

1 (E) in paragraph (9), by striking “or de-
2 ferred prosecution agreement” and inserting
3 “deferred prosecution agreement, nonprosecu-
4 tion agreement, or the referral of a criminal in-
5 vestigation to another Federal, State, or local
6 law enforcement entity. In the case of a non-
7 prosecution agreement, motion for victims, or
8 referral of a criminal investigation to another
9 law enforcement entity, upon a showing of good
10 cause, which shall be based upon public safety
11 and the needs of related ongoing prosecutions,
12 the victim may be required to maintain the con-
13 fidentiality of any nonpublic information dis-
14 closed to the victim. A crime victim shall be in-
15 formed, in writing, of any such duty of con-
16 fidentiality. Any such duty of confidentiality
17 may not be greater than that of the Govern-
18 ment or the defendant. The Attorney General
19 may assess a civil penalty for any breach of
20 confidentiality under this section, after notice
21 and an opportunity for a hearing, of not more
22 than \$500 for each violation.”;

23 (F) in paragraph (10), by striking “con-
24 tact information for the Office of the Victims’
25 Rights Ombudsman of the Department of Jus-

1 tice” and inserting “a crime victims’ rights
2 card, contact information for the Office of the
3 Crime Victims’ Rights Ombudsman of the De-
4 partment of Justice, and a referral list for local
5 pro bono crime victims’ rights attorneys”;

6 (3)) in subsection (b)(1), by striking “In any
7 court proceeding involving an offense against a
8 crime victim, the court shall ensure that the crime
9 victim is afforded the rights described in subsection
10 (a)” and inserting “In any court proceeding involv-
11 ing an offense against a crime victim, the court shall
12 ensure that the crime victim is afforded the rights
13 described in subsection (a) and confirm with the
14 prosecution attorney that the crime victim has been
15 notified of proceedings”;

16 (4) in subsection (c)—

17 (A) in paragraph (1), by striking “shall
18 make their best efforts to see that crime victims
19 are notified of, and accorded the rights de-
20 scribed in subsection (a)” and inserting the fol-
21 lowing: “shall—

22 “(A)(i) ensure that identified crime victims
23 are notified of, and accorded, the rights de-
24 scribed in subsection (a);or

1 “(ii) in the case that officers and employ-
2 ees of the Department of Justice are unable
3 meet the requirements of clause (i), attempt to
4 notify the identified crime victim or the legal
5 representative of the crime victim on not less
6 than 3 occasions in which the mode of contact
7 is valid, including outreach by means of tele-
8 phone, electronic mail, or certified mail; and

9 “(B) if a dispute arises about whether the
10 officers and employees have made such best ef-
11 forts, the Department of Justice shall promptly
12 provide to the victim and, if requested, to the
13 court reviewing the issue all relevant informa-
14 tion and documents concerning the cir-
15 cumstances, including steps taken to comply
16 with this subsection.”;

17 (B) in paragraph (2), by striking “The
18 prosecutor shall advise the crime victim that the
19 crime victim can seek the advice of an attorney
20 with respect to the rights described in sub-
21 section (a)” and inserting the following:

22 “(A) The prosecutor shall advise the crime
23 victim that the crime victim can seek the advice
24 of an attorney with respect to the rights de-
25 scribed in subsection (a).

1 “(B) To the extent practicable, the pros-
2 ecutor shall submit to the crime victim, in writ-
3 ing, a list of local agencies providing free crime
4 victims’ rights representation who have indi-
5 cated their availability to represent crime vic-
6 tims on a pro bono basis. In a jurisdiction
7 where a local crime victims’ rights representa-
8 tion is not available, the prosecutor shall pro-
9 vide to the crime victim, in writing, a list of pro
10 bono attorneys with appropriate experience and
11 care to represent victims of crime that would
12 not conflict with such attorney’s representa-
13 tion.’”.

14 (5) in subsection (d)—

15 (A) in paragraph (1), by inserting after
16 “the Government” the following: “with the in-
17 formed consent of the victim and the victim’s
18 representative”;

19 (B) in paragraph (2), by inserting after
20 the period at the end the following: “The proce-
21 dure fashioned by the court under this para-
22 graph shall have no effect on the duty of offi-
23 cers and employees of the Government to make
24 their best efforts to accord crime victims the
25 rights described in subsection (a).”;

1 (C) in paragraph (3)—

2 (i) by striking “forthwith” and insert-
3 ing “forthwith, and the Government shall
4 promptly provide to the Court all informa-
5 tion and documents relevant to the asser-
6 tion of the right”; and

7 (ii) by adding at the end the fol-
8 lowing: “Relief under this subsection with
9 respect to the conduct of an attorney for
10 the Government may include such sanc-
11 tions or penalties as the court determines
12 appropriate.”;

13 (D) by amending paragraph (5) to read as
14 follows:

15 “(5) RE-OPENING PROCEEDINGS.—

16 “(A) In no case shall a failure to afford a
17 right under this chapter provide grounds for a
18 new trial.

