

103^D CONGRESS
1ST SESSION

H. R. 3355

AMENDMENT

In the Senate of the United States,

November 19 (legislative day, November 2), 1993.

Resolved, That the bill from the House of Representatives (H.R. 3355) entitled “An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 *This Act may be cited as the “Violent Crime Control*
3 *and Law Enforcement Act of 1993”.*

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

5 *The following is the table of contents for this Act:*

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Sec. 2. Table of contents.

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Sec. 101. Short title.

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Sec. 201. Short title.

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Sec. 204. Applicability to Uniform Code of Military Justice.

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Sec. 206. Death penalty for civil rights murders.

Sec. 207. Death penalty for the murder of Federal law enforcement officials.

Sec. 208. New offense for the indiscriminate use of weapons to further drug conspiracies.

Sec. 209. Foreign murder of United States nationals.

Sec. 210. Death penalty for rape and child molestation murders.

Sec. 211. Death penalty for sexual exploitation of children.

Sec. 212. Murder by escaped prisoners.

Sec. 213. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.

Sec. 214. Homicides and attempted homicides involving firearms in Federal facilities.

Sec. 215. Murder in course of alien smuggling.

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Sec. 316. Responses to requests for information.

Sec. 317. Notification of names and addresses of firearms licensees.

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Sec. 402. Enhanced penalty for second offense of using an explosive to commit a felony.

Sec. 403. Smuggling firearms in aid of drug trafficking.

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Sec. 405. Revocation of supervised release.

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- Sec. 502. Prohibition of retaliatory killings of witnesses, victims and informants.*
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- Sec. 5117. Protection of recipients in counterterrorism rewards program.*
- Sec. 5118. Violent crime and drug emergency areas.*
- Sec. 5119. State and local cooperation with the United States Immigration and Naturalization Service.*
- Sec. 5120. Amendments to the Department of Education Organization Act and the National Literacy Act of 1991.*
- Sec. 5121. Prevention, diagnosis, and treatment of tuberculosis in correctional institutions.*
- Sec. 5122. Establishment of community programs on domestic violence.*
- Sec. 5123. Hate Crimes Statistics Act.*
- Sec. 5124. Penalties for document fraud.*
- Sec. 5125. Use of antiloitering laws to fight crime.*
- Sec. 5126. Victims of child abuse programs.*
- Sec. 5127. Law Day U.S.A.*
- Sec. 5128. Treatment of Indian tribes under title I of the Omnibus Crime Control and Safe Streets Act of 1968.*
- Sec. 5129. Agreement to assist in locating missing children under the Parent Locator Service.*
- Sec. 5130. Solicitation of minor to commit crime.*
- Sec. 5131. Asylum.*
- Sec. 5132. Federal Judiciary.*
- Sec. 5133. Control and prevention of crime in Indian country.*
- Sec. 5134. Civil statute of limitations for tort actions brought by the RTC.*
- Sec. 5135. Awards of Pell Grants to prisoners prohibited.*
- Sec. 5136. Transfer of certain alien criminals to Federal facilities.*
- Sec. 5137. Federal assistance to ease the increased burdens on State court systems resulting from enactment of this Act.*
- Sec. 5138. To improve Federal and State automated fingerprint systems to identify more criminal suspects.*
- Sec. 5139. Appropriate remedies for prison overcrowding.*
- Sec. 5140. Establishment of community programs on domestic violence.*
- Sec. 5141. Sense of the Senate.*
- Sec. 5142. Child-centered activities.*
- Sec. 5143. Olympic youth development centers.*
- Sec. 5144. Authority to release certain confidential information relating to aliens.*
- Sec. 5145. Children and youth utilizing Federal land.*
- Sec. 5146. Bankruptcy fraud.*
- Sec. 5147. Handguns in schools.*

- Sec. 5148. Sense of the Senate regarding a study on out-of-wedlock births.
- Sec. 5149. Congressional approval of any expansion at Lorton and congressional hearings on future needs.
- Sec. 5150. National Narcotics Leadership Act.
- Sec. 5151. Supreme Court marshals and police.
- Sec. 5152. Extension of full-time status of members of the United States Sentencing Commission.
- Sec. 5153. Sense of the Senate that able-bodied convicted felons in the Federal prison system work.
- Sec. 5154. First time domestic violence offender rehabilitation program.
- Sec. 5155. Asset forfeiture.
- Sec. 5156. Clarification of definition of a "Court of the United States" to include the District Courts for Guam, the Northern Mariana Islands, and the Virgin Islands.
- Sec. 5157. Extradition.
- Sec. 5158. Expedited deportation for denied asylum applicants.
- Sec. 5159. Improving border controls.
- Sec. 5160. Expanded special deportation proceedings.
- Sec. 5161. Construction of INS service processing centers to detain criminal aliens.
- Sec. 5162. Assistant United States attorney residency.
- Sec. 5163. Gang resistance education and training projects.
- Sec. 5164. Law enforcement personnel.
- Sec. 5165. Review by the Attorney General of Federal prison capacity and construction and operational standards for State and local corrections facilities.
- Sec. 5166. Coordination of substance abuse treatment and prevention programs.
- Sec. 5167. Juvenile anti-drug and anti-gang grants in federally assisted low-income housing.
- Sec. 5168. Definitions.

1 **TITLE I—PUBLIC SAFETY AND**
 2 **POLICING**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the "Public Safety Partner-*
 5 *ship and Community Policing Act of 1993".*

6 **SEC. 102. FINDINGS AND PURPOSES.**

7 (a) *FINDINGS.—The Congress finds that—*

8 (1) *according to data compiled by the Federal*
 9 *Bureau of Investigation, in 1961, there was approxi-*
 10 *mately 1 reported violent crime per city police officer,*
 11 *but while from 1961 to 1991 there was no substantial*

1 *increase in United States cities' police employment*
2 *rate, during the same period the number of reported*
3 *violent crimes per city police officer rose to approxi-*
4 *mately 4.6 per officer;*

5 *(2) National Crime Survey figures indicate that*
6 *nearly 5,000,000 households in the United States had*
7 *at least 1 member who had been a victim of violent*
8 *crime during 1991;*

9 *(3) these victims of violence experienced more*
10 *than 6,400,000 crimes of which about one-half were*
11 *reported to law enforcement authorities;*

12 *(4) community-oriented policing ("cops on the*
13 *beat") enhances communication and cooperation be-*
14 *tween law enforcement and members of the commu-*
15 *nity;*

16 *(5) such communication and cooperation between*
17 *law enforcement and members of the community sig-*
18 *nificantly assists in preventing and controlling crime*
19 *and violence, thus enhancing public safety; and*

20 *(6) while increasing and maintaining police re-*
21 *sources and presence in the community are the long-*
22 *term responsibility of State and local governments,*
23 *State and local law enforcement agencies are in need*
24 *of immediate assistance to begin the process of rehiring*
25 *officers who have been laid off for budgetary rea-*

1 *sons and hiring new, additional officers to assist in*
2 *the implementation of community-oriented policing.*

3 *(b) PURPOSES.—The purposes of this title are to—*

4 *(1) substantially increase the number of law en-*
5 *forcement officers interacting directly with members*
6 *of the community (“cops on the beat”);*

7 *(2) provide additional and more effective train-*
8 *ing to law enforcement officers to enhance their prob-*
9 *lem solving, service, and other skills needed in inter-*
10 *acting with members of the community;*

11 *(3) encourage the development and implementa-*
12 *tion of innovative programs to permit members of the*
13 *community to assist State and local law enforcement*
14 *agencies in the prevention of crime in the community;*
15 *and*

16 *(4) encourage the development of new tech-*
17 *nologies to assist State and local law enforcement*
18 *agencies in reorienting the emphasis of their activities*
19 *from reacting to crime to preventing crime,*

20 *by establishing a program of grants and assistance in fur-*
21 *therance of these objectives, including the authorization for*
22 *a period of 6 years of grants for the hiring and rehiring*
23 *of additional career law enforcement officers.*

1 **SEC. 103. COMMUNITY POLICING; “COPS ON THE BEAT”.**

2 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
3 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)
4 is amended—

5 (1) by redesignating part Q as part R;

6 (2) by redesignating section 1701 as section
7 1801; and

8 (3) by inserting after part P the following new
9 part:

10 **“PART Q—PUBLIC SAFETY AND CITY POLICING;**
11 **‘COPS ON THE BEAT’**

12 **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COM-**
13 **MUNITY POLICING GRANTS.**

14 “(a) *GRANT AUTHORIZATION.*—The Attorney General
15 may make grants to units of State and local government,
16 and to other public and private entities, to increase police
17 presence, to expand and improve cooperative efforts between
18 law enforcement agencies and members of the community
19 to address crime and disorder problems, and otherwise to
20 enhance public safety.

21 “(b) *REHIRING AND HIRING GRANT PROJECTS.*—
22 Grants made under subsection (a) may be used for pro-
23 grams, projects, and other activities to—

24 “(1) rehire law enforcement officers who have
25 been laid off as a result of State and local budget re-

- 1 *ductions for deployment in community-oriented polic-*
- 2 *ing; and*

1 “(2) hire new, additional career law enforcement
2 officers for deployment in community-oriented polic-
3 ing across the Nation.

4 “(c) TROOPS-TO-COPS PROGRAMS.—(1) Grants made
5 under subsection (a) may be used to hire former members
6 of the Armed Forces to serve as career law enforcement offi-
7 cers for deployment in community-oriented policing, par-
8 ticularly in communities that are adversely affected by a
9 recent military base closing.

10 “(2) In this subsection, ‘former member of the Armed
11 Forces’ means a member of the Armed Forces of the United
12 States who is involuntarily separated from the Armed
13 Forces within the meaning of section 1141 of title 10, Unit-
14 ed States Code.

15 “(d) ADDITIONAL GRANT PROJECTS.—Grants made
16 under subsection (a) may include programs, projects, and
17 other activities to—

18 “(1) increase the number of law enforcement offi-
19 cers involved in activities that are focused on inter-
20 action with members of the community on proactive
21 crime control and prevention by redeploying officers
22 to such activities;

23 “(2) provide specialized training to law enforce-
24 ment officers to enhance their conflict resolution, me-
25 diation, problem solving, service, and other skills

1 *needed to work in partnership with members of the*
2 *community;*

3 “(3) *increase police participation in multidisci-*
4 *plinary early intervention teams;*

5 “(4) *develop new technologies to assist State and*
6 *local law enforcement agencies in reorienting the em-*
7 *phasis of their activities from reacting to crime to*
8 *preventing crime;*

9 “(5) *develop and implement innovative programs*
10 *to permit members of the community to assist State*
11 *and local law enforcement agencies in the prevention*
12 *of crime in the community, such as a citizens police*
13 *academy, including programs designed to increase the*
14 *level of access to the criminal justice system enjoyed*
15 *by victims, witnesses, and ordinary citizens by estab-*
16 *lishing decentralized satellite offices (including video*
17 *facilities) of principal criminal courts buildings;*

18 “(6) *establish innovative programs to reduce,*
19 *and keep to a minimum, the amount of time that law*
20 *enforcement officers must be away from the commu-*
21 *nity while awaiting court appearances;*

22 “(7) *establish and implement innovative pro-*
23 *grams to increase and enhance proactive crime con-*
24 *trol and prevention programs involving law enforce-*

1 *ment officers and young persons in the community;*
2 *and*

3 *“(8) develop and establish new administrative*
4 *and managerial systems to facilitate the adoption of*
5 *community-oriented policing as an organization-wide*
6 *philosophy.*

7 *“(e) PREFERENTIAL CONSIDERATION OF APPLICA-*
8 *TIONS FOR CERTAIN GRANTS.—In awarding grants under*
9 *this part, the Attorney General shall give preferential con-*
10 *sideration, where feasible, to applications for hiring and re-*
11 *hiring additional career law enforcement officers that in-*
12 *volve—*

13 *(1) a non-Federal contribution exceeding the 25*
14 *percent minimum under subsection (i); and*

15 *(2) hiring former members of the Armed Forces*
16 *to serve as career law enforcement officers under sub-*
17 *section (c).*

18 *“(f) TECHNICAL ASSISTANCE.—(1) The Attorney Gen-*
19 *eral may provide technical assistance to units of State and*
20 *local government, and to other public and private entities,*
21 *in furtherance of the purposes of the Public Safety Partner-*
22 *ship and Community Policing Act of 1993.*

23 *“(2) The technical assistance provided by the Attorney*
24 *General may include the development of a flexible model*
25 *that will define for State and local governments, and other*

1 *public and private entities, definitions and strategies asso-*
2 *ciated with community or problem-oriented policing and*
3 *methodologies for its implementation.*

4 “(3) *The technical assistance provided by the Attorney*
5 *General may include the establishment and operation of*
6 *training centers or facilities, either directly or by contract-*
7 *ing or cooperative arrangements. The functions of the cen-*
8 *ters or facilities established under this paragraph may in-*
9 *clude instruction and seminars for police executives, man-*
10 *agers, trainers and supervisors concerning community or*
11 *problem-oriented policing and improvements in police-com-*
12 *munity interaction and cooperation that further the pur-*
13 *poses of the Public Safety Partnership and Community Po-*
14 *licing Act of 1993.*

15 “(g) *UTILIZATION OF COMPONENTS.—The Attorney*
16 *General may utilize any component or components of the*
17 *Department of Justice in carrying out this part.*

18 “(h) *MINIMUM AMOUNT.—Each qualifying State, to-*
19 *gether with grantees within the State, shall receive in each*
20 *fiscal year pursuant to subsection (a) not less than 0.6 per-*
21 *cent of the total amount appropriated in the fiscal year for*
22 *grants pursuant to that subsection. In this subsection,*
23 *‘qualifying State’ means any State which has submitted an*
24 *application for a grant, or in which an eligible entity has*
25 *submitted an application for a grant, which meets the re-*

1 *quirements prescribed by the Attorney General and the con-*
2 *ditions set out in this part.*

3 “(i) *MATCHING FUNDS.*—*The portion of the costs of*
4 *a program, project, or activity provided by a grant under*
5 *subsection (a) may not exceed 75 percent, unless the Attor-*
6 *ney General waives, wholly or in part, the requirement*
7 *under this subsection of a non-Federal contribution to the*
8 *costs of a program, project, or activity. In relation to a*
9 *grant for a period exceeding 1 year for hiring or rehiring*
10 *career law enforcement officers, the Federal share shall de-*
11 *crease from year to year for up to 5 years, looking toward*
12 *the continuation of the increased hiring level using State*
13 *or local sources of funding following the conclusion of Fed-*
14 *eral support, as provided in an approved plan pursuant*
15 *to section 1702(c)(8).*

16 “(j) *ALLOCATION OF FUNDS.*—*The funds available*
17 *under this part shall be allocated as provided in section*
18 *1001(a)(11)(B).*

19 “(k) *TERMINATION OF GRANTS FOR HIRING OFFI-*
20 *CERS.*—*The authority under subsection (a) of this section*
21 *to make grants for the hiring and rehiring of additional*
22 *career law enforcement officers shall lapse at the conclusion*
23 *of 6 years from the date of enactment of this part. Prior*
24 *to the expiration of this grant authority, the Attorney Gen-*
25 *eral shall submit a report to Congress concerning the experi-*

1 *ence with and effects of such grants. The report may include*
2 *any recommendations the Attorney General may have for*
3 *amendments to this part and related provisions of law in*
4 *light of the termination of the authority to make grants for*
5 *the hiring and rehiring of additional career law enforce-*
6 *ment officers.*

7 ***“SEC. 1702. APPLICATIONS.***

8 *“(a) IN GENERAL.—No grant may be made under this*
9 *part unless an application has been submitted to, and ap-*
10 *proved by, the Attorney General.*

11 *“(b) APPLICATION.—An application for a grant under*
12 *this part shall be submitted in such form, and contain such*
13 *information, as the Attorney General may prescribe by reg-*
14 *ulation or guidelines.*

15 *“(c) CONTENTS.—In accordance with the regulations*
16 *or guidelines established by the Attorney General, each ap-*
17 *plication for a grant under this part shall—*

18 *“(1) include a long-term strategy and detailed*
19 *implementation plan that reflects consultation with*
20 *community groups and appropriate private and pub-*
21 *lic agencies and reflects consideration of the statewide*
22 *strategy under section 503(a)(1);*

23 *“(2) demonstrate a specific public safety need;*

24 *“(3) explain the locality’s inability to address*
25 *the need without Federal assistance;*

1 “(4) identify related governmental and commu-
2 nity initiatives which complement or will be coordi-
3 nated with the proposal;

4 “(5) certify that there has been appropriate co-
5 ordination with all affected agencies;

6 “(6) outline the initial and ongoing level of com-
7 munity support for implementing the proposal in-
8 cluding financial and in-kind contributions or other
9 tangible commitments;

10 “(7) specify plans for obtaining necessary sup-
11 port and continuing the proposed program, project, or
12 activity following the conclusion of Federal support;
13 and

14 “(8) if the application is for a grant for hiring
15 or rehiring additional career law enforcement offi-
16 cers—

17 “(A) specify plans for the assumption by
18 the grantee of a progressively larger share of the
19 cost in the course of time, looking toward the
20 continuation of the increased hiring level using
21 State or local sources of funding following the
22 conclusion of Federal support;

23 “(B) assess the impact, if any, of the in-
24 crease in police resources on other components of
25 the criminal justice system; and

1 “(C) explain how the grant will be utilized
2 to reorient the affected law enforcement agency’s
3 mission toward community-oriented policing or
4 enhance its involvement in or commitment to
5 community-oriented policing.

6 **“SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.**

7 “(a) *IN GENERAL.*—Except as provided in subsection
8 (c) or (d), an applicant for a grant under this part shall
9 submit an application to the State office designated under
10 section 507 in the State in which the applicant is located
11 for initial review.

12 “(b) *INITIAL REVIEW OF APPLICATION.*—(1) The State
13 office referred to in subsection (a) shall review applications
14 for grants under this part submitted to it, based upon cri-
15 teria specified by the Attorney General by regulation or
16 guidelines.

17 “(2) Upon completion of the reviews required by para-
18 graph (1), the State office referred to in subsection (a) shall
19 determine which, if any, of the applications for grants
20 under this part are most likely to be successful in achieving
21 the purposes of the Public Safety Partnership and Commu-
22 nity Policing Act of 1993.

23 “(3)(A) The State office referred to in subsection (a)
24 shall list the applications for grants under this part in
25 order of their likelihood of achieving the purposes of the

1 *Public Safety Partnership and Community Policing Act of*
2 *1993 and shall submit the list along with all grant applica-*
3 *tions and supporting materials received to the Attorney*
4 *General.*

5 “(B) *In making the submission to the Attorney Gen-*
6 *eral required by subparagraph (A), the State office referred*
7 *to in subsection (a) may recommend that a particular ap-*
8 *plication or applications should receive special priority and*
9 *provide supporting reasons for the recommendation.*

10 “(c) *DIRECT APPLICATION TO THE ATTORNEY GEN-*
11 *ERAL BY CERTAIN MUNICIPALITIES.*—*Notwithstanding sub-*
12 *section (a), municipalities the population of which exceeds*
13 *150,000 may submit an application for a grant under this*
14 *part directly to the Attorney General. In this subsection,*
15 *‘municipalities the population of which exceeds 150,000’*
16 *means units of local government or law enforcement agen-*
17 *cies having jurisdiction over areas with populations exceed-*
18 *ing 150,000, and consortia or associations that include one*
19 *or more such units of local government or law enforcement*
20 *agencies.*

21 “(d) *DIRECT APPLICATION TO THE ATTORNEY GEN-*
22 *ERAL BY OTHER APPLICANTS.*—(1) *Notwithstanding sub-*
23 *section (a), if a State chooses not to carry out the functions*
24 *described in subsection (b), an applicant in the State may*

1 *submit an application for a grant under this part directly*
2 *to the Attorney General.*

3 “(2) *Notwithstanding subsection (a), an applicant that*
4 *is an Indian tribe or tribal law enforcement agency may*
5 *submit an application for a grant under this part directly*
6 *to the Attorney General.*

7 **“SEC. 1704. RENEWAL OF GRANTS.**

8 “(a) *IN GENERAL.*—*Except for grants made for hiring*
9 *or rehiring additional career law enforcement officers, a*
10 *grant under this part may be renewed for up to 2 addi-*
11 *tional years after the first fiscal year during which a recipi-*
12 *ent receives its initial grant, if the Attorney General deter-*
13 *mines that the funds made available to the recipient were*
14 *used in a manner required under an approved application*
15 *and if the recipient can demonstrate significant progress*
16 *in achieving the objectives of the initial application.*

17 “(b) *GRANTS FOR HIRING.*—*Grants made for hiring*
18 *or rehiring additional career law enforcement officers may*
19 *be renewed for up to 5 years, subject to the requirements*
20 *of subsection (a), but notwithstanding the limitation in that*
21 *subsection concerning the number of years for which grants*
22 *may be renewed.*

23 “(c) *MULTIYEAR GRANTS.*—*A grant for a period ex-*
24 *ceeding 1 year may be renewed as provided in this section,*
25 *except that the total duration of such a grant including any*

1 *renewals may not exceed 3 years, or 6 years if it is a grant*
2 *made for hiring or rehiring additional career law enforce-*
3 *ment officers.*

4 ***“SEC. 1705. LIMITATION ON USE OF FUNDS.***

5 *“(a) NONSUPPLANTING REQUIREMENT.—Funds made*
6 *available under this part to State or local governments or*
7 *to Indian tribal governments shall not be used to supplant*
8 *State or local funds, or, in the case of Indian tribes, funds*
9 *supplied by the Department of the Interior, but shall be used*
10 *to increase the amount of funds that would, in the absence*
11 *of Federal funds received under this part, be made available*
12 *from State or local sources, or in the case of Indian tribes,*
13 *from funds supplied by the Department of the Interior.*

14 *“(b) ADMINISTRATIVE COSTS.—No more than 5 per-*
15 *cent of the funds available under this part may be used*
16 *for the costs of States in carrying out the functions de-*
17 *scribed in section 1703(b) or other administrative costs.*

18 *“(c) NON-FEDERAL COSTS.—State and local units of*
19 *government may use assets received through the Assets For-*
20 *feiture equitable sharing program to cover the non-Federal*
21 *portion of programs, projects, and activities funded under*
22 *this part.*

23 *“(d) HIRING COSTS.—Annual funding provided under*
24 *this part for hiring or rehiring a career law enforcement*

1 *officer may not exceed \$50,000, unless the Attorney General*
2 *grants a waiver from this limitation.*

3 ***“SEC. 1706. PERFORMANCE EVALUATION.***

4 “(a) *EVALUATION COMPONENTS.—Each program,*
5 *project, or activity funded under this part shall contain an*
6 *evaluation component, developed pursuant to guidelines es-*
7 *tablished by the Attorney General. The evaluations required*
8 *by this subsection shall include outcome measures that can*
9 *be used to determine the effectiveness of the funded pro-*
10 *grams, projects, and activities. Outcome measures may in-*
11 *clude crime and victimization indicators, quality of life*
12 *measures, community perceptions, and police perceptions of*
13 *their own work.*

14 “(b) *PERIODIC REVIEW AND REPORTS.—The Attorney*
15 *General shall review the performance of each grant recipient*
16 *under this part. The Attorney General may require a grant*
17 *recipient to submit to the Attorney General the results of*
18 *the evaluations required under subsection (a) and such*
19 *other data and information as the Attorney General deems*
20 *reasonably necessary to carry out the responsibilities under*
21 *this subsection.*

22 ***“SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.***

23 “*If the Attorney General determines, as a result of the*
24 *reviews required by section 1706, or otherwise, that a grant*
25 *recipient under this part is not in substantial compliance*

1 *with the terms and requirements of an approved grant ap-*
2 *plication submitted under section 1702, the Attorney Gen-*
3 *eral may revoke or suspend funding of that grant, in whole*
4 *or in part.*

5 **“SEC. 1708. ACCESS TO DOCUMENTS.**

6 “(a) *BY THE ATTORNEY GENERAL.*—The Attorney
7 *General shall have access for the purpose of audit and exam-*
8 *ination to any pertinent books, documents, papers, or*
9 *records of a grant recipient under this part and to the perti-*
10 *nent books, documents, papers, or records of State and local*
11 *governments, persons, businesses, and other entities that are*
12 *involved in programs, projects, or activities for which as-*
13 *sistance is provided under this part.*

14 “(b) *BY THE COMPTROLLER GENERAL.*—Subsection
15 *(a) shall apply with respect to audits and examinations*
16 *conducted by the Comptroller General of the United States*
17 *or by an authorized representative of the Comptroller Gen-*
18 *eral.*

19 **“SEC. 1709. GENERAL REGULATORY AUTHORITY.**

20 “*The Attorney General may promulgate regulations*
21 *and guidelines to carry out this part.*

22 **“SEC. 1710. DEFINITIONS.**

23 “*In this part—*

24 “*‘Career law enforcement officers’ means a per-*
25 *son hired on a permanent basis who is authorized by*

1 *law or by a State or local public agency to engage in*
 2 *or supervise the prevention, detection, or investigation*
 3 *of violations of criminal laws.*

4 *“ ‘Citizens police academy’ means a program by*
 5 *local law enforcement agencies or private non profit*
 6 *organizations in which citizens, especially those who*
 7 *participate in neighborhood watch programs, are*
 8 *given training in police policy and procedure, crimi-*
 9 *nal law, the legal system, crime awareness, personal*
 10 *safety measures, and ways of facilitating communica-*
 11 *tion between the community and local law enforce-*
 12 *ment in the prevention of crime.’ ”.*

13 ***(b) TECHNICAL AMENDMENT.—****The table of contents of*
 14 *title I of the Omnibus Crime Control and Safe Streets Act*
 15 *of 1968 (42 U.S.C. 3711, et seq.) is amended by striking*
 16 *the item relating to part Q and inserting the following:*

“PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE BEAT’

“Sec. 1701. Authority to make public safety and community policing grants.

“Sec. 1702. Applications.

“Sec. 1703. Review of applications by State office.

“Sec. 1704. Renewal of grants.

“Sec. 1705. Limitation on use of funds.

“Sec. 1706. Performance evaluation.

“Sec. 1707. Revocation or suspension of funding.

“Sec. 1708. Access to documents.

“Sec. 1709. General regulatory authority.

“Sec. 1710. Definition.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 *1001(a) of title I of the Omnibus Crime Control and Safe*
3 *Streets Act of 1968 (42 U.S.C. 3793) is amended—*

4 (1) *in paragraph (3) by striking “and O” and*
5 *inserting “O, P, and Q”; and*

6 (2) *by adding at the end the following new para-*
7 *graph:*

8 “(11)(A) *There are authorized to be appropriated to*
9 *carry out part Q, to remain available until expended—*

10 “(i) *\$1,035,000,000 for fiscal year 1994;*

11 “(ii) *\$1,720,000,000 for fiscal year 1995;*

12 “(iii) *\$2,070,000,000 for fiscal year 1996;*

13 “(iv) *\$2,270,000,000 for fiscal year 1997; and*

14 “(v) *\$1,900,000,000 for fiscal year 1998.*

15 “(B) *Of funds available under part Q in any fis-*
16 *cal year, up to 5 percent may be used for technical*
17 *assistance under section 1701(e) or for evaluations or*
18 *studies carried out or commissioned by the Attorney*
19 *General in furtherance of the purposes of part Q, and*
20 *up to 5 percent may be used for the costs of States*
21 *in carrying out the functions described in section*
22 *1703(b) or other administrative costs. Of the remain-*
23 *ing funds, 60 percent shall be allocated for grants*
24 *pursuant to applications submitted as provided in*
25 *section 1703(a) or (d), and 40 percent shall be allo-*

1 *cated for grants pursuant to applications submitted*
2 *as provided in section 1703(c). Of the funds available*
3 *in relation to grants pursuant to applications sub-*
4 *mitted as provided in section 1703(a) or (d), at least*
5 *85 percent shall be applied to grants for the purposes*
6 *specified in section 1701(b), and no more than 15*
7 *percent may be applied to other grants in furtherance*
8 *of the purposes of part Q. Of the funds available in*
9 *relation to grants pursuant to applications submitted*
10 *as provided in section 1703(c), at least 85 percent*
11 *shall be applied to grants for the purposes specified*
12 *in section 1701(b), and no more than 15 percent may*
13 *be applied to other grants in furtherance of the pur-*
14 *poses of part Q. In view of the extraordinary need for*
15 *law enforcement in Indian country, an appropriate*
16 *amount of funds available under part Q shall be*
17 *made available for grants to Indian tribes or tribal*
18 *law enforcement agencies.*

19 *“(C) Of the amounts available to be expended for*
20 *the Violent Crime Reduction Trust Fund, \$75,000,000*
21 *is authorized to be expended to constitute an Ounce*
22 *of Prevention Fund, to be administered as follows and*
23 *for the following purposes:*

24 *“(i) The Ounce of Prevention Fund shall be*
25 *for the purpose of encouraging and supporting*

1 *the healthy development and nurturance of chil-*
2 *dren and youth in order to promote successful*
3 *transition into adulthood and for preventing vio-*
4 *lent crime through substance abuse treatment*
5 *and prevention.*

6 *“(ii) Activities to be supported by the Ounce*
7 *of Prevention Fund include—*

8 *“(I) after school and summer academic*
9 *enrichment and recreation conducted in safe*
10 *and secure settings and coordinated with*
11 *school curricula and programs, mentoring*
12 *and tutoring and other activities involving*
13 *extensive participation of adult role models,*
14 *activities directed at facilitating familiarity*
15 *with the labor market and ultimate success-*
16 *ful transition into the labor market; and*

17 *“(II) substance abuse treatment and*
18 *prevention program authorized in the Pub-*
19 *lic Health Service Act including outreach*
20 *programs for at-risk families.*

21 *“(iii) Except for substance abuse treatment*
22 *and prevention programs, the children and youth*
23 *to be served by Ounce of Prevention programs*
24 *shall be of ages appropriate for attendance at ele-*
25 *mentary and secondary schools. Applications*

1 *shall be geographically based in particular*
2 *neighborhoods or sections of municipalities or*
3 *particular segments of rural areas, and applica-*
4 *tions shall demonstrate how programs will serve*
5 *substantial proportions of children and youth*
6 *resident in the target area with activities de-*
7 *signed to have substantial impact on the lives of*
8 *such children and youth. The Ounce of Preven-*
9 *tion Council created herein shall define more*
10 *precise statistical and numerical parameters for*
11 *target areas, numbers of children to be served,*
12 *and substantially of impact of activities to be*
13 *undertaken.*

14 *“(iv) Applicants may be cities, counties, or*
15 *other municipalities, school boards, colleges and*
16 *universities, nonprofit corporations, or consortia*
17 *of eligible applicants. Applicants must show that*
18 *a planning process has occurred that has in-*
19 *volved organizations, institutions, and residents*
20 *of target areas, including young people, as well*
21 *as cooperation between neighborhood-based enti-*
22 *ties, municipality-wide bodies, and local private-*
23 *sector representatives. Applicants must dem-*
24 *onstrate the substantial involvement of neighbor-*
25 *hood-based entities in the carrying out of the*

1 *proposed activities. Proposals must demonstrate*
2 *that a broad base of collaboration and coordina-*
3 *tion will occur in the implementation of the pro-*
4 *posed activities, involving cooperation among*
5 *youth-serving organizations, schools, health and*
6 *social service providers, employers, law enforce-*
7 *ment professionals, local government, and resi-*
8 *dents of target areas, including young people.*
9 *The Ounce of Prevention Council shall set forth*
10 *guidelines elaborating these provisions.*

