

(D) in paragraph (3)(B), as redesignated, by striking ''in the case of'' and all that follows before the period and inserting ''an attempt to murder, the use of physical force, the threat of physical force, or an attempt to do so, imprisonment for not more than 20 years''; and

(2) in subsection (b), by striking ''or physical force''.

Subtitle B—Amendments to Federal Rules of Criminal Procedure

SEC. 121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT AND TO BE HEARD ON MERITS OF THE PLEA AGREEMENT.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(i) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—In any case involving a defendant who is charged with an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault—

''(A) the Government, prior to a hearing at which a plea of guilty or nolo contendere is entered, shall make a reasonable effort to notify the victim of—

''(i) the date and time of the hearing; and

''(ii) the right of the victim to attend the hearing and to address the court; and

''(B) if the victim attends a hearing described in subparagraph (A), the court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard on the proposed plea agreement.

''(2) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

''(3) DEFINITION OF VICTIM.—In this subsection, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and also includes the parent or legal guardian of a victim who is less than 18 years of age, or incompetent, or 1 or more family members designated by the court if the victim is deceased or incapacitated.

''(4) MASS VICTIM CASES.—In any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to serve as representatives of the victims' interests.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 122. ENHANCED RIGHTS OF NOTIFICATION AND ALLOCUTION AT SENTENCING.

(a) IN GENERAL.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking subparagraph (D) and inserting the following:

''(D) a victim impact statement, identifying, to the maximum extent practicable—

''(i) each victim of the offense (except that such identification shall not include information relating to any telephone number, place of employment, or residential address of any victim);

''(ii) an itemized account of any economic loss suffered by each victim as a result of the offense;

''(iii) any physical injury suffered by each victim as a result of the offense, along with its seriousness and permanence;

''(iv) a description of any change in the personal welfare or familial relationships of each victim as a result of the offense; and

''(v) a description of the impact of the offense upon each victim and the recommendation of each victim regarding an appropriate sanction for the defendant;''; and

(B) by adding at the end the following:

''(7) VICTIM IMPACT STATEMENTS.—

''(A) IN GENERAL.—Any probation officer preparing a presentence report shall—

''(i) make a reasonable effort to notify each victim of the offense that such a report is being prepared and the purpose of such report; and

''(ii) provide the victim with an opportunity to submit an oral or written statement, or a statement on audio or videotape outlining the impact of the offense upon the victim.

''(B) USE OF STATEMENTS.—Any written statement submitted by a victim under subparagraph (A) shall be attached to the presentence report and shall be provided to the sentencing court and to the parties.'';

(2) in subsection (c)(1), by adding at the end the following: ''Before sentencing in any case in which a defendant has been charged with or found guilty of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make a reasonable effort to notify the victim (or the family of a victim who is deceased) of the time and place of sentencing and of their right to attend and to be heard.''; and

(3) in subsection (f), by inserting ''the right to notification and to submit a statement under subdivision (b)(7), the right to notification and to be heard under subdivision (c)(1), and'' before ''the right of allocution''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to participate during the presentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT A PROBATION REVOCATION HEARING.

(a) IN GENERAL.—Rule 32.1 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(d) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—At any hearing pursuant to subsection (a)(2) involving one or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable effort to notify the victim of the offense (and the victim of any new charges giving rise to the hearings), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.

''(2) DUTIES OF COURT AT HEARING.—At any hearing described in paragraph (1) at which a victim is present, the court shall—

''(A) address each victim personally; and

''(B) afford the victim an opportunity to be heard on the proposed terms or conditions of probation or supervised release.

''(3) ADDRESS.—In any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this paragraph may be sent.

''(4) DEFINITION OF VICTIM.—In this rule, the term 'victim' means any individual against whom an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, has been committed and a hearing pursuant to subsection (a)(2) is conducted, including—

''(A) a parent or legal guardian of the victim, if the victim is less than 18 years of age or is incompetent; or

''(B) 1 or more family members or relatives of the victim designated by the court, if the victim is deceased or incapacitated.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of offenses involving death or bodily injury to any person, or the threat of death or bodily injury to any person, of any revocation hearing held pursuant to rule 32.1(a)(2) of the Federal Rules of Criminal Procedure.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subtitle C—Amendment to Federal Rules of Evidence

SEC. 131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.