19 “(B) A victim who received reasonable no-
20 tice of the relevant proceedings may make a
21 motion to re-open a plea or sentence only if—

22 “(i) the victim has asserted the right
23 to be heard before or during the pro-
24 ceeding at issue and such right was denied;

1 “(ii) the victim petitions the court of
2 appeals for a writ of mandamus within 30
3 days; and

4 “(iii) in the case of a plea, the ac-
5 cused has not pled to the highest offense
6 charged.

7 “(C) A victim may bring a motion to re-
8 open a plea or sentence, not later than 180
9 days after the relevant proceeding, upon the
10 basis that the victim was not able to assert the
11 right to be heard during the proceeding because
12 the victim did not have reasonable and timely
13 notice of the proceeding.”;

14 (E) by redesignating paragraph (6) as
15 paragraph (10); and

16 (F) by inserting after paragraph (5) the
17 following:

18 “(6) MOTION TO ANNUL PROSECUTORIAL
19 AGREEMENTS.—A crime victim may make a motion
20 to rescind a deferred prosecution or may bring an
21 action in the district court to annul a nonprosecu-
22 tion agreement based upon a showing by clear and
23 convincing evidence that the Government violated
24 the rights provided for crime victims in this section.

1 “(7) REMEDIES.—For proceedings under para-
2 graphs (5) and (6), upon a finding that a victim’s
3 rights have been violated, the court shall impose a
4 just and appropriate remedy to address such viola-
5 tion. In determining the appropriate remedy, the
6 court may convene a hearing for victim impact state-
7 ments, and consider the testimony at any such hear-
8 ing.

9 “(8) SPECIAL VICTIMS’ ADVOCATE.—The Na-
10 tional Coordinator may appear in a criminal action
11 as a Special Victims’ Advocate to protect the rights
12 of crime victims in this section.

13 “(9) ATTORNEYS’ FEES.—A crime victim who
14 prevails against the United States in an action to
15 enforce a right under this section shall be entitled to
16 an award of reasonable attorneys’ fees and expenses,
17 as provided in section 2412 of title 28, United
18 States Code.”;

19 (6) in subsection (e)(2)(A), by striking “the
20 commission of a” and inserting “an alleged, charged,
21 or convicted”; and

22 (7) by striking subsection (f).

1 **SEC. 1702. DEPARTMENT OF JUSTICE OFFICIALS RESPON-**
2 **SIBLE FOR ENSURING VICTIMS' RIGHTS.**

3 (a) IN GENERAL.—Chapter 237 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 3772. General provisions**

7 “(a) RULE MAKING.—The Attorney General shall
8 issue such rules as may be necessary to carry out this
9 chapter.

10 “(b) REPORTS TO CONGRESS.—

11 “(1) IN GENERAL.—The Attorney General shall
12 submit to Congress a report on—

13 “(A) significant steps taken to improve the
14 Department’s best efforts to accord crime vic-
15 tims their rights;

16 “(B) the number of complaints filed with
17 the Ombudsman and the outcome of those com-
18 plaints (including any disciplinary action);

19 “(C) the number of complaints that were
20 referred to a State bar associations;

21 “(D) a list of Federal districts in which
22 misconduct was alleged to have occurred and
23 the number of complaints from such district;

24 “(E) a list of attorneys against whom 3 or
25 more complaints have been submitted to the Of-
26 fice of Crime Victims’ Rights; and

1 “(F) a list of all cases in which a court has
2 determined that there has been a failure to ac-
3 cord crime victims their rights and the best ef-
4 forts made by officers and employees of the De-
5 partment of Justice in each case.

6 “(2) ANNUAL AND BIENNIAL REPORTS.—The
7 report described in paragraph (1) shall be submitted
8 not later than 1 year after the date of enactment of
9 this section and—

10 “(A) annually thereafter for a period of 2
11 years; and

12 “(B) biennially after the end of the period
13 described in subparagraph (A).”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for chapter 237 of title 18, United States Code, is amend-
16 ed by adding at the end the following:

 “3772. General provisions.”.

17 (c) JUDICIAL TRAINING ON THE RIGHTS OF CRIME
18 VICTIMS.—Not later than 1 year after the date of enact-
19 ment of this Act, the Director of the Federal Judicial Cen-
20 ter shall, in consultation with victims’ rights and services
21 groups—

22 (1) create a guidebook for Federal judges and
23 judicial employees explaining legal requirements re-
24 garding crime victims’ rights and best practices for
25 affording those rights in judicial proceedings; and

1 the provisions of section 3771 of title 18, United States
2 Code.

3 (b) APPLICATIONS.—To be eligible to receive a grant
4 under this section, an entity or organization shall submit
5 an application to the Attorney General at such time, in
6 such manner, and containing such information as the At-
7 torney General may require, including information that
8 demonstrates that the entity or organization has nation-
9 ally recognized expertise in the area of crime victims'
10 rights.

