

SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

- (1) by striking “shall” and inserting “may”; and
- (2) by striking “his”.

SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY WHEELS.

(a) DRAWING OF NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

- (1) in the first sentence, by striking “publicly”; and
- (2) by inserting “The clerk or jury commission shall post a general notice for public review in the clerk’s office and on the court’s website explaining the process by which names are periodically and randomly drawn.” after the first sentence.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

- (1) in the second sentence, by striking “publicly”; and
- (2) by inserting “The clerk or jury commission shall post a general notice for public review in the clerk’s office and on the court’s website explaining the process by which names are periodically and randomly drawn.” after the second sentence.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 1869 of title 28, United States Code, is amended—

- (1) in subsection (j), by adding “and” at the end;
- (2) by striking subsection (k); and
- (3) by redesignating subsection (l) as subsection (k).

SEC. 6. ASSESSMENT OF COURT TECHNOLOGY COSTS.

Section 1920 of title 28, United States Code, is amended—

- (1) in paragraph (2), by striking “of the court reporter for all or any part of the stenographic transcript” and inserting “for printed or electronically recorded transcripts”; and
- (2) in paragraph (4), by striking “copies of papers” and inserting “the costs of making copies of any materials where the copies are”.

SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANKRUPTCY CODE RELATING TO CERTAIN DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended—

- (1) by striking subsection (a);
- (2) by redesignating subsection (b)(1) as subsection (a) and subparagraphs (A) and (B) of that subsection as paragraphs (1) and (2), respectively;
- (3) by redesignating subsection (b)(2) as subsection (b);
- (4) by redesignating subsection (b)(3) as subsection (c); and
- (5) in subsection (c) (as redesignated by paragraph (4) of this section), by striking “paragraph (1)” and inserting “subsection (a)”.

SEC. 8. INVESTMENT OF COURT REGISTRY FUNDS.

(a) IN GENERAL.—Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following:

“§ 2045. Investment of court registry funds

“(a) The Director of the Administrative Office of the United States Courts, or the Director’s designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director’s designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on out-

standing marketable obligations of the United States of comparable maturity.

“(b) The Director may designate the clerk of a court described in section 610 to exercise the authority conferred by subsection (a).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 129 of title 28, United States Code, is amended by adding at the end the following:

“2045. Investment of court registry funds.”

SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.

Section 333 of title 28, United States Code, is amended in the first sentence by inserting “magistrate,” after “district.”

SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFICERS.

Section 3152 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer appointed by the district court. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3602 of this title.”

SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM AMOUNTS.

Section 3006A(d)(2) of title 18, United States Code, is amended by adding “The compensation maximum amounts provided in this paragraph shall increase simultaneously by the same percentage, rounded to the nearest multiple of \$100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant to paragraph (1) for time expended since the case maximum amounts were last adjusted.” at the end.

SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEWING CRIMINAL JUSTICE ACT VOUCHERS IN EXCESS OF CASE COMPENSATION MAXIMUMS.

(a) WAIVING MAXIMUM AMOUNTS.—Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence by inserting “or senior” after “active”.

(b) SERVICES OTHER THAN COUNSEL.—Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence by inserting “or senior” after “active”.

(c) COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.—Section 3599(g)(2) of title 18, United States Code, is amended in the second sentence by inserting “or senior” after “active”.

SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.

Section 3161(h) of title 18, United States Code, is amended—

- (1) in paragraph (1)—
 - (A) by striking subparagraphs (B) and (C); and
 - (B) by redesignating subparagraphs (D) through (J) as subparagraphs (B) through (H), respectively;
 - (2) by striking paragraph (5); and
 - (3) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking “(b)(2), (b)(3), or (b)(13),” and inserting “(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or”.

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking “section 3563(b)(1)” and all that follows through “appropriate.” and inserting “section 3563(b) and any other condition it considers to be

appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.”

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting “or supervised release” after “probation”.

SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DEFENDANTS AND POST-CONVICTION SUPERVISION OFFENDERS.

(a) PRETRIAL SERVICE FUNCTIONS.—Section 3154(4) of title 18, United States Code, is amended by inserting “, and contract with any appropriate public or private agency or person, or expend funds, to monitor and provide treatment as well as nontreatment services to any such persons released in the community, including equipment and emergency housing, corrective and preventative guidance and training, and other services reasonably deemed necessary to protect the public and ensure that such persons appear in court as required” before the period.

(b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 3672 of title 18, United States Code, is amended in the seventh undesignated paragraph—

- (1) in the third sentence, by striking “negotiate and award such contracts” and inserting “negotiate and award contracts identified in this paragraph”; and
- (2) in the fourth sentence, by inserting “to expend funds or” after “He shall also have the authority”.

SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMISSION.

Section 991(a) of title 28, United States Code, is amended in the third sentence by striking “Not more than” and inserting “At least”.

SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY SUMMONS.

(a) SECTION 1864 SUMMONS.—Section 1864(b) of title 28, United States Code, is amended by striking “\$100 or imprisoned not more than three days, or both.” each place it appears and inserting “\$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.”

(b) SECTION 1866 SUMMONS.—Section 1866(g) of title 28, United States Code, is amended by striking “\$100 or imprisoned not more than three days, or both.” and inserting “\$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.”

SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF MINNESOTA.

Section 103(6) of title 28, United States Code, is amended in the second sentence by inserting “and Bemidji” before the period.

SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE AGAINST EMPLOYEES SERVING ON JURY DUTY.