(a) IN GENERAL.—Rule 615 of the Federal Rules of Evidence is amended—

(1) by striking ''At the request'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), at the request'';

(2) by striking ''This rule'' and inserting the following:

''(b) EXCEPTIONS.—Subsection (a)'';

(3) by striking ''exclusion of (1) a party'' and inserting the following: ''exclusion of—

''(1) a party'';

(4) by striking ''person, or (2) an officer'' and inserting the following: ''person;

''(2) an officer'';

(5) by striking ''attorney, or (3) a person'' and inserting the following: ''attorney;

''(3) a person'';

(6) by striking the period at the end and inserting ''; or''; and

(7) by adding at the end the following:

''(4) a person who is a victim (or a member of the immediate family of a victim who is deceased or incapacitated) of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, for which a defendant is being tried in a criminal trial, unless the court concludes that—

''(A) the testimony of the person will be materially affected by hearing the testimony of other witnesses, and the material effect of hearing the testimony of other witnesses on the testimony of that person will result in unfair prejudice to any party; or

''(B) due to the large number of victims or family members of victims who may be called as witnesses, permitting attendance in the courtroom itself when testimony is being heard is not feasible.

''(c) DISCRETION OF COURT; EFFECT ON OTHER LAW.—Nothing in subsection (b)(4) shall be construed—

''(1) to limit the ability of a court to exclude a witness, if the court determines that such action is necessary to maintain order during a court proceeding; or

''(2) to limit or otherwise affect the ability of a witness to be present during court proceedings pursuant to section 3510 of title 18, United States Code.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Evidence to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, or the threat of death or bodily injury to any person, to attend judicial proceedings, even if they may testify as a witness at the proceeding.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subtitle D—Remedies for Noncompliance

SEC. 141. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this Act shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall the ultimate arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.

There are authorized to be appropriated such sums as may be necessary to enable the Attorney General to—

(1) hire 50 full-time or full-time equivalent employees to serve victim-witness advocates to provide assistance to victims of any criminal offense investigated by any department or agency of the Federal Government; and

(2) provide grants through the Office of Victims of Crime to qualified private entities to fund 50 victim-witness advocate positions within those organizations.

SEC. 202. INCREASED TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT, STATE COURT PERSONNEL, AND OFFICERS OF THE COURT TO RESPOND EFFECTIVELY TO THE NEEDS OF VICTIMS OF CRIME.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 203. INCREASED RESOURCES FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES, COURTS, AND PROSECUTORS' OFFICES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

''SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Victims of Crime of the Department of Justice such sums as may be necessary for grants to State and local prosecutors' offices, State courts, county jails, State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

''(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term ''Federal law enforcement program''), by striking ''and'' at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program''), by striking the period at the end and inserting ''; and''; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program'') the following:

''(17) section 230103.''.

SEC. 204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office of Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''qualified unit of State or local government'' means a unit or a State or local government that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Iowa.

(B) Massachusetts.

(C) Ohio.

(D) Tennessee.

(E) Utah.

(F) Vermont.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office; and

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) participates in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 205. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any gifts, bequests, and donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) All unobligated balances transferred to the judicial branch for administrative costs to carry out functions under sections 3611 and 3612 of title 18, United States Code, shall be returned to the Crime Victims Fund and may be used by the Director to improve services for crime victims in the Federal criminal justice system.''; and

(B) in paragraph (4), by adding at the end the following:

''(C) States that receive supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.''.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(B) in paragraph (3), by inserting ''and evaluation'' after ''administration''; and

(2) in subsection (b)(7), by inserting ''because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the comma after ''Director'';

(ii) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(iii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iv) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term 'State' includes—

''(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

''(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end; and

(ii) by adding at the end the following:

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

''(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.'';

(C) by striking paragraph (4) and inserting the following:

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) tribal organization;

''(D) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

''(ii) exempt from taxation under section 501(a) of such Code; or

''(E) other entity that the Director determines to be appropriate.''.

