AMENDMENT TO RULES COMMITTEE PRINT 117-3

OFFERED BY MS. WASSERMAN SCHULTZ OF FLORIDA

Add at the end of the bill the following:

TITLE XVII—CRIME VICTIMS’ RIGHTS

SEC. 1701. DEPARTMENT OF JUSTICE OFFICIALS RESPONSIBLE FOR ENSURING VICTIMS’ RIGHTS.

(a) IN GENERAL.—Chapter 237 of title 18, United States Code, is amended by adding at the end the following:

“§ 3772. Office of the National Coordinator for Victims’ Rights

“(a) ESTABLISHMENT.—There is established within the Office of the Deputy Attorney General of the Department of Justice, the Office of the National Coordinator for Victims’ Rights, headed by the National Coordinator for Victims’ Rights (in this section referred to as the ‘National Coordinator’), for the purpose of reviewing determinations of the Ombudsman, monitoring and appearing in court proceedings as Special Victim’s Advocate to protect the rights of victims, and developing standards for
and training on Department of Justice policy with respect
to treatment of victims.

“(b) DUTIES.—The National Coordinator shall have
the following duties:

“(1) REVISIONS.—Not less than once every 2
years, the National Coordinator, in consultation with
the Ombudsman, the Director of the Office of Vio-

lence Against Women, the Director of the Federal
Bureau of Investigation, the litigating components of
the Department of Justice, and victims’ rights and
services groups, shall review and, if necessary, rec-
ommend the revision of the rules issued by the At-
torney General to carry out this chapter.

“(2) ADVOCATE.—The National Coordinator
may appear before the court and act as a Special
Victims’ Advocate, either upon receiving a request
from the Ombudsman pursuant to section
3773(b)(5), upon a request from a prosecutor, Vic-
tim or Witness Coordinator, crime victim or crime

victims’ counsel or representative, or in the discre-
tion of the National Coordinator based on the cir-
cumstances.

“(3) TRAINING.—The National Coordinator
shall coordinate a mandatory biannual course of
training, in consultation with victims’ rights and
services groups, on the responsibilities to crime vic-
tims for each officer or employee of the Department
of Justice who interacts with crime victims as a part
of their official duties.

“(4) SANCTIONS.—Not later than 14 days after
receiving a report from the Office of Crime Victims’
Rights, the National Coordinator may impose sanc-
tions on officers and employees of the Department
of Justice who fail to comply with section 3771(a)
or section 503 of the Victims’ Rights and Restitu-
tion Act of 1990 (34 U.S.C. 20141), including—

“(A) suspension or termination from em-
ployment;

“(B) delay of promotion or reduction in
step on the General Schedule or other relevant
pay schedule, for officers and employees of the
Department of Justice who fail to comply with
section 3771(a) or section 503 of the Victims’
Rights and Restitution Act of 1990 (34 U.S.C.
20141); and

“(C) referral to each State bar association
of which an attorney is a member in good
standing, where there is clear and convincing
evidence of an intentional violation.
“(5) MINIMUM REQUIREMENTS.—The National Coordinator shall develop best practices for protecting the rights of crime victims, which may exceed the minimum legal requirements set forth in this chapter and shall be relevant to determining whether an officer or employee of the Department of Justice has made best efforts to ensure that crime victims are notified of, and accorded, the rights described in section 3771(a) or section 503 of the Victims’ Rights and Restitution Act of 1990 (34 U.S.C. 20141).

“(c) AWARD.—

“(1) IN GENERAL.—The National Coordinator may, upon a final determination that an officer or employee of the Department of Justice intentionally violated the rights of a victim, award the victim not more than $15,000, to be paid out of the fund described in section 1304 of title 31.

“(2) SUPPLEMENTAL.—The award payable under this subsection may not be used to reduce any other restitution or recovery to which the crime victim is entitled as a result of the crime.

“§ 3773. Office of Crime Victims’ Rights

“(a) ESTABLISHMENT.—There is established within the Executive Office for United States Attorneys of the
Department of Justice, the Office of Crime Victims’ Rights, headed by the Crime Victims’ Rights Ombudsman (in this section referred to as the ‘Ombudsman’), for the purposes of—

“(1) receiving, coordinating investigations of, and adjudicating complaints relating to a violation of the rights of a crime victim; and

“(2) serving as a central resource for information and contact in the Department of Justice for crime victims.

“(b) DUTIES.—The Ombudsman shall have the following duties:

“(1) COMPLAINT SUBMISSION SYSTEM.—The Ombudsman shall develop a streamlined system for submitting complaints to the Ombudsman electronically and by mail and shall maintain a log of each complaint submitted.

