

think the language much more closely approximates the other amendments to the U.S. Constitution.

I thank Professor Laurence Tribe for his consideration, expertise, and assistance in developing the language toward that end. I am hopeful my colleagues will give a close look at this new protection. The rights protected are essentially the same, but I think the way in which it is done is more in line with other constitutional amendments. I am hopeful we will have an opportunity to make a substantive case for this amendment and to discuss in detail, with our colleagues, the reasons for our desire that we get a vote on it this year.

I will just conclude by noting—especially because starting Sunday we will be celebrating National Crime Victims' Rights Week—the number of groups that are represented here in Washington to participate in various presentations and celebrations of National Crime Victims' Rights Week and who will also be participating in the meeting tomorrow at the Department of Justice.

Supporters include the National Governors Association, which has voted in favor of an amendment. Both the Republican and Democratic Party platforms of the last Presidential election and their nominees supported such an amendment. It is supported by major national victims' rights groups, including Parents of Murdered Children, Mothers Against Drunk Driving, and the National Organization for Victim Assistance, in addition to the Stephanie Roper Foundation, the Arizona Voice for the Crime Victims, Crime Victims United, and Memory of Victims Everywhere.

And especially, in addition to Senator FEINSTEIN and the Attorney General of the United States, who has been very helpful in helping us formulate the specific wording of the amendment, I thank the National Organization for Victims Assistance, the National Constitutional Amendment Network, Mothers Against Drunk Driving, Parents of Murdered Children, Roberta Roper, and the Stephanie Roper Foundation, and Steve Twist, who has been enormously supportive in working the language and coordinating the efforts with these various victims' rights groups. Steve is a lawyer in Phoenix, AZ, and has been indispensable in my efforts.

Finally, Mr. President, Senator FEINSTEIN has asked that I have printed in the RECORD a letter dated April 15, 2002, from Laurence H. Tribe to Senator FEINSTEIN and myself. I will just read two excerpts from it, conclude my remarks, and submit it for the RECORD.

Professor Tribe says:

Dear Senators Feinstein and Kyl:

I think that you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment—an amendment to our most fundamental legal charter, which I agree ought never be altered lightly. . . .

How best to protect that right without compromising either the fundamental rights of the accused or the important prerogatives of the prosecution is not always a simple matter, but I think your final working draft of April 13, 2002, resolves that problem in a thoughtful and sensitive way, improving in a number of respects on the earlier drafts that I have seen. Among other things, the greater brevity and clarity of this version makes it more fitting for inclusion in our basic law. That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. I happily congratulate you both on attaining it.

I would say, editorially, not without substantial help from Professor Tribe himself.

Madam President, I ask unanimous consent that this letter be printed in the RECORD.

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

HARVARD UNIVERSITY
LAW SCHOOL,
Cambridge, MA, April 15, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Hon. JON KYL, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL: I think that you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment—an amendment to our most fundamental legal charter, which I agree ought never to be altered lightly. I will not repeat here the many reasons I have set forth in the past for believing that, despite the skepticism I have detected in some quarters both on the left and on the right, the time is past due for recognizing that the victims of violent crime, as well as those closest to victims who have succumbed to such violence, have a fundamental right to be considered, and heard when appropriate, in decisions and proceedings that profoundly affect their lives.

How best to protect that right without compromising either the fundamental rights of the accused or the important prerogatives of the prosecution is not always a simple matter, but I think your final working draft of April 13, 2002, resolves that problem in a thoughtful and sensitive way, improving in a number of respects on the earlier drafts that I have seen. Among other things, the greater brevity and clarity of this version makes it more fitting for inclusion in our basic law. That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. I happily congratulate you both on attaining it.

A case argued two weeks ago in the Supreme Judicial Court of Massachusetts, in which a woman was brutally raped a decade and a half ago but in which the man who was convicted and sentenced to a long prison term has yet to serve a single day of that sentence, helps make the point that the legal system does not do well by victims even in the many states that, on paper, are committed to the protection of victims' rights. Despite the Massachusetts Victims' Bill of Rights, solemnly enacted by the legislature to include an explicit right on the part of the victim to a "prompt disposition" of the case in which he or she was victimized, the Mas-

sachusetts Attorney General, to who has yet to take the simple step of seeking the incarceration of the convicted criminal pending his on-again, off-again motion for a new trial—a motion that has not been ruled on during the 15 years that this convicted rapist has been on the streets—has taken the position that the victim of the rape does not even have legal standing to appear in the courts of this state, through counsel, to challenge the state's astonishing failure to put her rapist in prison to begin serving the term to which he was sentenced so long ago.