(d) COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OF MASS VIOLENCE.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended—

(1) in subsection (a), by striking ''1404(a)'' and inserting ''1402(d)(4)(B)''; and

(2) in subsection (b), by striking ''1404(d)(4)(B)'' and inserting ''1402(d)(4)(B)''.

SEC. 206. TECHNICAL CORRECTION.

Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''October 1, 1999''.

SEC. 207. SERVICES FOR VICTIMS OF CRIME AND DOMESTIC VIOLENCE.

Section 504 of Public Law 104–134 (110 Stat. 1321–53) shall not be construed to prohibit a recipient (as that term is used in that section) from using funds derived from a source other than the Legal Services Corporation to provide related legal assistance to any person with whom an alien (as that term is used in subsection (a)(11) of that section) has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incidence of violence occurred.

SEC. 208. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected

pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term ''balanced and restorative justice model'' means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(A) protect the community served by the system and agencies; and

(B) ensure accountability of the offender and the system.

Mr. KENNEDY. Madam President, It is a privilege to join in introducing the Crime Victims Empowerment Act. I commend Senator LEAHY and Congresswoman MCCARTHY for their effective leadership on this important issue, and the many organizations who share our concern, especially the National Network to End Domestic Violence, the National Clearinghouse for the Defense of Battered Women, and the NOW Legal Defense Fund.

Too often in the past, the victims of crime have been the forgotten citizens in the criminal justice system. The legislation we are introducing today is an attempt to redress the balance and to guarantee that victims of crime are not victimized a second time by the criminal justice system.

First, the bill establishes new statutory rights for victims of Federal crimes, including expanded rights to participate in all phases of the criminal justice process, from trial through sentencing. Expanded rights are created for victims during trial proceedings.

Second, the bill includes a number of important measures to assist victims of crimes under State laws. A key step here is to provide additional training and resources to State officials. Although most State judges and prosecutors are conscientious, there are too many cases in which the rights and needs of victims are ignored.

Too often, for example, victims of assaults or other violent crimes learn about developments in their case by reading the newspaper, or watching the news on television. Victims should not have to learn about the release of their assailants in these ways. Our bill offers resources to local authorities to take this step and other basic steps to ensure that victims are not left out of the criminal justice provisions in obvious ways like this.

To take another example, there is a critical shortage of victim advocates to provide services and support to crime victims. Our bill addresses this shortage by authorizing the hiring of additional personnel.

These initiatives will not raise the deficit. They are financed by civil penalties paid under the False Claims Act.

There is no need to amend the Constitution to protect the rights of victims of crime. We can accomplish our goal by statute, and ensure that victims are treated with the dignity and respect they deserve. I look forward to early action on this legislation, and to taking the long overdue steps to improve the quality of justice in our society by protecting the rights of victims.

By Mr. MACK (for himself, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 1083. A bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China; to the Committee on Foreign Relations.

THE UNITED STATES-PEOPLE'S REPUBLIC OF CHINA NATIONAL SECURITY AND FREEDOM PROTECTION ACT

Mr. MACK. Mr. President, just over 1 week ago, Congressman CHRIS COX, together with many other Members of the House of Representatives, including BEN GILMAN, GERALD SOLOMON, DUNCAN HUNTER, TILLIE FOWLER, CHRIS SMITH, ED ROYCE, BILL MCCOLLUM, HENRY HYDE, and ILEANA ROS-LEHTINEN introduced an 11-point legislative plan to address our Nation's failure to truly engage the People's Republic of China. Senator TIM HUTCHINSON and I joined in the unveiling of the House proposals to show our support for the good work done by our House colleagues and endorse the leadership of Congressman COX. I also promised at that time to introduce companion legislation in the Senate.

Mr. President, I rise today to offer that bill, the United States-People's Republic of China National Security and Freedom Protection Act. I am proud to say that Senator HUTCHINSON and Senator ASHCROFT are joining me in introducing this bill today.