Section 1875(b)(3) of title 28, United States Code, is amended by striking “\$1,000 for each violation as to each employee.” and inserting “\$5,000 for each violation as to each employee, and may be ordered to perform community service.”

AUTHORIZING FUNDING FOR THE NATIONAL CRIME VICTIM LAW INSTITUTE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3641, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3641) to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984.

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

Mr. LEAHY. Mr. President, I am glad the Senate is moving forward today by passing a bill to reauthorize funding to provide legal support to victims of crime through Crime Victims Legal Assistance Programs. I was proud to be an original cosponsor of this bill. Too often, survivors who have been victims of crimes are left without recourse and legal assistance. This bill will help ensure that their needs are not forgotten. It is vitally important that we continue to recognize the needs of crime victims and their family members and work together to promote victims' rights and services.

We have been able to make some progress during the past 27 years to provide victims with greater rights and assistance. In particular, I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, Public Law 98-473, which established the Crime Victims Fund. The Crime Victims Fund allows the Federal Government to provide grants to State crime victim compensation programs, direct victim assistance services, and services to victims of Federal crimes. Nearly 90 percent of the Crime Victims Fund is used to award victim assistance formula grants and provide State crime victim compensation. These VOCA-funded victim assistance programs serve nearly four million crime victims each year, including victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving, as well as survivors of homicide victims. Our VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The Crime Victims Fund is the Nation's premier vehicle for supporting victims' services. It is important to understand that the Crime Victims Fund does not receive a dime from tax revenue or appropriated funding. Instead, it is made up of criminal fines, forfeited bail bonds, penalties, and special assessments.

In 1995, after the Oklahoma City bombing, I proposed and Congress passed the Victims of Terrorism Act of 1995. Among other important matters, this legislation authorized the Office for Victims of Crime at the Department of Justice to set aside an emergency reserve as part of the Crime Victims Fund to serve as a "rainy day" resource to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victims compensation program and crime victims assistance services.

We also enacted, as part of the Justice for All Act of 2004, Federal rights

for victims. In the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act, we expressly provided for the right to reasonable, accurate, and timely notice of any public court proceeding; the right not to be excluded from any such public court proceeding; the right to be reasonably heard at any public proceeding involving release, plea, sentencing, or parole; the reasonable right to confer with the attorney for the Government in the case; the right to full and timely restitution as provided in law; the right to proceedings free from unreasonable delay; and the right to be treated with fairness and with respect for the victim's dignity and privacy. I wrote a letter to Attorney General Mukasey in June to ask what the Justice Department has done to ensure that family members of 9/11 victims are afforded the same level of respect as the 9/11 court and military commission proceedings and move forward.

Since fiscal year 2000, Congress has set a cap on annual obligations from the Crime Victims Fund. I have worked to ensure that the cap has never resulted in resources being lost to the Crime Victims Fund. I believe we need to increase the cap. With the failure of the Bush administration crime prevention policies, crime began to rise under Attorney General Gonzales. Crime victims, the States, and service providers need more assistance.

Instead of taking that salutary action, the Bush administration is proposing to raid the Crime Victims Fund and zero it out. The future of the Crime Victims Fund is in danger because the Bush administration has proposed rescinding all amounts remaining in the Crime Victims Fund at the end of fiscal year 2009—just cleaning it out and leaving the cupboard bare. That would leave the Crime Victims Fund with a zero balance going into fiscal year 2010 and create a disastrous situation for providers of victims' services. That is wrong.

Over the last few years, we have successfully blocked the Bush administration's past attempts to raid the Crime Victims Fund. This is not a cache of money from which this administration should try to reduce the budget deficits it has created. This administration has turned a \$5 trillion budget surplus into a \$9.4 trillion debt. Its annual deficits run into the hundreds of millions. It is wrong to try to pay for its failed fiscal policies by emptying out the Crime Victims Fund. These resources are set aside to assist victims of crime.

In order to preserve the Crime Victims Fund once again, Senator CRAPO and I, as well as 25 other Senators, sent a letter on April 4, 2008, to the Senate Appropriations Committee asking that the committee oppose the administration's proposal to empty the Crime Victims Fund. We asked the committee, instead, to permit unobligated funds to remain in the Crime Victims Fund, in accordance with current law,

to be used for needed programs and services that are so important to victims of crime in the years ahead.

The Judiciary Committee has worked hard this Congress to pass legislation that protects victims of Crime. This week the Senate unanimously reauthorized the Debbie Smith DNA backlog grant program, which helps forensic labs keep up with the increasing demand for DNA analysis. The Debbie Smith DNA backlog grant program has given States help they desperately needed, and continue to need, to carry out DNA analyses of backlogged evidence, particularly rape kits. It has provided a strong starting point in addressing this serious problem, but much work remains to be done before we conquer these inexcusable backlogs. I was pleased to work with Debbie Smith and Senator BIDEN to pass the reauthorization.

I am also proud to be a cosponsor of this legislation. This bill will help victims of crime by reauthorizing funding for essential programs such as the Victim Notification System, which is run by the Department of Justice, and programs that provide legal counsel and support services for victims in criminal cases.

We need to renew our national commitment to crime victims. I am glad the Senate has passed this important bill today, and I hope that the House will move on this legislation swiftly.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3641) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3641

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

SECTION 1. REAUTHORIZATION.

Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended in paragraphs (1) through (5) by striking "2006, 2007, 2008, and 2009" each place it appears and inserting "2010, 2011, 2012, and 2013".

MINTING OF COINS IN COMMEMORATION OF THE LEGACY OF THE UNITED STATES ARMY INFANTRY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3229, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 3229) to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States