11 *“(v) The Ounce of Prevention Council shall*
12 *be chaired by the Attorney General and the Sec-*
13 *retaries of Education and Health and Human*
14 *Services, and shall include the Secretaries of Ag-*
15 *riculture, Housing and Urban Development, and*
16 *Labor, and the Director of the Office of National*
17 *Drug Control Policy. Such sums as shall be nec-*
18 *essary shall be appropriated for staff of the*
19 *Ounce of Prevention Council, which will be head-*
20 *ed by a Director chosen by the Council. The*
21 *Council shall make grant awards under this pro-*
22 *gram and develop appropriate guidelines for the*
23 *grant application process.*

24 *“(vi) The portion of the costs of a program,*
25 *project, or activity provided by a grant under*

1 *the Ounce of Prevention Fund may not exceed 75*
2 *percent, unless the Ounce of Prevention Council*
3 *waives, wholly or in part, the requirement under*
4 *this subsection of a non-Federal contribution to*
5 *the costs of a program, project, or activity.*
6 *Grants may be renewed for up to 4 additional*
7 *years after the first fiscal year during which a*
8 *recipient receives an initial grant, provided the*
9 *Council is satisfied that adequate progress is*
10 *being made toward fulfillment of proposal goals.*
11 *The provision of section 1705(a) concerning*
12 *nonsupplantation, section 1705(b) concerning*
13 *limits on administrative costs, section 1706 con-*
14 *cerning performance evaluation, and section*
15 *1707 concerning revocation or suspension of*
16 *funding shall apply to the program created by*
17 *this subparagraph.”.*

18 ***TITLE II—DEATH PENALTY***

19 ***SEC. 201. SHORT TITLE.***

20 *This title may be cited as the “Federal Death Penalty*
21 *Act of 1993”.*

1 **SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSI-**
 2 **TION OF THE SENTENCE OF DEATH.**

3 (a) *IN GENERAL.*—Part II of title 18, United States
 4 Code, is amended by inserting after chapter 227 the follow-
 5 ing new chapter:

6 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

“3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

7 **“§ 3591. Sentence of death**

8 “(a) A defendant who has been found guilty of—

9 “(1) an offense described in section 794 or sec-
 10 tion 2381;

11 “(2) an offense described in section 1751(c), if
 12 the offense, as determined beyond a reasonable doubt
 13 at the hearing under section 3593, constitutes an at-
 14 tempt to intentionally kill the President of the United
 15 States and results in bodily injury to the President
 16 or comes dangerously close to causing the death of the
 17 President; or

18 “(3) any other offense for which a sentence of
 19 death is provided, if the defendant, as determined be-

1 *yond a reasonable doubt at the hearing under section*
2 *3593—*

3 *“(A) intentionally killed the victim;*

4 *“(B) intentionally inflicted serious bodily*
5 *injury that resulted in the death of the victim;*

6 *“(C) intentionally participated in an act,*
7 *contemplating that the life of a person would be*
8 *taken or intending that lethal force would be*
9 *used in connection with a person, other than one*
10 *of the participants in the offense, and the victim*
11 *died as a direct result of the act; or*

12 *“(D) intentionally and specifically engaged*
13 *in an act, knowing that the act created a grave*
14 *risk of death to a person, other than one of the*
15 *participants in the offense, such that participa-*
16 *tion in the act constituted a reckless disregard*
17 *for human life and the victim died as a direct*
18 *result of the act,*

19 *shall be sentenced to death if, after consideration of the fac-*
20 *tors set forth in section 3592 in the course of a hearing*
21 *held pursuant to section 3593, it is determined that imposi-*
22 *tion of a sentence of death is justified, except that no person*
23 *may be sentenced to death who was less than 18 years of*
24 *age at the time of the offense.*

25 *“(b) a defendant who has been found guilty of—*

1 “(1) an offense referred to in section 408(c)(1) of
2 the Controlled Substances Act (21 U.S.C. 848(c)(1)),
3 committed as part of a continuing criminal enter-
4 prise offense under the conditions described in sub-
5 section (b) of that section which involved not less than
6 twice the quantity of controlled substance described in
7 subsection (b)(2)(A) or twice the gross receipts de-
8 scribed in subsection (b)(2)(B);

9 “(2) an offense referred to in section 408(c)(1) of
10 the Controlled Substances Act (21 U.S.C. 848(c)(1)),
11 committed as part of a continuing criminal enter-
12 prise offense under that section, where the defendant
13 is a principal administrator, organizer, or leader of
14 such an enterprise, and the defendant, in order to ob-
15 struct the investigation or prosecution of the enter-
16 prise or an offense involved in the enterprise, at-
17 tempts to kill or knowingly directs, advises, author-
18 izes, or assists another to attempt to kill any public
19 officer, juror, witness, or members of the family or
20 household of such a person;

21 “(3) an offense constituting a felony violation of
22 the Controlled Substances Act (21 U.S.C. 801 et seq.),
23 the Controlled Substances Import and Export Act (21
24 U.S.C. 951 et seq.), or the Maritime Drug Law En-
25 forcement Act (46 U.S.C. App. 1901 et seq.), where

1 *the defendant, intending to cause death or acting with*
2 *reckless disregard for human life, engages in such a*
3 *violation, and the death of another person results in*
4 *the course of the violation or from the use of the con-*
5 *trolled substance involved in the violation;*
6 *shall be sentenced to death if, after consideration of the fac-*
7 *tors set forth in section 3592, including the aggravating fac-*
8 *tors set forth at subsection (c) below, in the course of a hear-*
9 *ing held pursuant to section 3593, it is determined that*
10 *imposition of a sentence of death is justified, except that*
11 *no person may be sentenced to death who was less than 18*
12 *years of age at the time of the offense.*

13 *“(c) AGGRAVATING FACTORS FOR DRUG OFFENSE*
14 *DEATH PENALTY.—In determining whether a sentence of*
15 *death is justified for an offense described in subsection (b)*
16 *above, the jury, or if there is no jury, the court, shall con-*
17 *sider each of the following aggravating factors and deter-*
18 *mine which, if any, exist:*

19 *“(1) PREVIOUS CONVICTION OF OFFENSE FOR*
20 *WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-*
21 *MENT WAS AUTHORIZED.—The defendant has pre-*
22 *viously been convicted of another Federal or State of-*
23 *fense resulting in the death of a person, for which a*
24 *sentence of life imprisonment or death was authorized*
25 *by statute.*

1 “(2) *PREVIOUS CONVICTION OF OTHER SERIOUS*
2 *OFFENSES.*—*The defendant has previously been con-*
3 *victed of two or more Federal or State offenses, each*
4 *punishable by a term of imprisonment of more than*
5 *one year, committed on different occasions, involving*
6 *the importation, manufacture, or distribution of a*
7 *controlled substance (as defined in section 102 of the*
8 *Controlled Substances Act (21 U.S.C. 802)) or the in-*
9 *fliction of, or attempted infliction of, serious bodily*
10 *injury or death upon another person.*

11 “(3) *PREVIOUS SERIOUS DRUG FELONY CONVICT-*
12 *ION.*—*The defendant has previously been convicted of*
13 *another Federal or State offense involving the manu-*
14 *facture, distribution, importation, or possession of a*
15 *controlled substance (as defined in section 102 of the*
16 *Controlled Substances Act (21 U.S.C. 802)) for which*
17 *a sentence of five or more years of imprisonment was*
18 *authorized by statute.*

19 “(4) *USE OF FIREARM.*—*In committing the of-*
20 *fense, or in furtherance of a continuing criminal en-*
21 *terprise of which the offense was a part, the defendant*
22 *used a firearm or knowingly directed, advised, au-*
23 *thorized, or assisted another to use a firearm to*
24 *threaten, intimidate, assault, or injure a person.*

1 “(5) *DISTRIBUTION TO PERSONS UNDER 21.*—
2 *The offense, or a continuing criminal enterprise of*
3 *which the offense was a part, involved conduct pro-*
4 *scribed by section 418 of the Controlled Substances*
5 *Act (21 U.S.C. 859) which was committed directly by*
6 *the defendant.*

7 “(6) *DISTRIBUTION NEAR SCHOOLS.*—*The of-*
8 *fense, or a continuing criminal enterprise of which*
9 *the offense was a part, involved conduct proscribed by*
10 *section 419 of the Controlled Substances Act (21*
11 *U.S.C. 860) which was committed directly by the de-*
12 *fendant.*

13 “(7) *USING MINORS IN TRAFFICKING.*—*The of-*
14 *fense, or a continuing criminal enterprise of which*
15 *the offense was a part, involved conduct proscribed by*
16 *section 420 of the Controlled Substances Act (21*
17 *U.S.C. 861) which was committed directly by the de-*
18 *fendant.*

19 “(8) *LETHAL ADULTERANT.*—*The offense in-*
20 *volved the importation, manufacture, or distribution*
21 *of a controlled substance (as defined in section 102 of*
22 *the Controlled Substances Act (21 U.S.C. 802)),*
23 *mixed with a potentially lethal adulterant, and the*
24 *defendant was aware of the presence of the adulterant.*

1 *The jury, or if there is no jury, the court, may consider*
2 *whether any other aggravating factor for which notice has*
3 *been given exists.*

4 ***“§ 3592. Mitigating and aggravating factors to be con-***
5 ***sidered in determining whether a sen-***
6 ***tence of death is justified***

7 *“(a) MITIGATING FACTORS.—In determining whether*
8 *a sentence of death is to be imposed on a defendant, the*
9 *finder of fact shall consider any mitigating factor, includ-*
10 *ing the following:*

11 *“(1) IMPAIRED CAPACITY.—The defendant’s ca-*
12 *capacity to appreciate the wrongfulness of the defend-*
13 *ant’s conduct or to conform conduct to the require-*
14 *ments of law was significantly impaired, regardless of*
15 *whether the capacity was so impaired as to constitute*
16 *a defense to the charge.*

17 *“(2) DURESS.—The defendant was under un-*
18 *usual and substantial duress, regardless of whether*
19 *the duress was of such a degree as to constitute a de-*
20 *fense to the charge.*

21 *“(3) MINOR PARTICIPATION.—The defendant is*
22 *punishable as a principal in the offense, which was*
23 *committed by another, but the defendant’s participa-*
24 *tion was relatively minor, regardless of whether the*

1 *participation was so minor as to constitute a defense*
2 *to the charge.*

3 “(4) *EQUALLY CULPABLE DEFENDANTS.*—An-
4 *other defendant or defendants, equally culpable in the*
5 *crime, will not be punished by death.*

6 “(5) *NO PRIOR CRIMINAL RECORD.*—The defend-
7 *ant did not have a significant prior history of other*
8 *criminal conduct.*

9 “(6) *DISTURBANCE.*—The defendant committed
10 *the offense under severe mental or emotional disturb-*
11 *ance.*

12 “(7) *VICTIM’S CONSENT.*—The victim consented
13 *to the criminal conduct that resulted in the victim’s*
14 *death.*

15 “(8) *OTHER FACTORS.*—Other factors in the de-
16 *fendant’s background, record, or character or any*
17 *other circumstance of the offense that mitigate against*
18 *imposition of the death sentence.*

19 “(b) *AGGRAVATING FACTORS FOR ESPIONAGE AND*
20 *TREASON.*—In determining whether a sentence of death is
21 *justified for an offense described in section 3591(1), the*
22 *jury, or if there is no jury, the court, shall consider each*
23 *of the following aggravating factors for which notice has*
24 *been given and determine which, if any, exist:*

1 “(1) *PRIOR ESPIONAGE OR TREASON OFFENSE.*—
2 *The defendant has previously been convicted of an-*
3 *other offense involving espionage or treason for which*
4 *a sentence of either life imprisonment or death was*
5 *authorized by law.*

6 “(2) *GRAVE RISK TO NATIONAL SECURITY.*—*In*
7 *the commission of the offense the defendant knowingly*
8 *created a grave risk of substantial danger to the na-*
9 *tional security.*

10 “(3) *GRAVE RISK OF DEATH.*—*In the commis-*
11 *sion of the offense the defendant knowingly created a*
12 *grave risk of death to another person.*

13 *The jury, or if there is no jury, the court, may consider*
14 *whether any other aggravating factor for which notice has*
15 *been given exists.*

16 “(c) *AGGRAVATING FACTORS FOR HOMICIDE AND FOR*
17 *ATTEMPTED MURDER OF THE PRESIDENT.*—*In determin-*
18 *ing whether a sentence of death is justified for an offense*
19 *described in section 3591 (2) or (3), the jury, or if there*
20 *is no jury, the court, shall consider each of the following*
21 *aggravating factors for which notice has been given and de-*
22 *termine which, if any, exist:*

23 “(1) *DEATH DURING COMMISSION OF ANOTHER*
24 *CRIME.*—*The death, or injury resulting in death, oc-*
25 *curred during the commission or attempted commis-*

1 *sion of, or during the immediate flight from the com-*
2 *mission of, an offense under section 32 (destruction of*
3 *aircraft or aircraft facilities), section 33 (destruction*
4 *of motor vehicles or motor vehicle facilities), section*
5 *36 (violence at international airports), section 351*
6 *(violence against Members of Congress, Cabinet offi-*
7 *cers, or Supreme Court Justices), an offense under*
8 *section 751 (prisoners in custody of institution or of-*
9 *ficer), section 794 (gathering or delivering defense in-*
10 *formation to aid foreign government), section 844(d)*
11 *(transportation of explosives in interstate commerce*
12 *for certain purposes), section 844(f) (destruction of*
13 *Government property by explosives), section 1118*
14 *(prisoners serving life term), section 1201 (kidnap-*
15 *ing), section 844(i) (destruction of property affecting*
16 *interstate commerce by explosives), section 1116 (kill-*
17 *ing or attempted killing of diplomats), section 1203*
18 *(hostage taking), section 1992 (wrecking trains), sec-*
19 *tion 2280 (maritime violence), section 2281 (mari-*
20 *time platform violence), section 2332 (terrorist acts*
21 *abroad against United States nationals), section 2339*
22 *(use of weapons of mass destruction), or section 2381*
23 *(treason) of this title, or section 902 (i) or (n) of the*
24 *Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or*
25 *(n)) (aircraft piracy).*

1 “(2) *INVOLVEMENT OF FIREARM OR PREVIOUS*
2 *CONVICTION OF VIOLENT FELONY INVOLVING FIRE-*
3 *ARM.—For any offense, other than an offense for*
4 *which a sentence of death is sought on the basis of sec-*
5 *tion 924(c), the defendant—*

6 “(A) *during and in relation to the commis-*
7 *sion of the offense or in escaping or attempting*
8 *to escape apprehension used or possessed a fire-*
9 *arm (as defined in section 921); or*

10 “(B) *has previously been convicted of a Fed-*
11 *eral or State offense punishable by a term of im-*
12 *prisonment of more than 1 year, involving the*
13 *use or attempted or threatened use of a firearm*
14 *(as defined in section 921) against another per-*
15 *son.*

16 “(3) *PREVIOUS CONVICTION OF OFFENSE FOR*
17 *WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-*
18 *MENT WAS AUTHORIZED.—The defendant has pre-*
19 *viously been convicted of another Federal or State of-*
20 *fense resulting in the death of a person, for which a*
21 *sentence of life imprisonment or a sentence of death*
22 *was authorized by statute.*

23 “(4) *PREVIOUS CONVICTION OF OTHER SERIOUS*
24 *OFFENSES.—The defendant has previously been con-*
25 *victed of 2 or more Federal or State offenses, punish-*

1 *able by a term of imprisonment of more than 1 year,*
2 *committed on different occasions, involving the inflic-*
3 *tion of, or attempted infliction of, serious bodily in-*
4 *jury or death upon another person.*

5 “(5) *GRAVE RISK OF DEATH TO ADDITIONAL*
6 *PERSONS.—The defendant, in the commission of the*
7 *offense, or in escaping apprehension for the violation*
8 *of the offense, knowingly created a grave risk of death*
9 *to 1 or more persons in addition to the victim of the*
10 *offense.*

11 “(6) *HEINOUS, CRUEL, OR DEPRAVED MANNER*
12 *OF COMMITTING OFFENSE.—The defendant committed*
13 *the offense in an especially heinous, cruel, or depraved*
14 *manner in that it involved torture or serious physical*
15 *abuse to the victim.*

16 “(7) *PROCUREMENT OF OFFENSE BY PAYMENT.—*
17 *The defendant procured the commission of the offense*
18 *by payment, or promise of payment, of anything of*
19 *pecuniary value.*

20 “(8) *PECUNIARY GAIN.—The defendant commit-*
21 *ted the offense as consideration for the receipt, or in*
22 *the expectation of the receipt, of anything of pecu-*
23 *niary value.*

24 “(9) *SUBSTANTIAL PLANNING AND*
25 *PREMEDITATION.—The defendant committed the of-*

1 *fense after substantial planning and premeditation to*
2 *cause the death of a person or commit an act of ter-*
3 *rorism.*

4 “(10) *CONVICTION FOR TWO FELONY DRUG OF-*
5 *FENSES.—The defendant has previously been con-*
6 *victed of 2 or more State or Federal offenses punish-*
7 *able by a term of imprisonment of more than one*
8 *year, committed on different occasions, involving the*
9 *distribution of a controlled substance.*

10 “(11) *VULNERABILITY OF VICTIM.—The victim*
11 *was particularly vulnerable due to old age, youth, or*
12 *infirmity.*

13 “(12) *CONVICTION FOR SERIOUS FEDERAL DRUG*
14 *OFFENSES.—The defendant had previously been con-*
15 *victed of violating title II or III of the Controlled*
16 *Substances Act for which a sentence of 5 or more*
17 *years may be imposed or had previously been con-*
18 *victed of engaging in a continuing criminal enter-*
19 *prise.*

20 “(13) *CONTINUING CRIMINAL ENTERPRISE IN-*
21 *VOLVING DRUG SALES TO MINORS.—The defendant*
22 *committed the offense in the course of engaging in a*
23 *continuing criminal enterprise in violation of section*
24 *408(c) of the Controlled Substances Act (21 U.S.C.*
25 *848(c)), and that violation involved the distribution*

1 *of drugs to persons under the age of 21 in violation*
2 *of section 418 of that Act (21 U.S.C. 859).*

3 *“(14) HIGH PUBLIC OFFICIALS.—The defendant*
4 *committed the offense against—*

5 *“(A) the President of the United States, the*
6 *President-elect, the Vice President, the Vice-*
7 *President-elect, the Vice-President-designate, or,*
8 *if there is no Vice President, the officer next in*
9 *order of succession to the office of the President*
10 *of the United States, or any person who is acting*
11 *as President under the Constitution and laws of*
12 *the United States;*

13 *“(B) a chief of state, head of government, or*
14 *the political equivalent, of a foreign nation;*

15 *“(C) a foreign official listed in section*
16 *1116(b)(3)(A), if the official is in the United*
17 *States on official business; or*

18 *“(D) a Federal public servant who is a*
19 *judge, a law enforcement officer, or an employee*
20 *of a United States penal or correctional institu-*
21 *tion—*

22 *“(i) while he or she is engaged in the*
23 *performance of his or her official duties;*

24 *“(ii) because of the performance of his*
25 *or her official duties; or*

1 “(iii) because of his or her status as a
2 public servant.

3 For purposes of this subparagraph, a ‘law en-
4 forcement officer’ is a public servant authorized
5 by law or by a Government agency or Congress
6 to conduct or engage in the prevention, inves-
7 tigation, or prosecution or adjudication of an of-
8 fense, and includes those engaged in corrections,
9 parole, or probation functions.

10 The jury, or if there is no jury, the court, may consider
11 whether any other aggravating factor for which notice has
12 been given exists.

13 **“§ 3593. Special hearing to determine whether a sen-
14 tence of death is justified**

15 “(a) NOTICE BY THE GOVERNMENT.—If, in a case in-
16 volving an offense described in section 3591, the attorney
17 for the government believes that the circumstances of the of-
18 fense are such that a sentence of death is justified under
19 this chapter, the attorney shall, a reasonable time before the
20 trial or before acceptance by the court of a plea of guilty,
21 sign and file with the court, and serve on the defendant,
22 a notice—

23 “(1) stating that the government believes that the
24 circumstances of the offense are such that, if the de-
25 fendant is convicted, a sentence of death is justified

1 *under this chapter and that the government will seek*
2 *the sentence of death; and*

3 *“(2) setting forth the aggravating factor or fac-*
4 *tors that the government, if the defendant is convicted,*
5 *proposes to prove as justifying a sentence of death.*

6 *The factors for which notice is provided under this sub-*
7 *section may include factors concerning the effect of the of-*
8 *fense on the victim and the victim’s family, and may in-*
9 *clude oral testimony, a victim impact statement that identi-*
10 *fies the victim of the offense and the extent and scope of*
11 *the injury and loss suffered by the victim and the victim’s*
12 *family, and any other relevant information. The court may*
13 *permit the attorney for the government to amend the notice*
14 *upon a showing of good cause.*

15 *“(b) HEARING BEFORE A COURT OR JURY.—If the at-*
16 *torney for the government has filed a notice as required*
17 *under subsection (a) and the defendant is found guilty of*
18 *or pleads guilty to an offense described in section 3591, the*
19 *judge who presided at the trial or before whom the guilty*
20 *plea was entered, or another judge if that judge is unavail-*
21 *able, shall conduct a separate sentencing hearing to deter-*
22 *mine the punishment to be imposed. The hearing shall be*
23 *conducted—*

24 *“(1) before the jury that determined the defend-*
25 *ant’s guilt;*

1 “(2) before a jury impaneled for the purpose of
2 the hearing if—

3 “(A) the defendant was convicted upon a
4 plea of guilty;

5 “(B) the defendant was convicted after a
6 trial before the court sitting without a jury;

7 “(C) the jury that determined the defend-
8 ant’s guilt was discharged for good cause; or

9 “(D) after initial imposition of a sentence
10 under this section, reconsideration of the sentence
11 under this section is necessary; or

12 “(3) before the court alone, upon the motion of
13 the defendant and with the approval of the attorney
14 for the government.

15 A jury impaneled pursuant to paragraph (2) shall consist
16 of 12 members, unless, at any time before the conclusion
17 of the hearing, the parties stipulate, with the approval of
18 the court, that it shall consist of a lesser number.

19 “(c) *PROOF OF MITIGATING AND AGGRAVATING FAC-*
20 *TORS.*—Notwithstanding rule 32(c) of the Federal Rules of
21 Criminal Procedure, when a defendant is found guilty or
22 pleads guilty to an offense under section 3591, no
23 presentence report shall be prepared. At the sentencing hear-
24 ing, information may be presented as to any matter rel-
25 evant to the sentence, including any mitigating or aggra-

1 vating factor permitted or required to be considered under
2 section 3592. Information presented may include the trial
3 transcript and exhibits. The defendant may present any in-
4 formation relevant to a mitigating factor. The government
5 may present any information relevant to an aggravating
6 factor for which notice has been provided under subsection
7 (a). Information is admissible regardless of its admissibil-
8 ity under the rules governing admission of evidence at
9 criminal trials except that information may be excluded if
10 its probative value is outweighed by the danger of creating
11 unfair prejudice, confusing the issues, or misleading the
12 jury. The government and the defendant shall be permitted
13 to rebut any information received at the hearing, and shall
14 be given fair opportunity to present argument as to the ade-
15 quacy of the information to establish the existence of any
16 aggravating or mitigating factor, and as to the appro-
17 priateness in the case of imposing a sentence of death. The
18 government shall open the argument. The defendant shall
19 be permitted to reply. The government shall then be per-
20 mitted to reply in rebuttal. The burden of establishing the
21 existence of any aggravating factor is on the government,
22 and is not satisfied unless the existence of such a factor is
23 established beyond a reasonable doubt. The burden of estab-
24 lishing the existence of any mitigating factor is on the de-

1 *findant, and is not satisfied unless the existence of such a*
2 *factor is established by a preponderance of the information.*

3 “(d) *RETURN OF SPECIAL FINDINGS.—The jury, or if*
4 *there is no jury, the court, shall consider all the information*
5 *received during the hearing. It shall return special findings*
6 *identifying any aggravating factor or factors set forth in*
7 *section 3592 found to exist and any other aggravating fac-*
8 *tor for which notice has been provided under subsection (a)*
9 *found to exist. A finding with respect to a mitigating factor*
10 *may be made by 1 or more members of the jury, and any*
11 *member of the jury who finds the existence of a mitigating*
12 *factor may consider such factor established for purposes of*
13 *this section regardless of the number of jurors who concur*
14 *that the factor has been established. A finding with respect*
15 *to any aggravating factor must be unanimous. If no aggra-*
16 *vating factor set forth in section 3592 is found to exist, the*
17 *court shall impose a sentence other than death authorized*
18 *by law.*

19 “(e) *RETURN OF A FINDING CONCERNING A SENTENCE*
20 *OF DEATH.—If, in the case of—*

21 “(1) *an offense described in section 3591(1), an*
22 *aggravating factor required to be considered under*
23 *section 3592(b) is found to exist; or*

1 “(2) an offense described in section 3591 (2) or
2 (3), an aggravating factor required to be considered
3 under section 3592(c) is found to exist,
4 the jury, or if there is no jury, the court, shall consider
5 whether all the aggravating factor or factors found to exist
6 sufficiently outweigh all the mitigating factor or factors
7 found to exist to justify a sentence of death, or, in the ab-
8 sence of a mitigating factor, whether the aggravating factor
9 or factors alone are sufficient to justify a sentence of death.
10 Based upon this consideration, the jury by unanimous vote,
11 or if there is no jury, the court, shall recommend whether
12 the defendant should be sentenced to death, to life imprison-
13 ment without possibility of release or some other lesser sen-
14 tence.

15 “(f) *SPECIAL PRECAUTION TO ENSURE AGAINST DIS-*
16 *CRIMINATION.*—In a hearing held before a jury, the court,
17 prior to the return of a finding under subsection (e), shall
18 instruct the jury that, in considering whether a sentence
19 of death is justified, it shall not consider the race, color,
20 religious beliefs, national origin, or sex of the defendant or
21 of any victim and that the jury is not to recommend a sen-
22 tence of death unless it has concluded that it would rec-
23 ommend a sentence of death for the crime in question no
24 matter what the race, color, religious beliefs, national ori-
25 gin, or sex of the defendant or of any victim may be. The

1 jury, upon return of a finding under subsection (e), shall
2 also return to the court a certificate, signed by each juror,
3 that consideration of the race, color, religious beliefs, na-
4 tional origin, or sex of the defendant or any victim was
5 not involved in reaching his or her individual decision and
6 that the individual juror would have made the same rec-
7 ommendation regarding a sentence for the crime in question
8 no matter what the race, color, religious beliefs, national
9 origin, or sex of the defendant or any victim may be.

10 **“§ 3594. Imposition of a sentence of death**

11 “Upon a recommendation under section 3593(e) that
12 the defendant should be sentenced to death or life imprison-
13 ment without possibility of release, the court shall sentence
14 the defendant accordingly. Otherwise, the court shall impose
15 any lesser sentence that is authorized by law. Notwithstand-
16 ing any other law, if the maximum term of imprisonment
17 for the offense is life imprisonment, the court may impose
18 a sentence of life imprisonment without possibility of re-
19 lease.

20 **“§ 3595. Review of a sentence of death**

21 “(a) APPEAL.—In a case in which a sentence of death
22 is imposed, the sentence shall be subject to review by the
23 court of appeals upon appeal by the defendant. Notice of
24 appeal must be filed within the time specified for the filing
25 of a notice of appeal. An appeal under this section may

1 *be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.*

3 “(b) *REVIEW.*—*The court of appeals shall review the entire record in the case, including—*

5 “(1) *the evidence submitted during the trial;*

6 “(2) *the information submitted during the sentencing hearing;*

8 “(3) *the procedures employed in the sentencing hearing; and*

10 “(4) *the special findings returned under section 3593(d).*

12 “(c) *DECISION AND DISPOSITION.*—

13 “(1) *The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.*

21 “(2) *Whenever the court of appeals finds that—*

22 “(A) *the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;*

1 “(B) *the admissible evidence and informa-*
2 *tion adduced does not support the special finding*
3 *of the existence of the required aggravating fac-*
4 *tor; or*

5 “(C) *the proceedings involved any other*
6 *legal error requiring reversal of the sentence that*
7 *was properly preserved for appeal under the*
8 *rules of criminal procedure,*
9 *the court shall remand the case for reconsideration*
10 *under section 3593 or imposition of a sentence other*
11 *than death. The court of appeals shall not reverse or*
12 *vacate a sentence of death on account of any error*
13 *which can be harmless, including any erroneous spe-*
14 *cial finding of an aggravating factor, where the Gov-*
15 *ernment establishes beyond a reasonable doubt that*
16 *the error was harmless.*

17 “(3) *The court of appeals shall state in writing*
18 *the reasons for its disposition of an appeal of a sen-*
19 *tence of death under this section.*

20 **“§ 3596. Implementation of a sentence of death**

21 “(a) *IN GENERAL.—A person who has been sentenced*
22 *to death pursuant to this chapter shall be committed to the*
23 *custody of the Attorney General until exhaustion of the pro-*
24 *cedures for appeal of the judgment of conviction and for*
25 *review of the sentence. When the sentence is to be imple-*

1 *mented, the Attorney General shall release the person sen-*
2 *tenced to death to the custody of a United States marshal,*
3 *who shall supervise implementation of the sentence in the*
4 *manner prescribed by the law of the State in which the sen-*
5 *tence is imposed. If the law of the State does not provide*
6 *for implementation of a sentence of death, the court shall*
7 *designate another State, the law of which does provide for*
8 *the implementation of a sentence of death, and the sentence*
9 *shall be implemented in the latter State in the manner pre-*
10 *scribed by such law.*

11 “(b) *PREGNANT WOMAN.*—*A sentence of death shall not*
12 *be carried out upon a woman while she is pregnant.*

13 “(c) *MENTAL CAPACITY.*—*A sentence of death shall not*
14 *be carried out upon a person who is mentally retarded. A*
15 *sentence of death shall not be carried out upon a person*
16 *who, as a result of mental disability, lacks the mental ca-*
17 *capacity to understand the death penalty and why it was im-*
18 *posed on that person.*

19 **“§ 3597. Use of State facilities**

20 “(a) *IN GENERAL.*—*A United States marshal charged*
21 *with supervising the implementation of a sentence of death*
22 *may use appropriate State or local facilities for the pur-*
23 *pose, may use the services of an appropriate State or local*
24 *official or of a person such an official employs for the pur-*

1 *pose, and shall pay the costs thereof in an amount approved*
2 *by the Attorney General.*

3 “(b) *EXCUSE OF AN EMPLOYEE ON MORAL OR RELI-*
4 *GIOUS GROUNDS.—No employee of any State department*
5 *of corrections, the United States Department of Justice, the*
6 *Federal Bureau of Prisons, or the United States Marshals*
7 *Service, and no employee providing services to that depart-*
8 *ment, bureau, or service under contract shall be required,*
9 *as a condition of that employment or contractual obliga-*
10 *tion, to be in attendance at or to participate in any pros-*
11 *ecution or execution under this section if such participation*
12 *is contrary to the moral or religious convictions of the em-*
13 *ployee. In this subsection, ‘participation in executions’ in-*
14 *cludes personal preparation of the condemned individual*
15 *and the apparatus used for execution and supervision of*
16 *the activities of other personnel in carrying out such activi-*
17 *ties.*

18 **“§ 3598. Special provisions for Indian country**

19 “*Notwithstanding sections 1152 and 1153, no person*
20 *subject to the criminal jurisdiction of an Indian tribal gov-*
21 *ernment shall be subject to a capital sentence under this*
22 *chapter for any offense the Federal jurisdiction for which*
23 *is predicated solely on Indian country (as defined in section*
24 *1151 of this title) and which has occurred within the bound-*
25 *aries of Indian country, unless the governing body of the*

1 *tribe has elected that this chapter have effect over land and*
 2 *persons subject to its criminal jurisdiction.”.*

3 (b) *TECHNICAL AMENDMENT.*—*The part analysis for*
 4 *part II of title 18, United States Code, is amended by in-*
 5 *serting after the item relating to chapter 227 the following*
 6 *new item:*

“228. Death sentence 3591”.