“(2) POINTS OF CONTACT.—The Ombudsman shall appoint a point of contact for each office of the Department of Justice and mandate annual training for each point of contact on the requirements and expectations of Department of Justice officers and employees with respect to the rights of crime victims.
“(3) COMPLAINT PROCESS.—The Ombudsman shall establish, in coordination with the National Co-
ordinator, a process for the Ombudsman—

“(A) to directly receive any complaint from crime victims for violations of their rights under section 3771(a) or section 503 of the Victims’ Rights and Restitution Act of 1990 (34 U.S.C. 20141) by an officer or employee of the Depart-
ment of Justice and to refer the complaint to the point of contact at each relevant office for investigation, initial findings, and recommenda-
tions;

“(B) in the case that the point of contact has a conflict of interest, to refer the complaint to another officer in a relevant office to address the complaint, who shall be designated as the point of contact with respect to that complaint;

“(C) to provide the complainant an opportu-

ity to be heard by the point of contact and respond to initial findings of the point of the contact;

“(D) to review the findings and rec-
mendations of the point of contact; and

“(E) to, not later than 90 days after re-
ceipt of a complaint—
“(i) provide a report to the National Coordinator based on the findings and recom-

ommendations of the point of contact on whether there was any violation of the

rights of the crime victim; and

“(ii) in the case that there is a viola-
tion, identify each officer or employee re-

sponsible for the violation.

“(4) COMPLAINTS.—Complaints received under the process in subsection (3) shall include the fol-

lowing:

“(A) The full name, address, telephone number, and electronic mail address of the com-

plainant.

“(B) The name and title of the individual who violated the rights of the crime victim.

“(C) The right of the crime victim that was allegedly violated.

“(D) The details of the allegation, including the name of the court case and the jurisdic-

tion in which the misconduct occurred, if applicable.

“(E) Copies of any documents that sup-

port the complainant’s allegation.
“(F) Whether the victim desires pro bono counsel.

“(G) Any other information relevant to the complaint.

“(5) REPORT DETERMINATIONS.—

“(A) IN GENERAL.—The Ombudsman shall report to the complainant the determinations made under paragraph (3), after which the complainant shall have an opportunity to appeal to the National Coordinator, except in a case in which the complaint concerns the conduct of the National Coordinator, in which case the appeal shall be to the Attorney General or a designee of the Attorney General. Whether or not there is an appeal, the Ombudsman shall refer the determinations to the National Coordinator for final review and approval and application of any disciplinary sanctions or award.

“(B) TIME FOR REVIEW.—Not later than 30 days after an appeal is filed under this paragraph, the National Coordinator, the Attorney General, or the designee of the Attorney General shall review the order.

“(C) FAILURE TO REVIEW.—If the National Coordinator, the Attorney General, or the
designee of the Attorney General fails to review an order pursuant to an appeal filed under this paragraph, the order shall be deemed to have been upheld by the Attorney General on the date that is 45 days after the appeal is filed.

“(6) APPOINT ADVOCATE.—

“(A) REQUEST.—The Ombudsman shall develop a process by which victims may submit a request for the National Coordinator to appear before the court and act as a Special Victims’ Advocate.

“(B) REFERRAL.—The Ombudsman shall refer to the National Coordinator any request received pursuant to the process developed under subparagraph (A).

“(7) COMPLAINT PERIOD.—A victim of a crime may submit a complaint under this subsection ending on the date that is 1 year after the victim learns of a violation of their rights under section 3771(a) or section 503 of the Victims’ Rights and Restitution Act of 1990 (34 U.S.C. 20141) by an officer or employee of the Department of Justice or 2 years after the actual violation, whichever is later, except that the National Coordinator may extend such date if the National Coordinator determines an extension
to be necessary to accord the victim of a crime their
rights upon a showing of good cause.

“(c) RIGHTS OF THE COMPLAINANT.—A complainant
filling a complaint under subsection (b)(3) shall have the
following rights:

“(1) NOTICE OF RECEIPT.—The Ombudsman
shall provide to the complainant notice of receipt of
a complaint not later than 10 days after the date of
such receipt.

“(2) RIGHT TO COUNSEL.—

“(A) IN GENERAL.—The complainant shall
have the right to be represented by legal coun-
sel in any proceeding under section (b).

“(B) PRO BONO REPRESENTATION.—To
the extent practicable, the Ombudsman will
submit to the complainant a list of persons who
have indicated their availability to represent
crime victims on a pro bono basis.

“(C) CONTACT INFORMATION OF COUN-
sel.—In the case that a complainant is rep-
resented by legal counsel in a proceeding con-
vened under section (b), the contact information
of such attorney shall be included on the com-
plain.
“(D) NOTICE OF WITHDRAWAL.—In the case that legal counsel for a complainant withdraws from such representation, the attorney shall provide notice to the Ombudsman.

“(3) RIGHT TO PRESENT EVIDENCE.—The complainant shall have the right to present evidence at any proceeding under section (b).

“(d) RIGHTS OF THE DEPARTMENT OF JUSTICE.—Any officer or employee for the Government against whom a complaint has been submitted to the Office of Crime Victims’ Rights is entitled to—

“(1) receive notice of a complaint against the officer or employee not later than 10 days after such complaint is received by the Office of Crime Victims’ Rights;

“(2) a reasonable time to answer in writing and to furnish affidavits and other documentary evidence in support of the answer;

“(3) be represented by legal counsel;

“(4) present evidence and witnesses in their defense;

“(5) a copy of any final order imposing disciplinary action not later than the date on which the order is issued;
“(6) end the complaint process by voluntarily forfeiting the attorney’s bar license in each jurisdiction in which the attorney is licensed; and

“(7) reasonable and timely access to records of the Department of Justice related to the complaint.”.

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

“3772. Office of the National Coordinator for Victims’ Rights.
“3773. Office of Crime Victims’ Rights.”.