Illinoisans can take great pride in Mr. Norwood's dedication to Southern Illinois University and the State of Illinois. A former U.S. Air Force pilot who flew B–52's, Mr. Norwood used that experience to go to work for United Airlines in 1965. While a United Airlines pilot, Mr. Norwood received several awards, including a community relations award. Mr. Norwood has served his community and State well.

I wish my friend and his family the best in his retirement. I am sure he will continue to be active in Illinois serving the community and the State.●

## ORDER OF BUSINESS

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I would like to, on behalf of the distinguished majority leader, proceed with other matters now pending before the Senate.

## EXTEND ENROLLMENT MIX REQUIREMENT TO CERTAIN HEALTH MAINTENANCE ORGANIZATIONS PROVIDING SERVICES UNDER DAYTON AREA HEALTH PLAN

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1878, extending for 2 years certain requirements relating to Dayton Area Health Plan, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1878) to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements appear at an appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1878) was deemed to have been read the third time and passed.

## PENSION INCOME TAXATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar number 296, H.R. 394, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 394) to amend title 4 of the United States Code to limit State taxation of certain pension income.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, and the motion to reconsider be laid upon the table. Further, that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 394) was deemed to have been read the third time and passed.

Mr. WARNER. I noted a similar bill has passed the Senate on four occasions.

## THE VICTIMS JUSTICE ACT OF 1995

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 257, H.R. 665, the victims restitution bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 665) to control crime by mandatory victim restitution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Victims Justice Act of 1995''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*

*TITLE I—RESTITUTION*

*Sec. 101. Order of restitution.*
*Sec. 102. Conditions of probation.*
*Sec. 103. Mandatory restitution.*
*Sec. 104. Order of restitution to victims of other crimes.*
*Sec. 105. Procedure for issuance and enforcement of restitution order.*
*Sec. 106. Procedure.*
*Sec. 107. Juvenile delinquency; dispositional hearing.*
*Sec. 108. Instruction to Sentencing Commission.*
*Sec. 109. Justice Department regulations.*
*Sec. 110. Special assessments on convicted persons.*
*Sec. 111. Crime Victims Fund.*
*Sec. 112. Victims of terrorism act.*
*Sec. 113. Effective date.*

*TITLE II—MISCELLANEOUS PROVISIONS*

*Sec. 201. Severability.*
*Sec. 202. Study and report.*

***TITLE I—RESTITUTION***

***SEC. 101. ORDER OF RESTITUTION.***

*Section 3556 of title 18, United States Code, is amended—*

*(1) by striking ''may'' and inserting ''shall''; and*

*(2) by striking ''sections 3663 and 3664.'' and inserting ''3663A, and may order restitution in accordance with section 3663. The procedures under section 3664 shall apply to all orders of restitution under this section.''.*

***SEC. 102. CONDITIONS OF PROBATION.***

*Section 3563 of title 18, United States Code, is amended—*

*(1) in subsection (a)—*

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

*(B) in the first paragraph (4) (relating to conditions of probation for a domestic crime of violence), by striking the period and inserting a semicolon;*

*(C) by redesignating the second paragraph (4) (relating to conditions of probation concerning drug use and testing) as paragraph (5);*

*(D) in paragraph (5), as redesignated, by striking the period at the end and inserting a semicolon; and*

*(E) by inserting after paragraph (5), as redesignated, the following new paragraphs:*

*''(6) that the defendant—*

*''(A) make restitution in accordance with sections 2248, 2259, 2264, 3663, 3663A, and 3664;*

*''(B) pay the assessment imposed in accordance with section 3013; and*

*''(7) that the defendant will notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.''; and*

*(2) in subsection (b)—*

*(A) by striking paragraphs (2) and (3); and*

*(B) by redesignating paragraphs (4) through (22) as paragraphs (2) through (20), respectively.*

***SEC. 103. MANDATORY RESTITUTION.***

*(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting immediately after section 3663 the following new section:*

***''§3663A. Mandatory restitution to victims of certain crimes***

*''(a)(1) Notwithstanding any other provision of law, when sentencing a defendant convicted of an offense described in subsection (c), the court shall order, in addition to any other penalty authorized by law, that the defendant make restitution to the victim of the offense, or, if the victim is deceased, to the victim's estate.*

*''(2) For purposes of restitution, a victim of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity means any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court. In no event shall the defendant be named as such representative or guardian.*

*''(3) The court shall also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.*

*''(b) The order of restitution shall require that such defendant—*

*''(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—*

*''(A) return the property to the owner of the property or someone designated by the owner; or*

*''(B) if return of the property under subparagraph (A) is impossible, impracticable, or inadequate, pay an amount equal to—*

*''(i) the greater of—*

*''(I) the value of the property on the date of the damage, loss, or destruction; or*

*''(II) the value of the property on the date of sentencing, less*

*''(ii) the value (as of the date the property is returned) of any part of the property that is returned;*

''(2) in the case of an offense resulting in bodily injury to a victim—

''(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

''(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

''(C) reimburse the victim for income lost by such victim as a result of such offense;

''(3) in the case of an offense resulting in bodily injury that results in the death of the victim, pay an amount equal to the cost of necessary funeral and related services; and

''(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses incurred during participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

''(c)(1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense—

''(A) that is—

''(i) a crime of violence, as defined in section 16;

''(ii) a felony against property under this title, including any felony committed by fraud or deceit;

''(iii) an offense described in section 1365 (relating to tampering with consumer products); or

''(iv) an offense described in part D of the Controlled Substances Act (21 U.S.C. 841 et seq.); and

''(B) in which an identifiable victim or victims has suffered a physical injury or pecuniary loss.

''(2) In the case of a plea agreement that does not result in a conviction for an offense described in paragraph (1), this section shall apply only if the plea specifically states that an offense listed under such paragraph gave rise to the plea agreement.

''(3) This section shall not apply if the court finds, from facts on the record, that—

''(A) the number of identifiable victims is so large as to make restitution impracticable; or

''(B) determining complex issues of fact related to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

''(d) An order of restitution under this section shall be issued and enforced in accordance with section 3664.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 232 of title 18, United States Code, is amended by inserting immediately after the matter relating to section 3663 the following:

''3663A. Mandatory restitution to victims of certain crimes.''.

**SEC. 104. ORDER OF RESTITUTION TO VICTIMS OF OTHER CRIMES.**

(a) IN GENERAL.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''(a)(1) The court'' and inserting ''(a)(1)(A) The court'';

(B) by inserting ''other than an offense described in section 3663A(c),'' after ''under this title or section 46312, 46502, or 46504 of title 49,'';

(C) by inserting before the period at the end the following: '', or if the victim is deceased, to the victim's estate''; and

(D) by adding at the end the following new subparagraph:

''(B) The court, in determining whether to order restitution under this section, shall consider the amount of the loss sustained by each victim as a result of the offense, and may consider the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. To the extent that the court determines that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution under this section outweighs the need to provide restitution to any victims, the court may decline to make such an order.'';

(2) by striking subsections (c) through (i); and

(3) by adding at the end the following new subsection:

''(c) An order of restitution made pursuant to this section shall be issued and enforced in accordance with section 3664.''.