7 **SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY**
 8 **IS AUTHORIZED.**

9 (a) *CONFORMING CHANGES IN TITLE 18.*—*Title 18,*
 10 *United States Code, is amended as follows:*

11 (1) *AIRCRAFT AND MOTOR VEHICLES.*—*Section*
 12 *34 of title 18, United States Code, is amended by*
 13 *striking the comma after “imprisonment for life”, in-*
 14 *serting a period, and striking the remainder of the*
 15 *section.*

16 (2) *ESPIONAGE.*—*Section 794(a) of title 18,*
 17 *United States Code, is amended by striking the period*
 18 *at the end of the section and inserting “, except that*
 19 *the sentence of death shall not be imposed unless the*
 20 *jury or, if there is no jury, the court, further finds*
 21 *that the offense directly concerned nuclear weaponry,*
 22 *military spacecraft or satellites, early warning sys-*
 23 *tems, or other means of defense or retaliation against*
 24 *large-scale attack; war plans; communications intel-*
 25 *ligence or cryptographic information; or any other*

1 *major weapons system or major element of defense*
2 *strategy.”.*

3 (3) *EXPLOSIVE MATERIALS.—(A) Section 844(d)*
4 *of title 18, United States Code, is amended by strik-*
5 *ing “as provided in section 34 of this title”.*

6 (B) *Section 844(f) of title 18, United States*
7 *Code, is amended by striking “as provided in section*
8 *34 of this title”.*

9 (C) *Section 844(i) of title 18, United States*
10 *Code, is amended by striking “as provided in section*
11 *34 of this title”.*

12 (4) *MURDER.—The second undesignated para-*
13 *graph of section 1111(b) of title 18, United States*
14 *Code, is amended to read as follows:*

15 *“Whoever is guilty of murder in the first degree*
16 *shall be punished by death or by imprisonment for*
17 *life;”.*

18 (5) *KILLING OF FOREIGN OFFICIAL.—Section*
19 *1116(a) of title 18, United States Code, is amended*
20 *by striking “any such person who is found guilty of*
21 *murder in the first degree shall be sentenced to im-*
22 *prisonment for life, and”.*

23 (6) *KIDNAPPING.—Section 1201(a) of title 18,*
24 *United States Code, is amended by inserting after “or*
25 *for life” the following: “and, if the death of any per-*

1 *son results, shall be punished by death or life impris-*
2 *onment”.*

3 (7) *NONMAILABLE INJURIOUS ARTICLES.*—*The*
4 *last paragraph of section 1716 of title 18, United*
5 *States Code, is amended by striking the comma after*
6 *“imprisonment for life” and inserting a period and*
7 *striking the remainder of the paragraph.*

8 (8) *PRESIDENTIAL ASSASSINATIONS.*—*Subsection*
9 *(c) of section 1751 of title 18, United States Code, is*
10 *amended to read as follows:*

11 *“(c) Whoever attempts to kill or kidnap any individual*
12 *designated in subsection (a) of this section, shall be pun-*
13 *ished—*

14 *“(1) by imprisonment for any term of years or*
15 *for life; or*

16 *“(2) if the conduct constitutes an attempt to in-*
17 *tentionally kill the President of the United States and*
18 *results in bodily injury to the President or otherwise*
19 *comes dangerously close to causing the death of the*
20 *President, by death or imprisonment for any term of*
21 *years or for life.”.*

22 (9) *WRECKING TRAINS.*—*The second to the last*
23 *undesignated paragraph of section 1992 of title 18,*
24 *United States Code, is amended by striking the*

1 *comma after “imprisonment for life”, inserting a pe-*
2 *riod, and striking the remainder of the section.*

3 (10) *BANK ROBBERY.*—Section 2113(e) of title
4 18, *United States Code*, is amended by striking “or
5 *punished by death if the verdict of the jury shall so*
6 *direct” and inserting “or if death results shall be*
7 *punished by death or life imprisonment”.*

8 (11) *HOSTAGE TAKING.*—Section 1203(a) of title
9 18, *United States Code*, is amended by inserting after
10 “or for life” the following: “and, if the death of any
11 *person results, shall be punished by death or life im-*
12 *prisonment”.*

13 (12) *MURDER FOR HIRE.*—Section 1958 of title
14 18, *United States Code*, is amended by striking “and
15 *if death results, shall be subject to imprisonment for*
16 *any term of years or for life, or shall be fined not*
17 *more than \$50,000, or both” and inserting “and if*
18 *death results, shall be punished by death or life im-*
19 *prisonment, or shall be fined not more than \$250,000,*
20 *or both”.*

21 (13) *RACKETEERING.*—Section 1959(a)(1) of
22 title 18, *United States Code*, is amended to read as
23 *follows:*

24 “(1) for murder, by death or life imprisonment,
25 *or a fine of not more than \$250,000, or both; and for*

1 *kidnapping, by imprisonment for any term of years*
2 *or for life, or a fine of not more than \$250,000, or*
3 *both;”.*

4 (14) *GENOCIDE.*—Section 1091(b)(1) of title 18,
5 *United States Code, is amended by striking “a fine*
6 *of not more than \$1,000,000 or imprisonment for*
7 *life,” and inserting “; where death results, by death*
8 *or imprisonment for life and a fine of not more than*
9 *\$1,000,000, or both;”.*

10 (15) *CARJACKING.*—Section 2119(3) of title 18,
11 *United States Code, is amended by striking the period*
12 *after “both” and inserting “; or sentenced to death.”;*
13 *and by striking “; possessing a firearm as defined in*
14 *section 921 of this title.”.*

15 (b) *CONFORMING AMENDMENT TO FEDERAL AVIATION*
16 *ACT OF 1954.*—Section 903 of the Federal Aviation Act of
17 1958 (49 U.S.C. 1473) is amended by striking subsection
18 (c).

19 **SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY**
20 **JUSTICE.**

21 Chapter 228 of title 18, United States Code, as added
22 by this title, shall not apply to prosecutions under the Uni-
23 form Code of Military Justice (10 U.S.C. 801).

1 **SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL**
2 **PRISONER.**

3 (a) *IN GENERAL.*—Chapter 51 of title 18, United
4 States Code, is amended by adding at the end the following
5 new section:

6 **“§ 1118. Murder by a Federal prisoner**

7 “(a) *OFFENSE.*—A person who, while confined in a
8 Federal correctional institution under a sentence for a term
9 of life imprisonment, commits the murder of another shall
10 be punished by death or by life imprisonment.

11 “(b) *DEFINITIONS.*—In this section—

12 “‘Federal correctional institution’ means any
13 Federal prison, Federal correctional facility, Federal
14 community program center, or Federal halfway house.

15 “‘murder’ means a first degree or second degree
16 murder (as defined by section 1111).

17 “‘term of life imprisonment’ means a sentence
18 for the term of natural life, a sentence commuted to
19 natural life, an indeterminate term of a minimum of
20 at least fifteen years and a maximum of life, or an
21 unexecuted sentence of death.”.

22 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
23 for chapter 51 of title 18, United States Code, is amended
24 by adding at the end the following new item:

“1118. Murder by a Federal prisoner.”.

1 **SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.**

2 (a) *CONSPIRACY AGAINST RIGHTS.*—Section 241 of
3 title 18, United States Code, is amended by striking the
4 period at the end of the last sentence and inserting “, or
5 may be sentenced to death.”.

6 (b) *DEPRIVATION OF RIGHTS UNDER COLOR OF*
7 *LAW.*—Section 242 of title 18, United States Code, is
8 amended by striking the period at the end of the last sen-
9 tence and inserting “, or may be sentenced to death.”.

10 (c) *FEDERALLY PROTECTED ACTIVITIES.*—Section
11 245(b) of title 18, United States Code, is amended in the
12 matter following paragraph (5) by inserting “, or may be
13 sentenced to death” after “or for life”.

14 (d) *DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION*
15 *OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.*—Section
16 247(c)(1) of title 18, United States Code, is amended by
17 inserting “, or may be sentenced to death” after “or both”.

18 **SEC. 207. DEATH PENALTY FOR THE MURDER OF FEDERAL**
19 **LAW ENFORCEMENT OFFICIALS.**

20 Section 1114(a) of title 18, United States Code, is
21 amended by striking “punished as provided under sections
22 1111 and 1112 of this title,” and inserting “punished, in
23 the case of murder, by a sentence of death or life imprison-
24 ment as provided under section 1111, or, in the case of
25 manslaughter, a sentence as provided under section 1112.”.

1 **SEC. 208. NEW OFFENSE FOR THE INDISCRIMINATE USE OF**
2 **WEAPONS TO FURTHER DRUG CONSPIRACIES.**

3 (a) *SHORT TITLE.*—This section may be cited as the
4 “Drive-By Shooting Prevention Act of 1993”.

5 (b) *IN GENERAL.*—Chapter 2 of title 18, United States
6 Code, is amended by adding at the end the following new
7 section:

8 **“§ 36. Drive-by shooting**

9 “(a) *DEFINITION.*—In this section, ‘major drug offense’
10 means—

11 “(1) a continuing criminal enterprise punishable
12 under section 403(c) of the Controlled Substances Act
13 (21 U.S.C. 848(c));

14 “(2) a conspiracy to distribute controlled sub-
15 stances punishable under section 406 of the Controlled
16 Substances Act (21 U.S.C. 846) section 1013 of the
17 Controlled Substances Import and Export Control Act
18 (21 U.S.C. 963); and

19 “(3) an offense involving major quantities of
20 drugs and punishable under section 401(b)(1)(A) of
21 the Controlled Substances Act (21 U.S.C.
22 841(b)(1)(A)) or section 1010(b)(1) of the Controlled
23 Substances Import and Export Act (21 U.S.C.
24 960(b)(1)).

25 “(b) *OFFENSE AND PENALTIES.*—(1) A person who, in
26 furtherance or to escape detection of a major drug offense

1 *and with the intent to intimidate, harass, injure, or maim,*
2 *fires a weapon into a group of two or more persons and*
3 *who, in the course of such conduct, causes grave risk to any*
4 *human life shall be punished by a term of no more than*
5 *25 years, by fine under this title, or both.*

6 “(2) *A person who, in furtherance or to escape detec-*
7 *tion of a major drug offense and with the intent to intimi-*
8 *date, harass, injure, or maim, fires a weapon into a group*
9 *of 2 or more persons and who, in the course of such conduct,*
10 *kills any person shall, if the killing—*

11 “(A) *is a first degree murder (as defined in sec-*
12 *tion 1111(a)), be punished by death or imprisonment*
13 *for any term of years or for life, fined under this title,*
14 *or both; or*

15 “(B) *is a murder other than a first degree mur-*
16 *der (as defined in section 1111(a)), be fined under*
17 *this title, imprisoned for any term of years or for life,*
18 *or both.”.*

19 (c) *TECHNICAL AMENDMENT.—The chapter analysis*
20 *for chapter 2 of title 18, United States Code, is amended*
21 *by adding at the end the following new item:*

“36. Drive-by shooting.”.

1 **SEC. 209. FOREIGN MURDER OF UNITED STATES NATION-**
2 **ALS.**

3 (a) *IN GENERAL.*—Chapter 51 of title 18, United
4 States Code, is amended by adding at the end the following
5 new section:

6 **“§ 1118. Foreign murder of United States nationals**

7 “(a) *DEFINITION.*—In this section, ‘national of the
8 United States’ has the meaning stated in section 101(a)(22)
9 of the Immigration and Nationality Act (8 U.S.C.
10 1101(a)(22)).

11 “(b) *OFFENSE.*—A person who, being a national of the
12 United States, kills or attempts to kill a national of the
13 United States while such national is outside the United
14 States but within the jurisdiction of another country shall
15 be punished as provided under sections 1111, 1112, and
16 1113.

17 “(c) *LIMITATIONS ON PROSECUTION.*—(1) No prosecu-
18 tion may be instituted against any person under this sec-
19 tion except upon the written approval of the Attorney Gen-
20 eral, the Deputy Attorney General, or an Assistant Attorney
21 General, which function of approving prosecutions may not
22 be delegated. No prosecution shall be approved if prosecu-
23 tion has been previously undertaken by a foreign country
24 for the same conduct.

25 “(2) No prosecution shall be approved under this sec-
26 tion unless the Attorney General, in consultation with the

1 *Secretary of State, determines that the conduct took place*
2 *in a country in which the person is no longer present, and*
3 *the country lacks the ability to lawfully secure the person’s*
4 *return. A determination by the Attorney General under this*
5 *paragraph is not subject to judicial review.”.*

6 (b) *TECHNICAL AMENDMENTS.—(1) Section 1117 of*
7 *title 18, United States Code, is amended by striking “or*
8 *1116” and inserting “1116, or 1118”.*

9 (2) *The chapter analysis for chapter 51 of title 18,*
10 *United States Code, is amended by adding at the end the*
11 *following new item:*

“1118. Foreign murder of United States nationals.”.

12 **SEC. 210. DEATH PENALTY FOR RAPE AND CHILD MOLESTA-**
13 **TION MURDERS.**

14 (a) *OFFENSE.—Chapter 109A of title 18, United*
15 *States Code, is amended—*

16 (1) *by redesignating section 2245 as section*
17 *2246; and*

18 (2) *by inserting after section 2244 the following*
19 *new section:*

20 **“§ 2245. Sexual abuse resulting in death**

21 *“A person who, in the course of an offense under this*
22 *chapter, engages in conduct that results in the death of a*
23 *person, shall be punished by death or imprisoned for any*
24 *term of years or for life.”.*

1 (b) *TECHNICAL AMENDMENTS.*—*The chapter analysis*
 2 *for chapter 109A of title 18, United States Code, is amended*
 3 *by striking the item for section 2245 and inserting the fol-*
 4 *lowing:*

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

5 ***SEC. 211. DEATH PENALTY FOR SEXUAL EXPLOITATION OF***
 6 ***CHILDREN.***

7 *Section 2251(d) of title 18, United States Code, is*
 8 *amended by adding at the end the following: “Whoever, in*
 9 *the course of an offense under this section, engages in con-*
 10 *duct that results in the death of a person, shall be punished*
 11 *by death or imprisoned for any term of years or for life.”.*

12 ***SEC. 212. MURDER BY ESCAPED PRISONERS.***

13 (a) *IN GENERAL.*—*Chapter 51 of title 18, United*
 14 *States Code, as amended by section 109(a), is amended by*
 15 *adding at the end the following new section:*

16 ***“§ 1119. Murder by escaped prisoners***

17 “(a) *DEFINITION.*—*In this section, ‘Federal prison’*
 18 *and ‘term of life imprisonment’ have the meanings stated*
 19 *in section 1118.*

20 “(b) *OFFENSE AND PENALTY.*—*A person, having es-*
 21 *caped from a Federal prison where the person was confined*
 22 *under a sentence for a term of life imprisonment, kills an-*
 23 *other shall be punished as provided in sections 1111 and*
 24 *1112.”.*

1 (b) *TECHNICAL AMENDMENT.*—*The chapter analysis*
2 *for chapter 51 of title 18, United States Code, as amended*
3 *by section 109(b)(2), is amended by adding at the end the*
4 *following new item:*

“1119. Murder by escaped prisoners.”.

5 ***SEC. 213. DEATH PENALTY FOR GUN MURDERS DURING***
6 ***FEDERAL CRIMES OF VIOLENCE AND DRUG***
7 ***TRAFFICKING CRIMES.***

8 *Section 924 of title 18, United States Code, is amended*
9 *by adding at the end the following new subsection:*

10 “(i) *A person who, in the course of a violation of sub-*
11 *section (c), causes the death of a person through the use*
12 *of a firearm, shall—*

13 “(1) *if the killing is a murder (as defined in sec-*
14 *tion 1111), be punished by death or by imprisonment*
15 *for any term of years or for life; and*

16 “(2) *if the killing is manslaughter (as defined in*
17 *section 1112), be punished as provided in that sec-*
18 *tion.”.*

19 ***SEC. 214. HOMICIDES AND ATTEMPTED HOMICIDES INVOLV-***
20 ***ING FIREARMS IN FEDERAL FACILITIES.***

21 *Section 930 of title 18, United States Code, is amend-*
22 *ed—*

23 (1) *by redesignating subsections (c), (d), (e), and*
24 *(f) as subsections (d), (e), (f), and (g), respectively;*

1 (2) in subsection (a) by striking “(c)” and in-
2 serting “(d)”; and

3 (3) by inserting after subsection (b) the following
4 new subsection:

5 “(c) A person who kills or attempts to kill any person
6 in the course of a violation of subsection (a) or (b), or in
7 the course of an attack on a Federal facility involving the
8 use of a firearm or other dangerous weapon, shall be pun-
9 ished as provided in sections 1111, 1112, and 1113.”.

10 **SEC. 215. MURDER IN COURSE OF ALIEN SMUGGLING.**

11 Section 274(a) of the Immigration and Naturalization
12 Act (8 U.S.C. 1324) is amended by inserting before the pe-
13 riod at the end the following: “: Provided further, That if
14 during and in relation to an offense described in paragraph
15 (1) the person causes serious bodily injury to, or places in
16 jeopardy the life of, any alien, such person shall be subject
17 to a term of imprisonment of not more than 20 years, and
18 if the death of any alien results, shall be punished by death
19 or imprisoned for any term of years or for life.”.

20 **TITLE III—FIREARMS**

21 **Subtitle A—Restraining Orders**

22 **SEC. 301. PERSONS SUBJECT TO RESTRAINING ORDERS.**

23 (a) Section 922(d) of title 18, United States Code, is
24 amended—

25 (1) by striking “or” at the end of paragraph (6);

1 (2) by adding “or” at the end of paragraph (7);
2 and

3 (3) by adding after paragraph (7) the following
4 new paragraph:

5 “(8)(A) is subject to an order, issued by a Fed-
6 eral or State court after a hearing about which that
7 person received actual notice and at which that per-
8 son had the opportunity to participate, restraining
9 that person from harassing, stalking, threatening, or
10 engaging in other such conduct that would place an-
11 other person in fear of bodily injury or the effect of
12 which conduct would be to place a reasonable person
13 in fear of bodily injury; and

14 “(B) whom the court issuing the order finds
15 under this subsection to represent a credible threat to
16 the physical safety of that other person;”.

17 (b) Section 922(g) of title 18, United States Code, is
18 amended—

19 (1) by striking “or” at the end of paragraph (6);

20 (2) by adding “or” at the end of paragraph (7);

21 and

22 (3) by adding after paragraph (7) the following
23 new paragraph:

24 “(8)(A) who is subject to an order, issued by a
25 Federal or State court after a hearing about which

1 *that person received actual notice and at which that*
2 *person had the opportunity to participate, restraining*
3 *that person from harassing, stalking, threatening, or*
4 *engaging in other such conduct that would place an-*
5 *other person in fear of bodily injury or the effect of*
6 *which conduct would be to place a reasonable person*
7 *in fear of bodily injury; and*

8 *“(B) whom the court issuing the order finds*
9 *under this subsection to represent a credible threat to*
10 *the physical safety of that other person;”.*

11 *(c) Section 926(a) of title 18, United States Code, is*
12 *amended—*

13 *(1) by striking “and” at the end of paragraph*
14 *(1);*

15 *(2) by replacing “.” with “; and” at the end of*
16 *paragraph (2); and*

17 *(3) by adding after paragraph (a)(2) the follow-*
18 *ing new paragraph:*

19 *“(3) regulations providing for effective receipt*
20 *and secure storage of firearms relinquished by or*
21 *seized from persons described in section 922(d)(8) or*
22 *922(g)(8).”.*

23 *(d) Section 924(d)(1) of title 18, United States Code,*
24 *is amended—*

1 (1) by striking all between “trial,” and “fire-
2 arms” and inserting the following: “or lapse of or
3 court termination of the restraining order to which he
4 is subject, the seized or relinquished”.

5 **Subtitle B—Licensure**

6 **SEC. 311. FIREARMS LICENSURE AND REGISTRATION TO** 7 **REQUIRE A PHOTOGRAPH AND FINGER-** 8 **PRINTS.**

9 (a) *FIREARMS LICENSURE*.—Section 923(a) of title 18,
10 *United States Code*, is amended in the second sentence by
11 inserting “and shall include a photograph and fingerprints
12 of the applicant” before the period.

13 (b) *REGISTRATION*.—Section 5802 of the *Internal Rev-*
14 *enue Code of 1986* is amended by inserting after the first
15 sentence the following: “An individual required to register
16 under this section shall include a photograph and finger-
17 prints of the individual with the initial application.”.

18 **SEC. 312. COMPLIANCE WITH STATE AND LOCAL LAW AS A** 19 **CONDITION TO LICENSE.**

20 Section 923(d)(1) of title 18, *United States Code*, is
21 amended—

22 (1) by striking “and” at the end of subpara-
23 graph (D);

24 (2) by striking the period at the end of subpara-
25 graph (E) and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(F) the applicant certifies that—

4 “(i) the business to be conducted under the
5 license is not prohibited by State or local law in
6 the place where the licensed premise is located;

7 “(ii)(I) within 30 days after the application
8 is approved the business will comply with the re-
9 quirements of State and local law applicable to
10 the conduct of the business; and

11 “(II) the business will not be conducted
12 under the license until the requirements of State
13 and local law applicable to the business have
14 been met; and

15 “(iii) that the applicant has sent or deliv-
16 ered a form to be prescribed by the Secretary, to
17 the chief law enforcement officer of the locality in
18 which the premises are located, which indicates
19 that the applicant intends to apply for a Federal
20 firearms license.”.

21 **SEC. 313. ACTION ON FIREARMS LICENSE APPLICATION.**

22 Section 923(d)(2) of title 18, United States Code, is
23 amended by striking “forty-five-day” and inserting “60-
24 day”.

1 **SEC. 314. INSPECTION OF FIREARMS LICENSEES' INVEN-**
2 **TORY AND RECORDS.**

3 *Section 923(g)(1)(B)(ii) of title 18, United States*
4 *Code, is amended to read as follows:*

5 *“(ii) for insuring compliance with the*
6 *record keeping requirements of this chap-*
7 *ter—*

8 *“(I) not more than once during*
9 *any 12-month period; or*

10 *“(II) at any time with respect to*
11 *records relating to a firearm involved*
12 *in a criminal investigation that is*
13 *traced to the licensee.”.*

14 **SEC. 315. REPORTS OF THEFT OR LOSS OF FIREARMS.**

15 *Section 923(g) of title 18, United States Code, is*
16 *amended by adding at the end the following new paragraph:*

17 *“(6) Each licensee shall report the theft or loss*
18 *of a firearm from the licensee’s inventory or collec-*
19 *tion, within 48 hours after the theft or loss is discov-*
20 *ered, to the Secretary and to the appropriate local au-*
21 *thorities.”.*

22 **SEC. 316. RESPONSES TO REQUESTS FOR INFORMATION.**

23 *Section 923(g) of title 18, United States Code, as*
24 *amended by section 215, is amended by adding at the end*
25 *the following new paragraph:*

1 “(7) Each licensee shall respond immediately to,
2 and in no event later than 24 hours after the receipt
3 of, a request by the Secretary for information con-
4 tained in the records required to be kept by this chap-
5 ter as may be required for determining the disposition
6 of 1 or more firearms in the course of a bona fide
7 criminal investigation. The requested information
8 shall be provided orally or in writing, as the Sec-
9 retary may require. The Secretary shall implement a
10 system whereby the licensee can positively identify
11 and establish that an individual requesting informa-
12 tion via telephone is employed by and authorized by
13 the agency to request such information.”.

14 **SEC. 317. NOTIFICATION OF NAMES AND ADDRESSES OF**
15 **FIREARMS LICENSEES.**

16 Section 923 of title 18, United States Code, is amended
17 by adding at the end the following new subsection:

18 “(1) The Secretary of the Treasury shall notify
19 the chief law enforcement officer in the appropriate
20 State and local jurisdictions of the names and ad-
21 dresses of all persons in the State to whom a firearms
22 license is issued.”.

1 **TITLE IV—GUN CRIME**
2 **PENALTIES**

3 **SEC. 401. ENHANCED PENALTY FOR USE OF A SEMIAUTO-**
4 **MATIC FIREARM DURING A CRIME OF VIO-**
5 **LENCE OR A DRUG TRAFFICKING CRIME.**

6 (a) *AMENDMENT TO SENTENCING GUIDELINES.*—Pur-
7 suant to its authority under section 994 of title 28, United
8 States Code, the United States Sentencing Commission
9 shall amend its sentencing guidelines to provide an appro-
10 priate enhancement of the punishment for a crime of vio-
11 lence (as defined in section 924(c)(3) of title 18, United
12 States Code) or a drug trafficking crime (as defined in sec-
13 tion 924(c)(2) of title 18, United States Code) if a semiauto-
14 matic firearm is involved.

15 (b) *SEMIAUTOMATIC FIREARM.*—In subsection (a),
16 “semiautomatic firearm” means any repeating firearm that
17 utilizes a portion of the energy of a firing cartridge to ex-
18 tract the fired cartridge case and chamber the next round
19 and that requires a separate pull of the trigger to fire each
20 cartridge.

21 **SEC. 402. ENHANCED PENALTY FOR SECOND OFFENSE OF**
22 **USING AN EXPLOSIVE TO COMMIT A FELONY.**

23 Pursuant to its authority under section 994 of title
24 28, United States Code, the United States Sentencing Com-
25 mission shall promulgate amendments to the sentencing

1 *guidelines to appropriately enhance penalties in a case in*
2 *which a defendant convicted under section 844(h) of title*
3 *18, United States Code, has previously been convicted under*
4 *that section.*

5 **SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**
6 **FICKING.**

7 *Section 924 of title 18, United States Code, as amend-*
8 *ed by section 213, is amended by adding at the end the*
9 *following new subsection:*

10 *“(j) A person who, with intent to engage in or to pro-*
11 *mote conduct that—*

12 *“(1) is punishable under the Controlled Sub-*
13 *stances Act (21 U.S.C. 801 et seq.), the Controlled*
14 *Substances Import and Export Act (21 U.S.C. 951 et*
15 *seq.), or the Maritime Drug Law Enforcement Act (46*
16 *U.S.C. App. 1901 et seq.);*

17 *“(2) violates any law of a State relating to any*
18 *controlled substance (as defined in section 102 of the*
19 *Controlled Substances Act, 21 U.S.C. 802); or*

20 *“(3) constitutes a crime of violence (as defined in*
21 *subsection (c)(3),*

22 *smuggles or knowingly brings into the United States a fire-*
23 *arm, or attempts to do so, shall be imprisoned not more*
24 *than 10 years, fined under this title, or both.”.*

1 **SEC. 404. THEFT OF FIREARMS AND EXPLOSIVES.**

2 (a) *FIREARMS.*—Section 924 of title 18, United States
3 Code, as amended by section 403(a), is amended by adding
4 at the end the following new subsection:

5 “(k) A person who steals any firearm which is moving
6 as, or is a part of, or which has moved in, interstate or
7 foreign commerce shall be imprisoned for not more than 10
8 years, fined under this title, or both.”.

9 (b) *EXPLOSIVES.*—Section 844 of title 18, United
10 States Code, is amended by adding at the end the following
11 new subsection:

12 “(k) A person who steals any explosives materials
13 which are moving as, or are a part of, or which have moved
14 in, interstate or foreign commerce shall be imprisoned for
15 not more than 10 years, fined under this title, or both.”.

16 **SEC. 405. REVOCATION OF SUPERVISED RELEASE.**

17 Section 3583 of title 18, United States Code, is amend-
18 ed by striking subsection (g) and inserting the following:

19 “(g) *MANDATORY REVOCATION FOR POSSESSION OF*
20 *CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL*
21 *TO COOPERATE WITH DRUG TESTING.*—If the defendant—

22 “(1) possesses a controlled substance in violation
23 of the condition set forth in subsection (d);

24 “(2) possesses a firearm, as such term is defined
25 in section 921 of this title, in violation of Federal
26 law, or otherwise violates a condition of supervised

1 *release prohibiting the defendant from possessing a*
2 *firearm; or*

3 *“(3) refuses to cooperate in drug testing imposed*
4 *as a condition of supervised release,*

5 *the court shall revoke the term of supervised release and re-*
6 *quire the defendant to serve a term of imprisonment not*
7 *to exceed the maximum term of imprisonment authorized*
8 *under subsection (e)(3).”.*

9 **SEC. 406. REVOCATION OF PROBATION.**

10 (a) *CONTINUATION OR REVOCATION.*—Section 3565(a)
11 *of title 18, United States Code, is amended—*

12 (1) *in paragraph (2) by striking “impose any*
13 *other sentence that was available under subchapter A*
14 *at the time of the initial sentencing” and inserting*
15 *“resentence the defendant under subchapter A”; and*

16 (2) *by striking the last sentence.*

17 (b) *MANDATORY REVOCATION.*—Section 3565(b) of
18 *title 18, United States Code, is amended to read as follows:*

19 “(b) *MANDATORY REVOCATION FOR POSSESSION OF*
20 *CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL*
21 *TO COOPERATE WITH DRUG TESTING.*—If the defendant—

22 “(1) *possesses a controlled substance in violation*
23 *of the condition set forth in section 3563(a)(3);*

24 “(2) *possesses a firearm (as defined in section*
25 *921) in violation of Federal law or otherwise violates*

1 *a condition of probation prohibiting the defendant*
2 *from possessing a firearm; or*

3 *“(3) refuses to cooperate in drug testing in viola-*
4 *tion of the condition imposed under subsection (a)(4),*
5 *the court shall revoke the sentence of probation and*
6 *resentence the defendant under subchapter A to a sentence*
7 *that includes a term of imprisonment.”.*

8 **SEC. 407. INCREASED PENALTY FOR KNOWINGLY MAKING**
9 **FALSE, MATERIAL STATEMENT IN CONNEC-**
10 **TION WITH THE ACQUISITION OF A FIREARM**
11 **FROM A LICENSED DEALER.**

12 *Section 924(a) of title 18, United States Code, is*
13 *amended—*

14 *(1) in paragraph (a)(1)(B) by striking “(a)(6),”;*
15 *and*

16 *(2) in subsection (a)(2) by inserting “(a)(6),”*
17 *after “subsections”.*

18 **SEC. 408. POSSESSION OF EXPLOSIVES BY FELONS AND**
19 **OTHERS.**

20 *Section 842(i) of title 18, United States Code, is*
21 *amended by inserting “or possess” after “to receive”.*

22 **SEC. 409. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
23 **JECT TO FORFEITURE.**

24 *Section 844(c) of title 18, United States Code, is*
25 *amended—*

1 (1) by inserting “(1)” after “(c)”; and

2 (2) by adding at the end the following new para-
3 graphs:

4 “(2) Notwithstanding paragraph (1), in the case of the
5 seizure of any explosive materials for any offense for which
6 the materials would be subject to forfeiture in which it
7 would be impracticable or unsafe to remove the materials
8 to a place of storage or would be unsafe to store them, the
9 seizing officer may destroy the explosive materials forth-
10 with. Any destruction under this paragraph shall be in the
11 presence of at least 1 credible witness. The seizing officer
12 shall make a report of the seizure and take samples as the
13 Secretary may by regulation prescribe.