Mr. President, I also want to congratulate Senator ABRAHAM for his interest and work on developing a China policy. He has played an instrumental role in advancing the debate on this important issue.

Mr. President, I come to this discussion of China policy following my 7 years of involvement with the people of Hong Kong and their commitment to freedom and democratic reforms. As Senate cochair of the congressional caucus on Hong Kong, I traveled to Hong Kong and China in late March of this year with the Democratic cochair, Senator JOE LIEBERMAN.

I must confess that on this recent trip, my concerns for the people of China and the future United States-People's Republic of China relationship increased. I was struck by the dichotomy between the people and the leadership in China. People's Republic of China officials expressed the view that people made governing difficult, as if the people exist for the benefit of the government. This fundamentally opposes my belief that people know what is best for themselves, and that government is for the benefit of the people. The official People's Republic of China view puts people at odds with government.

Mr. President, in China, I attended church and visited with people at the Forbidden City, and saw in the eyes of children and parents throughout China the same thing I see here in America. I saw children full of hope and wonder, and parents full of pride and ambition for their children.

I fear that these differences between the United States and China will lead us toward conflict unless we have a sound policy for which we can actively work toward improving relations. The administration calls their policy ''strategic engagement.'' I call it appeasement. Any policy which does not allow Americans to address their concerns with the People's Republic of China will prove irresponsible. I am introducing this bill today so that the children of China and the United States can grow up in peace, benefiting from each others' freedom and prosperity.

Mr. President, this bill takes root in a belief that our China policy must contain five essential elements.

First, United States policy should seek liberalization of the People's Republic of China Government, responsible behavior by the People's Republic of China, and integration of the People's Republic of China into the community of nations. United States interests are best served in China, as they are everywhere, when they are defined by the United States national security strategy: in the proliferation of democracy and the liberalization of authoritarian forms of government.

Second, United States policy should continue to maintain a strong presence and commitment to leadership and involvement in the Asian Pacific region. The policy should be regionally and globally integrated. The United States shares a stake in China's future with the people of China, the region, and the world.

Third, United States policy should encourage friendship between our nations while protecting national interests and acting on national values. The People's Republic of China does not today, and will not for the foreseeable future, pose a direct military threat to the United States. The People's Republic of China is not an enemy of the United States and should not be made out as such.

Fourth, United States policy toward China should contain resolute and straight-forward toughness. United States policy toward China must not paper over issues which make China feel uncomfortable, but these issues should not dominate the relationship either. United States policy should seek to overcome these differences with the People's Republic of China. The People's Republic of China expects the United States to act honestly and directly, and the American people require a foreign policy which is honest and direct.

And finally, United States policy should be a policy of meaningful engagement which includes the mechanisms of this act. In order to fulfill a meaningful policy with respect to the People's Republic of China, more tools are needed to address American interests beyond those available in the current policy.

Mr. President, this bill provides a broad and positive context for dealing with the People's Republic of China and encouraging China's democratic development.

It is divided into three main sections: national security, human rights, and trade. It uses targeted sanctions and increased diplomacy as its primary tools. Economic sanctions are imposed against the People's Liberation Army, which is banned from operating commercially in the United States. Political sanctions are imposed against human rights violators by denying entry into the United States to those responsible for religious persecution, coercive family planning practices, and political oppression. The act also calls for military sanctions as provided for in the Gore-McCain Nonproliferation Act.

The sanctions are complemented by additional advocacy and reporting requirements placed upon United States diplomatic and customs officers in the People's Republic of China. The act provides for additional authorizations to meet these requirements, as well as to improve the broadcasting effectiveness of Radio Free Asia. To demonstrate support for Taiwan and clarity in our Taiwan policy, the Act requires a bilateral study assessing the need for and feasibility of providing TMD to Taiwan.

The bill concludes with a title calling for review of the mechanisms called for in this act based upon China's behavior.

Mr. President, perhaps within our lifetimes, and almost certainly in the lives of our children, China will become a premier Asian power. Whether that is a threat or a promise depends in large part on whether we rise to the occasion by asserting our values and interests while at the same time helping China meet its new responsibilities. Continuing down a policy track which offers choices only between inadequate engagement or quixotic containment is a journey that will end as it began, in frustration without alternatives. We cannot allow that to be our legacy.