If this remarkable failure of justice represented a wild aberration, perpetrated by a state that has not incorporated the rights to victims into its laws, then it would prove little, standing alone, about the need to write into the United States Constitution a national commitment to the rights of victims. Sadly, however, the failure of justice of which I write here is far from aberrant. It represents but the visible tip of an enormous iceberg of indifference toward those whose rights ought finally to be given formal federal recognition.

I am grateful to you for fighting this fight. I only hope that many others can soon be stirred to join you in a cause that deserves the most widespread bipartisan support.

Sincerely yours,

LAURENCE H. TRIBE.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 240—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN AARON RAISER V. HONORABLE TOM DASCHLE, ET AL

Mr. REID (for himself, and Mr. NICKLES) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas, the Senate, Senator Tom Daschle, and Senator Trent Lott have been named as defendants in the case of Aaron Raiser v. Honorable Tom Daschle, et al., Case No. 01CV894B, now pending in the United States District Court for the District of Utah;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent the Senate and its Members in civil actions with respect to proceedings or actions taken in their official capacities; Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Senate, Senator Tom Daschle, and Senator Trent Lott in the case of Aaron Raiser v. Honorable Tom Daschle, et al.

SENATE RESOLUTION 241—DESIGNATING APRIL 11, 2002, AS "NATIONAL ALTERNATIVE FUEL VEHICLE DAY"

Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. HATCH, Mr. REID, Mr. DASCHLE, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to.

S. RES. 241

Whereas the energy security of the United States needs to be strengthened to prevent future terrorist attacks;

Whereas the United States needs to reduce its dependence on foreign oil;

Whereas the United States needs to improve its air quality by reducing emissions from the millions of motor vehicles on the Nation's roads;

Whereas the United States needs to foster national expertise and technological advancement in cleaner alternative fuel vehicles;

Whereas the people of the United States need more choices in cleaner transportation;

Whereas the people of the United States need to know that alternative fuel vehicles are a positive choice for transportation; and

Whereas it is in the public interest of the United States to foster the support for new and existing technologies that offer more environmentally friendly transportation choices for the people of the United States during peacetime or wartime: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 11, 2002 as "National Alternative Fuel Vehicle Day";

(2) proclaims "National Alternative Fuel Vehicle Day" as a day to promote programs and activities that will lead to the greater use of cleaner transportation in the United States; and

(3) requests the President to issue a proclamation, calling upon interested organizations and the people of the United States—

(A) to promote programs and activities that take full advantage of the new and existing technologies in cleaner alternative fuel vehicles; and

(B) to foster public interest in the use of cleaner alternative fuel vehicles through the dissemination of information.

SENATE CONCURRENT RESOLUTION 101—EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO LIONEL HAMPTON ON THE OCCASION OF HIS 94TH BIRTHDAY

Mr. CRAIG submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 101

Whereas Lionel Hampton is regarded internationally as one of the greatest jazz musicians of all time and has shared his talents with the world for more than eight decades;

Whereas Lionel Hampton has consistently exemplified acceptance, tolerance, and the celebration of racial and cultural diversity, by being one of the first black musicians to perform in venues and events previously open only to white performers, including performances with the Benny Goodman Quartet from 1936–1940, and as the first black musician to perform for a presidential inauguration, that of Harry S. Truman in 1949;

Whereas Lionel Hampton has furthered the cause of cultural understanding and international communication, receiving a Papal Medallion from Pope Pius XII, the Israel Statehood Award, serving as a Goodwill Ambassador for the United States, and receiving the Honor Cross for Science and the Arts, First Class, one of Austria's highest decorations;

Whereas Lionel Hampton is one of the most recorded artists in the history of jazz;