(b) SEXUAL ABUSE.—Section 2248 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or 3663A'' after ''3663'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).'';

(B) by amending paragraph (2) to read as follows:

''(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.'';

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

(c) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—Section 2259 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or 3663A'' after ''3663'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).'';

(B) by amending paragraph (2) to read as follows:

''(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.'';

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (e).

(d) DOMESTIC VIOLENCE.—Section 2264 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or 3663A'' after ''3663'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).'';

(B) by amending paragraph (2) to read as follows:

''(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.'';

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (g); and

(4) by adding at the end the following new subsection (c):

''(c) VICTIM DEFINED.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.''.

**SEC. 105. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION ORDER.**

(a) IN GENERAL.—Section 3664 of title 18, United States Code, is amended to read as follows:

**''§3664. Procedure for issuance and enforcement of order of restitution**

''(a) For orders of restitution under this title, the court shall order the probation service of the court to obtain and include in its presentence report, or in a separate report, as the court directs, information sufficient for the court to exercise its discretion in fashioning a restitution order. The report shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant.

''(b) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

''(c) The provisions of this chapter, chapter 227, and Rule 32(c) of the Federal Rules of Criminal Procedure shall be the only rules applicable to proceedings under this section.

''(d)(1) Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing—

''(A)(i) the United States Attorney (or the United States Attorney's delegee), after consulting with all victims, shall prepare and file a statement with the probation service of the court listing the amounts subject to restitution;

''(ii) the statement shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victims; and

''(iii) if any victim objects to any of the information included in the statement, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so; and

''(B) each defendant shall prepare and file with the probation service of the court an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant's dependents, and other information the court requires relating to such other factors as the court deems appropriate.

''(2) If the court concludes, after reviewing the report of the probation service of the court and the supporting documentation, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

''(3) If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after

*sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.*

*''(4) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.*

*''(e) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and such defendant's dependents shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.*

*''(f)(1)(A) In each order of restitution, the court shall order restitution to each victim in the full amount of each victim's losses as determined by the court and without consideration of the economic circumstances of the defendant.*

*''(B) Subject to subsection (k), subparagraph (A) shall not apply if—*

*''(i) the court finds from facts on the record that the economic circumstances of the defendant do not allow the payment of any amount of a restitution order, and do not allow for the payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments; and*

*''(ii) the court enters in its order the full amount of each victim's losses and provides a full restitution award with nominal periodic payments.*

*''(C) In no case shall the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source be considered in determining the amount of restitution.*

*''(2) Upon determination of the amount of restitution owed to each victim, the court shall, pursuant to section 3572, specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—*

*''(A) the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled;*

*''(B) projected earnings and other income of the defendant; and*

*''(C) any financial obligations of the defendant; including obligations to dependents.*

*''(3) A restitution order may direct the defendant to make a single, lump-sum payment, partial payment at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.*

*''(4) An in-kind payment described in paragraph (3) may be in the form of—*

*''(A) return of property;*

*''(B) replacement of property; or*

*''(C) if the victim agrees, services rendered to the victim or a person or organization other than the victim.*

*''(g)(1) No victim shall be required to participate in any phase of a restitution order. If a victim declines to receive restitution made mandatory by this title, the court shall order that the victim's share of any restitution owed be deposited in the Crime Victims Fund in the Treasury. In the case of in-kind restitution ordered pursuant to subsection (f)(1)(B) or (f)(3), the court shall order that restitution be made to the State crime victim compensation program in the State in which the victim resides.*

*''(2) A victim may at any time assign the victim's interest in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments.*

*''(h) If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the victim's loss and economic circumstances of each defendant.*

*''(i) If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may provide for different payment schedules to reflect the economic circumstances of each victim. In any case in which the United States is a victim, the court shall ensure that all individual victims receive full restitution before the United States receives any restitution.*

*''(j)(1) If a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution shall be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.*

*''(2) Any amount paid to a victim under an order of restitution shall be reduced by any amount later recovered as compensatory damages for the same loss by the victim in—*

*''(A) any Federal civil proceeding; and*

*''(B) any State civil proceeding, to the extent provided by the law of the State.*

*''(k) A restitution order shall provide the following:*

*''(1) That the entry, collection, and enforcement of an order of restitution shall be governed by the provisions of this section, subchapter C of chapter 227, and subchapter B of chapter 229.*

*''(2) That the defendant shall notify the court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution. The Attorney General shall certify to the court that the victim or victims owed restitution by the defendant have been notified of the change in circumstances. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.*

*''(l)(1) An order of restitution shall be enforced by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title, and may be enforced by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.*

*''(2) An order of in-kind restitution in the form of services shall be enforced by the probation service of the court.*

*''(m) If a person obligated to provide restitution receives substantial resources from any source, including inheritance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution still owed.''.*

*(b) TECHNICAL AMENDMENT.—The item relating to section 3664 in the analysis for chapter 232 of title 18, United States Code, is amended to read as follows:*

*''3664. Procedure for issuance and enforcement of order of restitution.''.*

***SEC. 106. PROCEDURE.***

*(a) AMENDMENT OF FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 32(b) of the Federal Rules of Criminal Procedure is amended—*

*(1) in paragraph (1), by adding at the end the following: ''Notwithstanding the preceding sentence, a presentence investigation and report, or other report containing information sufficient for the court to enter an order of restitution, as the court directs, shall be required in any case in which restitution is required to be ordered.''; and*

*(2) in paragraph (4)—*

*(A) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and*

*(B) by inserting after subparagraph (E), the following new subparagraph:*

*''(F) in appropriate cases, information sufficient for the court to enter an order of restitution;''.*

*(b) FINES.—Section 3572 of title 18, United States Code, is amended—*

*(1) in subsection (b) by inserting ''other than the United States,'' after ''offense,'';*

*(2) in subsection (d)—*

*(A) in the first sentence, by striking ''A person sentenced to pay a fine or other monetary penalty'' and inserting ''(1) A person sentenced to pay a fine or other monetary penalty, including restitution,'';*

*(B) by striking the third sentence; and*

*(C) by adding at the end the following:*

*''(2) If the judgment, or, in the case of a restitution order, the order, permits other than immediate payment, the length of time over which scheduled payments will be made shall be set by the court, but shall be the shortest time in which full payment can reasonably be made.*

*''(3) A judgment for a fine which permits payments in installments shall include a requirement that the defendant will notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine. Upon receipt of such notice the court may, on its own motion or the motion of any party, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.'';*

*(3) in subsection (f), by inserting ''restitution'' after ''special assessment,'';*

*(4) in subsection (h), by inserting ''or payment of restitution'' after ''A fine''; and*

*(5) in subsection (i)—*

*(A) in the first sentence, by inserting ''or payment of restitution'' after ''A fine''; and*

*(B) by amending the second sentence to read as follows: ''Notwithstanding any installment schedule, when a fine or payment of restitution is in default, the entire amount of the fine or restitution is due within 30 days after notification of the default, subject to the provisions of section 3616A.''.*

*(c) POSTSENTENCE ADMINISTRATION.—*

*(1) PAYMENT OF A FINE OR RESTITUTION.—Section 3611 of title 18, United States Code, is amended—*

