

(Mr. CARDIN) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1244

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. RES. 618

At the request of Mr. WICKER, his name was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3703. A bill to improve the ability of consumers to control their digital data usage, promote Internet use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I rise today to introduce legislation which promotes innovation and the expansion of the digital economy.

Every day, each and every American grows increasingly reliant on the Internet. We use it at work, at home at school, and on the go. The Internet has changed the way we communicate, the way we share and speak, and it is transforming our economy.

As the Internet becomes increasingly important to American consumers, businesses and innovators, Internet Service Providers, or ISPs, are increasingly imposing caps on the amount of data that consumers may move over the Net. Unfortunately, because of a lack of competition in Internet broadband services, the imposition of data caps raises a public policy concern. Data caps are appropriate if they are carefully constructed to manage network congestion but as the New York Times has editorialized, they "should not just be a way for Internet providers to extract monopoly rents." The imposition of data caps also risks undermining online competition and innovation as the market for digital goods and services expands.

In order to empower consumers to better manage their data usage and promote online innovation, I am spon-

soring the Data Cap Integrity Act. This bill will give consumers the tools they need to manage their own data usage, institute industry-wide data measurement accuracy standards for ISPs, and impose disciplines to ensure that ISPs' data caps are truly designed to manage network congestion.

The Data Measurement Integrity Act requires the Federal Communications Commission, or FCC, to establish standards for how ISPs measure data and make certain that data caps are designed to manage network congestion rather than monetize data in ways that undermine online innovation. Furthermore, this bill ensures that consumers are provided tools to manage their data consumption and that ISPs cannot for purposes of measuring data, discriminate against any content.

Internet use is central to our lives and to our economy. Future innovation will undoubtedly require consumers to use more and more data, data caps should not impede this innovation and the jobs it creates.

I look forward to working with my colleagues and stakeholders to discuss this legislation, consider improvements to it, and work toward its adoption into law.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3704. A bill to clarify the authorized uses of funds in the Crime Victims Fund; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce a bill to clarify the use of funds in the Crime Victims Fund. I am pleased to be joined by Senator FEINSTEIN.

Federal law makes money from the Crime Victims Fund available to the Department of Justice "for the United States Attorneys Offices and the Federal Bureau of Investigation to improve services for the benefit of crime victims in the Federal criminal justice system, and for a Victim Notification System." 42 U.S.C. 10601(d)(3).

This money is used, among other purposes, to fund positions for Victim Advocates in the United States Attorneys' Offices throughout the Federal jurisdiction. These Advocates are crucial to the system.

We must make sure that DOJ uses Victim Advocates for services "for the benefit of crime victims."

Advocates should not be providing travel services. Advocates should not be forced to wear two hats: fact witness management and victim services. Often these hats conflict with one another at the expense of victims.

According to a letter from John W. Gillis, the former Director of the Office for Victims of Crime, U.S. Department of Justice, "Travel services required of Advocates have included approving fact witness travel, making or authorizing travel arrangements or cancellations, changes to travel and lodging arrangements for witnesses, reconciling errors, handling with hotels, and seek-

ing approval for government employee witnesses. This runs counter to the law and is a matter of serious concern."

Here is a sample of U.S. Attorney websites, which shows that Advocates make witness travel arrangements.

#### FLORIDA

Services provided to crime victims and witnesses by the U.S. Attorney's Office include: notice of case events; information concerning their rights; information about case proceedings and the criminal justice system in general; referrals to medical and/or social service providers; assistance with travel arrangements; and logistical information concerning transportation, parking, child care, etc.

<http://www.justice.gov/usao/fl/programs/VW/vwa.html>

#### VERMONT

The U.S. Attorney's Office Victim and Witness Assistance Program can assist eligible Federal crime victims and witnesses with the following:

Provide logistical information and assistance to witnesses with respect to directions, transportation, parking, witness fees and travel reimbursement; assistance with airline and lodging arrangements is provided for out-of-state witnesses;

[http://www.justice.gov/usao/vt/victim\\_witness/vw\\_uaservices.html](http://www.justice.gov/usao/vt/victim_witness/vw_uaservices.html)

#### NORTHERN DISTRICT OF ALABAMA

If you have been subpoenaed to testify on behalf of the federal government and you are not a federal government employee, you are entitled to certain fees for coming to court. These are the types of fees that federal fact witnesses are entitled to:

\$40.00 for each day that you have to be available to testify, plus travel days.

Reimbursement for round-trip mileage to and from the courthouse at the current government mileage reimbursement rate if you drove your privately-owned vehicle.

Reimbursement for parking, taxis, and excess baggage fees. All of these claims must be supported by receipts. If you choose to mail your receipts to the USAO at a later time, please advise the USAO staff member assisting you that you will do so in order for us to include these amounts in your reimbursement.

A daily meal allowance based on the current government meal allowance rate if you are away from home overnight. You are not required to provide receipts for your meals.