11 (c) USE OF GRANT AMOUNT.—An entity or organiza-
12 tion that receives a grant under this section may use the
13 funds made available through the grant for staff salaries,
14 travel expenses, equipment, printing, and other reasonable
15 expenses necessary to develop, maintain, and disseminate
16 to lawyers and organizations described in subsection (a),
17 information and assistance concerning legal representation
18 to assist victims of a crime.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$1,500,000 for each of fiscal years 2022 through 2026.

22 (e) AVAILABILITY OF GRANT FUNDS.—Funds appro-
23 priated under this section shall remain available until ex-
24 pended.

1 **SEC. 1705. STREAMLINING VICTIM NOTIFICATION.**

2 Section 3664(d) of title 18, United States Code, is
3 amended—

4 (1) in paragraph (2), by striking “The proba-
5 tion officer” and inserting “Subject to paragraph
6 (7), the probation officer”; and

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

8 “(7) Paragraph (2) shall not apply if an officer
9 or employee of the Department of Justice or other
10 department or agency of the United States provides
11 to a victim notice and an affidavit form under sec-
12 tion 3771(c)(1) before the probation officer submits
13 a presentence report under subsection (a).”.

14 **SEC. 1706. IMPROVEMENTS FOR ORDERS OF RESTITUTION.**

15 (a) CHANGES IN PROCEDURES FOR ORDERS OF RES-
16 TITUTION.—Section 3664 of title 18, United States Code,
17 is amended—

18 (1) in subsection (d)(2)(A)(v), by striking
19 “(B)” and inserting “(D)”;

20 (2) in subsection (f)(2)—

21 (A) by inserting “the amount owed, that
22 this amount is payable immediately, and” after
23 “order”; and

24 (B) by striking “, and the schedule accord-
25 ing to which,”;

1 (3) in subsection (f)(3), by amending subpara-
2 graph (B) to read as follows:

3 “(B) Notwithstanding any payment sched-
4 ule entered by the court, each order of restitu-
5 tion shall be a civil debt, payable immediately,
6 and subject to the enforcement procedures pro-
7 vided in this section. No payment schedule im-
8 posed by the court shall preclude the United
9 States from enforcing an order of restitution
10 pursuant to this section, nor shall any payment
11 schedule imposed by the court preclude collec-
12 tion pursuant to the Bureau of Prisons’ Inmate
13 Financial Responsibility Program.”;

14 (4) in subsection (k), by striking the last sen-
15 tence;

16 (5) in subsection (m), by amending paragraph
17 (1) to read as follows:

18 “(1) An order of restitution may be enforced as
19 follows:

20 “(A) An order may be enforced through
21 civil practices and procedures before the liability
22 for restitution is satisfied, remitted, set aside,
23 or terminated under section 3613.

24 “(B) An order may be enforced by the
25 United States in the manner provided for in

1 subchapter C of chapter 227 and subchapter B
2 of chapter 229 of this title.

3 “(C) An order may be enforced by any vic-
4 tim named in the restitution order in accord-
5 ance with section 1962 of title 28. At the re-
6 quest of a victim named in a restitution order,
7 the clerk of the court shall issue an abstract of
8 judgment certifying that a judgment has been
9 entered in favor of such victim in the amount
10 specified in the restitution order. Upon reg-
11 istering, recording, docketing, or indexing such
12 abstract in accordance with the rules and re-
13 quirements relating to judgments of the court
14 of the State where the district court is located,
15 the abstract of judgment shall be a lien on the
16 property of the defendant located in such State
17 in the same manner and to the same extent and
18 under the same conditions as a judgment of a
19 court of general jurisdiction in that State.”;
20 and

21 (6) by inserting after subsection (p) the fol-
22 lowing:

23 “(q) Upon motion of the Government or petition by
24 the probation office, the court shall conduct a hearing to
25 determine whether the defendant has knowingly refused

1 to make a restitution payment. If the court finds that the
2 defendant is in default, the court may take any action de-
3 scribed in sections 3613A and 3614 of this title, to obtain
4 compliance with the order of restitution or to sanction the
5 defendant for knowing refusal to pay.”.

6 (b) EXPANSION OF CIVIL REMEDIES FOR ORDERS OF
7 RESTITUTION.—Section 3613 of title 18, United States
8 Code, is amended—

9 (1) in the section heading, by inserting “**OR**
10 **RESTITUTION**” after “**FINE**”;

11 (2) in subsection (a), by inserting “or restitu-
12 tion” after “fine” each place it appears;

13 (3) in subsection (b)—

14 (A) by inserting “or restitution” after
15 “fine”; and

16 (B) by inserting “or ordered to pay restitu-
17 tion” after “fined” each place it appears; and

18 (4) in subsection (e), by inserting “or restitu-
19 tion” after “fine”.