14 “(3) Within 60 days after any destruction made pur-
15 suant to paragraph (2), the owner of (including any person
16 having an interest in) the property so destroyed may make
17 application to the Secretary for reimbursement of the value
18 of the property. If the claimant establishes to the satisfac-
19 tion of the Secretary that—

20 “(A) the property has not been used or involved
21 in a violation of law; or

22 “(B) any unlawful involvement or use of the
23 property was without the claimant’s knowledge, con-
24 sent, or willful blindness,

1 *the Secretary shall make an allowance to the claimant not*
2 *exceeding the value of the property destroyed.”.*

3 **SEC. 410. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
4 **ING TO PAROLE.**

5 (a) *SECTION (e)(1) OF TITLE 18.—Section 924(e)(1)*
6 *of title 18, United States Code, is amended by striking “,*
7 *and such person shall not be eligible for parole with respect*
8 *to the sentence imposed under this subsection”.*

9 (b) *SECTION 924(c)(1) OF TITLE 18.—Section*
10 *924(c)(1) of title 18, United States Code, is amended by*
11 *striking “No person sentenced under this subsection shall*
12 *be eligible for parole during the term of imprisonment im-*
13 *posed under this subsection.”.*

14 **SEC. 411. PROHIBITION AGAINST TRANSACTIONS INVOLV-**
15 **ING STOLEN FIREARMS WHICH HAVE MOVED**
16 **IN INTERSTATE OR FOREIGN COMMERCE.**

17 *Section 922(j) of title 18, United States Code, is*
18 *amended to read as follows:*

19 *“(j) It shall be unlawful for any person to receive, pos-*
20 *sess, conceal, store, barter, sell, or dispose of any stolen fire-*
21 *arm or stolen ammunition, or pledge or accept as security*
22 *for a loan any stolen firearm or stolen ammunition, which*
23 *is moving as, which is a part of, which constitutes, or which*
24 *has been shipped or transported in, interstate or foreign*
25 *commerce, either before or after it was stolen, knowing or*

1 *having reasonable cause to believe that the firearm or am-*
2 *munition was stolen.”.*

3 **SEC. 412. USING A FIREARM IN THE COMMISSION OF COUN-**
4 **TERFEITING OR FORGERY.**

5 *Pursuant to its authority under section 994 of title*
6 *28, United States Code, the United States Sentencing Com-*
7 *mission shall amend its sentencing guidelines to provide an*
8 *appropriate enhancement of the punishment for a defendant*
9 *convicted of a felony under chapter 25 of title 18, United*
10 *States Code, if the defendant used or carried a firearm (as*
11 *defined in section 921(a)(3) of title 18, United States Code)*
12 *during and in relation to the felony.*

13 **SEC. 413. ENHANCED PENALTIES FOR FIREARMS POSSES-**
14 **SION BY VIOLENT FELONS AND SERIOUS**
15 **DRUG OFFENDERS.**

16 *Pursuant to its authority under section 994 of title*
17 *28, United States Code, the United States Sentencing Com-*
18 *mission shall amend its sentencing guidelines to—*

19 *(1) appropriately enhance penalties in cases in*
20 *which a defendant convicted under section 922(g) of*
21 *title 18, United States Code, has 1 prior conviction*
22 *by any court referred to in section 922(g)(1) of title*
23 *18 for a violent felony (as defined in section*
24 *924(e)(2)(B) of that title) or a serious drug offense (as*
25 *defined in section 924(e)(2)(A) of that title); and*

1 (2) *appropriately enhance penalties in cases in*
2 *which such a defendant has 2 prior convictions for a*
3 *violent felony (as so defined) or a serious drug offense*
4 *(as so defined).*

5 **SEC. 414. RECEIPT OF FIREARMS BY NONRESIDENT.**

6 *Section 922(a) of title 18, United States Code, is*
7 *amended—*

8 (1) *by striking “and” at the end of paragraph*
9 *(7);*

10 (2) *by striking the period at the end of para-*
11 *graph (8) and inserting “; and”; and*

12 (3) *by adding at the end the following new para-*
13 *graph:*

14 *“(9) for any person, other than a licensed im-*
15 *porter, licensed manufacturer, licensed dealer, or li-*
16 *icensed collector, who does not reside in any State to*
17 *receive any firearms unless such receipt is for lawful*
18 *sporting purposes.”.*

19 **SEC. 415. FIREARMS AND EXPLOSIVES CONSPIRACY.**

20 (a) *FIREARMS.—Section 924 of title 18, United States*
21 *Code, as amended by section 404(a), is amended by adding*
22 *at the end the following new subsection:*

23 *“(1) A person who conspires to commit any offense*
24 *under this chapter shall be subject to the same penalties as*

1 *those prescribed for the offense the commission of which was*
2 *the object of the conspiracy, except that—*

3 *“(1) in the case of a conspiracy to commit an of-*
4 *fense under subsection (c) of this section, the author-*
5 *ized term of imprisonment shall be any term of years*
6 *not exceeding 20; and*

7 *“(2) if the firearm is a machinegun or destruc-*
8 *tive device, or is equipped with a firearm silencer or*
9 *muffler, the authorized term of imprisonment shall be*
10 *any term of years or life.”.*

11 *(b) EXPLOSIVES.—Section 844 of title 18, United*
12 *States Code, as amended by section 404(b), is amended by*
13 *adding at the end the following new subsection:*

14 *“(1) A person who conspires to commit any offense*
15 *under this chapter shall be subject to the same penalties as*
16 *those prescribed for the offense the commission of which was*
17 *the object of the conspiracy, except that in the case of a*
18 *conspiracy to commit an offense under subsection (h) of this*
19 *section, the authorized term of imprisonment shall be any*
20 *term of years not exceeding 20.*

21 **SEC. 416. STUDY OF INCENDIARY AMMUNITION; REPORT TO**
22 **CONGRESS.**

23 *(a) STUDY.—The Secretary of the Treasury shall con-*
24 *duct a study of the incendiary ammunition offered for sale*
25 *under the brand name “Dragon’s Breath” and also known*

1 *as the “Three Second Flame Thrower”, and all incendiary*
2 *ammunition of similar function or effect, for the purpose*
3 *of determining whether there is a reasonable sporting use*
4 *for such ammunition and whether there is a reasonable use*
5 *for such ammunition in law enforcement.*

6 (b) *REPORT TO THE CONGRESS.*—Not later than 1
7 *year after the date of enactment of this Act, the Secretary*
8 *of the Treasury shall submit to the Committee on the Judi-*
9 *ciary of the House of Representatives a report containing*
10 *the results of the study required by subsection (a) and rec-*
11 *ommendations for such legislative or administrative action,*
12 *with respect to the ammunition referred to in subsection*
13 *(a), as the Secretary deems appropriate.*

14 **SEC. 417. THEFT OF FIREARMS OR EXPLOSIVES FROM LI-**
15 **CENSEE.**

16 (a) *FIREARMS.*—Section 924 of title 18, United States
17 *Code, as amended by section 415(a), is amended by adding*
18 *at the end the following new subsection:*

19 “(m) *A person who steals any firearm from a licensed*
20 *importer, licensed manufacturer, licensed dealer, or licensed*
21 *collector shall be fined under this title, imprisoned not more*
22 *than 10 years, or both.”*

23 (b) *EXPLOSIVES.*—Section 844 of title 18, United
24 *States Code, as amended by section 415(b), is amended by*
25 *adding at the end the following new subsection:*

1 “(m) A person who steals any explosive material from
2 a licensed importer, licensed manufacturer, or licensed deal-
3 er, or from any permittee shall be fined under this title,
4 imprisoned not more than 10 years, or both.”.

5 **SEC. 418. DISPOSING OF EXPLOSIVES TO PROHIBITED PER-**
6 **SONS.**

7 Section 842(d) of title 18, United States Code, is
8 amended by striking “licensee” and inserting “person”.

9 **SEC. 419. CLARIFICATION OF “BURGLARY” UNDER THE**
10 **ARMED CAREER CRIMINAL STATUTE.**

11 Section 924(e)(2) of title 18, United States Code, is
12 amended—

13 (1) by striking “and” at the end of subpara-
14 graph (B)(ii);

15 (2) by striking the period at the end of subpara-
16 graph (C) and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(D) the term ‘burglary’ means any crime pun-
20 ishable by a term of imprisonment exceeding 1 year
21 and consisting of entering or remaining surrep-
22 titiously within a building that is the property of an-
23 other with intent to engage in conduct constituting a
24 Federal or State offense.”.

1 **SEC. 420. INCREASED PENALTY FOR INTERSTATE GUN**
2 **TRAFFICKING.**

3 *Section 924 of title 18, United States Code, as amend-*
4 *ed by section 417(a), is amended by adding at the end the*
5 *following new subsection:*

6 *“(n) A person who, with the intent to engage in con-*
7 *duct that constitutes a violation of section 922(a)(1)(A),*
8 *travels from any State or foreign country into any other*
9 *State and acquires, or attempts to acquire, a firearm in*
10 *such other State in furtherance of such purpose shall be im-*
11 *prisoned for not more than 10 years.”.*

12 **TITLE V—OBSTRUCTION OF**
13 **JUSTICE**

14 **SEC. 501. PROTECTION OF COURT OFFICERS AND JURORS.**

15 *Section 1503 of title 18, United States Code, is amend-*
16 *ed—*

17 *(1) by inserting “(a)” before “Whoever”;*

18 *(2) by striking “fined not more than \$5,000 or*
19 *imprisoned not more than five years, or both.” and*
20 *inserting “punished as provided in subsection (b).”;*

21 *(3) by adding at the end the following new sub-*
22 *section:*

23 *“(b) The punishment for an offense under this section*
24 *is—*

25 *“(1) in the case of a killing, the punishment pro-*
26 *vided in sections 1111 and 1112;*

1 “(2) in the case of an attempted killing, or a
2 case in which the offense was committed against a
3 petit juror and in which a class A or B felony was
4 charged, imprisonment for not more than 20 years;
5 and

6 “(3) in any other case, imprisonment for not
7 more than 10 years.”; and

8 (4) in subsection (a), as designated by para-
9 graph (1), by striking “commissioner” each place it
10 appears and inserting “magistrate judge”.

11 **SEC. 502. PROHIBITION OF RETALIATORY KILLINGS OF WIT-**
12 **NESSES, VICTIMS AND INFORMANTS.**

13 Section 1513 of title 18, United States Code, is amend-
14 ed—

15 (1) by redesignating subsections (a) and (b) as
16 subsections (b) and (c), respectively; and

17 (2) by inserting after the section heading the fol-
18 lowing new subsection:

19 “(a)(1) Whoever kills or attempts to kill another person
20 with intent to retaliate against any person for—

21 “(A) the attendance of a witness or party at an
22 official proceeding, or any testimony given or any
23 record, document, or other object produced by a wit-
24 ness in an official proceeding; or

1 “(B) any information relating to the commission
2 or possible commission of a Federal offense or a viola-
3 tion of conditions of probation, parole, or release
4 pending judicial proceedings given by a person to a
5 law enforcement officer; shall be punished as provided
6 in paragraph (2).

7 “(2) The punishment for an offense under this sub-
8 section is—

9 “(A) in the case of a killing, the punishment pro-
10 vided in sections 1111 and 1112; and

11 “(B) in the case of an attempt, imprisonment for
12 not more than 20 years.”.

13 **SEC. 503. PROTECTION OF JURORS AND WITNESSES IN CAP-**
14 **ITAL CASES.**

15 Section 3432 of title 18, United States Code, is amend-
16 ed by inserting before the period the following: “, except that
17 such list of the veniremen and witnesses need not be fur-
18 nished if the court finds by a preponderance of the evidence
19 that providing the list may jeopardize the life or safety of
20 any person”.

1 **SEC. 504. DEATH PENALTY FOR THE MURDER OF STATE OF-**
2 **FICIALS ASSISTING FEDERAL LAW ENFORCE-**
3 **MENT OFFICIALS.**

4 (a) *IN GENERAL.*—Chapter 51 of title 18, United
5 States Code, as amended by section 112(a), is amended by
6 adding at the end the following new section:

7 **“§ 1120. Killing persons aiding Federal investigations**

8 “A person who intentionally kills—

9 “(1) a State or local official, law enforcement of-
10 ficer, or other officer or employee while working with
11 Federal law enforcement officials in furtherance of a
12 Federal criminal investigation—

13 “(A) while the victim is engaged in the per-
14 formance of official duties;

15 “(B) because of the performance of the vic-
16 tim’s official duties; or

17 “(C) because of the victim’s status as a pub-
18 lic servant; or

19 “(2) any person assisting a Federal criminal in-
20 vestigation, while that assistance is being rendered
21 and because of it,

22 shall be sentenced as provided in section 1111, including
23 by sentence of death or by imprisonment for life.”.

24 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
25 for chapter 51 of title 18, United States Code, as amended

1 *by section 112(b), is amended by adding at the end the fol-*
 2 *lowing new item:*

“1120. Killing persons aiding Federal investigations.”.

3 **SEC. 505. DEATH PENALTY FOR MURDER OF FEDERAL WIT-**
 4 **NESSES.**

5 *Section 1512(a)(2)(A) of title 18, United States Code,*
 6 *is amended to read as follows:*

7 *“(A) in the case of murder (as defined in section*
 8 *1111), the death penalty or imprisonment for life,*
 9 *and in the case of any other killing, the punishment*
 10 *provided in section 1112;”.*

11 **TITLE VI—GANGS, JUVENILES,**
 12 **DRUGS, AND PROSECUTORS**

13 **SEC. 601. SHORT TITLE.**

14 *This title may be cited as the “Anti-Gang and Youth*
 15 *Protection Act of 1993”.*

16 **Subtitle A—Criminal Youth Gangs**

17 **SEC. 611. CRIMINAL STREET GANGS OFFENSES.**

18 *(a) OFFENSE.—Title 18, United States Code, is*
 19 *amended by inserting after chapter 93 the following new*
 20 *chapter:*

21 **“CHAPTER 94—PROHIBITED PARTICIPATION IN**
 22 **CRIMINAL STREET GANGS AND GANG CRIME**

“Sec.

“1930. Crimes in furtherance of gangs.

“1931. Prohibited activity.

“1932. Penalties.

“1933. Joinder.

1 **“§ 1930. Crimes in furtherance of gangs**

2 “(a) *FINDINGS.*—*The Congress makes the following*
3 *findings:*

4 “(1) *Criminal street gangs have become increas-*
5 *ingly prevalent and entrenched in our society in the*
6 *last several decades. In many areas of the country,*
7 *these gangs exert considerable control over other mem-*
8 *bers of their community, particularly through the use*
9 *of violence and drugs. Criminal street gangs have also*
10 *become more national in scope, extending their influ-*
11 *ence beyond the urban areas in which they originated.*

12 “(2) *The major activities of criminal street*
13 *gangs are crimes of violence and the distribution and*
14 *use of illegal drugs. It is through these activities that*
15 *criminal street gangs directly affect interstate and*
16 *foreign commerce, even when their particular activi-*
17 *ties, viewed in isolation, appear to be purely intra-*
18 *state in character.*

19 “(b) *BASIS FOR CHAPTER.*—*On the basis of the find-*
20 *ings stated in subsection (a), the Congress determines that*
21 *the provisions of this chapter are necessary and proper for*
22 *the purpose of carrying into execution the powers of Con-*
23 *gress to regulate commerce and to establish criminal law.*

24 **“§ 1931. Prohibited activity**

25 “(a) *DEFINITIONS.*—*In this chapter—*

1 “‘criminal street gang’ means an organization
2 or group of 5 or more persons, whether formal or in-
3 formal, who act in concert, or agree to act in concert,
4 for a period in excess of 30 days, with a purpose that
5 any of those persons alone, or in any combination,
6 commit or will commit, 2 or more predicate gang
7 crimes, 1 of which must occur after the date of enact-
8 ment of this chapter and the last of which occurred
9 within 10 years (excluding any period of imprison-
10 ment) after the commission of a prior predicate gang
11 crime.

12 “‘participate in a criminal street gang’ means
13 to act in concert with a criminal street gang with in-
14 tent to commit, or with the intent that any other per-
15 son associated with the criminal street gang will com-
16 mit, 1 or more predicate gang crimes.

17 “‘predicate gang crime’ means—

18 “(A) any act or threat, or attempted act or
19 threat, which is chargeable under Federal or
20 State law and punishable by imprisonment for
21 more than 1 year, involving murder, attempted
22 murder, voluntary manslaughter, kidnapping,
23 robbery, extortion, arson, obstruction of justice,
24 tampering with or retaliating against a witness,
25 victim, or informant, or manufacturing, import-

1 *ing, receiving, concealing, purchasing, selling,*
2 *possessing, or otherwise dealing in a controlled*
3 *substance or controlled substance analogue (as*
4 *those terms are defined in section 102 of the Con-*
5 *trolled Substances Act (21 U.S.C. 802));*

6 *“(B) any act punishable by imprisonment*
7 *for more than 1 year under section 922 or 924*
8 *(a)(2), (b), (c), (g), or (h) (relating to receipt,*
9 *possession, and transfer of firearms), section*
10 *1503 (relating to obstruction of justice), section*
11 *1510 (relating to obstruction of criminal inves-*
12 *tigations), section 1512 (relating to tampering*
13 *with a witness, victim, or informant), or section*
14 *1513 (relating to retaliating against a witness,*
15 *victim, or informant); or*

16 *“(C) any act punishable under subsection*
17 *(b)(5).*

18 *“‘State’ means a State, the District of Columbia,*
19 *and any commonwealth, territory, or possession of the*
20 *United States.*

21 *“(b) UNLAWFUL ACTS.—It shall be unlawful—*

22 *“(1) to commit, or to attempt to commit, a pred-*
23 *icate gang crime with intent to promote or further the*
24 *activities of a criminal street gang or for the purpose*

1 *of gaining entrance to or maintaining or increasing*
2 *position in such a gang;*

3 “(2) *to participate, or attempt to participate, in*
4 *a criminal street gang, or conspire to do so;*

5 “(3) *to command, counsel, persuade, induce, en-*
6 *tice, or coerce any individual to participate in a*
7 *criminal street gang;*

8 “(4) *to employ, use, command, counsel, persuade,*
9 *induce, entice, or coerce any individual to commit,*
10 *cause to commit, or facilitate the commission of, a*
11 *predicate gang crime, with intent to promote the ac-*
12 *tivities of a criminal street gang or for the purpose*
13 *of gaining entrance to or maintaining or increasing*
14 *position in such a gang; or*

15 “(5) *to use any communication facility, as de-*
16 *fined in section 403(b) of the Controlled Substances*
17 *act (21 U.S.C. 843(b)), in causing or facilitating the*
18 *commission, or attempted commission, of a predicate*
19 *gang crime with intent to promote or further the ac-*
20 *tivities of a criminal street gang or for the purpose*
21 *of gaining entrance to or maintaining or increasing*
22 *position in such a gang. Each separate use of a com-*
23 *munication facility shall be a separate offense under*
24 *this subsection.*

1 **“§ 1932. Penalties**

2 “(a) *PENALTIES OF UP TO 20 YEARS OR LIFE IMPRIS-*
3 *ONMENT.*—A person who violates section 1931(b) (1) or (2)
4 *shall be punished by imprisonment for not more than 20*
5 *years, or by imprisonment for any term of years or for life*
6 *if the violation is based on a predicate gang crime for which*
7 *the maximum penalty includes life imprisonment, and if*
8 *a person commits such a violation after 1 or more prior*
9 *convictions for such a predicate gang crime, that is not part*
10 *of the instant violation, such person shall be sentenced to*
11 *a term of imprisonment which shall not be less than 10*
12 *years and which may be for any term of years exceeding*
13 *10 years or for life.*

14 “(b) *PENALTIES BETWEEN 5 AND 10 YEARS.*—A per-
15 *son who violates section 1931(b) (3) or (4) shall be sentenced*
16 *to imprisonment for not less than 5 nor more than 10 years,*
17 *and if a person who was the subject of the act was less than*
18 *18 years of age, to imprisonment for 10 years. A term of*
19 *imprisonment under this subsection shall run consecutively*
20 *to any other term of imprisonment, including that imposed*
21 *for any other violation of this chapter.*

22 “(c) *PENALTIES OF UP TO 5 YEARS.*—A person who
23 *violates section 1931(b)(5) shall be punished by imprison-*
24 *ment for not more than 5 years.*

25 “(d) *ADDITIONAL PENALTIES.*—

1 “(1) *IN GENERAL.*—*In addition to the other pen-*
2 *alties authorized by this section—*

3 “(A) *a person who violates section 1931(b)*
4 *(1) or (2), 1 of whose predicate gang crimes in-*
5 *volves murder or conspiracy to commit murder*
6 *which results in the taking of a life, and who*
7 *commits, counsels, commands, induces, procures,*
8 *or causes that murder, shall be punished by*
9 *death or by imprisonment for life;*

10 “(B) *a person who violates section 1931(b)*
11 *(1) or (2), 1 of whose predicate gang crimes in-*
12 *volves attempted murder or conspiracy to com-*
13 *mit murder, shall be sentenced to a term of im-*
14 *prisonment which shall not be less than 20 years*
15 *and which may be for any term of years exceed-*
16 *ing 20 years or for life; and*

17 “(C) *a person who violates section 1931(b)*
18 *(1) or (2), and who at the time of the offense oc-*
19 *cupied a position of organizer or supervisor, or*
20 *other position of management in that street*
21 *gang, shall be sentenced to a term of imprison-*
22 *ment which shall not be less than 15 years and*
23 *which may be for any term of years exceeding 15*
24 *years or for life.*

1 “(2) *PRESUMPTION.*—For purposes of paragraph
2 (1)(C), if it is shown that the defendant counseled,
3 commanded, induced, or procured 5 or more individ-
4 uals to participate in a street gang, there shall be a
5 rebuttable presumption that the defendant occupied a
6 position of organizer, supervisor, or other position of
7 management in the gang.

8 “(e) *FORFEITURE.*—

9 “(1) *IN GENERAL.*—A person who violates sec-
10 tion 1931(b) (1) or (2) shall, in addition to any other
11 penalty and irrespective of any provision of State
12 law, forfeit to the United States—

13 “(A) any property constituting, or derived
14 from, any proceeds the person obtained, directly
15 or indirectly, as a result of the violation; and

16 “(B) any property used, or intended to be
17 used, in any manner or part, to commit, or to
18 facilitate the commission of, the violation.

19 “(2) *APPLICATION OF CONTROLLED SUBSTANCES*
20 *ACT.*—Section 413 (b), (c), (e), (f), (g), (h), (i), (j),
21 (k), (l), (m), (n), (o), and (p) of the Controlled Sub-
22 stances Act (21 U.S.C. 853 (b), (c), and (e), (f), (g),
23 (h), (i), (j), (k), (l), (m), (n), (o), and (p)) shall apply
24 to a forfeiture under this section.

1 **“§ 1933. Joinder**

2 *“In a prosecution of an offense under this chapter*
 3 *charging a conspiracy to commit an offense, the trial of*
 4 *all of the alleged conspirators shall be joined in a single*
 5 *district court, and a motion to transfer shall not be granted*
 6 *unless the interest of justice so requires.”;*

7 (b) *TECHNICAL AMENDMENT.—The part analysis for*
 8 *part I of title 18, United States Code, is amended by insert-*
 9 *ing after the item for chapter 93 the following new item:*

**“94. Prohibited participation in criminal street gangs
 and gang crimes 1930”.**

10 (c) *SENTENCING GUIDELINES INCREASE FOR GANG*
 11 *CRIMES.—(1) The United States Sentencing Commission*
 12 *shall at the earliest opportunity amend the sentencing*
 13 *guidelines to increase by at least 4 levels the base offense*
 14 *level for any felony committed for the purpose of gaining*
 15 *entrance into, or maintaining or increasing position in, a*
 16 *criminal street gang. For purposes of this subsection,*
 17 *“criminal street gang” means any organization, or group,*
 18 *of 5 or more individuals, whether formal or informal, who*
 19 *act in concert, or agree to act in concert, for a period in*
 20 *excess of 30 days, with the intent that any of those individ-*
 21 *uals alone, or in any combination, commit or will commit,*
 22 *2 or more acts punishable under State or Federal law by*
 23 *imprisonment for more than 1 year.*

1 (2) *The United States Sentencing Commission shall re-*
2 *view and, if necessary, amend its sentencing guidelines to*
3 *provide that activity of a defendant as an organizer or lead-*
4 *er of a criminal street gang shall be an aggravating factor*
5 *in determining a sentence for an offense under chapter 26*
6 *of title 18, United States Code.*

7 **SEC. 612. CRIMES INVOLVING THE USE OF MINORS AS RICO**
8 **PREDICATES.**

9 *Section 1961(1) of title 18, United States Code, is*
10 *amended—*

11 (1) *by striking “or” before “(E)”;* and

12 (2) *by inserting before the semicolon at the end*
13 *of the paragraph the following: “, or (F) any offense*
14 *against the United States that is punishable by im-*
15 *prisonment for more than 1 year and that involved*
16 *the use of a person below the age of 18 years in the*
17 *commission of the offense”.*

18 **SEC. 613. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
19 **CAREER CRIMINAL ACT PREDICATES.**

20 *Section 924(e)(2)(A) of title 18, United States Code,*
21 *is amended—*

22 (1) *by striking “or” at the end of clause (i);*

23 (2) *by striking “and” at the end of clause (ii)*
24 *and inserting “or”;* and

25 (3) *by adding at the end the following:*

1 “(iii) any act of juvenile delinquency
2 that if committed by an adult would be a
3 serious drug offense described in this para-
4 graph; and”.

5 **SEC. 614. ADULT PROSECUTION OF SERIOUS JUVENILE OF-**
6 **FENDERS.**

7 Section 5032 of title 18, United States Code, is amend-
8 ed—

9 (1) in the first undesignated paragraph—

10 (A) by striking “an offense described in sec-
11 tion 401 of the Controlled Substances Act (21
12 U.S.C 841), or section 1002(a), 1003, 1005,
13 1009, or 1010(b)(1), (2), or (3) of the Controlled
14 Substances Import and Export Act (21 U.S.C.
15 952(a), 953, 955, 959, 960(b)(1), (2), (3)),” and
16 inserting “an offense (or a conspiracy or attempt
17 to commit an offense) described in section 401,
18 or 404 (insofar as the violation involves more
19 than 5 grams of a mixture or substance which
20 contains cocaine base), of the Controlled Sub-
21 stances Act (21 U.S.C. 841, 844, or 846), section
22 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or
23 (3), of the Controlled Substances Import and Ex-
24 port Act (21 U.S.C. 952(a), 953, 955, 959,
25 960(b)(1), (2), or (3), or 963),”; and

1 (B) by striking “922(p)” and inserting
2 “924(b), (g), or (h)”;

3 (2) in the fourth undesignated paragraph—

4 (A) by striking “an offense described in sec-
5 tion 401 of the Controlled Substances Act (21
6 U.S.C. 841), or section 1002(a), 1005, or 1009 of
7 the Controlled Substances Import and Export
8 Act (21 U.S.C. 952(a), 955, 959)” and inserting
9 “an offense (or a conspiracy or attempt to com-
10 mit an offense) described in section 401, or 404
11 (insofar as the violation involves more than 5
12 grams of a mixture or substance which contains
13 cocaine base), of the Controlled Substances Act
14 (21 U.S.C. 841, 844, or 846), section 1002(a),
15 1005, 1009, 1010(b)(1), (2), or (3), of the Con-
16 trolled Substances Import and Export Act (21
17 U.S.C. 952(a), 955, 959, 960(b)(1), (2), or (3), or
18 963), or section 924(b), (g), or (h) of this title.”;
19 and

20 (B) by striking “subsection (b)(1)(A), (B),
21 or (C), (d), or (e) of section 401 of the Controlled
22 Substances Act, or section 1002(a), 1003, 1009,
23 or 1010(b)(1), (2), or (3) of the Controlled Sub-
24 stances Import and Export Act (21 U.S.C.
25 952(a), 953, 959, 960(b)(1), (2), (3))” and in-

1 serting “or an offense (or conspiracy or attempt
2 to commit an offense) described in section
3 401(b)(1)(A), (B), or (C), (d), or (e), or 404 (in-
4 sofar as the violation involves more than 5
5 grams of a mixture or substance which contains
6 cocaine base), of the Controlled Substances Act
7 (21 U.S.C. 841(b)(1)(A), (B), or (C), (d), or (e),
8 844, or 846) or section 1002(a), 1003, 1009,
9 1010(b)(1), (2), or (3) of the Controlled Sub-
10 stances Import and Export Act (21 U.S.C.
11 952(a), 953, 959, 960(b)(1), (2), or (3), or 963)”;
12 and

13 (3) in the fifth undesignated paragraph by add-
14 ing at the end the following: “In considering the na-
15 ture of the offense, as required by this paragraph, the
16 court shall consider the extent to which the juvenile
17 played a leadership role in an organization, or other-
18 wise influenced other persons to take part in criminal
19 activities, involving the use or distribution of con-
20 trolled substances or firearms. Such a factor, if found
21 to exist, shall weigh heavily in favor of a transfer to
22 adult status, but the absence of this factor shall not
23 preclude such a transfer.”.

1 **SEC. 615. INCREASED PENALTIES FOR EMPLOYING CHIL-**
2 **DREN TO DISTRIBUTE DRUGS NEAR SCHOOLS**
3 **AND PLAYGROUNDS.**

4 *Section 419 of the Controlled Substances Act (21*
5 *U.S.C. 860) is amended—*

6 *(1) by redesignating subsections (c) and (d) as*
7 *subsections (d) and (e), respectively; and*

8 *(2) by inserting after subsection (b) the following*
9 *new subsection:*

10 *“(c) Notwithstanding any other law, any person at*
11 *least 18 years of age who knowingly and intentionally—*

12 *“(1) employs, hires, uses, persuades, induces, en-*
13 *tices, or coerces a person under 18 years of age to vio-*
14 *late this section; or*

15 *“(2) employs, hires, uses, persuades, induces, en-*
16 *tices, or coerces a person under 18 years of age to as-*
17 *assist in avoiding detection or apprehension for any of-*
18 *fense under this section by any Federal, State, or*
19 *local law enforcement official,*

20 *is punishable by a term of imprisonment, a fine, or both,*
21 *up to triple those authorized by section 401.”.*

22 **SEC. 616. INCREASED PENALTIES FOR DRUG TRAFFICKING**
23 **NEAR PUBLIC HOUSING.**

24 *Section 419 of the Controlled Substances Act (21*
25 *U.S.C. 860) is amended—*

1 (1) in subsection (a) by striking “playground, or
2 within” and inserting “playground, or housing facil-
3 ity owned by a public housing authority, or within”;
4 and

5 (2) in subsection (b) by striking “playground, or
6 within” and inserting “playground, or housing facil-
7 ity owned by a public housing authority, or within”.

8 **SEC. 617. INCREASED PENALTIES FOR TRAVEL ACT CRIMES**
9 **INVOLVING VIOLENCE AND CONSPIRACY TO**
10 **COMMIT CONTRACT KILLINGS.**

11 (a) *TRAVEL ACT PENALTIES.*—Section 1952(a) of title
12 18, United States Code, is amended by striking “and there-
13 after performs or attempts to perform any of the acts speci-
14 fied in subparagraphs (1), (2), and (3), shall be fined not
15 more than \$10,000 or imprisoned for not more than five
16 years, or both.” and inserting “and thereafter performs or
17 attempts to perform—

18 “(A) an act described in paragraph (1) or (3)
19 shall be fined under this title, imprisoned not more
20 than 5 years, or both; or

21 “(B) an act described in paragraph (2) shall be
22 fined under this title, imprisoned for not more than
23 20 years, or both, and if death results shall be impris-
24 oned for any term of years or for life.”.

1 (b) *MURDER CONSPIRACY PENALTIES.*—Section
2 1958(a) of title 18, United States Code, is amended by in-
3 serting “or who conspires to do so” before “shall be fined”
4 the first place it appears.