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

***''§ 3611. Payment of a fine or restitution'';***

*(B) by striking ''or assessment shall pay the fine or assessment'' and inserting '', assessment, or restitution, shall pay the fine, assessment, or restitution''; and*

*(C) by adding at the end the following: ''In the case of restitution, the victim may request that payment be made directly to the victim or the victim's designee.''.*

*(2) COLLECTION.—Section 3612 of title 18, United States, is amended—*

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

***''§ 3612. Collection of unpaid fine or restitution'';***

*(B) in subsection (b)(1)—*

*(i) in the matter preceding subparagraph (A), by inserting ''or restitution order'' after ''fine'';*

*(ii) in subparagraph (C), by inserting ''or restitution order'' after ''fine'';*

*(iii) in subparagraph (E), by striking ''and'';*

*(iv) in subparagraph (F)—*

*(I) by inserting ''or restitution order'' after ''fine''; and*

*(II) by inserting ''and'' at the end; and*

*(v) by adding at the end the following new subparagraph:*

''(G) in the case of a restitution order, information sufficient to identify each victim to whom restitution is owed. It shall be the responsibility of each victim to notify the Attorney General, by means of a form to be provided by the Attorney General, of any change in the victim's mailing address while restitution is still owed the victim.'';

(C) in subsection (c)—

(i) in the first sentence, by inserting ''or restitution'' after ''fine'';

(ii) by inserting between the first and second sentences the following: ''In the case of restitution, the Attorney General shall ensure that payments are transferred to the victim.''; and

(iii) by adding at the end the following: ''Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

''(1) A penalty assessment under section 3013 of title 18, United States Code.

''(2) Restitution of all victims.

''(3) All other fines, penalties, costs, and other payments required under the sentence.'';

(D) in subsection (d)—

(i) by inserting ''or restitution'' after ''fine''; and

(ii) by striking ''is delinquent, to inform him that the fine is delinquent'' and inserting ''or restitution is delinquent, to inform the person of the delinquency'';

(E) in subsection (e)—

(i) by inserting ''or restitution'' after ''fine''; and

(ii) by striking ''him that the fine is in default'' and inserting ''the person that the fine or restitution is in default'';

(F) in subsection (f)—

(i) in the heading, by inserting ''and restitution'' after ''on fines''; and

(ii) in paragraph (1), by inserting ''or restitution'' after ''any fine'';

(G) in subsection (g), by inserting ''or restitution'' after ''fine'' each place it appears; and

(H) in subsection (i), by inserting ''and restitution'' after ''fines''.

(3) CIVIL REMEDIES.—Section 3613 of title 18, United States Code, is amended—

(A) in the heading, by inserting ''or restitution'' after ''fine'';

(B) in subsection (a)—

(i) by striking ''A fine'' and inserting the following:

''(1) FINES.—A fine'';

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting accordingly; and

(iii) by adding at the end the following new paragraph:

''(2) RESTITUTION.—(A) An order of restitution shall operate as a lien in favor of the United States and crime victims against all property belonging to the defendant or defendants. The lien shall arise at the time of the entry of judgment or order and shall continue until the liability is satisfied, remitted, or set aside, or until it becomes otherwise unenforceable. Such lien shall apply against all property and property interests owned by the defendants at the time of arrest as well as all property subsequently acquired by the defendant or defendants.

''(B)(i) In a case in which some or all of the victims are not ascertainable at the time the restitution order is issued, the lien shall be entered in the name of all ascertained victims, if any, and the United States in behalf of the unascertained victims.

''(ii) If the court determines that all victims have been ascertained, no lien interest shall arise in favor of the United States, unless a person entitled to restitution chooses not to participate in the restitution program.

''(iii) In a case in which persons entitled to restitution cannot assert their interests in the lien for any reason, a lien shall arise in favor of the United States acting in behalf of such persons.

''(iv) In any action to enforce a restitution lien in which there is more than one lienholder for the subject property—

''(I) the lienholder seeking to enforce the lien must notify all other lienholders; and

''(II) the court shall make a determination, in the interest of justice, of the equitable distribution of the property subject to the lien.

''(3) JOINTLY HELD PROPERTY.—If property subject to a lien pursuant to this subsection is held jointly by the defendant and a third party or parties, the court shall make a determination, in the interest of justice, as to—

''(A) the enforceability of the lien; and

''(B) the proper distribution of the property.'';

(C) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

''(1) the later of 20 years after the entry of the judgment or 20 years after the release from imprisonment of the person fined or ordered to pay restitution; or'';

(ii) in paragraph (2), by inserting ''or ordered to pay restitution'' before the period at the end; and

(iii) in the second sentence, by inserting ''or ordered to pay restitution'' after ''person fined'';

(D) in subsection (c)—

(i) by inserting ''or restitution'' after ''to a fine'';

(ii) by inserting ''or ordered to pay restitution'' after ''fined''; and

(iii) by striking '' 'fine' '' and inserting '' 'fine or restitution' '';

(E) in subsection (d), by inserting ''or restitution'' after ''fine''; and

(F) in subsection (e)—

(i) by inserting ''or restitution'' after ''fine'';

(ii) by inserting ''or ordered to pay restitution'' after ''fined''; and

(iii) by striking ''but in no event'' and all that follows through the end of the subsection and inserting a period.

(4) HEARING.—Chapter 229 of title 18, United States Code, is amended by inserting after section 3613 the following new section:

**''§3613A. Hearing for delinquency**

''(a)(1) When a fine or payment of restitution is 60 or more days delinquent, or in default, the court shall, upon the motion of the United States or of any victim named in the order to receive restitution, schedule a hearing to consider the delinquency or default. Upon a finding that the defendant is 60 or more days delinquent in payment, or in default, of a fine or restitution, the court may, pursuant to section 3565, revoke probation or a term of supervised release or modify the terms or conditions of probation on a term of supervised release, resentence a defendant pursuant to section 3614, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, enter or adjust a payment schedule, or take any other action necessary to obtain compliance with the order of a fine or restitution.

''(2) In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the order of a fine or restitution.

''(b)(1) A hearing under this subsection may be conducted by a magistrate judge, subject to de novo review by the court.

''(2) To the extent practicable, in a hearing under this section involving a defendant who is confined in any jail, prison, or other correctional facility, proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other communications technology without removing the prisoner from the facility in which the prisoner is confined.

''(3) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.''.

(5) RESENTENCING.—Section 3614 of title 18, United States Code, is amended—

(A) in the heading, by inserting ''or restitution'' after ''fine'';

(B) in subsection (a), by inserting ''or restitution'' after ''fine'';

(C) by adding at the end the following new subsection:

''(c) EFFECT OF INDIGENCY.—In no event shall a defendant be incarcerated under this section solely on the basis of inability to make payments because the defendant is indigent.''.

(d) CONFORMING AMENDMENT.—The analysis for subchapter B of chapter 229 of title 18, United States Code, is amended to read as follows:

''Sec.

''3611. Payment of a fine or restitution.

''3612. Collection of an unpaid fine or restitution.

''3613. Civil remedies for collection of an unpaid fine or restitution.

''3613A. Hearing for delinquency.