By Mr. WELLSTONE:

S. 1085. A bill to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes; read the first time.

THE BOUNDARY WATERS CANOE AREA WILDERNESS EXPANSION, PROTECTION, AND ACCESS ACT OF 1997

Mr. WELLSTONE. Mr. President, I ask unanimous consent that S. 1085, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1085

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Boundary Waters Canoe Area Wilderness Expansion, Protection, and Access Act of 1997''.

SEC. 2. MOTORIZED PORTAGES.

Section 4 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1650) is amended by striking subsection (g) and inserting the following:

''(g) MOTORIZED PORTAGES.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act shall prevent the operation of a motorized vehicle and associated equipment that is necessary to assist in the transport of a boat across Prairie Portage from the Moose Lake chain to Basswood Lake, and from Lake Vermilion to Trout Lake across the Trout Lake Portage.

''(2) CLEAN AND EFFICIENT VEHICLES.—A vehicle operated as permitted under paragraph (1)—

''(A) may not exceed the dimensions of a ¾ ton pickup truck; and

''(B) shall be a clean-emission and energy-efficient vehicle, as determined by the Secretary.

''(3) NEW TECHNOLOGY.—The Secretary may require the use of vehicles under paragraph (1) that utilize appropriate cost-effective new technology allowing for a cleaner and quieter motorized vehicle as soon as practicable, as determined by the Secretary.

''(4) REMOVAL OF TOW BOATS.—Not later than 30 days after the date on which the operation of motorized vehicles begins under paragraph (1), the Secretary shall terminate any special use permit for a tow boat in Basswood Lake or South Farm Lake.

''(5) INCREASE IN MOTORBOAT PERMITS.—The Secretary shall allow an appropriate increase in the number of motorboat permits for September on Basswood Lake to take into account the removal of commercial tow boats on Basswood Lake.

''(6) NO ADDITIONAL FACILITIES.—Nothing in this subsection permits the building of an overnight facility, building, road, or amenity at a portage site.

''(7) NO SUBSIDY.—The costs of operating a motorized vehicle under this subsection shall be borne by a concessionaire without subsidy from any government.

''(8) CONTINUED OPERATION.—If there is no operation of a motorized vehicle under this subsection by a concessionaire for a significant portion of the ice-free season for 3 consecutive years, this subsection shall cease to have effect.''.

SEC. 3. LAND ADDITIONS TO THE WILDERNESS.

Section 3 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1649) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) ADDITIONAL LAND.—

''(1) IN GENERAL.—The wilderness shall include the land designated on the map entitled 'Boundary Waters Canoe Area—Expansion Proposal', dated July 29, 1997, comprising approximately 21,700 acres.

''(2) ON FILE.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the Chief of the Forest Service and the Supervisor of the Superior National Forest.

''(3) DETAILED LEGAL DESCRIPTION AND MAP.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed legal description and map showing the new boundaries of the wilderness.

''(B) FILING WITH CONGRESS.—The Secretary shall file the legal description and map described in subparagraph (A) with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources of the House of Representatives.

''(C) FORCE OF LAW.—The legal description and map described in subparagraph (A) shall have the same force and effect as if included in this Act.

''(D) CLERICAL AND TYPOGRAPHICAL ERRORS.—The Secretary may correct clerical and typographical errors in the legal description and map described in subparagraph (A) at any time.

''(4) TIMBER ACCESS ROADS.—Any timber access road in the land described in paragraph (1) that is in existence on the date of enactment of this subsection that is needed for operations under a timber sale contract in existence on that date shall remain open only until such time as the operations are completed and the timber sale contract expires.

''(5) LAND EXCHANGES.—Not later that 2 years after the date of enactment of this subsection, the Secretary shall identify and convey to the State or a county, in exchange for land owned by the State or county in the wilderness area described in paragraph (1), Federal land of approximately comparable value, taking into consideration factors such as the timber species, the volume of timber, and the accessibility of timber on the land.''.