5 **SEC. 618. AMENDMENTS CONCERNING RECORDS OF CRIMES**
6 **COMMITTED BY JUVENILES.**

7 (a) Section 5038 of title 18, United States Code, is
8 amended by striking subsections (d) and (f), redesignating
9 subsection (e) as subsection (d), and by adding at the end
10 new subsections (e) and (f) as follows:

11 “(e) Whenever a juvenile has been found guilty of com-
12 mitting an act which if committed by an adult would be
13 an offense described in clause (3) of the first paragraph of
14 section 5032 of this title, the juvenile shall be fingerprinted
15 and photographed, and the fingerprints and photograph
16 shall be sent to the Federal Bureau of Investigation, Identi-
17 fication Division. The court shall also transmit to the Fed-
18 eral Bureau of Investigation, Identification Division, the
19 information concerning the adjudication, including name,
20 date of adjudication, court, offenses, and sentence, along
21 with the notation that the matter was a juvenile adjudica-
22 tion. The fingerprints, photograph, and other records and
23 information relating to a juvenile described in this sub-
24 section, or to a juvenile who is prosecuted as an adult, shall

1 *be made available in the manner applicable to adult defend-*
2 *ants.*

3 “(f) *In addition to any other authorization under this*
4 *section for the reporting, retention, disclosure, or availabil-*
5 *ity of records or information, if the law of the State in*
6 *which a Federal juvenile delinquency proceeding takes place*
7 *permits or requires the reporting, retention, disclosure, or*
8 *availability of records or information relating to a juvenile*
9 *or to a juvenile delinquency proceeding or adjudication in*
10 *certain circumstances, then such reporting, retention, dis-*
11 *closure, or availability is permitted under this section*
12 *whenever the same circumstances exist.”.*

13 (b) *Section 3607 of title 18, United States Code, is re-*
14 *pealed, and the corresponding item in the chapter analysis*
15 *for chapter 229 of title 18 is deleted.*

16 (c) *Section 401(b)(4) of the Controlled Substances Act*
17 *(21 U.S.C. 841(b)(4)) is amended by striking “and section*
18 *3607 of title 18”.*

19 **SEC. 619. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING**

20 **OBJECTIVE.**

21 *Section 501(b) of title I of the Omnibus Crime Control*
22 *and Safe Streets Act of 1968 (42 U.S.C. 3751) is amend-*
23 *ed—*

24 (1) *in paragraph (20) by striking “and” at the*
25 *end;*

1 (2) in paragraph (21) by striking the period and
2 inserting “; and”; and

3 (3) by inserting after paragraph (21) the follow-
4 ing new paragraph:

5 “(22) law enforcement and prevention programs
6 relating to gangs, or to youth who are involved or at
7 risk of involvement in gangs.”.

8 **Subtitle B—Gang Prosecution**

9 **SEC. 621. ADDITIONAL PROSECUTORS.**

10 There is authorized to be appropriated \$20,000,000 for
11 each of fiscal years 1994, 1995, 1996, 1997, and 1998 for
12 the hiring of additional Assistant United States Attorneys
13 to prosecute violent youth gangs.

14 **SEC. 622. GANG INVESTIGATION COORDINATION AND IN-** 15 **FORMATION COLLECTION.**

16 (a) *COORDINATION.*—The Attorney General (or the At-
17 torney General’s designee), in consultation with the Sec-
18 retary of the Treasury (or the Secretary’s designee), shall
19 develop a national strategy to coordinate gang-related in-
20 vestigations by Federal law enforcement agencies.

21 (b) *DATA COLLECTION.*—The Director of the Federal
22 Bureau of Investigation shall acquire and collect informa-
23 tion on incidents of gang violence for inclusion in an an-
24 nual uniform crime report.

1 (c) *REPORT.*—The Attorney General shall prepare a
2 report on national gang violence outlining the strategy de-
3 veloped under subsection (a) to be submitted to the Presi-
4 dent and Congress by January 1, 1995.

5 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
6 authorized to be appropriated to carry out this section
7 \$1,000,000 for fiscal year 1994.

8 **SEC. 623. CONTINUATION OF FEDERAL-STATE FUNDING**
9 **FORMULA.**

10 Section 504(a)(1) of title I of the Omnibus Crime and
11 Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended
12 by striking “1992” and inserting “1993”.

13 **SEC. 624. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK**
14 **FORCES.**

15 Section 504(f) of title I of the Omnibus Crime and Safe
16 Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by in-
17 serring “and gang” after “Except for grants awarded to
18 State and local governments for the purpose of participat-
19 ing in multijurisdictional drug”.

1 ***Subtitle C—Grants Under the Juve-***
2 ***nile Justice and Delinquency***
3 ***Prevention Act of 1974***

4 ***SEC. 631. JUVENILE DRUG TRAFFICKING AND GANG PRE-***
5 ***VENTION GRANTS.***

6 *Part B of title II of the Juvenile Justice and Delin-*
7 *quency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is*
8 *amended—*

9 *(1) by inserting after the part heading the fol-*
10 *lowing subpart heading:*

11 *“Subpart I—General Grant Programs”;*
12 *and*

13 *(2) by adding at the end the following new sub-*
14 *part:*

15 *“Subpart II—Juvenile Drug Trafficking and Gang*
16 *Prevention Grants*

17 *“FORMULA GRANTS*

18 *“SEC. 231. (a) AUTHORIZATION.—The Administrator*
19 *may make grants to States, units of general local govern-*
20 *ment, private not-for-profit anticrime organizations, or*
21 *combinations thereof to assist them in planning, establish-*
22 *ing, operating, coordinating, and evaluating projects, di-*
23 *rectly or through grants and contracts with public and pri-*
24 *vate agencies, for the development of more effective pro-*

1 *grams including prevention and enforcement programs to*
2 *reduce—*

3 “(1) *the formation or continuation of juvenile*
4 *gangs; and*

5 “(2) *the use and sale of illegal drugs by juve-*
6 *niles.*

7 “(b) *PARTICULAR PURPOSES.—The grants made*
8 *under this section can be used for any of the following spe-*
9 *cific purposes:*

10 “(1) *To reduce the participation of juveniles in*
11 *drug-related crimes (including drug trafficking and*
12 *drug use), particularly in and around elementary*
13 *and secondary schools.*

14 “(2) *To reduce juvenile involvement in organized*
15 *crime, drug and gang-related activity, particularly*
16 *activities that involve the distribution of drugs by or*
17 *to juveniles.*

18 “(3) *To develop within the juvenile justice sys-*
19 *tem, including the juvenile corrections system, inno-*
20 *vative means to address the problems of juveniles con-*
21 *victed of serious drug-related and gang-related of-*
22 *fenses.*

23 “(4) *To reduce juvenile drug and gang-related*
24 *activity in public housing projects.*

1 “(5) To develop and provide parenting classes to
2 parents of at-risk youth, giving parents the skills they
3 need to provide adequate care and supervision of such
4 youth and to counteract the influences leading youth
5 to a life of gangs, crime, and drugs.

6 “(6) To develop and provide training in methods
7 of nonviolent dispute resolution to youth of junior
8 high school and high school age.

9 “(7) To reduce and prevent juvenile drug and
10 gang-related activity in rural areas.

11 “(8) To provide technical assistance and train-
12 ing to personnel and agencies responsible for the adju-
13 dicatory and corrections components of the juvenile
14 justice system to—

15 “(A) identify drug-dependent or gang-in-
16 volved juvenile offenders; and

17 “(B) provide appropriate counseling and
18 treatment to such offenders.

19 “(9) To promote the involvement of all juveniles
20 in lawful activities, including in-school and after-
21 school programs for academic, athletic, or artistic en-
22 richment that also teach that drug and gang involve-
23 ment are wrong.

24 “(10) To facilitate Federal and State cooperation
25 with local school officials to develop education, pre-

1 *vention, and treatment programs for juveniles who*
2 *are likely to participate in drug trafficking, drug use,*
3 *or gang-related activities.*

4 *“(11) To prevent juvenile drug and gang involve-*
5 *ment in public housing projects through programs es-*
6 *tablishing youth sports and other activities, including*
7 *girls’ and boys’ clubs, scout troops, and little leagues.*

8 *“(12) To provide pre- and post-trial drug abuse*
9 *treatment to juveniles in the juvenile justice system*
10 *with the highest possible priority to providing drug*
11 *abuse treatment to drug-dependent pregnant juveniles*
12 *and drug-dependent juvenile mothers.*

13 *“(13) To provide education and treatment pro-*
14 *grams for juveniles exposed to severe violence in their*
15 *homes, schools, or neighborhoods.*

16 *“(14) To establish sports mentoring and coach-*
17 *ing programs in which athletes serve as role models*
18 *for juveniles to teach that athletics provides a positive*
19 *alternative to drug and gang involvement.*

20 *“AUTHORIZATION OF APPROPRIATIONS*

21 *“SEC. 232. There are authorized to be appropriated*
22 *\$100,000,000 for fiscal year 1994 and such sums as are nec-*
23 *essary for fiscal year 1995 to carry out this subpart.*

24 *“ALLOCATION OF FUNDS*

25 *“SEC. 233. The amounts appropriated for this subpart*
26 *for any fiscal year shall be allocated as follows:*

1 “(1) \$500,000 or 1.0 percent, whichever is great-
2 er, shall be allocated to each of the States.

3 “(2) Such sums as are necessary to carry out
4 section 235.

5 “(3) Of the funds remaining after the allocation
6 under paragraphs (1) and (2), there shall be allocated
7 to each State an amount that bears the same ratio to
8 the amount of remaining funds described in this
9 paragraph as the population of juveniles residing in
10 the State bears to the population of juveniles residing
11 in all the States.

12 “APPLICATION

13 “SEC. 234. (a) IN GENERAL.—Each State or entity
14 applying for a grant under section 231 shall submit an ap-
15 plication to the Administrator in such form and containing
16 such information as the Administrator shall prescribe.

17 “(b) REGULATIONS.—To the extent practicable, the
18 Administrator shall prescribe regulations governing appli-
19 cations for this subpart that are substantially similar to
20 the regulations governing applications required under sub-
21 part I of this part and subpart II of part C, including the
22 regulations relating to competition.

23 “MENTAL HEALTH SCREENING

24 “SEC. 235. (a) SENSE OF THE CONGRESS.—It is the
25 sense of the Congress that no child should have to be incar-

1 *cerated in a State youth center or detention facility solely*
2 *in order to receive mental health treatment.*

3 “(b) *IN GENERAL.*—Not later than two years after the
4 *date of enactment of this subpart, the Attorney General, act-*
5 *ing through the Administrator of the Office of Juvenile Jus-*
6 *tice and Delinquency Prevention, in collaboration with the*
7 *Secretary of Health and Human Services, acting through*
8 *the Administrator of Substance Abuse and Mental Health*
9 *Services Administration, shall, subject to the availability*
10 *of appropriations—*

11 “(1) *study the nature and prevalence of mental*
12 *illness among youth in the juvenile justice system at*
13 *several different points in the system, including the*
14 *arrest stage, the adjudication, and dispositional state,*
15 *and the commitment stage;*

16 “(2) *develop a model system that the States can*
17 *use to assess, diagnose, and treat the mental health*
18 *needs of youth who come in contact with the juvenile*
19 *justice system for mental illness; and*

20 “(3) *disseminate the results of the study and the*
21 *model to each State’s Juvenile Justice Advisory*
22 *Group.*

23 “(c) *STUDY.*—*The study should include analysis of—*

1 “(1) national prevalence of rates of the different
2 clinical categories of mental illness for youth who
3 come in contact with the juvenile justice system;

4 “(2) the prevalence of multiple mental disorders
5 among youth who have come in contact with the juve-
6 nile justice system;

7 “(3) recommendations to the Committee on the
8 Judiciary of the Senate and the Committees on Edu-
9 cation and Labor of the House of Representatives on
10 the appropriateness and need for further Federal ac-
11 tion; and

12 “(4) such other analysis as is appropriate.

13 “(d) MODEL.—The model should provide—

14 “(1) guidelines for accurate and timely assess-
15 ment, diagnosis, and treatment at several different
16 points in the juvenile justice system including the ar-
17 rest stage, the adjudication and dispositional stage,
18 and the commitment stage;

19 “(2) a method for fostering collaboration between
20 the mental health agencies, juvenile justice agencies,
21 educational agencies, social services agencies, sub-
22 stance abuse treatment agencies, police, and families;

23 “(3) a funding mechanism for the model; and

24 “(4) such other guidelines as are appropriate.”.

1 **SEC. 632. CONFORMING REPEALER AND AMENDMENTS.**

2 (a) *REPEAL OF PART D.*—Part D of title II of the
3 *Juvenile Justice and Delinquency Prevention Act of 1974*
4 *(42 U.S.C. 5667 et seq.)* is repealed, and part E of title
5 *II of that Act* is redesignated as part D.

6 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
7 *291 of title II of the Juvenile Justice and Delinquency Pre-*
8 *vention Act of 1974 (42 U.S.C. 5671)* is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1) by striking “(1)” and
11 by striking “(other than part D)”; and

12 (B) by striking paragraph (2); and

13 (2) in subsection (b) by striking “(other than
14 part D)”.

15 **SEC. 633. GRANTS FOR YOUTH DEVELOPMENT CENTERS.**

16 Part B of title II of the *Juvenile Justice and Delin-*
17 *quency Prevention Act of 1974 (42 U.S.C. 5631 et seq.)*,
18 as amended by section 611, is amended by adding at the
19 end the following new subpart:

20 “Subpart III—*Youth Violence Prevention Block Grants*

21 “SEC. 238. (a) *IN GENERAL.*—The Administrator of
22 the Office of Juvenile Justice and Delinquency Prevention
23 shall subject to availability of appropriations make grants
24 to States to assist the States in planning, establishing, oper-
25 ating, coordinating, and evaluating programs directly or
26 through grants and contracts with public and private agen-

1 *cies for the development of more effective education, train-*
2 *ing, research, prevention, diversion, treatment, and reha-*
3 *bilitation programs in the area of juvenile violence.*

4 “(b) *ISSUES TO BE ADDRESSED.*—A program funded
5 under subsection (a) shall address issues identified as con-
6 tributing to youth violence, which may include—

7 “(1) *conflict resolution programs in schools;*

8 “(2) *alternatives to school suspension;*

9 “(3) *juvenile court diversion programs; and*

10 “(4) *other innovative projects.*

11 “(c) *ALLOCATION OF FUNDS.*—The amount appro-
12 priated under this section for a fiscal year shall be allocated
13 among the States by allocating to each State an amount
14 that bears the same proportion to the amount appropriated
15 as the number of residents of the State under the age of
16 18 years bears to the number of residents of all of the States
17 under the age of 18 years.

18 “(d) *ADMINISTRATION.*—Grants made under this sec-
19 tion shall be administered by the State office designated
20 under section 507 of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3757).

22 “(e) *APPLICATIONS BY PUBLIC AND PRIVATE AGEN-*
23 *CIES.*—

24 “(1) *IN GENERAL.*—A public or private agency
25 desiring to receive a grant or enter into a contract

1 *under this subpart shall submit an application at*
2 *such time, in such manner, and containing such in-*
3 *formation as the office described in subsection (d)*
4 *may prescribe.*

5 “(2) *CONTENTS.*—*In accordance with guidelines*
6 *established by the office described in subsection (d),*
7 *an application under paragraph (1) shall—*

8 “(A) *set forth a program or activity for car-*
9 *rying out 1 or more of the purposes described in*
10 *subsections (a) and (b) and specifically identify*
11 *each such purpose that the program or activity*
12 *is designed to carry out;*

13 “(B) *provide that the program or activity*
14 *will be administered by or under the supervision*
15 *of the applicant;*

16 “(C) *provide for the proper and efficient ad-*
17 *ministration of the program or activity;*

18 “(D) *provide for regular evaluation of the*
19 *program or activity;*

20 “(E) *provide an assurance that the pro-*
21 *posed program or activity will supplement, not*
22 *supplant, similar programs and activities al-*
23 *ready available in the community;*

1 “(F) describe how the program or activity
2 will be coordinated with programs, activities,
3 and services available locally;

4 “(G) provide that regular reports on such
5 program or activity shall be sent to the admin-
6 istering office named in subsection (d); and

7 “(H) provide for such fiscal control and
8 fund accounting procedures as may be necessary
9 to ensure prudent use, proper disbursement, and
10 accurate accounting of funds received under this
11 subpart.

12 “(f) MATCHING FUNDS REQUIREMENTS.—

13 “(1) FUNDS RECEIVED UNDER THIS SUBPART.—
14 Funds received through a grant under this section
15 may not be expended for more than 75 percent of the
16 cost of any program that is so funded.

17 “(2) FUNDS FROM OTHER SOURCES.—In provid-
18 ing for the 25 percent share of the cost of a program
19 from other sources, a State—

20 “(A) shall provide for such share through a
21 payment in cash or in kind, fairly evaluated, in-
22 cluding facilities, equipment, or services; and

23 “(B) may provide for such share through
24 State sources, local sources, private sources, non-

1 *profit sources, other Federal sources, or any com-*
2 *ination of these sources.*

3 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$25,000,000 for each of fiscal years 1995 and 1996.”.*

6 ***Subtitle D—Bindover System for***
7 ***Certain Violent Juveniles***

8 ***SEC. 641. BINDOVER SYSTEM.***

9 *Section 501(b) of title I of the Omnibus Crime Control*
10 *and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended*
11 *by section 1002, is amended—*

12 *(1) by striking “and” at the end of paragraph*
13 *(21);*

14 *(2) by striking the period at the end of para-*
15 *graph (22) and inserting “; and”; and*

16 *(3) by adding at the end the following new para-*
17 *graph:*

18 *“(23) programs that address the need for effective*
19 *bindover systems for the prosecution of violent juve-*
20 *niles 13 years of age and older in courts with juris-*
21 *isdiction over adults for the crimes of—*

22 *“(A) murder in the first degree;*

23 *“(B) murder in the second degree;*

24 *“(C) attempted murder;*

1 “(D) armed robbery when armed with a
2 firearm;

3 “(E) aggravated battery or assault when
4 armed with a firearm;

5 “(F) criminal sexual penetration when
6 armed with a firearm; and

7 “(G) drive-by shootings as described in sec-
8 tion 36 of title 18, United States Code.”.

9 ***Subtitle E—Federal Prosecutions***

10 ***SEC. 651. PROSECUTION AS ADULTS OF VIOLENT JUVENILE***

11 ***OFFENDERS.***

12 *Section 5032 of title 18, United States Code, is amend-*
13 *ed by adding at the end the following new paragraph:*

14 “(A) Notwithstanding any other provision of this sec-
15 *tion or any other law, a juvenile who was 13 years old or*
16 *older on the date of the commission of an offense under sec-*
17 *tion 113 (a), (b), or (c), 1111, 1113, 2111 or 2113 (if the*
18 *juvenile was in possession of a firearm during the offense),*
19 *or 2241 (a) or (c) (if the juvenile was in possession of a*
20 *firearm during the offense) shall be prosecuted as an adult*
21 *in Federal court. No juvenile prosecuted as an adult under*
22 *this paragraph shall be incarcerated in an adult prison.*

23 “(B) *If a juvenile prosecuted under this paragraph is*
24 *convicted, the juvenile shall be entitled to file a petition for*

1 *resentencing pursuant to applicable sentencing guidelines*
2 *when he or she reaches the age of 16.*

3 “(C) *The United States Sentencing Commission shall*
4 *promulgate guidelines, or amend existing guidelines, if nec-*
5 *essary, to carry out the purposes of this section. For*
6 *resentencing determinations pursuant to subsection (b), the*
7 *Commission may promulgate guidelines, if necessary to*
8 *permit sentencing adjustments which may include adjust-*
9 *ments which provide for supervised release, for defendants*
10 *who have clearly demonstrated (i) an exceptional degree of*
11 *responsibility for the offense and (ii) a willingness and abil-*
12 *ity to refrain from further criminal conduct.*

13 ***Subtitle F—Youth Handgun Safety***

14 ***SEC. 661. FINDINGS AND DECLARATIONS.***

15 *The Congress finds and declares that—*

16 (1) *Crime, particularly crime involving drugs*
17 *and guns, is a pervasive, nationwide problem.*

18 (2) *Problems with crime at the local level are ex-*
19 *acerbated by the interstate movement of drugs, guns,*
20 *and criminal gangs.*

21 (3) *Firearms and ammunition, and handguns in*
22 *particular, move easily in interstate commerce, as*
23 *documented in numerous hearings in both the Judici-*
24 *ary Committee of the House of Representatives and*
25 *Judiciary Committee of the Senate.*

1 (4) *In fact, even before the sale of a handgun, the*
2 *gun, its component parts, ammunition, and the raw*
3 *materials from which they are made have consider-*
4 *ably moved in interstate commerce.*

5 (5) *While criminals freely move from State to*
6 *State, ordinary citizens may fear to travel to or*
7 *through certain parts of the country due to the con-*
8 *cern that violent crime is not under control, and for-*
9 *eigners may decline to travel in the United States for*
10 *the same reason.*

11 (6) *Just as the hardened drug kingpins begin*
12 *their life in the illicit drug culture by exposure to*
13 *drugs at a young age, violent criminals often start*
14 *their criminal careers on streets where the ready*
15 *availability of guns to young people results in the ac-*
16 *ceptability of their random use.*

17 (7) *Violent crime and the use of illicit drugs go*
18 *hand-in-hand, and attempts to control one without*
19 *controlling the other may be fruitless.*

20 (8) *Individual States and localities find it im-*
21 *possible to handle the problem by themselves; even*
22 *States and localities that have made a strong effort to*
23 *prevent, detect, and punish crime find their effort*
24 *unavailing due in part to the failure or inability of*
25 *other States and localities to take strong measures.*

1 (9) *Inasmuch as illicit drug activity and related*
2 *violent crime overflow State lines and national*
3 *boundaries, the Congress has power, under the inter-*
4 *state commerce clause and other provisions of the*
5 *Constitution, to enact measures to combat these prob-*
6 *lems.*

7 (10) *The Congress finds that it is necessary and*
8 *appropriate to assist the States in controlling crime*
9 *by stopping the commerce in handguns with juveniles*
10 *nationwide, and allowing the possession of handguns*
11 *by juveniles only when handguns are possessed and*
12 *used for legitimate purposes under appropriate condi-*
13 *tions.*

14 **SEC. 662. PROHIBITION OF THE POSSESSION OF A HAND-**
15 **GUN OR AMMUNITION BY, OR THE PRIVATE**
16 **TRANSFER OF A HANDGUN OR AMMUNITION**
17 **TO, A JUVENILE.**

18 (a) *DEFINITION.*—*Section 921(a) of title 18, United*
19 *States Code, is amended by adding at the end the following*
20 *new paragraph:*

21 “(29) *The term ‘handgun’ means—*

22 “(A) *a firearm that has a short stock and*
23 *is designed to be held and fired by the use of a*
24 *single hand; and*

1 “(B) any combination of parts from which
2 a firearm described in subparagraph (A) can be
3 assembled.”.

4 (b) OFFENSE.—Section 922 of title 18, United States
5 Code, is amended by adding at the end the following new
6 subsection:

7 “(s)(1) It shall be unlawful for a person to sell, deliver,
8 or otherwise transfer to a person who the transferor knows
9 or has reasonable cause to believe is a juvenile—

10 “(A) a handgun; or

11 “(B) ammunition that is suitable for use only in
12 a handgun.

13 “(2) It shall be unlawful for any person who is a juve-
14 nile to knowingly possess—

15 “(A) a handgun; or

16 “(B) ammunition that is suitable for use only in
17 a handgun.

18 “(3) This subsection does not apply to—

19 “(A) a temporary transfer of a handgun or am-
20 muniton to a juvenile or to the possession or use of
21 a handgun or ammunition by a juvenile if the hand-
22 gun and ammunition are possessed and used by the
23 juvenile—

24 “(i) in the course of employment, in the
25 course of ranching or farming related to activi-

1 *ties at the residence of the juvenile (or on prop-*
2 *erty used for ranching or farming at which the*
3 *juvenile, with the permission of the property*
4 *owner or lessee, is performing activities related*
5 *to the operation of the farm or ranch), target*
6 *practice, hunting, or a course of instruction in*
7 *the safe and lawful use of a handgun;*

8 *“(ii) with the prior written consent of the*
9 *juvenile’s parent or guardian who is not prohib-*
10 *ited by Federal, State, or local law from possess-*
11 *ing a firearm, except—*

12 *“(I) during transportation by the juve-*
13 *nile of an unloaded handgun in a locked*
14 *container directly from the place of transfer*
15 *to a place at which an activity described in*
16 *clause (i) is to take place and transpor-*
17 *tation by the juvenile of that handgun, un-*
18 *loaded and in a locked container, directly*
19 *from the place at which such an activity*
20 *took place to the transferor; or*

21 *“(II) with respect to ranching or farm-*
22 *ing activities as described in clause (i), a*
23 *juvenile may possess and use a handgun or*
24 *ammunition with the prior written ap-*
25 *proval of the juvenile’s parent or legal*

1 *guardian and at the direction of an adult*
2 *who is not prohibited by Federal, State or*
3 *local law from possessing a firearm.*

4 “(iii) *the juvenile has the prior written con-*
5 *sent in the juvenile’s possession at all times when*
6 *a handgun is in the possession of the juvenile;*
7 *and*

8 “(iv) *in accordance with State and local*
9 *law;*

10 “(B) *a juvenile who is a member of the Armed*
11 *Forces of the United States or the National Guard*
12 *who possesses or is armed with a handgun in the line*
13 *of duty;*

14 “(C) *a transfer by inheritance of title (but not*
15 *possession) of a handgun or ammunition to a juve-*
16 *nile; or*

17 “(D) *the possession of a handgun or ammunition*
18 *by a juvenile taken in defense of the juvenile or other*
19 *persons against an intruder into the residence of the*
20 *juvenile or a residence in which the juvenile is an in-*
21 *vited guest.*

22 “(4) *A handgun or ammunition, the possession of*
23 *which is transferred to a juvenile in circumstances in which*
24 *the transferor is not in violation of this subsection shall*
25 *not be subject to permanent confiscation by the Government*

1 *if its possession by the juvenile subsequently becomes unlaw-*
2 *ful because of the conduct of the juvenile, but shall be re-*
3 *turned to the lawful owner when such handgun or ammuni-*
4 *tion is no longer required by the Government for the pur-*
5 *poses of investigation or prosecution.*

6 “(5) For purposes of this subsection, the term ‘juvenile’
7 means a person who is less than 18 years of age.

8 “(6)(A) In a prosecution of a violation of this sub-
9 section, the court shall require the presence of a juvenile
10 defendant’s parent or legal guardian at all proceedings.

11 “(B) The court may use the contempt power to enforce
12 subparagraph (A).

13 “(C) The court may excuse attendance of a parent or
14 legal guardian of a juvenile defendant at a proceeding in
15 a prosecution of a violation of this subsection for good cause
16 shown.”.

17 (c) PENALTIES.—Section 924(a) of title 18, United
18 States Code, is amended—

19 (1) in paragraph (1) by striking “paragraph (2)
20 or (3) of”; and

21 (2) by adding at the end the following new para-
22 graph:

23 “(5)(A)(i) A juvenile who violates section 922(s) shall
24 be fined under this title, imprisoned not more than 1 year,
25 or both, except that a juvenile described in clause (ii) shall

1 *be sentenced to probation on appropriate conditions and*
2 *shall not be incarcerated unless the juvenile fails to comply*
3 *with a condition of probation.*

4 *“(ii) A juvenile is described in this clause if—*

5 *“(I) the offense of which the juvenile is charged*
6 *is possession of a handgun or ammunition in viola-*
7 *tion of section 922(s)(2); and*

8 *“(II) the juvenile has not been convicted in any*
9 *court of an offense (including an offense under section*
10 *922(s) or a similar State law, but not including any*
11 *other offense consisting of conduct that if engaged in*
12 *by an adult would not constitute an offense) or adju-*
13 *dicated as a juvenile delinquent for conduct that if*
14 *engaged in by an adult would constitute an offense.*

15 *“(B) A person other than a juvenile who knowingly*
16 *violates section 922(s)—*

17 *“(i) shall be fined under this title, imprisoned*
18 *not more than 1 year, or both; and*

19 *“(ii) if the person sold, delivered, or otherwise*
20 *transferred a handgun or ammunition to a juvenile*
21 *knowing or having reasonable cause to know that the*
22 *juvenile intended to carry or otherwise possess or dis-*
23 *charge or otherwise use the handgun or ammunition*
24 *in the commission of a crime of violence, shall be*

1 *fined under this title, imprisoned not more than 10*
2 *years, or both.”.*

3 (d) *TECHNICAL AMENDMENT OF JUVENILE DELIN-*
4 *QUENCY PROVISIONS IN TITLE 18, UNITED STATES*
5 *CODE.—*

6 (1) *SECTION 5031.—Section 5031 of title 18,*
7 *United States Code, is amended by inserting “or a*
8 *violation by such a person of section 922(s)” before*
9 *the period at the end.*

10 (2) *SECTION 5032.—Section 5032 of title 18,*
11 *United States Code, is amended—*

12 (A) *in the first undesignated paragraph by*
13 *inserting “or (s)” after “922(p)”;* and

14 (B) *in the fourth undesignated paragraph*
15 *by inserting “or section 922(s) of this title,” be-*
16 *fore “criminal prosecution on the basis”.*

17 (e) *TECHNICAL AMENDMENT OF THE JUVENILE JUS-*
18 *TICE AND DELINQUENCY PREVENTION ACT OF 1974.—Sec-*
19 *tion 223(a)(12)(A) of the Juvenile Justice and Delinquency*
20 *Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is*
21 *amended by striking “which do not constitute violations of*
22 *valid court orders” and inserting “(other than an offense*
23 *that constitutes a violation of a valid court order or a viola-*
24 *tion of section 922(s) of title 18, United States Code, or*
25 *a similar State law).”*

1 (f) *MODEL LAW.*—The Attorney General, acting
2 through the Director of the National Institute for Juvenile
3 Justice and Delinquency Prevention, shall—

4 (1) *evaluate existing and proposed juvenile*
5 *handgun legislation in each State;*

6 (2) *develop model juvenile handgun legislation*
7 *that is constitutional and enforceable;*

8 (3) *prepare and disseminate to State authorities*
9 *the findings made as the result of the evaluation; and*

10 (4) *report to Congress by December 31, 1994,*
11 *findings and recommendations concerning the need or*
12 *appropriateness of further action by the Federal Gov-*
13 *ernment.*

14 **SEC. 663. PROHIBITION OF THE SALE AND TRANSFER FOR**
15 **CONSIDERATION OF A HANDGUN OR HAND-**
16 **GUN AMMUNITION TO A JUVENILE.**

17 (a) *OFFENSE.*—Section 922 of title 18, United States
18 Code, is amended by adding at the end thereof the following
19 new subsection:

20 “(t)(1) *Except as provided in paragraph (3), it shall*
21 *be unlawful for any person to sell or otherwise transfer for*
22 *consideration to a person who the seller or transferor*
23 *knows or has reasonable cause to believe is a juvenile—*

24 “(A) *a handgun; or*

1 “(B) ammunition that is suitable for use only in
2 a handgun.

3 “(2) For purposes of this subsection—

4 “(i) the term ‘juvenile’ means a person who is
5 less than 18 years of age; and

6 “(ii) the term ‘handgun’ means—

7 “(I) a firearm that has a short stock and is
8 designed to be held and fired by the use of a sin-
9 gle hand; and

10 “(II) any combination of parts from which
11 a firearm described in subclause (I) can be as-
12 sembled.

13 “(3) This subsection shall not apply to a sale or a
14 transfer of a handgun or ammunition if the sale or transfer
15 was made in accordance with State and local law and with
16 the prior consent of the juvenile’s parent or legal guardian
17 who is not prohibited by Federal, State, or local law from
18 possessing a firearm.”.