Whereas Lionel Hampton has opened doors for aspiring musicians throughout the world, many of whom have established themselves as giants in the world of jazz, including Cat Anderson, Terrance Blanchard, Clifford Brown, Conte Candoli, Pete Candoli, Betty Carter, Ray Charles, Nat "King" Cole, Bing Crosby, Art Farmer, Carl Fontana, Aretha Franklin, Benny Golson, Al Grey, Slide Hampton, Joe Henderson, Quincy Jones, Bradford Marsalis, Wes Montgomery, James

Moody, Fats Navarro, Joe Newman, Nicholas Payton, Benny Powell, Buddy Tate, Clark Terry, Stanley Turrentine, Dinah Washington, and Joe Williams, among others;

Whereas Lionel Hampton has worked to perpetuate the art form of jazz by offering his talent, inspiration, and production acumen to the University of Idaho since 1983, and in 1985, when the University of Idaho named its school of music after him, Lionel Hampton became first jazz musician to have both a music school and a jazz festival named in his honor;

Whereas Lionel Hampton has received many national accolades, awards, and commemorations, including an American Jazz Masters Fellowship from the National Endowment for the Arts, Kennedy Center Honors, and a National Medal of Arts;

Whereas Lionel Hampton has received numerous awards and commendations by local and State governments and has received acknowledgment from hundreds of civic and performance groups;

Whereas Lionel Hampton's legacy of inspiration, education, and excellence will be perpetuated by the development of the Lionel Hampton Center at the University of Idaho, a facility that combines the finest in performance, scholarship, and research;

Whereas Lionel Hampton has made a difference in many lives by inspiring so many who have now become jazz greats, by reinforcing the importance of education at all levels, and by showing the world a way of life where love and talent are shared without reservation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the American people, extends its birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3126. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; which was ordered to lie on the table.

SA 3127. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3525, *supra*; which was ordered to lie on the table.

SA 3128. Mr. BYRD proposed an amendment to the bill H.R. 3525, *supra*.

SA 3129. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3130. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill S. 517, *supra*; which was ordered to lie on the table.

SA 3131. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3126. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 6 and 7, insert the following:

SEC. 403. PREARRIVAL MESSAGES FROM OTHER VESSELS DESTINED TO UNITED STATES PORTS.

(a) IN GENERAL.—Section 4(a)(5) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(5)) is amended by striking paragraph (5) and inserting the following:

"(5)(A) may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States, not later than 96 hours before the vessel's arrival or such time as deemed necessary under regulations promulgated by the Secretary to provide any information that the Secretary determines is necessary for control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment, including—

"(i) the route and name of each port and each place of destination in the United States;

"(ii) the estimated date and time of arrival at each port or place;

"(iii) the name of the vessel;

"(iv) the country of registry of the vessel;

"(v) the call sign of the vessel;

"(vi) the International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

"(vii) the name of the registered owner of the vessel;

"(viii) the name of the operator of the vessel;

"(ix) the name of the classification society of the vessel;

"(x) a general description of the cargo on board the vessel;

"(xi) in the case of certain dangerous cargo—

"(I) the name and description of the dangerous cargo;

"(II) the amount of the dangerous cargo carried;

"(III) the stowage location of the dangerous cargo; and

"(IV) the operational condition of the equipment under section 164.35 of title 33 of the Code of Federal Regulations;

"(xii) the date of departure and name of the port from which the vessel last departed;

"(xiii) the name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

"(xiv) the location or position of the vessel at the time of the report;

"(xv) a list of crew members on board the vessel, including with respect to each crew member—

"(I) the full name;

"(II) the date of birth;

"(III) the nationality;

"(IV) the passport number or mariners document number; and

"(V) the position or duties;

"(xvi) a list of persons other than crew members onboard the vessel, including with respect to each such person—

"(I) the full name;

"(II) the date of birth;

"(II) the nationality; and

"(IV) the passport number; and

"(xvii) any other information required by the Secretary; and

"(B) any changes to the information required by subparagraph (A), except changes in the arrival or departure time of less than 6 hours, must be reported as soon as practicable but not less than 24 hours before entering the port of destination. The Secretary may deny entry of a vessel into the territorial sea of the United States if the Secretary has not received notification for the vessel in accordance with this paragraph."