''3614. Resentencing upon failure to pay a fine or restitution.

''3615. Criminal default.''.

**SEC. 107. JUVENILE DELINQUENCY; DISPOSITIONAL HEARING.**

Section 5037 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c), the following new subsection:

''(d) If a juvenile has been adjudicated delinquent for an offense that would have been an offense described in section 3663A, 2248, 2259, or 2264 if the juvenile had been tried and convicted as an adult, the restitution provisions of such sections shall apply.''.

**SEC. 108. INSTRUCTION TO SENTENCING COMMISSION.**

Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to reflect this Act and the amendments made by this Act.

**SEC. 109. JUSTICE DEPARTMENT REGULATIONS.**

Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate guidelines, or amend existing guidelines, to carry out this Act and to ensure that—

(1) in all plea agreements negotiated by the United States, consideration is given to requesting that the defendant provide full restitution to all victims of all charges contained in the indictment or information, without regard to the counts to which the defendant actually pleaded; and

(2) orders of restitution made pursuant to the amendments made by this Act are enforced to the fullest extent of the law.

**SEC. 110. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.**

Section 3013(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''$50'' and inserting ''not less than $100''; and

(2) in subparagraph (B), by striking ''$200'' and inserting ''not less than $400''.

**SEC. 111. CRIME VICTIMS FUND.**

(a) PROHIBITION OF PAYMENTS TO DELINQUENT CRIMINAL DEBTORS BY STATE CRIME VICTIM COMPENSATION PROGRAMS.—

(1) IN GENERAL.—Section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following new paragraph:

''(8) such program does not provide compensation to any person who has been convicted of an

*offense under Federal law with respect to any time period during which the person is delinquent in paying a fine or other monetary penalty imposed for the offense; and''.*

*(2) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall not be applied to deny victims compensation to any person until the date on which the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victims compensation programs that are sufficient to ensure that victims compensation is not denied to any person except as authorized by law.*

*(b) EXCLUSION FROM INCOME FOR PURPOSES OF MEANS TESTS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by inserting after subsection (b) the following new subsection:*

*''(c) EXCLUSION FROM INCOME FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.*

***SEC. 112. VICTIMS OF TERRORISM ACT.***

*(a) AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:*

***''SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.***

*''(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.*

*''(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State victims compensation and assistance efforts in providing emergency relief.''.*

*(b) FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:*

*''(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.*

*''(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.''.*

*(c) CRIME VICTIMS FUND AMENDMENTS.—*

*(1) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—*

*(A) in subsection (c), by striking ''subsection'' and inserting ''chapter''; and*

*(B) by amending subsection (e) to read as follows:*

*''(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.''.*

*(2) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:*

*''(5) As used in this subsection, the term 'base amount' means—*

*''(A) except as provided in subparagraph (B), $500,000; and*

*''(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.''.*

***SEC. 113. EFFECTIVE DATE.***

*The amendments made by this title shall be effective for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of this Act.*

***TITLE II—MISCELLANEOUS PROVISIONS***

***SEC. 201. SEVERABILITY.***

*If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.*

***SEC. 202. STUDY AND REPORT.***

*(a) STUDY.—The Attorney General, in cooperation with the Director of the Administrative Office of the United States Courts, shall conduct a study of the funds paid out of the Crime Victims Fund and the impact that the amendments made by this Act have on funds available in the Crime Victims Fund, including an assessment of any reduction or increase in fines collected and deposited into the Fund directly attributable to the amendments made by this Act.*

*(b) REPORT.—The Attorney General and the Director of the Administrative Office of the United States Courts shall report the findings of the study to the Chairman and ranking Member of the Committees on the Judiciary of the Senate and House of Representatives not later than 4 years after the date of enactment of this Act, together with their recommendations.*

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate agree to a substitute amendment offered by Senators HATCH and BIDEN which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3112) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, I rise in strong support of Victims Justice Act. As reported by the Judiciary Committee, and amended by the managers' substitute offered by myself and Senator BIDEN, this bill will fill a tremendous gap in our criminal justice system. This legislation represents an important step toward a criminal justice system in which the rights and needs of the victim are respected.

This legislation has a long history. Congress first enacted a general Federal victim restitution statute in 1982 as a part of the Victim and Witness Protection Act (Public Law 97–291). The 1982 act sought to remedy the unfortunate situation noted even then by the Judiciary Committee that:

> . . . restitution . . . lost its priority status in the sentencing procedures of our federal courts long ago. As a matter of practice, [restitution] is infrequently used and indifferently enforced.

The 1982 act provided, for the first time, Federal courts with the authority to order payments of restitution independently of a sentence of probation, and required the court to state its reasons for the record in instances in which restitution was not ordered.

The legislation enacted in 1982 has been the subject of modest amendments in the years since, but remains substantially intact as enacted 13 years ago. Unfortunately, however, while strides have been made since 1982 towards a greater respect for victims in the criminal justice system, much progress remains to be made in the area of victim restitution. According to the 1994 Annual Report of the U.S. Sentencing Commission, during Fiscal Year 1994, Federal courts ordered restitution in only 20.2 percent of criminal cases. Data from the same report show that restitution was ordered in only 27.9 percent of all murders, 28.2 percent of all kidnappings, 55.2 percent of all robberies, and 12.5 percent of all sexual abuses cases. That is simply not enough. It is just as important for a victim of violent crime to receive recompense for her injuries as it is for a victim of property crime to have the property returned, or otherwise paid for. Restitution, as a concept of justice, extends far beyond the mere return of property.

Language substantially similar to H.R. 665 has passed the Senate on three previous occasions. However, this language was never approved in legislation presented to the President.

In 1994, Congress enacted the Violence Against Women Act. That act included provisions requiring mandatory restitution in Federal cases to victims of sexual abuse, sexual exploitation and other abuse of children, and domestic violence.

The 1994 Crime Act also made restitution mandatory for victims of telemarketing fraud, a provision I strongly supported as the chief author of the Senior Citizens Against Marketing Scams [SCAMS] Act. It is time now, however, to extend this important protection to victims of other crimes as well.

Far too often our criminal justice system appears to ignore the victims of crime. It frequently seems that only criminals have rights in the system. Victims often seem to be marginalized once the criminal justice system shifts into gear. As a result, crime victims

often feel victimized twice—once by the criminal and then again by the system that seems to ignore their plight. Restitution to the victims of crime is a critical component of the justice system. The order of restitution represents the justice system's recognition that a real person, not only society, has suffered a wrong. Too often lost in the mix is the fact that, when the United States brings a criminal prosecution, while it does so on behalf of all the people, there is frequently a single person who has been victimized. While it is true that society as a whole is aggrieved by any criminal act, it is not society that must cope with the most immediate costs—the burden of fear, the loss of a loved one, or the anguish of personal loss. These burdens are reserved to the victims and survivors of crime.

Restitution, moreover, can provide important closure to victims of crime, even if it cannot turn back the clock and undo the loss itself. Many crime victims have told me that until the criminal is directed to pay restitution, the wound of the crime is not completely healed.

Restitution has an important penalogical function as well, providing a necessary reminder to the offender of the human consequences of his or her criminl act. Critics charge that most criminal defendants are too poor to pay restitution. But even if only a few dollars a month are collectd, it forces the criminal to contemplate his criminal act and truly pay for the crime.