19 (b) PENALTIES.—Section 924(a) of title 18, United
20 States Code, is amended—

21 (1) in paragraph (1) by striking out “paragraph
22 (2) or (3) of”; and

23 (2) by adding at the end the following new para-
24 graph:

1 “(5)(A) *Except as provided in subparagraph*
 2 *(B), whoever knowingly violates subsection (t) of sec-*
 3 *tion 922 shall be fined not more than \$5,000, impris-*
 4 *oned not more than five years, or both.*

5 “(B) *Whoever knowingly violates subsection (t) of*
 6 *section 922 knowing or having reasonable cause to*
 7 *know that the juvenile to whom the handgun or am-*
 8 *munition was sold or otherwise transferred for consid-*
 9 *eration intended to carry, possess, discharge, or other-*
 10 *wise use such handgun or ammunition in the com-*
 11 *mission of a crime of violence, shall be fined under*
 12 *this title, imprisoned not more than 10 years, or*
 13 *both.”.*

14 **TITLE VII—TERRORISM**

15 **Subtitle A—Maritime Navigation** 16 **and Fixed Platforms**

17 **SEC. 701. OFFENSES OF VIOLENCE AGAINST MARITIME** 18 **NAVIGATION OR FIXED PLATFORMS.**

19 *Chapter 111 of title 18, United States Code, is amend-*
 20 *ed by adding at the end the following new sections:*

21 **“§ 2280. Violence against maritime navigation**

22 “(a) *OFFENSES.—*

23 “(1) *IN GENERAL.—A person who unlawfully*
 24 *and intentionally—*

1 “(A) seizes or exercises control over a ship
2 by force or threat thereof or any other form of in-
3 timidation;

4 “(B) performs an act of violence against a
5 person on board a ship if that act is likely to en-
6 danger the safe navigation of that ship;

7 “(C) destroys a ship or causes damage to a
8 ship or to its cargo which is likely to endanger
9 the safe navigation of that ship;

10 “(D) places or causes to be placed on a ship,
11 by any means whatsoever, a device or substance
12 which is likely to destroy that ship, or cause
13 damage to that ship or its cargo which endan-
14 gers or is likely to endanger the safe navigation
15 of that ship;

16 “(E) destroys or seriously damages mari-
17 time navigational facilities or seriously interferes
18 with their operation, if such act is likely to en-
19 danger the safe navigation of a ship;

20 “(F) communicates information, knowing
21 the information to be false and under cir-
22 cumstances in which such information may rea-
23 sonably be believed, thereby endangering the safe
24 navigation of a ship;

1 “(G) injures or kills any person in connec-
2 tion with the commission or the attempted com-
3 mission of any of the offenses set forth in sub-
4 paragraphs (A) through (F); or

5 “(H) attempts to do any act prohibited
6 under subparagraphs (A) through (G),
7 shall be fined under this title, imprisoned not more
8 than 20 years, or both; and if the death of any person
9 results from conduct prohibited by this paragraph,
10 shall be punished by death or imprisoned for any
11 term of years or for life.

12 “(2) THREAT TO NAVIGATION.—A person who
13 threatens to do any act prohibited under paragraph
14 (1) (B), (C) or (E), with apparent determination and
15 will to carry the threat into execution, if the threat-
16 ened act is likely to endanger the safe navigation of
17 the ship in question, shall be fined under this title,
18 imprisoned not more than 5 years, or both.

19 “(b) JURISDICTION.—There is jurisdiction over the
20 prohibited activity in subsection (b)—

21 “(1) in the case of a covered ship, if—

22 “(A) such activity is committed—

23 “(i) against or on board a ship flying
24 the flag of the United States at the time the
25 prohibited activity is committed;

1 “(ii) in the United States and the ac-
2 tivity is not prohibited as a crime by the
3 State in which the activity takes place; or

4 “(iii) the activity takes place on a ship
5 flying the flag of a foreign country or out-
6 side the United States, by a national of the
7 United States or by a stateless person whose
8 habitual residence is in the United States;

9 “(B) during the commission of such activ-
10 ity, a national of the United States is seized,
11 threatened, injured or killed; or

12 “(C) the offender is later found in the Unit-
13 ed States after such activity is committed;

14 “(2) in the case of a ship navigating or sched-
15 uled to navigate solely within the territorial sea or
16 internal waters of a country other than the United
17 States, if the offender is later found in the United
18 States after such activity is committed; and

19 “(3) in the case of any vessel, if such activity is
20 committed in an attempt to compel the United States
21 to do or abstain from doing any act.

22 “(c) It is a bar to Federal presecution under subsection
23 (a) for conduct that occurred within the United States that
24 the conduct involved was during or in relation to a labor
25 dispute, and such conduct is prohibited as a felony under

1 *the law of the State in which it was committed. For pur-*
2 *poses of this section, the term ‘labor dispute’ has the mean-*
3 *ing set forth in section 2(c) of the Norris-LaGuardia Act,*
4 *as amended (29 U.S.C. 113(c)).*

5 “(d) *DEFINITIONS.—In this section—*

6 “‘covered ship’ means a ship that is navigating
7 or is scheduled to navigate into, through or from wa-
8 ters beyond the outer limit of the territorial sea of a
9 single country or a lateral limit of that country’s ter-
10 ritorial sea with an adjacent country.

11 “‘national of the United States’ has the meaning
12 stated in section 101(a)(22) of the Immigration and
13 Nationality Act (8 U.S.C. 1101(a)(22)).

14 “‘territorial sea of the United States’ means all
15 waters extending seaward to 12 nautical miles from
16 the baselines of the United States determined in ac-
17 cordance with international law.

18 “‘ship’ means a vessel of any type whatsoever
19 not permanently attached to the sea-bed, including
20 dynamically supported craft, submersibles or any
21 other floating craft, but does not include a warship,
22 a ship owned or operated by a government when
23 being used as a naval auxiliary or for customs or po-
24 lice purposes, or a ship which has been withdrawn
25 from navigation or laid up.

1 “‘United States’, when used in a geographical
2 sense, includes the Commonwealth of Puerto Rico, the
3 Commonwealth of the Northern Mariana Islands and
4 all territories and possessions of the United States.

5 **“§ 2281. Violence against maritime fixed platforms**

6 “(a) OFFENSES.—

7 “(1) IN GENERAL.—A person who unlawfully
8 and intentionally—

9 “(A) seizes or exercises control over a fixed
10 platform by force or threat thereof or any other
11 form of intimidation;

12 “(B) performs an act of violence against a
13 person on board a fixed platform if that act is
14 likely to endanger its safety;

15 “(C) destroys a fixed platform or causes
16 damage to it which is likely to endanger its safe-
17 ty;

18 “(D) places or causes to be placed on a fixed
19 platform, by any means whatsoever, a device or
20 substance which is likely to destroy that fixed
21 platform or likely to endanger its safety;

22 “(E) injures or kills any person in connec-
23 tion with the commission or the attempted com-
24 mission of any of the offenses set forth in sub-
25 paragraphs (A) through (D); or

1 “(F) attempts to do anything prohibited
2 under subparagraphs (A) through (E),
3 shall be fined under this title, imprisoned not more
4 than 20 years, or both; and if death results to any
5 person from conduct prohibited by this paragraph,
6 shall be punished by death or imprisoned for any
7 term of years or for life.

8 “(2) *THREAT TO SAFETY.*—A person who threat-
9 ens to do anything prohibited under paragraph (1)
10 (B) or (C), with apparent determination and will to
11 carry the threat into execution, if the threatened act
12 is likely to endanger the safety of the fixed platform,
13 shall be fined under this title, imprisoned not more
14 than 5 years, or both.

15 “(b) *JURISDICTION.*—There is jurisdiction over the
16 prohibited activity in subsection (b) if—

17 “(1) such activity is committed against or on
18 board a fixed platform—

19 “(A) that is located on the continental shelf
20 of the United States;

21 “(B) that is located on the continental shelf
22 of another country, by a national of the United
23 States or by a stateless person whose habitual
24 residence is in the United States; or

1 “(C) in an attempt to compel the United
2 States to do or abstain from doing any act;

3 “(2) during the commission of such activity
4 against or on board a fixed platform located on a
5 continental shelf, a national of the United States is
6 seized, threatened, injured or killed; or

7 “(3) such activity is committed against or on
8 board a fixed platform located outside the United
9 States and beyond the continental shelf of the United
10 States and the offender is later found in the United
11 States.

12 “(c) It is a bar to Federal presecution under subsection
13 (a) for conduct that occurred within the United States that
14 the conduct involved was during or in relation to a labor
15 dispute, and such conduct is prohibited as a felony under
16 the law of the State in which it was committed. For pur-
17 poses of this section, the term ‘labor dispute’ has the mean-
18 ing set forth in section 2(c) of the Norris-LaGuardia Act,
19 as amended (29 U.S.C. 113(c)).

20 “(d) DEFINITIONS.—In this section—

21 “‘continental shelf’ means the sea-bed and sub-
22 soil of the submarine areas that extend beyond a
23 country’s territorial sea to the limits provided by cus-
24 tomary international law as reflected in Article 76 of
25 the 1982 Convention on the Law of the Sea.

1 “‘fixed platform’ means an artificial island, in-
2 stallation or structure permanently attached to the
3 sea-bed for the purpose of exploration or exploitation
4 of resources or for other economic purposes.

5 “‘national of the United States’ has the meaning
6 stated in section 101(a)(22) of the Immigration and
7 Nationality Act (8 U.S.C. 1101(a)(22)).

8 “‘territorial sea of the United States’ means all
9 waters extending seaward to 12 nautical miles from
10 the baselines of the United States determined in ac-
11 cordance with international law.

12 “‘United States’, when used in a geographical
13 sense, includes the Commonwealth of Puerto Rico, the
14 Commonwealth of the Northern Mariana Islands and
15 all territories and possessions of the United States.”.

16 **SEC. 702. TECHNICAL AMENDMENT.**

17 The chapter analysis for chapter 111 of title 18, United
18 States Code, is amended by adding at the end the following
19 new items:

 “2280. Violence against maritime navigation.

 “2281. Violence against maritime fixed platforms.”.

20 **SEC. 703. EFFECTIVE DATES.**

21 This subtitle and the amendments made by this sub-
22 title shall take effect on the later of—

23 (1) the date of the enactment of this Act; or

1 (2)(A) *in the case of section 2280 of title 18,*
2 *United States Code, the date the Convention for the*
3 *Suppression of Unlawful Acts Against the Safety of*
4 *Maritime Navigation has come into force and the*
5 *United States has become a party to that Convention;*
6 *and*

7 (B) *in the case of section 2281 of title 18, United*
8 *States Code, the date the Protocol for the Suppression*
9 *of Unlawful Acts Against the Safety of Fixed Plat-*
10 *forms Located on the Continental Shelf has come into*
11 *force and the United States has become a party to*
12 *that Protocol.*

13 ***Subtitle B—General Provisions***

14 ***SEC. 711. WEAPONS OF MASS DESTRUCTION.***

15 (a) *FINDINGS.*—*The Congress finds that the use and*
16 *threatened use of weapons of mass destruction (as defined*
17 *in section 2332a of title 18, United States Code, as added*
18 *by subsection (b)) gravely harm the national security and*
19 *foreign relations interests of the United States, seriously af-*
20 *fect interstate and foreign commerce, and disturb the domes-*
21 *tic tranquility of the United States.*

22 (b) *OFFENSE.*—*Chapter 113A of title 18, United*
23 *States Code, is amended by inserting after section 2332 the*
24 *following new section:*

1 **“§ 2332a. Use of weapons of mass destruction**

2 “(a) *DEFINITIONS.—In this section—*

3 “‘national of the United States’ has the meaning
4 given in section 101(a)(22) of the Immigration and
5 Nationality Act (8 U.S.C. 1101(a)(22)).

6 “‘weapon of mass destruction’ means—

7 “(A) any destructive device (as defined in
8 section 921);

9 “(B) poison gas;

10 “(C) any weapon involving a disease orga-
11 nism; or

12 “(D) any weapon that is designed to release
13 radiation or radioactivity at a level dangerous to
14 human life.

15 “(b) *OFFENSE.—A person who uses, or attempts or*
16 *conspires to use, a weapon of mass destruction—*

17 “(1) *against a national of the United States*
18 *while such national is outside of the United States;*

19 “(2) *against any person within the United*
20 *States; or*

21 “(3) *against any property that is owned, leased*
22 *or used by the United States or by any department*
23 *or agency of the United States, whether the property*
24 *is within or outside of the United States;*

1 *shall be imprisoned for any term of years or for life, and*
2 *if death results, shall be punished by death or imprisoned*
3 *for any term of years or for life.”.*

4 (c) *TECHNICAL AMENDMENT.—The chapter analysis*
5 *for chapter 113A of title 18, United States Code, is amended*
6 *by inserting after the item relating to section 2332 the fol-*
7 *lowing new item:*

“2332a. Use of weapons of mass destruction.”.

8 ***SEC. 712. ENHANCED PENALTIES FOR CERTAIN OFFENSES.***

9 (a) *SECTION 1705(b).—Section 206(b) of the Inter-*
10 *national Economic Emergency Powers Act (50 U.S.C.*
11 *1705(b)) is amended by striking “\$50,000” and inserting*
12 *“\$1,000,000”.*

13 (b) *SECTION 1705(a).—Section 206(a) of the Inter-*
14 *national Economic Emergency Powers Act (50 U.S.C.*
15 *1705(a)) is amended by striking “\$10,000” and inserting*
16 *“\$1,000,000”.*

17 (c) *SECTION 1541.—Section 1541 of title 18, United*
18 *States Code, is amended—*

19 (1) *by striking “\$500” and inserting*
20 *“\$250,000”; and*

21 (2) *by striking “one year” and inserting “5*
22 *years”.*

23 (d) *CHAPTER 75.—Sections 1542, 1543, 1544 and*
24 *1546 of title 18, United States Code, are each amended—*

1 (1) by striking “\$2,000” each place it appears
2 and inserting “\$250,000”; and

3 (2) by striking “five years” each place it appears
4 and inserting “10 years”.

5 (e) SECTION 1545.—Section 1545 of title 18, United
6 States Code, is amended—

7 (1) by striking “\$2,000” and inserting
8 “\$250,000”; and

9 (2) by striking “three years” and inserting “10
10 years”.

11 **SEC. 713. TERRITORIAL SEA EXTENDING TO TWELVE MILES**
12 **INCLUDED IN SPECIAL MARITIME AND TERRI-**
13 **TORIAL JURISDICTION.**

14 The Congress declares that all the territorial sea of the
15 United States, as defined by Presidential Proclamation
16 5928 of December 27, 1988, is part of the United States,
17 subject to its sovereignty, and, for purposes of Federal
18 criminal jurisdiction, is within the special maritime and
19 territorial jurisdiction of the United States wherever that
20 term is used in title 18, United States Code.

21 **SEC. 714. ASSIMILATED CRIMES IN EXTENDED TERRI-**
22 **TORIAL SEA.**

23 Section 13 of title 18, United States Code (relating to
24 the adoption of State laws for areas within Federal jurisdic-
25 tion), is amended—

1 (1) by inserting after “title” in subsection (a) the
2 following: “or on, above, or below any portion of the
3 territorial sea of the United States not within the ter-
4 ritory of any State, Territory, Possession, or Dis-
5 trict”; and

6 (2) by inserting at the end the following new
7 subsection:

8 “(c) Whenever any waters of the territorial sea of the
9 United States lie outside the territory of any State, Terri-
10 tory, Possession, or District, such waters (including the air-
11 space above and the seabed and subsoil below, and artificial
12 islands and fixed structures erected thereon) shall be deemed
13 for purposes of subsection (a) to lie within the area of that
14 State, Territory, Possession, or District it would lie within
15 if the boundaries of such State, Territory, Possession, or
16 District were extended seaward to the outer limit of the ter-
17 ritorial sea of the United States.”.

18 **SEC. 715. JURISDICTION OVER CRIMES AGAINST UNITED**
19 **STATES NATIONALS ON CERTAIN FOREIGN**
20 **SHIPS.**

21 Section 7 of title 18, United States Code (relating to
22 the special maritime and territorial jurisdiction of the
23 United States), is amended by inserting at the end thereof
24 the following new paragraph:

1 “(8) To the extent permitted by international law, any
 2 foreign vessel during a voyage having a scheduled departure
 3 from or arrival in the United States with respect to an of-
 4 fense committed by or against a national of the United
 5 States.”.

6 **SEC. 716. TORTURE.**

7 (a) *IN GENERAL.*—Part I of title 18, United States
 8 Code, is amended by inserting after chapter 113A the fol-
 9 lowing new chapter:

10 **“CHAPTER 113B—TORTURE**

 “Sec.
 “2340. Definitions.
 “2340A. Torture.
 “2340B. Exclusive remedies.

11 **“§ 2340. Definitions**

12 *“In this chapter—*

13 *“‘severe mental pain or suffering’ means the*
 14 *prolonged mental harm caused by or resulting from—*

15 *“(A) the intentional infliction or threatened*
 16 *infliction of severe physical pain or suffering;*

17 *“(B) the administration or application, or*
 18 *threatened administration or application, of*
 19 *mind altering substances or other procedures cal-*
 20 *culated to disrupt profoundly the senses or the*
 21 *personality;*

22 *“(C) the threat of imminent death; or*

1 “(D) the threat that another person will im-
2 minently be subjected to death, severe physical
3 pain or suffering, or the administration or ap-
4 plication of mind altering substances or other
5 procedures calculated to disrupt profoundly the
6 senses or personality.

7 “‘torture’ means an act committed by a person
8 acting under the color of law specifically intended to
9 inflict severe physical or mental pain or suffering
10 (other than pain or suffering incidental to lawful
11 sanctions) upon another person within his custody or
12 physical control.

13 “‘United States’ includes all areas under the ju-
14 risdiction of the United States including any of the
15 places within the provisions of sections 5 and 7 of
16 this title and section 101(38) of the Federal Aviation
17 Act of 1958 (49 U.S.C. App. 1301(38)).

18 **“§ 2340A. Torture**

19 “(a) OFFENSES.—A person who outside the United
20 States commits or attempts to commit torture shall be fined
21 under this title, imprisoned not more than 20 years, or both;
22 and if death results to any person from conduct prohibited
23 by this subsection, shall be punished by death or imprisoned
24 for any term of years or for life.

1 “(b) *JURISDICTION.*—*There is jurisdiction over the*
2 *prohibited activity in subsection (a) if—*

3 “(1) *the alleged offender is a national of the*
4 *United States; or*

5 “(2) *the alleged offender is present in the United*
6 *States, irrespective of the nationality of the victim or*
7 *the alleged offender.*

8 **“§ 2340B. Exclusive remedies**

9 *“Nothing in this chapter shall be construed as preclud-*
10 *ing the application of State or local laws on the same sub-*
11 *ject, nor shall anything in this chapter be construed as cre-*
12 *ating any substantive or procedural right enforceable by*
13 *law by any party in any civil proceeding.”.*

14 (b) *TECHNICAL AMENDMENT.*—*The part analysis for*
15 *part I of title 18, United States Code, is amended by insert-*
16 *ing after the item for chapter 113A the following new item:*

“113B. Torture 2340.”.

17 (c) *EFFECTIVE DATE.*—*The amendment made by this*
18 *section shall take effect on the later of—*

19 (1) *the date of enactment of this Act; or*

20 (2) *the date on which the United States has be-*
21 *come a party to the Convention Against Torture and*
22 *Other Cruel, Inhuman or Degrading Treatment or*
23 *Punishment.*

1 **SEC. 717. EXTENSION OF THE STATUTE OF LIMITATIONS**
2 **FOR CERTAIN TERRORISM OFFENSES.**

3 (a) *IN GENERAL.*—Chapter 213 of title 18, United
4 States Code, is amended by inserting after section 3285 the
5 following new section:

6 **“§ 3286. Extension of statute of limitations for certain**
7 **terrorism offenses**

8 “Notwithstanding the provisions of section 3282, no
9 person shall be prosecuted, tried, or punished for any offense
10 involving a violation of section 32 (aircraft destruction),
11 section 36 (airport violence), section 112 (assaults upon
12 diplomats), section 351 (crimes against Congressmen or
13 Cabinet officers), section 1116 (crimes against diplomats),
14 section 1203 (hostage taking), section 1361 (willful injury
15 to government property), section 1751 (crimes against the
16 President), section 2280 (maritime violence), section 2281
17 (maritime platform violence), section 2331 (terrorist acts
18 abroad against United States nationals), section 2339 (use
19 of weapons of mass destruction), or section 2340A (torture)
20 of this title or section 902 (i), (j), (k), (l), or (n) of the
21 Federal Aviation Act of 1958, as amended (49 U.S.C. App.
22 1572 (i), (j), (k), (l), or (n)), unless the indictment is found
23 or the information is instituted within ten years next after
24 such offense shall have been committed.”

25 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
26 for chapter 213 of title 18, United States Code, is amended

1 *by inserting after the item relating to section 3285 the fol-*
2 *lowing new item:*

“3286. Extension of statute of limitations for certain terrorism offenses.”.

3 **SEC. 718. FBI ACCESS TO TELEPHONE SUBSCRIBER INFOR-**
4 **MATION.**

5 (a) *REQUIRED CERTIFICATION.*—*Section 2709(b) of*
6 *title 18, United States Code, is amended to read as follows:*

7 “(b) *REQUIRED CERTIFICATION.*—*The Director of the*
8 *Federal Bureau of Investigation, or his designee in a posi-*
9 *tion not lower than Deputy Assistant Director, may—*

10 “(1) *request the name, address, length of service,*
11 *and toll billing records of a person or entity if the Di-*
12 *rector (or his designee in a position not lower than*
13 *Deputy Assistant Director) certifies in writing to the*
14 *wire or electronic communication service provider to*
15 *which the request is made that—*

16 “(A) *the name, address, length of service,*
17 *and toll billing records sought are relevant to an*
18 *authorized foreign counterintelligence investiga-*
19 *tion; and*

20 “(B) *there are specific and articulable facts*
21 *giving reason to believe that the person or entity*
22 *to whom the information sought pertains is a*
23 *foreign power or an agent of a foreign power as*
24 *defined in section 101 of the Foreign Intelligence*
25 *Surveillance Act of 1978 (50 U.S.C. 1801); and*

1 “(2) request the name, address, and length of
2 service of a person or entity if the Director (or his
3 designee in a position not lower than Deputy Assist-
4 ant Director) certifies in writing to the wire or elec-
5 tronic communication service provider to which the
6 request is made that—

7 “(A) the information sought is relevant to
8 an authorized foreign counterintelligence inves-
9 tigation; and

10 “(B) there are specific and articulable facts
11 giving reason to believe that communication fa-
12 cilities registered in the name of the person or
13 entity have been used, through the services of
14 such provider, in communication with—

15 “(i) an individual who is engaging or
16 has engaged in international terrorism as
17 defined in section 101(c) of the Foreign In-
18 telligence Surveillance Act or clandestine
19 intelligence activities that involve or may
20 involve a violation of the criminal statutes
21 of the United States; or

22 “(ii) a foreign power or an agent of a
23 foreign power under circumstances giving
24 reason to believe that the communication
25 concerned international terrorism as de-

1 *fined in section 101(c) of the Foreign Intel-*
2 *ligence Surveillance Act or clandestine in-*
3 *telligence activities that involve or may in-*
4 *volve a violation of the criminal statutes of*
5 *the United States.”.*

6 (b) *REPORT TO JUDICIARY COMMITTEES.*—Section
7 *2709(e) of title 18, United States Code, is amended by add-*
8 *ing after “Senate” the following: “, and the Committee on*
9 *the Judiciary of the House of Representatives and the Com-*
10 *mittee on the Judiciary of the Senate,”.*

11 **SEC. 719. VIOLENCE AT AIRPORTS SERVING INTER-**
12 **NATIONAL CIVIL AVIATION.**

13 (a) *OFFENSE.*—Chapter 2 of title 18, United States
14 *Code, is amended by adding at the end thereof the following*
15 *new section:*

16 **“§ 36. Violence at international airports**

17 *“(a) OFFENSE.—A person who unlawfully and inten-*
18 *tionally, using any device, substance, or weapon—*

19 *“(1) performs an act of violence against a person*
20 *at an airport serving international civil aviation that*
21 *causes or is likely to cause serious bodily injury (as*
22 *defined in section 1365 of this title) or death; or*

23 *“(2) destroys or seriously damages the facilities*
24 *of an airport serving international civil aviation or*

1 *a civil aircraft not in service located thereon or dis-*
2 *rupts the services of the airport,*
3 *if such an act endangers or is likely to endanger safety at*
4 *that airport, or attempts to do such an act, shall be fined*
5 *under this title, imprisoned not more than 20 years, or both;*
6 *and if the death of any person results from conduct prohib-*
7 *ited by this subsection, shall be punished by death or im-*
8 *prisoned for any term of years or for life.*

9 *“(b) JURISDICTION.—There is jurisdiction over the*
10 *prohibited activity in subsection (a) if—*

11 *“(1) the prohibited activity takes place in the*
12 *United States; or*

13 *“(2) the prohibited activity takes place outside*
14 *the United States and the offender is later found in*
15 *the United States.*

16 *“(c) It is a bar to Federal presecution under subsection*
17 *(a) for conduct that occurred within the United States that*
18 *the conduct involved was during or in relation to a labor*
19 *dispute, and such conduct is prohibited as a felony under*
20 *the law of the State in which it was committed. For pur-*
21 *poses of this section, the term ‘labor dispute’ has the mean-*
22 *ing set forth in section 2(c) of the Norris-LaGuardia Act,*
23 *as amended (29 U.S.C. 113(c)).*

1 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
2 for chapter 2 of title 18, United States Code, is amended
3 by adding at the end the following new item:

“36. Violence at international airports.”.

4 (c) *EFFECTIVE DATE.*—The amendment made by sub-
5 section (a) shall take effect on the later of—

6 (1) the date of enactment of this Act; or

7 (2) the date on which the Protocol for the Sup-
8 pression of Unlawful Acts of Violence at Airports
9 Serving International Civil Aviation, Supplementary
10 to the Convention for the Suppression of Unlawful
11 Acts Against the Safety of Civil Aviation, done at
12 Montreal on 23 September 1971, has come into force
13 and the United States has become a party to the Pro-
14 tocol.

15 **SEC. 720. PREVENTING ACTS OF TERRORISM AGAINST CI-**
16 **VILIAN AVIATION.**

17 (a) *IN GENERAL.*—Chapter 2 of title 18, United States
18 Code, as amended by section 719(a), is amended by adding
19 at the end the following new section:

20 **“§37. Violations of Federal aviation security regula-**
21 **tions**

22 “A person who willfully violates a security regulation
23 under part 107 or 108 of title 14, Code of Federal Regula-
24 tions (relating to airport and airline security) issued pur-
25 suant to section 315 or 316 of the Air Transportation Secu-

1 rity Act of 1974 (49 U.S.C. App. 1356 and 1357), or a
 2 successor part, shall be fined under this title, imprisoned
 3 for not more than 1 year, or both.”

4 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
 5 for chapter 2 of title 18, United States Code, as amended
 6 by section 719(b), is amended by adding at the end the fol-
 7 lowing new item:

“37. Violations of Federal aviation security regulations.”

8 **SEC. 721. COUNTERFEITING UNITED STATES CURRENCY**

9 **ABROAD.**

10 (a) *IN GENERAL.*—Chapter 25 of title 18, United
 11 States Code, is amended by adding before section 471 the
 12 following new section:

13 **“§ 470. Counterfeit acts committed outside the United**
 14 **States**

15 “A person who, outside the United States, engages in
 16 the act of—

17 “(1) making, dealing, or possessing any counter-
 18 feit obligation or other security of the United States;
 19 or

20 “(2) making, dealing, or possessing any plate,
 21 stone, or other thing, or any part thereof, used to
 22 counterfeit such obligation or security,

23 if such act would constitute a violation of section 471, 473,
 24 or 474 if committed within the United States, shall be fined

1 *under this title, imprisoned for not more than 15 years,*
2 *or both.”*

3 (b) *TECHNICAL AMENDMENTS.—*

4 (1) *CHAPTER ANALYSIS.—The chapter analysis*
5 *for chapter 25 of title 18, United States Code, is*
6 *amended by adding before section 471 the following*
7 *new item:*

“470. Counterfeit acts committed outside the United States.”

8 (2) *PART ANALYSIS.—The part analysis for part*
9 *I of title 18, United States Code, is amended by*
10 *amending the item for chapter 25 to read as follows:*
“25. Counterfeiting and forgery 470”.

11 ***SEC. 722. ECONOMIC TERRORISM TASK FORCE.***

12 (a) *ESTABLISHMENT AND PURPOSE.—There is estab-*
13 *lished an Economic Terrorism Task Force to—*

14 (1) *assess the threat of terrorist actions directed*
15 *against the United States economy, including actions*
16 *directed against the United States government and*
17 *actions against United States business interests;*

18 (2) *assess the adequacy of existing policies and*
19 *procedures designed to prevent terrorist actions di-*
20 *rected against the United States economy; and*

21 (3) *recommend administrative and legislative ac-*
22 *tions to prevent terrorist actions directed against the*
23 *United States economy.*

1 (b) *MEMBERSHIP.*—*The Economic Terrorism Task*
2 *Force shall be chaired by the Secretary of State, or the Sec-*
3 *retary’s designee, and consist of—*

4 (1) *the Director of Central Intelligence;*

5 (2) *the Director of the Federal Bureau of Inves-*
6 *tigation;*

7 (3) *the Director of the United States Secret Serv-*
8 *ice;*

9 (4) *the Administrator of the Federal Aviation*
10 *Administration;*

11 (5) *the Chairman of the Board of Governors of*
12 *the Federal Reserve;*

13 (6) *the Under Secretary of the Treasury for Fi-*
14 *nance; and*

15 (7) *such other members of the Departments of*
16 *Defense, Justice, State, Treasury, or any other agency*
17 *of the United States government, as the Secretary of*
18 *State may designate.*

19 (c) *ADMINISTRATIVE PROVISIONS.*—*The Federal Advi-*
20 *sory Committee Act (5 U.S.C. App.) shall not apply with*
21 *respect to the Economic Terrorism Task Force.*

22 (d) *REPORT.*—*Not later than 180 days after the date*
23 *of enactment of this Act, the chairman of the Economic Ter-*
24 *rorism Task Force shall submit a report to the President*
25 *and the Congress detailing the findings and recommenda-*

1 *tions of the task force. If the report of the task force is classi-*
2 *fied, an unclassified version shall be prepared for public*
3 *distribution.*

4 **SEC. 723. TERRORIST DEATH PENALTY ACT.**

5 *Section 2332(a)(1) of title 18, United States Code is*
6 *amended to read as follows:*

7 *“(1) if the killing is murder (as defined in sec-*
8 *tion 1111(a)), be fined under this title, punished by*
9 *death or imprisonment for any term of years or for*
10 *life, or both;”.*

11 **SEC. 724. SENTENCING GUIDELINES INCREASE FOR TER-**
12 **RORIST CRIMES.**

13 *The United States Sentencing Commission is directed*
14 *to amend its sentencing guidelines to provide an appro-*
15 *priate enhancement for any felony, whether committed*
16 *within or outside the United States, that involves or is in-*
17 *tended to promote international terrorism, unless such in-*
18 *volvement or intent is itself an element of the crime.*

19 **SEC. 725. ALIEN WITNESS COOPERATION.**

20 *(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSI-*
21 *FICATION.—Section 101(a)(15) of the Immigration and Na-*
22 *tionality Act (8 U.S.C. 1101(a)(15)) is amended—*

23 *(1) by striking “or” at the end of subparagraph*
24 *(Q),*

1 (2) *by striking the period at the end of subpara-*
2 *graph (R) and inserting “; or”, and*

3 (3) *by adding at the end the following new sub-*
4 *paragraph:*

5 “(S) *subject to section 214(j), an alien—*

6 “(i) *who the Attorney General determines—*

7 “(I) *is in possession of critical reliable*
8 *information concerning a criminal organi-*
9 *zation or enterprise, and*

10 “(II) *is willing to supply such infor-*
11 *mation to Federal or State law enforcement*
12 *authorities or a Federal or State court of*
13 *law, and*

14 “(ii) *whose presence in the United States*
15 *the Attorney General determines is essential to*
16 *the success of an authorized criminal investiga-*
17 *tion or the successful prosecution of an individ-*
18 *ual involved in the criminal organization or en-*
19 *terprise,*

20 *and the spouse and minor children of the alien if ac-*
21 *companying, or following to join, the alien.”.*

22 (b) *CONDITIONS OF ENTRY.—*

23 (1) *WAIVER OF GROUNDS FOR EXCLUSION.—Sec-*
24 *tion 212(d) of the Immigration and Nationality Act*

1 (8 U.S.C. 1182(d)) is amended by inserting before
2 paragraph (2) the following new paragraph:

3 “(1) The Attorney General may, in the Attorney Gen-
4 eral’s discretion, waive the application of subsection (a)
5 (other than paragraph (3)(E) thereof) in the case of a non-
6 immigrant described in section 101(a)(15)(S), if the Attor-
7 ney General deems it in the national interest. Any such
8 waiver shall be deemed a waiver of any comparable ground
9 for deportation under section 241(a)(1)(A).”.