To receive these entitlements, you are required to complete a form referred to as an OBD-3, Fact Witness Voucher. Our Victim-Witness staff will assist you in completing the form. If you have not completed your form prior to being dismissed from court, please contact them at the numbers set out earlier.

If you are away from home overnight, we will make travel, air, train, or bus fare, and lodging arrangements for you. If you need to make changes in these arrangements, we must make the changes for you.

<http://www.justice.gov/usao/aln/federalwitness.html>

#### WESTERN DISTRICT OF TENNESSEE

As a victim or witness, you may have questions about transportation, the location of the courthouse, food service, or where to go and what time to appear. You should feel free to ask either the case agent, the Assistant United States Attorney, or the Victim-Witness Coordinator about them. If you are an out-of-town witness, you must contact the Victim-Witness Coordinator to make all your travel arrangements, the federal government is very specific on when it can and cannot reimburse witnesses.

<http://www.justice.gov/usao/tnw/brochures/vwhandbook.html>

## NEW HAMPSHIRE

Fact Witness: "a person whose testimony consists of the recitation of facts or events." The Victim Witness Specialist provides information and education about the judicial process and assists witnesses who are subpoenaed to testify in a federal court proceeding with travel arrangements and other needs and may come up relating to their appearance in court. The Victim Witness Specialist often accompanies the witness to the courtroom to ensure the witness's safety and to address any concerns the witness may have while waiting to testify.

<http://www.justice.gov/usao/nh/aboutus/divisions/vicwitdiv.html>

The interests of victims of serious federal crimes, including crimes of violence, such as rape, child molestation, and horrific homicides, whose needs are immediate and complex, should not be subordinated to the demands of administrative duties unrelated to Congress' purposes for the Crime Victims Fund.

Fact Witness travel responsibilities directly hinder victim services by prolonging crisis response or intervention techniques to help traumatized and grieving victims, delaying coordination with other social service agencies to help victims of violence, decreasing time for Advocates to meet with victims to assess their immediate safety needs and address them, and delaying or denying time to develop rapport and help victims understand their rights and the criminal justice process.

Victims often find the system overwhelming and it is critical for the Advocates to be able to meet with them to explain their rights and speak personally to them to develop trust. Advocates must have time to address specific victim centered issues.

Many problems arise if Advocates do not have such time: delaying or denying time to implement effective strategies for reducing on-going trauma and stress; delaying or denying time to improve support systems and help victims overcome the community pressures they may experience due to aiding the prosecution; delaying or denying time to seek resources to meet the needs of victims; delaying or denying time to assist victims with impact statements; delaying or denying time to help victims collect restitution information and associated receipts; delaying or denying time to effect safety assessment and planning which can change with time; interrupting court accompaniment, leaving victims to deal with a process that is intimidating and confusing, often forcing victims, including child victims, to face the defendant alone without the emotional support, guidance, and advocacy to which they are entitled; preventing the Advocate's ability to assess the victim's on-going safety needs, which can change with time; preventing timely follow up and forcing delay finding additional resources or referrals to meet the needs of the victims; and preventing proper trial preparation and court room orientation. Trial preparation is a vulnerable time for victims who often feel exposed, scared, and vulnerable. It can trigger a variety of emotions and reac-

tions as they prepare to testify about the specific events related to the crime.

There are other harmful effects of the travel work. Advocates are unable to regularly participate in victim-centered meetings with state, local, and federal agencies. This limits the Advocates' ability to learn about new resources, work together in adapting new strategies to help victims, share in information that is necessary to assist victims in the process, develop best practices, planning to reduce stress and trauma, learning about specific victim issues and current research to address some of the issues, provide community outreach, and develop training tools to educate the community to increase awareness on victim rights issues.

It is the intent of Congress by this amendment to make it clear that the funds authorized for victims services under section 42 U.S.C. 10601(d)(3) be clearly limited to those purposes including the work of victim advocates, victim advocate supervisors, and their direct support staff so that none of the money available is used for purposes that do not benefit crime victims.

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

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

DECEMBER 14, 2012.

Senator DIANNE FEINSTEIN,  
Hart Senate Office Building, Washington, DC.  
Senator JON KYL,  
Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL, I served as the Director, Office for Victims of Crime, U. S. Department of Justice from September, 2001 to January, 2009. During that period it was our ongoing struggle with EOUSA to restrict spending VOCA funds to victims of crime and not to use funds for witnesses who were not victims of crime.

Travel services required of Advocates have included approving fact witness travel, making or authorizing travel arrangements or cancellations, making changes to travel and lodging arrangements for witnesses, reconciling errors, handling issues with hotels, and seeking approval for government employee witnesses. This runs counter to the law and is a matter of serious concern.

Respectfully,

JOHN W. GILLIS,  
Former Director, Office for  
Victims of Crime,  
U.S. Department of Justice.

S. 3704

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

**SECTION 1. CRIME VICTIMS FUND.**

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C.10601(d)(3)) is amended by—

(1) inserting "(A)" before "Of the sums"; and

(2) by adding at the end the following:

"(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in subparagraph (A)."