SEC. 4. MOTORBOATS ON CANOE LAKE.

Section 4(c)(2) of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1650) is amended by striking ''; Canoe, Cook County''.

SEC. 5. USE OF PISTON BULLY.

Section 4(i) of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1652) is amended by adding at the end the following: ''The Secretary shall allow the use of a piston bully or similar device to groom the portion of the maintained ski trail on the east end of Flour Lake.''.

SEC. 6. PERMIT RESERVATION SYSTEM.

Section 4 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1652) is amended by adding at the end the following:

''(j) PERMIT RESERVATION SYSTEM.—It is the sense of Congress that the Secretary should take steps, if feasible, to move the permit reservation system for the wilderness to northeastern Minnesota. In taking such steps, the Secretary should give preference to a contractor located in a county in which part of the wilderness lies.''.

SEC. 7. ANNUAL GRANTS.

Section 16 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1658) is amended by adding at the end the following:

''(c) ANNUAL GRANTS.—Of the amounts made available under section 21, the Secretary shall make a portion available each year to the State of Minnesota to be used by the Department of Natural Resources to be used to pay the costs of providing employees and equipment in the wilderness (in addition to the employees and equipment being provided before the date of enactment of this subsection) for activities such as—

''(1) campsite restoration;

''(2) trail and campsite maintenance;

''(3) law enforcement;

''(4) monitoring of the management plan described in section 20;

''(5) user education; and

''(6) other appropriate activities, as determined by the Secretary.''.

SEC. 8. AIRSPACE RESERVATION.

The provisions of Executive Order No. 10092 (14 Fed. Reg. 7637) shall be applicable to the areas depicted as wilderness on the map referred to in the amendments made by section 3.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 21 of Public Law 95–495 (16 U.S.C. 1132 note; 92 Stat. 1659) is amended to read as follows:

''SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

''In addition to any other funds authorized to be appropriated for the wilderness, there are authorized to be appropriated to carry out this Act—

''(1) $3,500,000 for fiscal year 1998; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 1998.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 489

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 507

At the request of Mr. HATCH, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 507, a bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

S. 953

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 953, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 1002

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1002, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1067

At the request of Mr. KERRY, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Ohio [Mr. DEWINE], the Senator from Rhode Island [Mr. REED], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 102, a resolution designating August 15, 1997, as ''Indian Independence Day: A National Day of Celebration of Indian and American Democracy.''

SENATE CONCURRENT RESOLUTION 45—TRIBUTE TO HANS BLIX

Mr. GLENN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Whereas Dr. Hans Blix is nearing the completion of 16 years of distinguished service as Director General of the International Atomic Energy Agency is retiring from that position;

Whereas Director General Blix has pursued the fundamental safeguards and nuclear cooperation objectives of the International Atomic Energy Agency with admirable skill and professional dedication; and

Whereas Director General Blix has earned international acclaim for his contributions to world peace and security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the people of the United States—

(1) commends Dr. Hans Blix for his untiring efforts on behalf of world peace and development as the Director General of the International Atomic Energy Agency; and

(2) wishes Dr. Blix a happy and fulfilling future.

Mr. GLENN. Mr. President, I rise today to submit and speak on behalf of my proposed concurrent resolution to honor Dr. Hans Blix, who will soon be retiring after 16 years of service as the Director General of the International Atomic Energy Agency [IAEA].

Unfortunately, it is probably true that many Members of Congress do not fully understand what the IAEA is, what it does, and how it serves our national security interests. I think it is appropriate, therefore, to take just a few minutes to describe the agency that Dr. Blix has directed over these many years of distinguished service.

I would like to begin by discussing what the IAEA is not. The agency is not an organization that specializes in public relations or advertising to herald its achievements. Its officials tend not to be flamboyant. It is not any appendage or puppet of the U.S. Government, though it surely does serve the national security and foreign policy interests of the American people. It is not a police force. It has no army. It has no clandestine intelligence service. It has no ability to finance its operations by raising tax revenues. Indeed,