10 (2) NUMERICAL LIMITATIONS; PERIOD OF ADMIS-
11 SION; ETC.—Section 214 of the Immigration and Na-
12 tionality Act (8 U.S.C. 1184) is amended by adding
13 at the end the following new subsection:

14 “(j)(1) The number of aliens who may be provided a
15 visa as nonimmigrants under section 101(a)(15)(S) in any
16 fiscal year may not exceed 100.

17 “(2) No alien may be admitted into the United States
18 as such a nonimmigrant more than 5 years after the date
19 of the enactment of this subsection.

20 “(3) The period of admission of an alien as such a
21 nonimmigrant may not exceed 3 years. Such period may
22 not be extended by the Attorney General.

23 “(4) As a condition for the admission, and continued
24 stay in lawful status, of such a nonimmigrant, the non-
25 immigrant—

1 “(A) shall report not less often than quarterly to
2 the Commissioner such information concerning the
3 alien’s whereabouts and activities as the Attorney
4 General may require,

5 “(B) may not be convicted of any criminal of-
6 fense in the United States after the date of such ad-
7 mission, and

8 “(C) must have executed a form that waives the
9 nonimmigrant’s right to contest, other than on the
10 basis of an application for withholding of deporta-
11 tion, any action for deportation of the alien instituted
12 before the alien obtains lawful permanent resident
13 status.

14 “(5) The Attorney General shall submit a report annu-
15 ally to the Committees on the Judiciary of the House of
16 Representatives and of the Senate concerning—

17 “(A) the number of such nonimmigrants admit-
18 ted,

19 “(B) the number of successful criminal prosecu-
20 tions or investigations resulting from cooperation of
21 such aliens,

22 “(C) the number of such nonimmigrants whose
23 admission has not resulted in successful criminal
24 prosecution or investigation, and

1 “(D) the number of such nonimmigrants who
2 have failed to report quarterly (as required under
3 paragraph (4)) or who have been convicted of crimes
4 in the United States after the date of their admission
5 as such a nonimmigrant.”.

6 (3) *PROHIBITION OF CHANGE OF STATUS*.—Sec-
7 tion 248(1) of the Immigration and Nationality Act
8 (8 U.S.C. 1258(1)) is amended by striking “or (K)”
9 and inserting “(K), or (S)”.

10 (c) *ADJUSTMENT TO PERMANENT RESIDENT STA-*
11 *TUS*.—

12 (1) *IN GENERAL*.—Section 245 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1255) is amended
14 by adding at the end the following new subsection:

15 “(h)(1) If, in the opinion of the Attorney General—

16 “(A) a nonimmigrant admitted into the United
17 States under section 101(a)(15)(S) has supplied infor-
18 mation described in clauses (i) and (ii) of that sec-
19 tion, and

20 “(B) the provision of such information has sub-
21 stantially contributed to the success of an authorized
22 criminal investigation or the successful prosecution of
23 an individual described in clause (ii) of that section,
24 the Attorney General may adjust the status of the alien (and
25 the spouse and child of the alien if admitted under such

1 *section) to that of an alien lawfully admitted for permanent*
2 *residence if the alien is not described in section*
3 *212(a)(3)(E).*

4 *“(2) Upon the approval of adjustment of status under*
5 *paragraph (1), the Attorney General shall record the alien’s*
6 *lawful admission for permanent residence as of the date of*
7 *such approval, and the Secretary of State shall reduce by*
8 *1 the number of visas authorized to be issued under section*
9 *201(d) and 203(b)(4) for the fiscal year then current.”.*

10 *(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section*
11 *245(c) of the Immigration and Nationality Act*
12 *(8 U.S.C. 1255(c)) is amended—*

13 *(A) by striking “or” before “(3)” and “(4)”;*

14 *and*

15 *(B) by inserting before the period at the end*
16 *the following: “; or (5) an alien who was admit-*
17 *ted as a nonimmigrant described in section*
18 *101(a)(15)(S)”.*

19 *(d) EXTENDING PERIOD OF DEPORTATION FOR CON-*
20 *VICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the*
21 *Immigration and Nationality Act (8 U.S.C.*
22 *1251(a)(2)(A)(i)(I)) is amended by inserting “(or 10 years*
23 *in the case of an alien provided lawful permanent resident*
24 *status under section 245(h))” after “five years”.*

1 **SEC. 726. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

2 (a) *OFFENSE.*—Chapter 113A of title 18, United
3 States Code, is amended by adding the following new sec-
4 tion:

5 **“§ 2339A. Providing material support to terrorists**

6 “(a) *DEFINITION.*—In this section, ‘material support
7 or resources’ means currency or other financial securities,
8 financial services, lodging, training, safehouses, false docu-
9 mentation or identification, communications equipment,
10 facilities, weapons, lethal substances, explosives, personnel,
11 transportation, and other physical assets, but does not in-
12 clude humanitarian assistance to persons not directly in-
13 volved in such violations.

14 “(b) *OFFENSE.*—A person who, within the United
15 States, provides material support or resources or conceals
16 or disguises the nature, location, source, or ownership of
17 material support or resources, knowing or intending that
18 they are to be used in preparation for, or in carrying out,
19 a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116,
20 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this
21 title or section 902(i) of the Federal Aviation Act of 1958
22 (49 U.S.C. App. 1472(i)), or in preparation for or carrying
23 out the concealment of an escape from the commission of
24 any such violation, shall be fined under this title, impris-
25 oned not more than 10 years, or both.”.

1 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
2 for chapter 113A of title 18, United States Code, is amended
3 by adding the following new item:

“2339A. Providing material support to terrorists.”.

4 **TITLE VIII—SEXUAL VIOLENCE**
5 **AND ABUSE OF CHILDREN,**
6 **THE ELDERLY, AND INDIVID-**
7 **UALS WITH DISABILITIES**
8 **Subtitle A—Sexual Abuse**

9 **SEC. 801. SEXUAL ABUSE AMENDMENTS.**

10 (a) *DEFINITIONS OF SEXUAL ACT AND SEXUAL CON-*
11 *TACT FOR VICTIMS UNDER THE AGE OF 16.*—Paragraph
12 (2) of section 2245 of title 18, United States Code, is
13 amended—

14 (1) in subparagraph (B) by striking “or” after
15 the semicolon;

16 (2) in subparagraph (C) by striking “; and” and
17 inserting “; or”; and

18 (3) by inserting a new subparagraph (D) as fol-
19 lows:

20 “(D) the intentional touching, not through
21 the clothing, of the genitalia of another person
22 who has not attained the age of 16 years with
23 an intent to abuse, humiliate, harass, degrade, or
24 arouse or gratify the sexual desire of any per-
25 son;”.

1 ***Subtitle B—Protection of Children,***
2 ***the Elderly, and Individuals***
3 ***With Disabilities***

4 ***SEC. 811. SHORT TITLE.***

5 *This subtitle may be cited as the “National Child, El-*
6 *derly, and Individuals with Disabilities Protection Act of*
7 *1993”.*

8 ***SEC. 812. PURPOSES.***

9 *The purposes of this subtitle are—*

10 *(1) to establish a national system through which*
11 *organizations that care for children, the elderly, or in-*
12 *dividuals with disabilities may obtain the benefit of*
13 *a nationwide criminal background check to determine*
14 *if persons who are current or prospective care provid-*
15 *ers have committed abuse crimes or other serious*
16 *crimes;*

17 *(2) to establish minimum criteria for State laws*
18 *and procedures that permit organizations that care*
19 *for children, the elderly, or individuals with disabil-*
20 *ities to obtain the benefit of nationwide criminal*
21 *background checks to determine if persons who are*
22 *current or prospective care providers have committed*
23 *abuse crimes or other serious crimes;*

24 *(3) to provide procedural rights for persons who*
25 *are subject to nationwide criminal background checks,*

1 *including procedures to challenge and correct inac-*
2 *curate background check information;*

3 *(4) to establish a national system for the report-*
4 *ing by the States of abuse crime information; and*

5 *(5) to document and study the problem of child*
6 *abuse by providing statistical and informational data*
7 *on child abuse and related crimes to the Department*
8 *of Justice and other interested parties.*

9 **SEC. 813. DEFINITIONS.**

10 *For the purposes of this subtitle—*

11 *(1) the term “abuse crime” means a child abuse*
12 *crime, a crime against the elderly, or a crime against*
13 *an individual with disabilities.*

14 *(2) the term “abuse crime information” means*
15 *the following facts concerning a person who is under*
16 *indictment for, or has been convicted of, an abuse*
17 *crime: full name, race, sex, date of birth, height,*
18 *weight, a brief description of the abuse crime or of-*
19 *fenses for which the person has been arrested or is*
20 *under indictment or has been convicted, the disposi-*
21 *tion of the charge, and any other information that the*
22 *Attorney General determines may be useful in identi-*
23 *fying persons arrested for, under indictment for, or*
24 *convicted of, an abuse crime;*

1 (3) the term “authorized agency” means a divi-
2 sion or office of a State designated by a State to re-
3 port, receive, or disseminate information under this
4 subtitle;

5 (4) the term “background check crime” means an
6 abuse crime, murder, manslaughter, aggravated as-
7 sault, kidnapping, arson, sexual assault, domestic vio-
8 lence, incest, indecent exposure, prostitution, pro-
9 motion of prostitution, burglary, robbery, embezzle-
10 ment, larceny, fraud, and a felony offense involving
11 the use or distribution of a controlled substance;

12 (5) the term “child” means a person who is a
13 child for purposes of the criminal child abuse law of
14 a State;

15 (6) the term “child abuse” means the physical or
16 mental injury, sexual abuse or exploitation, neglectful
17 treatment, negligent treatment, or maltreatment of a
18 child by any person in violation of the criminal child
19 abuse laws of a State, but does not include discipline
20 administered by a parent or legal guardian to his or
21 her child provided it is reasonable in manner and
22 moderate in degree and otherwise does not constitute
23 cruelty;

24 (7) the term “child abuse crime” means a crime
25 committed under any law of a State that establishes

1 *criminal penalties for the commission of child abuse*
2 *by a parent or other family member of a child or by*
3 *any other person;*

4 *(8) the term “care” means the provision of care,*
5 *treatment, education, training, instruction, super-*
6 *vision, or recreation to children, the elderly, or indi-*
7 *viduals with disabilities;*

8 *(9) the term “domestic violence” means a felony*
9 *or misdemeanor involving the use or threatened use of*
10 *force by—*

11 *(A) a present or former spouse of the victim;*

12 *(B) a person with whom the victim shares*
13 *a child in common;*

14 *(C) a person who is cohabiting with or has*
15 *cohabited with the victim as a spouse; or*

16 *(D) any person defined as a spouse of the*
17 *victim under the domestic or family violence*
18 *laws of a State;*

19 *(10) the term “elderly” means a person who is*
20 *sixty-five years old or older.*

21 *(11) the term “exploitation” means child pornog-*
22 *raphy and child prostitution;*

23 *(12) the term “mental injury” means harm to a*
24 *person’s psychological or intellectual functioning,*
25 *which may be exhibited by severe anxiety, depression,*

1 *withdrawal or outward aggressive behavior, or a com-*
2 *ination of those behaviors or by a change in behav-*
3 *ior, emotional response, or cognition;*

4 (13) *the term “national criminal background*
5 *check system” means the system maintained by the*
6 *Federal Bureau of Investigation based on fingerprint*
7 *identification or any other method of positive identi-*
8 *fication;*

9 (14) *the term “negligent treatment” means the*
10 *failure to provide, for a reason other than poverty,*
11 *adequate food, clothing, shelter, or medical care so as*
12 *to seriously endanger the physical health of a child,*
13 *elderly person, or individual with disabilities;*

14 (15) *the term “individual with a disability”*
15 *means an individual with a disability (as defined in*
16 *section 3(2) of the Americans with Disabilities Act of*
17 *1990 (42 U.S.C. 12102(21))));*

18 (16) *the term “physical injury” includes lacera-*
19 *tions, fractured bones, burns, internal injuries, severe*
20 *bruising, and serious bodily harm;*

21 (17) *the term “provider” means—*

22 (A) *a person who—*

23 (i) *is employed by or volunteers with a*
24 *qualified entity;*

1 (ii) who owns or operates a qualified
2 entity; or

3 (iii) who has or may have unsuper-
4 vised access to a person to whom the quali-
5 fied entity provides care; and

6 (B) a person who—

7 (i) seeks to be employed by or volunteer
8 with a qualified entity;

9 (ii) seeks to own or operate a qualified
10 entity; or

11 (iii) seeks to have or may have unsu-
12 pervised access to a to whom the qualified
13 entity provides care;

14 (18) the term “qualified entity” means a busi-
15 ness or organization, whether public, private, for-prof-
16 it, not-for-profit, or voluntary, that provides care or
17 care placement services, including a business or orga-
18 nization that licenses or certifies others to provide
19 care or care placement services;

20 (19) the term “sex crime” means an act of sexual
21 abuse that is a criminal act;

22 (20) the term “sexual abuse” includes the em-
23 ployment, use, persuasion, inducement, enticement, or
24 coercion of a child to engage in, or assist another per-
25 son to engage in, sexually explicit conduct or the

1 *rape, molestation, prostitution, or other form of sex-*
2 *ual exploitation of children or incest with children;*
3 *and*

4 *(21) the term “State” means a State, the Dis-*
5 *trict of Columbia, the Commonwealth of Puerto Rico,*
6 *American Samoa, the Virgin Islands, Guam, and the*
7 *Trust Territories of the Pacific.*

8 **SEC. 814. REPORTING BY THE STATES.**

9 *(a) IN GENERAL.—An authorized criminal justice*
10 *agency of a State shall report child abuse crime information*
11 *to, or index child abuse crime information in, the national*
12 *criminal background check system.*

13 *(b) PROVISION OF STATE CHILD ABUSE CRIME*
14 *RECORDS THROUGH THE NATIONAL CRIMINAL BACK-*
15 *GROUND CHECK SYSTEM.—(1) Not later than 180 days*
16 *after the date of enactment of this Act, the Attorney General*
17 *shall, subject to the availability of appropriations—*

18 *(A) investigate the criminal records of each State*
19 *and determine for each State a timetable by which the*
20 *State should be able to provide child abuse crime*
21 *records on an on-line capacity basis through the na-*
22 *tional criminal background check system;*

23 *(B) establish guidelines for the reporting or in-*
24 *dexing of child abuse crime information, including*
25 *guidelines relating to the format, content, and accu-*

1 *racy of child abuse crime information and other pro-*
2 *cedures for carrying out this Act; and*

3 *(C) notify each State of the determinations made*
4 *pursuant to subparagraphs (A) and (B).*

5 *(2) The Attorney General shall require as a part of*
6 *the State timetable that the State—*

7 *(A) achieve, by not later than the date that is 3*
8 *years after the date of enactment of this Act, at least*
9 *80 percent currency of final case dispositions in com-*
10 *puterized criminal history files for all identifiable*
11 *child abuse crime cases in which there has been an*
12 *event of activity within the last 5 years;*

13 *(B) continue to maintain at least 80 percent*
14 *currency of final case dispositions in all identifiable*
15 *child abuse crime cases in which there has been an*
16 *event of activity within the preceding 5 years; and*

17 *(C) take steps to achieve full disposition report-*
18 *ing, including data quality audits and periodic no-*
19 *tices to criminal justice agencies identifying records*
20 *that lack final dispositions and requesting those dis-*
21 *positions.*

22 *(c) LIAISON.—An authorized agency of a State shall*
23 *maintain close liaison with the National Center on Child*
24 *Abuse and Neglect, the National Center for Missing and Ex-*
25 *ploited Children, and the National Center for the Prosecu-*

1 *tion of Child Abuse for the exchange of technical assistance*
2 *in cases of child abuse.*

3 (d) *ANNUAL SUMMARY.—(1) The Attorney General*
4 *shall publish an annual statistical summary of the child*
5 *abuse crime information reported under this subtitle.*

6 (2) *The annual statistical summary described in para-*
7 *graph (1) shall not contain any information that may re-*
8 *veal the identity of any particular victim or alleged viola-*
9 *tor.*

10 (e) *ANNUAL REPORT.—The Attorney General shall*
11 *publish an annual summary of each State's progress in re-*
12 *porting child abuse crime information to the national*
13 *criminal background check system.*

14 (f) *STUDY OF CHILD ABUSE OFFENDERS.—(1) Not*
15 *later than 180 days after the date of enactment of this Act,*
16 *the Administrator of the Office of Juvenile Justice and De-*
17 *linquency Prevention shall begin a study based on a statis-*
18 *tically significant sample of convicted child abuse offenders*
19 *and other relevant information to determine—*

20 (A) *the percentage of convicted child abuse of-*
21 *fenders who have more than 1 conviction for an of-*
22 *fense involving child abuse;*

23 (B) *the percentage of convicted child abuse of-*
24 *fenders who have been convicted of an offense involv-*
25 *ing child abuse in more than 1 State;*

1 (C) whether there are crimes or classes of crimes,
2 in addition to those defined as background check
3 crimes in section 3, that are indicative of a potential
4 to abuse children; and

5 (D) the extent to which and the manner in which
6 instances of child abuse form a basis for convictions
7 for crimes other than child abuse crimes.

8 (2) Not later than 1 year after the date of enactment
9 of this Act, the Administrator shall submit a report to the
10 Chairman of the Committee on the Judiciary of the Senate
11 and the Chairman of the Committee on the Judiciary of
12 the House of Representatives containing a description of
13 and a summary of the results of the study conducted pursu-
14 ant to paragraph (1).

15 **SEC. 815. BACKGROUND CHECKS.**

16 (a) *IN GENERAL.*—(1) A State may have in effect pro-
17 cedures (established by or under State statute or regulation)
18 to permit a qualified entity to contact an authorized agency
19 of the State to request a nationwide background check for
20 the purpose of determining whether there is a report that
21 a provider is under indictment for, or has been convicted
22 of, a background check crime.

23 (2) The authorized agency shall access and review
24 State and Federal records of background check crimes

1 *through the national criminal background check system and*
2 *shall respond promptly to the inquiry.*

3 **(b) GUIDELINES.**—(1) *The Attorney General shall es-*
4 *tablish guidelines for State background check procedures es-*
5 *tablished under subsection (a), which guidelines shall in-*
6 *clude the requirements and protections of this subtitle.*

7 (2) *The guidelines established under paragraph (1)*
8 *shall require—*

9 (A) *that no qualified entity may request a back-*
10 *ground check of a provider under subsection (a) un-*
11 *less the provider first completes and signs a statement*
12 *that—*

13 (i) *contains the name, address, and date of*
14 *birth appearing on a valid identification docu-*
15 *ment (as defined by section 1028(d)(1) of title*
16 *18, United States Code) of the provider;*

17 (ii) *the provider is not under indictment*
18 *for, and has not been convicted of, a background*
19 *check crime and, if the provider is under indict-*
20 *ment for or has been convicted of a background*
21 *check crime, contains a description of the crime*
22 *and the particulars of the indictment or convic-*
23 *tion;*

1 (iii) notifies the provider that the entity
2 may request a background check under subsection
3 (a);

4 (iv) notifies the provider of the provider's
5 rights under subparagraph (B); and

6 (v) notifies the provider that prior to the re-
7 ceipt of the background check the qualified entity
8 may choose to deny the provider unsupervised
9 access to a person to whom the qualified entity
10 provides care;

11 (B) that each State establish procedures under
12 which a provider who is the subject of a background
13 check under subsection (a) is entitled—

14 (i) to obtain a copy of any background
15 check report and any record that forms the basis
16 for any such report; and

17 (ii) to challenge the accuracy and complete-
18 ness of any information contained in any such
19 report or record and obtain a prompt determina-
20 tion from an authorized agency as to the validity
21 of such challenge;

22 (C) that an authorized agency to which a quali-
23 fied entity has provided notice pursuant to subsection
24 (a) make reasonable efforts to complete research in
25 whatever State and local recordkeeping systems are

1 *available and in the national criminal background*
2 *check system and respond to the qualified entity with-*
3 *in 15 business days;*

4 *(D) that the response of an authorized agency to*
5 *an inquiry pursuant to subsection (a) inform the*
6 *qualified entity that the background check pursuant*
7 *to this section—*

8 *(i) may not reflect all indictments or con-*
9 *victions for a background check crime; and*

10 *(ii) may not be the sole basis for determin-*
11 *ing the fitness of a provider;*

12 *(E) that the response of an authorized agency to*
13 *an inquiry pursuant to subsection (a) be limited to*
14 *the conviction or pending indictment information*
15 *reasonably required to accomplish the purposes of this*
16 *Act;*

17 *(F) that the qualified entity may choose to deny*
18 *the provider unsupervised access to a person to whom*
19 *the qualified entity provides care on the basis of a*
20 *background check under subsection (a) until the pro-*
21 *vider has obtained a determination as to the validity*
22 *of any challenge under subparagraph (B) or waived*
23 *the right to make such challenge;*

24 *(G) that each State establish procedures to en-*
25 *sure that any background check under subsection (a)*

1 *and the results thereof shall be requested by and pro-*
2 *vided only to—*

3 *(i) qualified entities identified by States;*

4 *(ii) authorized representatives of a qualified*
5 *entity who have a need to know such informa-*
6 *tion;*

7 *(iii) the provider who is the subject of a*
8 *background check;*

9 *(iv) law enforcement authorities; or*

10 *(v) pursuant to the direction of a court of*
11 *law;*

12 *(H) that background check information conveyed*
13 *to a qualified entity pursuant to subsection (a) shall*
14 *not be conveyed to any person except as provided*
15 *under subparagraph (G);*

16 *(I) that an authorized agency shall not be liable*
17 *in an action at law for damages for failure to prevent*
18 *a qualified entity from taking action adverse to a*
19 *provider on the basis of a background check;*

20 *(J) that a State employee or a political subdivi-*
21 *sion of a State or employee thereof responsible for*
22 *providing information to the national criminal back-*
23 *ground check system shall not be liable in an action*
24 *at law for damages for failure to prevent a qualified*

1 *entity from taking action adverse to a provider on the*
2 *basis a background check; and*

3 *(K) that a State or Federal provider of criminal*
4 *history records, and any employee thereof, shall not be*
5 *liable in an action at law for damages for failure to*
6 *prevent a qualified entity from taking action adverse*
7 *to a provider on the basis of a criminal background*
8 *check, or due to a criminal history record's being in-*
9 *complete.*

10 *(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding*
11 *anything to the contrary in this section, the Attorney Gen-*
12 *eral may certify that a State licensing or certification pro-*
13 *cedure that differs from the procedures described in sub-*
14 *sections (a) and (b) shall be deemed to be the equivalent*
15 *of such procedures for purposes of this Act, but the proce-*
16 *dures described in subsections (a) and (b) shall continue*
17 *to apply to those qualified entities, providers, and back-*
18 *ground check crimes that are not governed by or included*
19 *within the State licensing or certification procedure.*

20 *(2) The Attorney General shall by regulation establish*
21 *criteria for certifications under this subsection. Such cri-*
22 *teria shall include a finding by the Attorney General that*
23 *the State licensing or certification procedure accomplishes*
24 *the purposes of this Act and incorporates a nationwide re-*
25 *view of State and Federal records of background check of-*

1 *fenses through the national criminal background check sys-*
2 *tem.*

3 (d) *REGULATIONS.*—(1) *The Attorney General may by*
4 *regulation prescribe such other measures as may be required*
5 *to carry out the purposes of this Act, including measures*
6 *relating to the security, confidentiality, accuracy, use, mis-*
7 *use, and dissemination of information, and audits and rec-*
8 *ordkeeping.*

9 (2) *The Attorney General shall, to the maximum extent*
10 *possible, encourage the use of the best technology available*
11 *in conducting background checks.*

12 **SEC. 816. FUNDING FOR IMPROVEMENT OF CHILD ABUSE**
13 **CRIME INFORMATION.**

14 (a) *USE OF FORMULA GRANTS FOR IMPROVEMENTS IN*
15 *STATE RECORDS AND SYSTEMS.*—*Section 509(b) of the*
16 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
17 *U.S.C. 3759(b)) is amended—*

18 (1) *in paragraph (2) by striking “and” after the*
19 *semicolon;*

20 (2) *in paragraph (3) by striking the period and*
21 *inserting “; and”;* and

22 (3) *by adding at the end the following new para-*
23 *graph:*

24 “(4) *the improvement of State record systems*
25 *and the sharing of all of the records described in*

1 *paragraphs (1), (2), and (3) and the records required*
2 *by the Attorney General under section 914 of the Na-*
3 *tional Child, Elderly, and Individuals with Disabil-*
4 *ities Protection Act of 1993 with the Attorney General*
5 *for the purpose of implementing the National Child,*
6 *Elderly, and Individuals with Disabilities Protection*
7 *Act of 1993, and the information and records referred*
8 *to in section 406 of the Indian Child Protection and*
9 *Family Violence Prevention Act.”.*

10 **(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVE-**
11 **MENT OF CHILD ABUSE CRIME INFORMATION.—***(1) The At-*
12 *torney General shall, subject to appropriations and with*
13 *preference to States that as of the date of enactment of this*
14 *Act have the lowest percent currency of case dispositions*
15 *in computerized criminal history files, make a grant to each*
16 *State to be used—*

17 *(A) for the computerization of criminal history*
18 *files for the purposes of this subtitle;*

19 *(B) for the improvement of existing computerized*
20 *criminal history files for the purposes of this subtitle;*

21 *(C) to improve accessibility to the national*
22 *criminal background check system for the purposes of*
23 *this subtitle; and*

24 *(D) to assist the State in the transmittal of*
25 *criminal records to, or the indexing of criminal his-*

1 *tory record in, the national criminal background*
2 *check system for the purposes of this subtitle.*

3 *(2) There are authorized to be appropriated for grants*
4 *under paragraph (1) a total of \$40,000,000 for fiscal years*
5 *1995, 1996, and 1997.*

6 *(c) WITHHOLDING STATE FUNDS.—Effective 1 year*
7 *after the date of enactment of this Act, the Attorney General*
8 *may reduce by up to 10 percent the allocation to a State*
9 *for a fiscal year under title I of the Omnibus Crime Control*
10 *and Safe Streets Act of 1968 of a State that is not in com-*
11 *pliance with the timetable established for that State under*
12 *section 914 of this Act.*

13 ***Subtitle C—Crimes Against***
14 ***Children***

15 ***SEC. 821. SHORT TITLE.***

16 *This subtitle may be cited as the “Jacob Wetterling*
17 *Crimes Against Children Registration Act”.*

18 ***SEC. 822. ESTABLISHMENT OF PROGRAM.***

19 *(a) IN GENERAL.—*

20 *(1) STATE GUIDELINES.—The Attorney General*
21 *shall establish guidelines for State programs requiring*
22 *any person who is convicted of a criminal offense*
23 *against a victim who is a minor to register a current*
24 *address with a designated State law enforcement*
25 *agency for 10 years after release from prison, being*

1 *placed on parole, or being placed on supervised re-*
2 *lease.*

3 (2) *DEFINITION.—For purposes of this sub-*
4 *section, the term “criminal offense against a victim*
5 *who is a minor” includes—*

6 (A) *kidnapping of a minor, except by a*
7 *noncustodial parent;*

8 (B) *false imprisonment of a minor, except*
9 *by a noncustodial parent;*

10 (C) *criminal sexual conduct toward a*
11 *minor;*

12 (D) *solicitation of minors to engage in sex-*
13 *ual conduct;*

14 (E) *use of minors in a sexual performance;*

15 *or*

16 (F) *solicitation of minors to practice pros-*
17 *titution.*

18 (b) *REGISTRATION REQUIREMENT UPON RELEASE,*
19 *PAROLE, OR SUPERVISED RELEASE.—An approved State*
20 *registration program established by this section shall con-*
21 *tain the following requirements:*

22 (1) *NOTIFICATION.—If a person who is required*
23 *to register under this section is released from prison,*
24 *paroled, or placed on supervised release, a State pris-*
25 *on officer shall—*

1 (A) *inform the person of the duty to reg-*
2 *ister;*

3 (B) *inform the person that if the person*
4 *changes residence address, the person shall give*
5 *the new address to a designated State law en-*
6 *forcement agency in writing within 10 days;*

7 (C) *obtain fingerprints and a photograph of*
8 *the person if these have not already been ob-*
9 *tained in connection with the offense that trig-*
10 *gers registration; and*

11 (D) *require the person to read and sign a*
12 *form stating that the duty of the person to reg-*
13 *ister under this section has been explained.*

14 (2) *TRANSFER OF INFORMATION TO STATE AND*
15 *THE FBI.—The officer shall, within 3 days after re-*
16 *ceipt of information described in paragraph (1), for-*
17 *ward it to a designated State law enforcement agency.*
18 *The State law enforcement agency shall immediately*
19 *enter the information into the appropriate State law*
20 *enforcement record system and notify the appropriate*
21 *law enforcement agency having jurisdiction where the*
22 *person expects to reside. The State law enforcement*
23 *agency shall also immediately transmit the conviction*
24 *data and fingerprints to the Identification Division of*
25 *the Federal Bureau of Investigation.*

1 (3) *ANNUAL VERIFICATION.*—On each anniver-
2 sary of a person’s initial registration date during the
3 period in which the person is required to register
4 under this section, the designated State law enforce-
5 ment agency shall mail a nonforwardable verification
6 form to the last reported address of the person. The
7 person shall mail the verification form to the officer
8 within 10 days after receipt of the form. The verifica-
9 tion form shall be signed by the person, and state that
10 the person still resides at the address last reported to
11 the designated State law enforcement agency. If the
12 person fails to mail the verification form to the des-
13 ignated State law enforcement agency within 10 days
14 after receipt of the form, the person shall be in viola-
15 tion of this section unless the person proves that the
16 person has not changed his or her residence address.

17 (4) *NOTIFICATION OF LOCAL LAW ENFORCEMENT*
18 *AGENCIES OF CHANGES IN ADDRESS.*—Any change of
19 address by a person required to register under this
20 section reported to the designated State law enforce-
21 ment agency shall immediately be reported to the ap-
22 propriate law enforcement agency having jurisdiction
23 where the person is residing.