Mrs. FEINSTEIN. Mr. President, I rise today to join my friend and col-

league, Senator KYL, in introducing legislation that will ensure that monies in the Crime Victims Fund are used for their intended purpose, to help victims of crime.

Senator KYL and I have long worked together to improve the treatment of victims in our criminal justice system. In 2004, we passed the Crime Victims' Rights Act. Because of that legislation, for the first time, victims were given the right to be heard in what is really their own case, and to participate in the proceedings against the accused.

The legislation we are introducing today will strengthen another area of federal law that has a profound impact on the ability of victims to navigate the criminal justice system. In 1984, Congress established the Crime Victims Fund to provide support for victim compensation and assistance programs. This past year, \$37 million from the Crime Victims Fund was used to support over 300 victim-witness coordinators and specialists within the Department of Justice's 93 U.S. Attorney's Offices and the FBI's 56 field offices. These personnel advise victims of their rights, update victims on the status of criminal proceedings against the accused, and otherwise assist victims with understanding the operation of the judicial system.

However, it was recently brought to the attention of Senator KYL and myself that these victim-witness coordinators and specialists are being asked to perform duties unrelated to the provision of services for victims. The diversion of funds from victim services prompted the National Organization for Victim Assistance to send a letter this past June, which I am submitting for the record, calling on Congress to clarify the purposes for which monies in the Crime Victims Fund may be used. Senator KYL's and my legislation would do just that. It will make clear that resources available under the Crime Victims Fund may be used only to support services for victims.

A person who is a victim of a crime may have never stepped foot inside a courtroom or had any other interaction with our legal system prior to the commission of the crime. Yet, so much is at stake for that victim when the accused is prosecuted. Congress established the Crime Victims Fund to ensure that victims are able to fully participate in their case. We must make certain that 100 percent of these funds are used to support victims during their time of great need.

The legislation Senator KYL and I are introducing today has already passed out of the Judiciary Committee as part of the Justice For All Reauthorization Act of 2011. While that broader legislation has unfortunately stalled, it is my hope that the Senate and House can quickly pass this one specific, uncontroversial piece, to ensure that victims of crime have all the support that they need and deserve.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 626—DESIGNATING APRIL 24, 2014, AS “JAN KARSKI DAY”

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 626

Whereas Jan Karski was born on April 24, 1914, in Lodz, Poland;

Whereas Jan Karski escaped the Soviet massacre in the Katyn forest in 1940;

Whereas Jan Karski became a key emissary in the Polish underground resistance against Nazi occupation;

Whereas Jan Karski chose to risk his own life by staying in Poland after escaping a prisoner of war camp and enduring Gestapo torture in order to provide critical intelligence to the Allied war effort and alert Allied governments about the Holocaust;

Whereas Jan Karski provided eyewitness testimony during the war about the horrors in occupied Poland to British Foreign Minister Anthony Eden and United States President Franklin Roosevelt;

Whereas Jan Karski enrolled in Georgetown University after World War II and earned a doctor of philosophy in 1952;

Whereas Jan Karski became a United States citizen and taught at Georgetown University for 40 years, dedicating the rest of his life to ensuring that the full extent of the Nazi atrocities are never forgotten; and

Whereas Jan Karski was awarded the Presidential Medal of Freedom posthumously on May 29, 2012, 1 of the highest civilian honors in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 24, 2014, as “Jan Karski Day”;

(2) recognizes the life and legacy of Dr. Jan Karski and expresses its gratitude for his efforts in informing the free world of the atrocities committed by Nazi and totalitarian forces in Poland during World War II;

(3) applauds the awarding of the Presidential Medal of Freedom to Jan Karski for his efforts during World War II and in reaffirming the importance of the United States-Polish bilateral relationship; and

(4) requests that the Secretary transmit an enrolled copy of this resolution to the family of Jan Karski and to the Ambassador of Poland to the United States.

## SENATE RESOLUTION 627—DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

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

S. RES. 627

*Resolved*, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3408. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3409. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3410. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3411. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3412. Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. WYDEN, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3413. Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3414. Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3415. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3416. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3417. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3418. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3419. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3420. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3421. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3422. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3421 submitted by Mrs. FEINSTEIN (for herself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3423. Mr. DURBIN (for Ms. MURKOWSKI) proposed an amendment to the bill H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

SA 3424. Mr. DURBIN (for Mr. BEGICH) proposed an amendment to the bill S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

## TEXT OF AMENDMENTS

SA 3408. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 12 through 14.

SA 3409. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_ BUDGET OFFSET AND ELIMINATING THE EMERGENCY DESIGNATION.

(a) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$60,407,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMITATION.—Of the accounts and programs included in paragraph (1), the rescissions amounts shall not reduce the combined aggregate budget authority of those accounts and programs below \$5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in that section shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs included as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(b) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to including subsection (a)(2), the allocation of rescissions from the accounts or programs as specified in subsection (a)(1), shall be determined by the Director of the Office of Management and Budget.

(c) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 3410. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_ BUDGET OFFSET.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal \$8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7,