As I have noted, the U.S. Sentencing Commission has reported that judges ordered restitution in only a small percent of Federal criminal cases during fiscal year 1994. This legislation addresses this problem with solid victim restitution reform. For the first time, it will be mandatory that identifiable victims of violent crimes, property and fraud crimes under title 18, and product tampering receive full restitution for their losses.

We nevertheless recognize and wish to avoid the danger that in complex cases the sentencing process could turn into a mini-civil trial. For this reason, the legislation permits the court to decline to order restitution if the number of identifiable victims is so large as to make restitution impracticable, or if the determination of complex factual issues would place burdens on the sentencing process that far outweigh the need for restitution.

This bill also recognizes the need of victims to have full restitution ordered despite the sad fact that the defendant will often be unable to make more than nominal payments. Our legislation gives the courts the flexibility to order nominl installment payments in these instances.

At the same time, we cannot ignore the costs that making orders of restitution mandatory in all Federal criminal cases could impose on the judicial cases could impose on the judicial system. We have attempted to strike a balance in this legislation, and I believe we have largely succeeded.

Our bill also provides one set of procedures for the issuance and enforcement of a restitution order under title 18. A single section of title 18, section 3664, will govern the issuance of all criminal victim restitution orders, including those we enacted last year in the Violence Against Women Act and the SCAMS Act. I want to emphasize that the scope of restitution orders authorized under those laws remains unchanged. We simply seek to reduce the burden caused by incompatible restitution systems.

The bill will also utilize existing provisions for the collection of fines to enforce restitution orders. Moreover, it will improve our ability to actually collect both restitution and fines by strengthening tools such as the revocation of probation, resentencing and other sanctions.

Finally, the bill strengthens victims assistance programs by including provisions that have already passed the Senate as a part of the terrorism bill. A provision originally authored by Senator LEAHY authorizes victim's assistance to victims of terrorism and makes other improvements to the Crime Victims Fund. Our bill seeks to enhance the resources available for victims assistance by including a McCain amendment to the terrorism bill that doubles the special assessments on persons convicted in Federal cases.

Mr. President, I want to express my particular appreciation to Senator BIDEN, Senator NICKLES, Senator MCCAIN, and Senator GRASSLEY for their able assistance in crafting this important bill.

This bill is not perfect. All of us recognize that there is much we need to do to streamline the collection of criminal debts, including restitution. Nor is this the last step we need to take to restore the victim to their rightful place in the criminal justice system. However, it is an important step. When enacted, our legislation will do much to restore respect for the victims of crime and to recognize their loss. I urge all of my colleagues to support this bill.

Mr. BIDEN. Mr. President, one of the measures in last year's crime law that I am most proud of is the provision mandating restitution for victims of sexual abuse and child abuse. This was part of the larger piece of legislation closest to my heart: The Violence Against Women Act.

The mandatory restitution provisions in that act sent out a strong and unequivocal message: we stand with the victims of family violence and sexual assault, and we will not stand for them being ignored by our criminal justice system any longer.

Today, we are considering similar provisions to provide mandatory restitution for all crime victims.

As we fight to make our neighborhoods safe and our communities secure, we must not forget the often faceless and voiceless statistics of crime—its victims.

Millions of Americans each year must bear the unbearable—in 1993 alone, over 35 million people were victimized by crime in this country.

For many victims, the crime only marks the beginning of the ordeal—there is the investigation, maybe a plea bargain, a trial that often puts the victim's truth and character on the stand, busy prosecutors, aggressive defense lawyers, harried court officers.

And in the end, even if the defendant is convicted, the victim's losses—emotional, physical, and financial losses—often go completely uncompensated.

It hasn't always been this way. During the colonial period, victims played a central role in our criminal justice system.

They apprehended their own wrongdoers—either by making the arrests themselves or by hiring the local sheriff—and they hired their own lawyers to prosecute their cases.

In those days, victims were allowed to collect damages from criminals, bind them into servitude, or pay the State to incarcerate those who had wronged them.

In the 19th century, our concept of criminal offenses began to change. Primarily to ensure that all citizens were protected—not just the rich who could afford to hire the marshal—the State became the surrogate for the victim, and undertook the prosecution of the crime.

What was once seen as a private dispute—the violation of one person by another—came to be seen as a crime against the State. Restitution gave way to incarceration as the chief form of punishment—and fines were exacted by the State and paid to the State.

But this evolution in our thinking about crime gradually led to a de-evolution in our concern for victims. Compassion and humanity dictate that we now try to restore to victims the rights, the respect, and the protection that they deserve.

In this spirit, Congress enacted the Victim and Witness Protection Act, which, among other provisions, gave courts the discretion to provide restitution to victims. I was also proud to coauthor the Victims of Crime Act in 1984, which established a crime victims fund financed by fines levied against convicted Federal criminals.

The Crime Victims Fund pays compensation to specific victims when the criminal can't pay—and it also underwrites general victims assistance programs, like courtroom victim advocates, and victims' counselors.

Still, however, there is much to be done. And this bill—which makes restitution mandatory in Federal criminal cases—does something very important.

It says to victims: You are not alone. We will demand accountability from your wrongdoers, and we understand that criminals owe a debt not only to society but to you.

This bill also sends an important message to criminals—you must take

responsibility for our actions, and you will pay for the pain you have caused.

Our Constitution is not a zero sum game. We do not diminish the rights of defendants by recognizing and defending the rights of victims.

I defend the rights of criminal defendants because I am deeply concerned about the rights of all Americans. And for that same reason, I defend the rights of victims—there is no contradiction, in my mind, between the two.

In our efforts to crack down on crime, we must never forget its victims. And we must do all in our power to help, in what little way we can, to ease their suffering.

I am proud to cosponsor this bill with Senator HATCH and I urge all my colleagues to support it.

Mr. LEAHY. Mr. President, when the bomb exploded outside the Murrah Federal Building in Oklahoma City earlier this year, my thoughts and prayers, and I suspect that those of all Americans, turned immediately to the victims of this horrendous act. It is my hope that through this legislation we will proceed to enact a series of improvements in our growing body of law recognizing the rights and needs of victims of crime. We can do more to see that victims of crime, including terrorism, are treated with dignity and assisted and compensated with Government help.

Section 202 of the manager's substitute incorporates the Victims of Terrorism Act, which will accomplish a number of worthwhile objectives. I introduced these measures last June as an amendment to antiterrorism legislation, they were previously adopted by the Senate as part of that legislation, and most recently were adopted by the Judiciary Committee as section 112 of the committee-passed bill.

They include a proposal to increase the availability of assistance to victims of terrorism and mass violence here at home. We in this country have been shielded from much of the terrorism perpetrated abroad. That sense of security has been shaken by the bombing in Oklahoma City, the destruction at the World Trade Center in New York, and recent assaults upon the White House. I, therefore, proposed that we allow additional flexibility in targeting resources to victims of terrorism and mass violence and the trauma and devastation that they cause.

Thus, the manager's substitute includes provisions to make funds available through supplemental grants to the States to assist and compensate our neighbors who are victims of terrorism and mass violence, which incidents might otherwise overwhelm the resources of a State's crime victims compensation program or its victims assistance services. I understand, for example, that assistance efforts to aid those who were the victims of the Oklahoma City bombing are now $1 million in debt. These provisions should help.

The substitute will also fill a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States. Those who are not in the military, civil service or civilians in the service of the United States are not eligible for benefits in accordance with the Omnibus Diplomatic Security and Antiterrorism Act of 1986. One of the continuing tragedies of the downing of Pan Am flight 103 over Lockerbie, Scotland, is that the United States Government had no authority to provide assistance or compensation to the victims of that heinous crime. Likewise, the U.S. victims of the Achille Lauro incident could not be given aid. This was wrong and should be remedied.

In its report to Congress in 1994, the Office for Victims of Crime at the U.S. Department of Justice identified the problem. Both the ABA and the State Department have commented on their concern and their desire that crime victims compensation benefits be provided to U.S. citizens victimized in other countries. This substitute is an important step in that direction. Certainly U.S. victims of terrorism overseas are deserving of our support and assistance.

In addition, I believe that we must allow a greater measure of flexibility to our State and local victims' assistance programs and some greater certainty so that they can know that our commitment to victims programming will not wax and wane with events. Accordingly, the substitute includes an important provision to increase the base amounts for States' victims assistance grants to $500,000 and allows victims assistance grants to be made for a 3-year cycle of programming, rather than the year of award plus one, which is the limit contained in current law. This programming change reflects the recommendation of the Office for Victims of Crime contained in its June 1994 report to Congress.

I am disappointed that some have objected to an important improvement that would have allowed any unspent grant funds to be returned to the Crime Victims Fund from which they came and reallocated to crime victims assistance programs. I believe that we ought to treat the Crime Victims Fund and the Violent Crime Reduction Trust Fund and Violence Against Women Act funds with respect and use them for the important purposes for which they were created.

The Crime Victims Fund, for example, is not a matter of appropriation and is not funded through tax dollars. Rather, it is funded exclusively through the assessments against those convicted of Federal crimes. The Crime Victims Fund is a mechanism to direct use of those funds to compensate and assist crime victims. That is the express purpose and justification for the assessments.

Accordingly, I believe it is appropriate for those funds to be used for crime victims and, when not expended for purposes of a crime victims program, they ought to be returned to the Crime Victims Fund for reobligation. Instead, because of a technicality in the application of the Budget Act, the manager's amendment includes a change from the language that I proposed and that was approved by the Judiciary Committee and previously by the Senate. My language would have returned all unspent crime victims grant funds to the Crime Victims Fund. The manager's amendment will require that some of the money that came from the Crime Victims Fund go, instead, to the General Treasury if it remains unobligated more than 2 years after the year of grant award. I am pleased that we have been able to obtain some concession in this regard and note that the unobligated funds must exceed $500,000 in order to revert to the General Treasury.

Fortunately, the Office for Victims of Crime has improved its administration of crime victims funds and that of the States over the past 2 years to a great extent. While more than $1 million a year has in past years remained unobligated from grants made through the States across the country, last year that number was reduced below $125,000. The Director of the Office for Victims of Crime, Aileen Adams, should be commended for this improvement. It is my hope that the administration of Crime Victims Fund grants will continue to improve through the Department of Justice and the States and that the Department of Health and Human Services will, likewise, improve its oversight and grant administration and encourage the States to be more vigilant so that the change in the language of the bill from that previously adopted by the Senate and by the Judiciary Committee will not result in a significant diversion of Crime Victims Fund money to other uses.

Our State and local communities and community-based nonprofits cannot be kept on a string like a yo-yo if they are to plan and implement victims assistance and compensation programs. They need to be able to plan and have a sense of stability if these measures are to achieve their fullest potential.

I know, for instance, that in Vermont Lori Hayes at the Vermont Center for Crime Victims Services, Judy Rex at the Vermont Network Against Domestic Violence and Sexual Abuse, and many others provide tremendous service under difficult conditions. They will be able to put increased annual assistance grants to good use. Such dedicated individuals and organizations will also be aided by increasing their programming cycle by even 1 year. Three years has been a standard that has worked well in other programming settings. Crime victims' programming deserves no less security.

In 1984 when we established the Crime Victims Fund to provide Federal assistance to State and local victims compensation and assistance efforts,

we funded it with fines and penalties from those convicted of Federal crime. The level of required contribution was set low. Ten years have passed and it is time to raise that level of assessment in order to fund the needs of crime victims. Accordingly, the manager's substitute includes as section 109 and the committee-passed bill included as section 110 a provision that I worked on with Senator MCCAIN and that the Senate previously passed as an amendment to the antiterrorism bill this past summer. It doubles the special assessments levied under the Victims of Crime Act against those convicted of federal felonies in order to assist all victims of crime.

I do not think that $100 to assist crime victims is too much for those individuals convicted of a Federal felony to contribute to help crime victims. I do not think that $400 is too much to insist that corporations convicted of a Federal felony contribute. Accordingly, the Committee substitute would raise these to be the minimum level of assessment against those convicted of crime.

While we have made progress over the last 15 years in recognizing crime victims' rights and providing much-needed assistance, we still have more to do. I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Victims' Rights and Restitution Act of 1990 and the victims provisions included in such measures as the Violent Crime Control and Law Enforcement Act of 1994. I look forward to prompt consideration by the House of these provisions for aiding crime victims and to enactment of the Victims of Terrorism Act.

I continue to have some concern that the mandatory restitution provisions of the bill, while improved in our Committee deliberation, may not lead to the benefits to crime victims that we intended. I note, as well, that changes from the Committee-passed bill made by the manager's substitute have not been fully explained.

We run a significant risk, in my view, that resources will be diverted from programs that have been proven effective in providing compensation and assistance to crime victims. I believe that the study and report required of the Attorney General and Administrative Office of the United States Courts by section 204 of the Manager's substitute is extremely important and urge them to report as soon as possible.

I also urge the Attorney General to approach the responsibilities imposed by section 201(a)(2) of the manager's substitute carefully so as not unnecessarily to burden State agencies and those entrusted with the important responsibility for administering crime victims compensation programs.

I thank the outstanding crime victims advocates from Vermont for their help, advice and support in connection with the Victims of Terrorism Act and the improvements it includes to the Victims of Crime Act. I also thank them for the work they are doing by developing and implementing programs for crime victims in Vermont. In addition, I thank the National Organization for Victim Assistance, the National Association of Crime Victim Compensation Boards and the National Victim Center for their assistance and support in the development of the Victims of Terrorism Act. Without their help, we could not make the importance progress that its provisions contain.

Mr. SIMON. Mr. President, victim restitution is an important part of our criminal justice system. It can help make the victim of a crime ''whole,'' while holding the offender accountable for the damage caused by his or her crime. While I certainly applaud the good intentions of its sponsors, I do not support this ''mandatory victim restitution'' proposal. This bill would replace the current system, which allows judges to order victim restitution in certain types of cases, with an inflexible mandate which requires restitution be ordered in such cases.

In general, I do not support placing mandates on judges. I oppose mandatory minimum sentences because they substitute inflexible formulas, which cannot account for individual circumstances, for judicial discretion. Similarly, the ''mandatory victim restitution'' proposal will require judges to order restitution in cases where they know it can never be paid. The Judicial Conference of the United States reports that 85 percent of criminal defendants are indigent at the time of their conviction. And yet, according to the U.S. Sentencing Commission's 1994 Annual Report, judges order a fine or restitution in 37.7 percent of cases sentenced under the guidelines. These statistics lead me to believe that Federal judges are already doing a good job of ordering restitution when practicable.

I respect the motives of this proposal's sponsors, and agree that we must do all that is practicable to help victims of crime. However, rather than placing another mandate on judges, which seems unlikely to increase the amount of restitution actually paid to victims, we should instead consider alternative permissive forms of restitution which would enhance the current system. Included in this bill was an amendment proposed by my colleagues, Senators KYL and FEINSTEIN, which would allow judges to order those convicted of drug trafficking offenses where there is no identifiable victim to pay restitution to the affected community or to drug treatment organizations. I would support such a proposal, and other similar measures, within a permissive system.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Victims Justice Act of 1995. Too often, our criminal justice system has overlooked the victim of crime in its zeal to protect the rights of the accused. This bill makes significant progress toward ensuring that the victim is not forgotten.

I want to thank the chairman and ranking member of the Judiciary Committee for the work they have put into this bill, in moving it through the committee and ensuring that it creates a workable system for awarding compensation to victims.

It is a sad fact that so many people in our society are affected by crime. In my State of California, 318,946 violent crimes were reported last year.

And yet, restitution to the victim is infrequently awarded. In fiscal year 1994, restitution was only awarded in 20.2 percent of Federal criminal cases.

The Victims Justice Act may well help this, by making restitution to the victim mandatory in Federal criminal cases where restitution can reasonably be anticipated by a judge.

Victim restitution is a matter of simple justice. If somebody has been hurt by a criminal, they should be made whole.

Restitution does more than simply compensate the victim for a loss, however. It says to the victim, ''You matter. You have been hurt, and this is wrong. We have not forgotten about you.''

It also speaks to the criminal. It reinforces to them that their crime hurt another person, that they are responsible for the consequences of their actions, and that they have a responsibility to the person they harmed.

Mr. President, I recognize that most criminal defendants are indigent, and cannot make complete restitution. But it is important to send this message of responsibility to all criminals. That is why I strongly support mandatory restitution, even if it is only nominal restitution, such as a few dollars a month. Even though this won't make the victim whole, it still sends the message to them that they matter, and still reminds the criminal, every month, about the consequences of his actions and his responsibility for them.

And should the criminal come into better financial circumstances later, this will ensure that he is not allowed to sit comfortably while his victim is left uncompensated.

I also want to highlight one aspect of the bill which I worked on with Senator KYL: community restitution in drug cases. Drug dealing is not a victimless crime. As a former mayor, I have seen drugs ravage whole neighborhoods, spurring other crimes, destroying property, and tearing apart communities. That is why I think it is important to permit restitution in drug cases, even where there is no identifiable individual victim.

This section of the bill will allow judges to order restitution in these drug trafficking cases. This restitution will go to the States in which the crime occurred, to their Victim Assistance Administration and to their entities which receive substance abuse block grant funds. By making restitution to these funds, drug dealers will be

forced to help crime victims and to fight the drug abuse which they have fostered and from which they profited, targeted to the States which they have harmed.

I call on Federal judges to implement this section, and not to disregard it. I am hopeful that they will do so, and that future legislation to mandate this restitution will not be necessary.

Mr. President, the Victims Justice Act will help victims, will help communities, and may well help to rehabilitate criminals. I urge my colleagues to pass it.

Mr. ABRAHAM. Mr. President, I strongly support this bill because it will require the perpetrators of many Federal crimes to make restitution to their victims in all cases, without exception. I also believe its enforcement mechanisms make significant improvements over those in existing law. I believe, however, that these procedures can be improved upon still further.

In discussions with restitution experts about what we can do to improve the procedures in current law, the one suggestion I have heard uniformly is that restitution orders should be made civil debts, payable immediately.

Instead of having the sentencing judge essentially attempt to rewrite civil debt collection procedures and require the Government to enforce them principally through its criminal attorneys, it would make more sense to make available the civil debt collection procedures, which are established collection methods fully consistent with due process, and make it easy for the Government to have its civil attorneys, who are well versed in collection actions and procedures, take on a significant portion of the enforcement responsibilities. These are, after all, the same procedures that we already apply to students who default on student loan payments and others who owe debts to the Government.

Accordingly, I am today introducing a bill that will pick up where I believe this bill leaves off.

My bill will improve on collection of victim restitution in four main areas. First, it would make restitution orders civil debts. Second, to enforce these orders it would make available to the U.S. Government the Federal Debt Collection Act and all other civil and administrative tools ordinarily used to collect debts owed the United States. The United States could use these tools to enforce restitution orders on its own behalf or on behalf of other victims. The bill also would allow victims to use State civil enforcement mechanisms on their own behalf. Third, the bill would allow victims to obtain the full benefit of collateral estoppel from judgments in Federal criminal cases giving rise to restitution orders in subsequent civil proceedings, regardless of state law limitations. And finally, it would allow the courts in appropriate cases to prevent defendants from dissipating the assets that would otherwise be able to be used to pay victim restitution orders.

Mr. President, I appreciate the leadership of the distinguished chairman and ranking member in formulating the current bill. I have worked with both of them in developing these additional proposals. Because of the timetable on which my friend from Utah is operating, it did not seem practical to include them in the legislation we are debating here today. But both he and my friend from Delaware have assured me that they are planning on making additional improvements in our enforcement procedures in an upcoming bill dealing with criminal fines, and it is the hope of all of us that we will be able to include some or all of these proposals, either in their current form or with modifications, in the fines legislation next year.

Mr. HATCH. I very much appreciate my colleague from Michigan's efforts, and I also appreciate his willingness to forbear from offering his proposals at this time. I know that he agrees with me on the need to act this session to make restitution mandatory in the Federal courts. We all agree that more remains to be done to enforce these debts. My colleague's proposals are both interesting and innovative, and I want to work with him and other Members to see that they are adopted by this body in some fashion when we take up our fines bill next year.

Mr. BIDEN. I too appreciate my colleague's efforts and forbearance. I believe many of his proposals are interesting and innovative, although I have reservations about some of them. I look forward to working with him and others to see to it that we make our enforcement mechanisms as simple and effective as possible, while maintaining a commitment to ensure due process.

Mr. MCCAIN. Mr. President, I want to thank the chairman and ranking member of the Judiciary Committee, as well as Senator DOLE and Senator NICKLES, for their hard work and leadership in bringing this bill to the floor.

The bill would amend the Federal criminal code to require that criminals compensate their victims—an initiative that is long overdue. According to the Bureau of Justice statistics 2 million people in the United States are injured each year as a result of violent crime. The cost of personal and household crime is estimated to exceed $20 billion per year—a sum that does not include the incalculable cost in human terms. In relatively few cases are victims made whole for their losses by those who preyed upon them.

Mr. President, one needs only to read the morning paper or watch the evening news to know that violence and crime plague our Nation. We have become inured to the ghastly statistics. But, Mr. President, victims are not statistics. They are real people. They are our brothers and sisters, mothers and fathers, sons, daughters and neighbors. They deserve our compassion and assistance. It's time that our criminal justice system no longer treat crime victims as second class citizens.

Passage of this bill will help achieve that goal by ensuring that victims are compensated as part of the criminal sentencing process rather than forcing the aggrieved to seek remedy through time consuming, costly and at times degrading and agonizing civil action.

I want to express my gratitude to Senator HATCH and Senator BIDEN for including a number of provisions I requested to improve the bill. I would like to review those provisions.

First, the committee included a provision to double the fine assessed to Federal felons from $50 to $100 and for criminal organizations from $200 to $400. This provision achieves the primary goal of a bill, S. 841, which I introduced earlier this year. The revenues from the increased assessment will be placed into the Crime Victim Fund to increase support for State and local victim assistance programs.

Second, the committee included language to require offenders to pay their criminal fines, assessments, and restitution orders in full and immediately if they have the resources to do so. If they cannot pay immediately, then the court will be required to impose a reasonable and enforceable payment plan that ensures full payment within the shortest time possible.

Third, language was inserted to ensure that when a criminal debtor becomes delinquent, a hearing can be held to determine the reason. If the offender has no resources with which to pay, then the payment schedule can be amended. If the delinquency is willful, however, penalties can be imposed, including an outright prohibition on criminal debtors receiving moneys from the Crime Victim Fund.

Fourth, the committee added a provision I requested to require offenders to notify the court of any change in their economic circumstances which might affect the offender's ability to pay their debt so that the applicable payment schedule can be appropriately modified. A Federal criminal whose financial circumstances improve should not be able to duck his or her responsibility to the victim because they are subject to an insufficient or outdated payment plan.

Fifth, the bill will make procedures for assessing and enforcing criminal debt uniform among the three major categories: mandatory assessments, discretionary fines and restitution which after passage of this bill will be mandatory.

Finally, the bill includes a provision to see that crime victim assistance will no longer be counted against a recipient as revenue in determining eligibility for Federal assistance programs.

Again, I want to thank the committee for their hard work. This is an important bill which I believe will not only assist victims but will prove to be a formidable deterrent to crime.

Mr. President, having said that, I must mention that the bill does not include all the provisions I would like to see. I had intended to offer several

amendments, but the committee has requested that Senators withhold to ensure speedy consideration and passage of this vital bill this year. I certainly want to cooperate in that effort and given assurances from the committee that the initiatives I was going to offer will be considered next year, I have decided to withhold.

The first amendment I had intended to offer would have privatized the collection of delinquent criminal debt. Mr. President, outstanding Federal criminal debt totals over $4 billion. A portion of that amount may be uncollectible because in many cases court assessments exceed the ability of the offenders to pay, but, I know of no one who disagrees that hundreds of millions of dollars in outstanding debt are quite collectible.

It's a simple reality that U.S. attorneys who are responsible for investigating and prosecuting Federal crimes assign a lower priority to the collection of delinquent debt. Privatizing such debt will ensure that more assessments and restitution orders are enforced, collected and deposited into the Crime Victim Fund or provided to the victim.

The second amendment I planned to offer was to declare offenders who willfully avoid their financial obligations, ineligible for Federal grants, contracts, licenses, or other nonmandatory Government assistance. Willful delinquency should be dealt with firmly. We should not provide Federal benefits to those who purposely evade their responsibilities.

Third, I had intended to offer an amendment to the Employee Retirement Income Security Act [ERISA] which would allow pension income to be garnished to pay outstanding restitution or criminal debt orders. Under current law, retirement benefits can only be attached to pay delinquent child support. The collection of victim compensation and criminal debt should be priorities as well.

The final amendment I had intended to offer would have increased the amount that the Federal Government is legally able to contribute to State victim compensation programs from the Crime Victim Fund. Currently, Federal payments are restricted to 40 percent of the amount that the State provides to its victim compensation fund. The pending bill will increase the Crime Victim Fund by doubling the special assessment against felons. We should increase the 40-percent ceiling so that the direct compensation programs can benefit from these increased resources.

Senator HATCH has informed me that the committee intends to take up a criminal debt enforcement bill next year, and that these four proposals will receive consideration at that time. I would like to ask the Senator if that is the committee's plan.

Mr. HATCH. The Senator from Arizona is correct. The committee intends to take up an enforcement bill next year. The initiatives you have outlined deserve serious consideration and I look forward to working with you on them.

Mr. MCCAIN. I thank the distinguished chairman of the Judiciary Committee and I look forward to working with him on enforcement legislation. Again, I congratulate Senator HATCH and the Judiciary Committee for their efforts to develop and pass the pending measure.

Mr. WARNER. Mr. President, I ask unanimous consent that all the debate time previously ordered be yielded back, the bill then be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements on the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment was agreed to.

The bill (H.R. 665) was deemed read the third time and passed.

The title was amended so as to read: ''An Act entitled the Victims Justice Act of 1995.''

## REQUIRING CONVEYANCE OF CERTAIN PROPERTY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce be immediately discharged from further consideration of H.R. 1358 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory, located on Emerson Avenue in Gloucester, Massachusetts.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3113

(Purpose: To provide for certain additional transfers of property, and for other purposes)

Mr. WARNER. Mr. President, I send a substitute amendment to the desk on behalf of Senators PRESSLER, KERRY, and STEVENS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. PRESSLER, for himself, Mr. KERRY, and Mr. STEVENS, proposes an amendment numbered 3113.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. CONVEYANCES.**

(a) NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) TERMS.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under paragraphs (3) and (4).

(3) CONDITIONS FOR TRANSFER.—

(A) IN GENERAL.—As a condition of any conveyance of property under this subsection, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(B) CONTINUED USE OF PROPERTY BY NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Masachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this subsection, if—

(i) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(ii) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(4) REVERSIONARY INTEREST.—All right, title, and interest in and to all property conveyed under this subsection shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

(5) RESTRICTION.—Amounts provided by the South Essex Sewage District may not be used by the Commonwealth of Massachusetts to transfer existing activities to, or conduct activities at, property conveyed under this section.

(b) PIER IN CHARLESTON, SOUTH CAROLINA.—Section 22(a) of the Marine Mammal Protection Act Amendments of 1994 (Pub. Law 103–238; 108 Stat. 561) is amended—

(1) by inserting ''(1)'' before ''Not''; and

(2) by adding at the end thereof the following:

''(2) Not later than December 31, 1996, the Secretary of the Navy may convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the property line located 70 feet northwest of and parallel to the centerline of Pier Q, and the northwest property line of the parking area associated with Pier R. The property shall include Pier Q, all towers and outbuildings on that property, and walkways and parking areas associated with those buildings and Pier Q.''.

**SEC. 2. FISHERIES RESEARCH FACILITIES.**

(a) FORT JOHNSON.—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct on land to be leased from the State of South Carolina, a facility at Fort Johnson, South Carolina, provided that the annual cost of leasing the required lands does not exceed one dollar.