24 (c) *REGISTRATION FOR 10 YEARS.*—A person required
25 to register under this section shall continue to comply with

1 *this section until 10 years have elapsed since the person*
2 *was released from imprisonment, or placed on parole or su-*
3 *pervised release.*

4 (d) *PENALTY.*—*A person required to register under a*
5 *State program established pursuant to this section who*
6 *knowingly fails to so register and keep such registration*
7 *current shall be subject to criminal penalties in such State.*
8 *It is the sense of Congress that such penalties should include*
9 *at least 6 months imprisonment.*

10 (e) *PRIVATE DATA.*—*The information provided under*
11 *this section is private data on individuals and may be used*
12 *for law enforcement purposes and confidential background*
13 *checks conducted with fingerprints by a designated State*
14 *law enforcement agency for child care services providers.*

15 **SEC. 823. STATE COMPLIANCE.**

16 (a) *COMPLIANCE DATE.*—*Each State shall have 3*
17 *years from the date of enactment of this Act in which to*
18 *implement the provisions of this subtitle.*

19 (b) *INELIGIBILITY FOR FUNDS.*—*The allocation of*
20 *funds under section 506 of title I of the Omnibus Crime*
21 *Control and Safe Streets Act of 1968 (42 U.S.C. 3756) re-*
22 *ceived by a State not complying with this subtitle 3 years*
23 *after the date of enactment of this Act shall be reduced by*
24 *10 percent and the unallocated funds shall be reallocated*
25 *to the States in compliance with this section.*

1 **Subtitle D—Child Pornography**

2 **SEC. 824. PENALTIES FOR INTERNATIONAL TRAFFICKING**
3 **IN CHILD PORNOGRAPHY.**

4 (a) *IMPORT RELATED OFFENSE.*—Chapter 110 of title
5 18, United States Code, is amended by adding at the end
6 the following new section:

7 **“§ 2258. Production of sexually explicit depictions of a**
8 **minor for importation into the United**
9 **States**

10 “(a) *USE OF MINOR.*—A person who, outside the Unit-
11 ed States, employs, uses, persuades, induces, entices, or co-
12 erces any minor to engage in, or who has a minor assist
13 any other person to engage in, or who transports any minor
14 with the intent that the minor engage in any sexually ex-
15 plicit conduct for the purpose of producing any visual de-
16 piction of such conduct, intending that the visual depiction
17 will be imported into the United States or into waters with-
18 in 12 miles of the coast of the United States, shall be pun-
19 ished as provided in subsection (c).

20 “(b) *USE OF VISUAL DEPICTION.*—A person who, out-
21 side the United States, knowingly receives, transports,
22 ships, distributes, sells, or possesses with intent to transport,
23 ship, sell, or distribute any visual depiction of a minor en-
24 gaging in sexually explicit conduct (if the production of the
25 visual depiction involved the use of a minor engaging in

1 *sexually explicit conduct), intending that the visual depic-*
2 *tion will be imported into the United States or into waters*
3 *within a distance of 12 miles of the coast of the United*
4 *States, shall be punished as provided in subsection (c).*

5 *“(c) PENALTIES.—A person who violates subsection (a)*
6 *or (b), or conspires or attempts to do so—*

7 *“(1) shall be fined under this title, imprisoned*
8 *not more than 10 years, or both; and*

9 *“(2) if the person has a prior conviction under*
10 *this chapter or chapter 109A, shall be fined under this*
11 *title, imprisoned not more than 20 years, or both.”.*

12 *(b) TECHNICAL AMENDMENT.—*

13 *(1) CHAPTER ANALYSIS.—The chapter analysis*
14 *for chapter 110 of title 18, United States Code, is*
15 *amended by adding at the end the following new item:*

*“2258. Production of sexually explicit depictions of a minor for importation into
the United States.”.*

16 *(2) FINE PROVISIONS.—Section 2251(d) of title*
17 *18, United States Code, is amended—*

18 *(A) by striking “not more than \$100,000,*
19 *or” and inserting “under this title,”;*

20 *(B) by striking “not more than \$200,000,*
21 *or” and inserting “under this title,”; and*

22 *(C) by striking “not more than \$250,000”*
23 *and inserting “under this title”.*

1 (c) *SECTION 2251 PENALTY ENHANCEMENT.*—Section
2 2251(d) of title 18, United States Code, is amended by strik-
3 ing “this section” the second place it appears and inserting
4 “this chapter or chapter 109A”.

5 (d) *SECTION 2252 PENALTY ENHANCEMENT.*—Section
6 2252(b)(1) of title 18, United States Code, is amended by
7 striking “this section” and inserting “this chapter or chap-
8 ter 109A”.

9 (e) *CONSPIRACY AND ATTEMPT.*—Sections 2251(d) and
10 2252(b) of title 18, United States Code, are each amended
11 by inserting “, or attempts or conspires to violate,” after
12 “violates” each place it appears.

13 (f) *RICO AMENDMENT.*—Section 1961(l) of title 18,
14 United States Code, is amended by striking “2251–2252”
15 and inserting “2251, 2252, and 2258”.

16 (g) *TRANSPORTATION OF MINORS.*—Section 2423 of
17 title 18, United States Code, is amended—

18 (1) by striking “(a) Whoever” and inserting “(a)
19 *TRANSPORTATION WITH INTENT TO ENGAGE IN*
20 *CRIMINAL SEXUAL ACTIVITY.*—A person who”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) *TRAVEL WITH INTENT TO ENGAGE IN SEXUAL*
24 *ACT WITH A JUVENILE.*—A person who travels in interstate
25 commerce, or conspires to do so, or a United States citizen

1 *or an alien admitted for permanent residence in the United*
2 *States who travels in foreign commerce, or conspires to do*
3 *so, for the purpose of engaging in any sexual act (as defined*
4 *in section 2245) with a person under 18 years of age that*
5 *would be in violation of chapter 109A if the sexual act oc-*
6 *curred in the special maritime and territorial jurisdiction*
7 *of the United States shall be fined under this title, impris-*
8 *oned not more than 10 years, or both.”.*

9 **SEC. 825. SENSE OF CONGRESS CONCERNING STATE LEGIS-**
10 **LATION REGARDING CHILD PORNOGRAPHY.**

11 *It is the sense of the Congress that each State that has*
12 *not yet done so should enact legislation prohibiting the pro-*
13 *duction, distribution, receipt, or simple possession of mate-*
14 *rials depicting a person under 18 years of age engaging*
15 *in sexually explicit conduct (as defined in section 2256 of*
16 *title 18, United States Code) and providing for a maximum*
17 *imprisonment of at least 1 year and for the forfeiture of*
18 *assets used in the commission or support of, or gained from,*
19 *such offenses.*

20 **Subtitle E—Rules of Evidence,**
21 **Practice and Procedure**

22 **SEC. 831. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES**
23 **IN SEX OFFENSE CASES.**

24 *The Federal Rules of Evidence are amended by adding*
25 *after Rule 412 the following new rules:*

1 **“Rule 413. Evidence of Similar Crimes in Sexual As-**
2 **sault Cases**

3 “(a) In a criminal case in which the defendant is ac-
4 cused of an offense of sexual assault, evidence of the defend-
5 ant’s commission of another offense or offenses of sexual as-
6 sault is admissible, and may be considered for its bearing
7 on any matter to which it is relevant.

8 “(b) In a case in which the Government intends to offer
9 evidence under this rule, the attorney for the Government
10 shall disclose the evidence to the defendant, including state-
11 ments of witnesses or a summary of the substance of any
12 testimony that is expected to be offered, at least fifteen days
13 before the scheduled date of trial or at such later time as
14 the court may allow for good cause.

15 “(c) This rule shall not be construed to limit the ad-
16 mission or consideration of evidence under any other rule.

17 “(d) For purposes of this rule and Rule 415, “offense
18 of sexual assault” means a crime under Federal law or the
19 law of a State (as defined in section 513 of title 18, United
20 States Code) that involved—

21 “(1) any conduct proscribed by chapter 109A of
22 title 18, United States Code;

23 “(2) contact, without consent, between any part
24 of the defendant’s body or an object and the genitals
25 or anus of another person;

1 “(3) contact, without consent, between the geni-
2 tals or anus of the defendant and any part of another
3 person’s body;

4 “(4) deriving sexual pleasure or gratification
5 from the infliction of death, bodily injury, or physical
6 pain on another person; or

7 “(5) an attempt or conspiracy to engage in con-
8 duct described in paragraphs (1)–(4).

9 **“Rule 414. Evidence of Similar Crimes in Child Moles-**
10 **tation Cases**

11 “(a) In a criminal case in which the defendant is ac-
12 cused of an offense of child molestation, evidence of the de-
13 fendant’s commission of another offense or offenses of child
14 molestation is admissible, and may be considered for its
15 bearing on any matter to which it is relevant.

16 “(b) In a case in which the Government intends to offer
17 evidence under this rule, the attorney for the Government
18 shall disclose the evidence to the defendant, including state-
19 ments of witnesses or a summary of the substance of any
20 testimony that is expected to be offered, at least fifteen days
21 before the scheduled date of trial or at such later time as
22 the court may allow for good cause.

23 “(c) This rule shall not be construed to limit the ad-
24 mission or consideration of evidence under any other rule.

1 “(d) For purposes of this rule and Rule 415, “child”
2 means a person below the age of fourteen, and “offense of
3 child molestation” means a crime under Federal law or the
4 law of a State (as defined in section 513 of title 18, United
5 States Code) that involved—

6 “(1) any conduct proscribed by chapter 109A of
7 title 18, United States Code, that was committed in
8 relation to a child;

9 “(2) any conduct proscribed by chapter 110 of
10 title 18, United States Code;

11 “(3) contact between any part of the defendant’s
12 body or an object and the genitals or anus of a child;

13 “(4) contact between the genitals or anus of the
14 defendant and any part of the body of a child;

15 “(5) deriving sexual pleasure or gratification
16 from the infliction of death, bodily injury, or physical
17 pain on a child; or

18 “(6) an attempt or conspiracy to engage in con-
19 duct described in paragraphs (1)–(5).

20 **“Rule 415. Evidence of Similar Acts in Civil Cases**
21 **Concerning Sexual Assault or Child Mo-**
22 **lestation**

23 “(a) In a civil case in which a claim for damages or
24 other relief is predicated on a party’s alleged commission
25 of conduct constituting an offense of sexual assault or child

1 *molestation, evidence of that party's commission of another*
2 *offense or offenses of sexual assault or child molestation is*
3 *admissible and may be considered as provided in Rule 413*
4 *and Rule 414 of these rules.*

5 “(b) A party who intends to offer evidence under this
6 Rule shall disclose the evidence to the party against whom
7 it will be offered, including statements of witnesses or a
8 summary of the substance of any testimony that is expected
9 to be offered, at least fifteen days before the scheduled date
10 of trial or at such later time as the court may allow for
11 good cause.

12 “(c) This rule shall not be construed to limit the ad-
13 mission or consideration of evidence under any other rule.”

14 ***Subtitle F—Sexually Violent***
15 ***Predators***

16 ***SEC. 841. SHORT TITLE.***

17 *This subtitle may be cited as the “Sexually Violent*
18 *Predators Act”.*

19 ***SEC. 842. FINDINGS.***

20 *Congress finds that—*

21 (1) *there exists a small but extremely dangerous*
22 *group of sexually violent persons who do not have a*
23 *mental disease or defect;*

24 (2) *persons who are sexually violent predators*
25 *generally have antisocial personality features that—*

1 (A) are not amenable to mental illness
2 treatment modalities in existence on the date of
3 enactment of this Act; and

4 (B) render the persons likely to engage in
5 sexually violent behavior;

6 (3) the likelihood that sexually violent predators
7 will repeat acts of predatory sexual violence is high;
8 and

9 (4) the prognosis for curing sexually violent
10 predators is poor and the treatment needs of the pop-
11 ulation of the predators are very long-term.

12 **SEC. 843. DEFINITIONS.**

13 As used in this subtitle:

14 (1) *MENTAL ABNORMALITY*.—The term “mental
15 abnormality” means a congenital or acquired condi-
16 tion of a person that affects the emotional or voli-
17 tional capacity of the person in a manner that pre-
18 disposes the person to the commission of criminal sex-
19 ual acts to a degree that makes the person a menace
20 to the health and safety of other persons.

21 (2) *PREDATORY*.—The term “predatory”, with
22 respect to an act, means an act directed towards a
23 stranger, or a person with whom a relationship has
24 been established or promoted, for the primary purpose
25 of victimization.

1 (3) *SEXUALLY VIOLENT OFFENSE.*—The term
2 “sexually violent offense” means an act that is a vio-
3 lation of title 18, United States Code or State crimi-
4 nal code that—

5 (A) involves the use or attempted or threat-
6 ened use of physical force against the person or
7 property of another person; and

8 (B) is determined beyond a reasonable
9 doubt to be sexually motivated.

10 (4) *SEXUALLY VIOLENT PREDATOR.*—The term
11 “sexually violent predator” means a person who has
12 been convicted of a sexually violent offense and who
13 suffers from a mental abnormality or personality dis-
14 order that makes the person likely to engage in preda-
15 tory sexually violent offenses.

16 **SEC. 844. ESTABLISHMENT OF PROGRAM.**

17 (a) *IN GENERAL.*—

18 (1) *STATE GUIDELINES.*—In accordance with
19 this section, the Attorney General shall establish
20 guidelines for State programs to require a sexually
21 violent predator to register a current address with a
22 designated State law enforcement agency upon release
23 from prison, being placed on parole, or being placed
24 on supervised release. The Attorney General shall ap-

1 *prove each State program that complies with the*
2 *guidelines.*

3 (2) *STATE COMPLIANCE.—*

4 (A) *IMPLEMENTATION DATE.—A State that*
5 *does not implement a program described in*
6 *paragraph (1) by the date that is 3 years after*
7 *the date of enactment of this Act, and maintain*
8 *the implementation thereafter, shall be ineligible*
9 *for funds in accordance with subparagraph (B).*

10 (B) *INELIGIBILITY FOR FUNDS.—*

11 (i) *IN GENERAL.—A State that does*
12 *not implement the program as described in*
13 *subparagraph (A) shall not receive 10 per-*
14 *cent of the funds that would otherwise be al-*
15 *located to the State under section 506 of the*
16 *Omnibus Crime Control and Safe Streets*
17 *Act of 1968 (42 U.S.C. 3756).*

18 (ii) *REALLOCATION OF FUNDS.—Funds*
19 *made available under clause (i) shall be re-*
20 *allocated, in accordance with such section,*
21 *to such States as implement the program as*
22 *described in subparagraph (A).*

23 (b) *REGISTRATION REQUIREMENT UPON RELEASE,*
24 *PAROLE, OR SUPERVISED RELEASE.—*

1 (1) *IN GENERAL.*—An approved State program
2 established in accordance with this section shall con-
3 tain the requirements described in this section.

4 (2) *DETERMINATION.*—The determination that a
5 person is a “sexually violent predator” and the deter-
6 mination that a person is no longer a “sexually vio-
7 lent predator” shall be made by the sentencing court
8 after receiving a report by a board of experts on sex-
9 ual offenses. Each State shall establish a board com-
10 posed of experts in the field of the behavior and treat-
11 ment of sexual offenders.

12 (3) *NOTIFICATION.*—If a person who is required
13 to register under this section is anticipated to be re-
14 leased from prison, paroled, or placed on supervised
15 release, a State prison officer shall, not later than 90
16 days before the anticipated date of the release or com-
17 mencement of the parole—

18 (A) inform the person of the duty to reg-
19 ister;

20 (B) inform the person that if the person
21 changes residence address, the person shall give
22 the new address to a designated State law en-
23 forcement agency in writing not later than 10
24 days after the change of address;

1 (C) obtain the name of the person, identify-
2 ing factors, anticipated future residence, offense
3 history, and documentation of any treatment re-
4 ceived for the mental abnormality or personality
5 disorder of the person; and

6 (D) require the person to read and sign a
7 form stating that the duty of the person to reg-
8 ister under this section has been explained.

9 (4) *TRANSFER OF INFORMATION TO STATE AND*
10 *THE FBI.*—Not later than 3 days after the receipt of
11 the information described in paragraph (2), the offi-
12 cer shall forward the information to a designated
13 State law enforcement agency. As soon as practicable
14 after the receipt of the information by the State law
15 enforcement agency, the agency shall—

16 (A) enter the information into the appro-
17 priate State law enforcement record system and
18 notify the appropriate law enforcement agency
19 that has jurisdiction over the area in which the
20 person expects to reside; and

21 (B) transmit the information to the *Identi-*
22 *fication Division of the Federal Bureau of Inves-*
23 *tigation.*

24 (5) *QUARTERLY VERIFICATION.*—

1 (A) *MAILING TO PERSON.*—Not less than
2 every 90 days after the date of the release or
3 commencement of parole of a person under para-
4 graph (2), the designated State law enforcement
5 agency shall mail a nonforwardable verification
6 form to the last reported address of the person.

7 (B) *RETURN OF VERIFICATION FORM.*—

8 (i) *IN GENERAL.*—The person shall re-
9 turn, by mail, the verification form to the
10 agency not later than 10 days after the re-
11 ceipt of the form. The verification form
12 shall be signed by the person, and shall
13 state that the person continues to reside at
14 the address last reported to the designated
15 State law enforcement agency.

16 (ii) *FAILURE TO RETURN.*—If the per-
17 son fails to mail the verification form to the
18 designated State law enforcement agency by
19 the date that is 10 days after the receipt of
20 the form by the person, the person shall be
21 in violation of this section unless the person
22 proves that the person has not changed the
23 residence address of the person.

24 (6) *NOTIFICATION OF LOCAL LAW ENFORCEMENT*
25 *AGENCIES OF CHANGES IN ADDRESSES.*—Any change

1 of address by a person required to register under this
2 section that is reported to the designated State law
3 enforcement agency shall as soon as practicable be re-
4 ported to the appropriate law enforcement agency
5 that has jurisdiction over the area in which the per-
6 son is residing.

7 (7) *PENALTY.*—A person required to register
8 under a State program established pursuant to this
9 section who knowingly fails to register and keep the
10 registration current shall be subject to criminal pen-
11 alties in the State. It is the sense of Congress that the
12 penalties should include imprisonment for not less
13 than 180 days.

14 (8) *TERMINATION OF OBLIGATION TO REG-*
15 *ISTER.*—The obligation of a person to register under
16 this section shall terminate on a determination made
17 in accordance with the provision of paragraph (2) of
18 this section that the person no longer suffers from a
19 mental abnormality or personality disorder that
20 would make the person likely to engage in a preda-
21 tory sexually violent offense.

22 (c) *COMMUNITY NOTIFICATION.*—The designated State
23 law enforcement agency may release relevant information
24 that is necessary to protect the public concerning a specific

1 *sexually violent predator required to register under this sec-*
2 *tion.*

3 (d) *IMMUNITY FOR GOOD FAITH CONDUCT.*—Law en-
4 *forcement agencies, employees of law enforcement agencies,*
5 *and State officials shall be immune from liability for any*
6 *good faith conduct under this section.*

7 **TITLE IX—CRIME VICTIMS**

8 **Subtitle A—Victims’ Rights**

9 **SEC. 901. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

10 *Rule 32 of the Federal Rules of Criminal Procedure*
11 *is amended by—*

12 (1) *striking “and” following the semicolon in*
13 *subdivision (a)(1)(B);*

14 (2) *striking the period at the end of subdivision*
15 *(a)(1)(C) and inserting in lieu thereof “; and”;*

16 (3) *inserting after subdivision (a)(1)(C) the*
17 *following:*

18 “(D) *if sentence is to be imposed for a crime*
19 *of violence or sexual abuse, address the victim*
20 *personally if the victim is present at the sentenc-*
21 *ing hearing and determine if the victim wishes*
22 *to make a statement and to present any informa-*
23 *tion in relation to the sentence.”;*

24 (4) *in the second to last sentence of subdivision*
25 *(a)(1), striking “equivalent opportunity” and insert-*

1 *ing in lieu thereof “opportunity equivalent to that of*
2 *the defendant’s counsel”;*

3 *(5) in the last sentence of subdivision (a)(1) in-*
4 *serting “the victim,” before “or the attorney for the*
5 *Government.”; and*

6 *(6) adding at the end the following:*

7 *“(f) DEFINITIONS.—For purposes of this rule—*

8 *“(1) ‘victim’ means any individual against*
9 *whom an offense for which a sentence is to be imposed*
10 *has been committed, but the right of allocution under*
11 *subdivision (a)(1)(D) may be exercised instead by—*

12 *“(A) a parent or legal guardian in case the*
13 *victim is below the age of eighteen years or in-*
14 *competent; or*

15 *“(B) one or more family members or rel-*
16 *atives designated by the court in case the victim*
17 *is deceased or incapacitated;*

18 *if such person or persons are present at the sentencing*
19 *hearing, regardless of whether the victim is present;*
20 *and*

21 *“(2) ‘crime of violence or sexual abuse’ means a*
22 *crime that involved the use or attempted or threatened*
23 *use of physical force against the person or property*
24 *of another, or a crime under chapter 109A of title 18,*
25 *United States Code.”.*

1 **SEC. 902. MANDATORY RESTITUTION AND OTHER PROVI-**
2 **SIONS.**

3 (a) *ORDER OF RESTITUTION.*—Section 3663 of title
4 18, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking “may order” and inserting
7 “shall order”; and

8 (B) by adding at the end the following new
9 paragraph:

10 “(4) In addition to ordering restitution of the victim
11 of the offense of which a defendant is convicted, a court may
12 order restitution of any person who, as shown by a prepon-
13 derance of evidence, was harmed physically, emotionally,
14 or pecuniarily, by unlawful conduct of the defendant dur-
15 ing—

16 “(A) the criminal episode during which the of-
17 fense occurred; or

18 “(B) the course of a scheme, conspiracy, or pat-
19 tern of unlawful activity related to the offense.”;

20 (2) in subsection (b)(1)(A) by striking “imprac-
21 tical” and inserting “impracticable”;

22 (3) in subsection (b)(2) by inserting “emotional
23 or” after “resulting in”;

24 (4) in subsection (b)—

25 (A) by striking “and” at the end of para-
26 graph (3);

1 (B) by redesignating paragraph (4) as
2 paragraph (5); and

3 (C) by inserting after paragraph (4) the fol-
4 lowing new paragraph:

5 “(4) in any case, reimburse the victim for nec-
6 essary child care, transportation, and other expenses
7 related to participation in the investigation or pros-
8 ecution of the offense or attendance at proceedings re-
9 lated to the offense; and”.

10 (5) in subsection (c) by striking “If the Court de-
11 cides to order restitution under this section, the” and
12 inserting “The”;

13 (6) by striking subsections (d), (e), (f), (g), and
14 (h); and

15 (7) by adding at the end the following new sub-
16 sections:

17 “(d)(1) The court shall order restitution to a victim
18 in the full amount of the victim’s losses as determined by
19 the court and without consideration of—

20 “(A) the economic circumstances of the offender;
21 or

22 “(B) the fact that a victim has received or is en-
23 titled to receive compensation with respect to a loss
24 from insurance or any other source.

1 “(2) Upon determination of the amount of restitution
2 owed to each victim, the court shall specify in the restitu-
3 tion order the manner in which and the schedule according
4 to which the restitution is to be paid, in consideration of—

5 “(A) the financial resources and other assets of
6 the offender;

7 “(B) projected earnings and other income of the
8 offender; and

9 “(C) any financial obligations of the offender,
10 including obligations to dependents.

11 “(3) A restoration order may direct the offender to
12 make a single, lump-sum payment, partial payment at
13 specified intervals, or such in-kind payments as may be
14 agreeable to the victim and the offender.

15 “(4) An in-kind payment described in paragraph (3)
16 may be in the form of—

17 “(A) return of property;

18 “(B) replacement of property; or

19 “(C) services rendered to the victim or to a per-
20 son or organization other than the victim.

21 “(e) When the court finds that more than 1 offender
22 has contributed to the loss of a victim, the court may make
23 each offender liable for payment of the full amount of res-
24 titution or may apportion liability among the offenders to

1 *reflect the level of contribution and economic circumstances*
2 *of each offender.*

3 “(f) *When the court finds that more than 1 victim has*
4 *sustained a loss requiring restitution by an offender, the*
5 *court shall order full restitution of each victim but may*
6 *provide for different payment schedules to reflect the eco-*
7 *nomical circumstances of each victim.*

8 “(g)(1) *If the victim has received or is entitled to re-*
9 *ceive compensation with respect to a loss from insurance*
10 *or any other source, the court shall order that restitution*
11 *be paid to the person who provided or is obligated to provide*
12 *the compensation, but the restitution order shall provide*
13 *that all restitution of victims required by the order be paid*
14 *to the victims before any restitution is paid to such a pro-*
15 *vider of compensation.*

16 “(2) *The issuance of a restitution order shall not affect*
17 *the entitlement of a victim to receive compensation with*
18 *respect to a loss from insurance or any other source until*
19 *the payments actually received by the victim under the res-*
20 *titution order fully compensate the victim for the loss, at*
21 *which time a person that has provided compensation to the*
22 *victim shall be entitled to receive any payments remaining*
23 *to be paid under the restitution order.*

1 “(3) Any amount paid to a victim under an order of
2 restitution shall be set off against any amount later recov-
3 ered as compensatory damages by the victim in—

4 “(A) any Federal civil proceeding; and

5 “(B) any State civil proceeding, to the extent
6 provided by the law of the State.

7 “(h) A restitution order shall provide that—

8 “(1) all fines, penalties, costs, restitution pay-
9 ments and other forms of transfers of money or prop-
10 erty made pursuant to the sentence of the court shall
11 be made by the offender to an entity designated by the
12 Director of the Administrative Office of the United
13 States Courts for accounting and payment by the en-
14 tity in accordance with this subsection;

15 “(2) the entity designated by the Director of the
16 Administrative Office of the United States Courts
17 shall—

18 “(A) log all transfers in a manner that
19 tracks the offender’s obligations and the current
20 status in meeting those obligations, unless, after
21 efforts have been made to enforce the restitution
22 order and it appears that compliance cannot be
23 obtained, the court determines that continued
24 recordkeeping under this subparagraph would
25 not be useful;

1 “(B) notify the court and the interested
2 parties when an offender is 90 days in arrears
3 in meeting those obligations; and

4 “(3) the offender shall advise the entity des-
5 ignated by the Director of the Administrative Office
6 of the United States Courts of any change in the of-
7 fender’s address during the term of the restitution
8 order.

9 “(i) A restitution order shall constitute a lien against
10 all property of the offender and may be recorded in any
11 Federal or State office for the recording of liens against real
12 or personal property.

13 “(j) Compliance with the schedule of payment and
14 other terms of a restitution order shall be a condition of
15 any probation, parole, or other form of release of an of-
16 fender. If a defendant fails to comply with a restitution
17 order, the court may revoke probation or a term of super-
18 vised release, modify the term or conditions of probation
19 or a term of supervised release, hold the defendant in con-
20 tempt of court, enter a restraining order or injunction,
21 order the sale of property of the defendant, accept a per-
22 formance bond, or take any other action necessary to obtain
23 compliance with the restitution order. In determining what
24 action to take, the court shall consider the defendant’s em-
25 ployment status, earning ability, financial resources, the

1 *willfulness in failing to comply with the restitution order,*
2 *and any other circumstances that may have a bearing on*
3 *the defendant's ability to comply with the restitution order.*

4 “(k) *An order of restitution may be enforced—*

5 “(1) *by the United States—*

6 “(A) *in the manner provided for the collec-*
7 *tion and payment of fines in subchapter (B) of*
8 *chapter 229 of this title; or*

9 “(B) *in the same manner as a judgment in*
10 *a civil action; and*

11 “(2) *by a victim named in the order to receive*
12 *the restitution, in the same manner as a judgment in*
13 *a civil action.*

14 “(l) *A victim or the offender may petition the court*
15 *at any time to modify a restitution order as appropriate*
16 *in view of a change in the economic circumstances of the*
17 *offender.”.*

18 (b) *PROCEDURE FOR ISSUING ORDER OF RESTITU-*
19 *TION.—Section 3664 of title 18, United States Code, is*
20 *amended—*

21 (1) *by striking subsection (a);*

22 (2) *by redesignating subsections (b), (c), (d), and*
23 *(e) as subsections (a), (b), (c), and (d);*

24 (3) *by amending subsection (a), as redesignated*
25 *by paragraph (2), to read as follows:*

1 “(a) The court may order the probation service of the
2 court to obtain information pertaining to the amount of
3 loss sustained by any victim as a result of the offense, the
4 financial resources of the defendant, the financial needs and
5 earning ability of the defendant and the defendant’s depend-
6 ents, and such other factors as the court deems appropriate.
7 The probation service of the court shall include the informa-
8 tion collected in the report of presentence investigation or
9 in a separate report, as the court directs.”; and

10 (4) by adding at the end thereof the following
11 new subsection:

12 “(e) The court may refer any issue arising in connec-
13 tion with a proposed order of restitution to a magistrate
14 or special master for proposed findings of fact and rec-
15 ommendations as to disposition, subject to a *de novo* deter-
16 mination of the issue by the court.”.

17 **SEC. 903. SENSE OF THE CONGRESS CONCERNING THE**
18 **RIGHT OF A VICTIM OF A VIOLENT CRIME OR**
19 **SEXUAL ABUSE TO SPEAK AT AN OFFENDER’S**
20 **SENTENCING HEARING AND ANY PAROLE**
21 **HEARING.**

22 *It is the sense of the Congress that—*

23 (1) *the law of a State should provide for a vic-*
24 *tim’s right of allocution at a sentencing hearing and*

1 *at any parole hearing if the offender has been con-*
2 *vinced of a crime of violence or sexual abuse;*

3 *(2) such a victim should have an opportunity*
4 *equivalent to the opportunity accorded to the offend-*
5 *er's counsel to address the sentencing court or parole*
6 *board and to present information in relation to the*
7 *sentence imposed or to the early release of the of-*
8 *fender; and*

9 *(3) if the victim is not able to or chooses not to*
10 *testify at a sentencing hearing or parole hearing, the*
11 *victim's parents, legal guardian, or family members*
12 *should have the right to address the court or board.*

13 ***Subtitle B—Crime Victims' Fund***

14 ***SEC. 911. AMOUNTS OF FUNDS FOR COSTS AND GRANTS.***

15 *Section 1402(d)(2) of the Victims of Crime Act of 1984*
16 *(42 U.S.C. 10601(d)(2)) is amended—*

17 *(1) by striking “and” at the end of subpara-*
18 *graph (A);*

19 *(2) by striking the period at the end of subpara-*
20 *graph (B) and inserting a semicolon; and*

21 *(3) by adding at the end the following new sub-*
22 *paragraphs:*

23 *“(C) 1 percent shall be available for grants*
24 *under section 1404(c); and*

1 “(D) 4.5 percent shall be available for
2 grants as provided in section 1404A.”.

3 **SEC. 912. RELATIONSHIP OF CRIME VICTIM COMPENSATION**
4 **TO CERTAIN FEDERAL PROGRAMS.**

5 Section 1403 of the Victims of Crime Act of 1984 (42
6 U.S.C. 10602) is amended by adding at the end the follow-
7 ing:

8 “(e) Notwithstanding any other provision of law, if the
9 compensation paid by an eligible crime victim compensa-
10 tion program would cover costs that a Federal program,
11 or a federally financed State or local program, would other-
12 wise pay, then—

13 “(1) such crime victim compensation program
14 shall not pay that compensation; and

15 “(2) the other program shall make its payments
16 without regard to the existence of the crime victim
17 compensation program.”.

18 **SEC. 913. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**
19 **PENSATION.**

20 (a) *CREATION OF EXCEPTION.*—The final sentence of
21 section 1403(a)(1) of the Victims of Crime Act of 1984 (42
22 U.S.C. 10602(a)(1)) is amended by striking “A grant” and
23 inserting “Except as provided in paragraph (3), a grant”.

24 (b) *REQUIREMENTS OF EXCEPTION.*—Section 1403(a)
25 of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a))

1 *is amended by adding at the end the following new para-*
2 *graph:*

3 “(3) Not more than 5 percent of a grant made
4 under this section may be used for the administration
5 of the State crime victim compensation program re-
6 ceiving the grant.”.

7 **SEC. 914. USE OF UNSPENT 1402(d)(2) MONEY.**

8 Section 1404(a)(1) of the Victims of Crime Act of 1984
9 (42 U.S.C. 10603(a)(1)) is amended—

10 (1) by striking “or for the purpose of grants
11 under section 1403 but not used for that purpose”;
12 and

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

14 “The Director, in the Director’s discretion, may use
15 amounts made available under section 1402(d)(2) for the
16 purposes of grants under section 1403 but not used for that
17 purpose, for grants under this subsection, either in the year
18 such amounts are not so used, or the next year.”.

19 **SEC. 915. GRANTS FOR DEMONSTRATION PROJECTS.**

20 Section 1404(c)(1)(A) of the Victims of Crime Act of
21 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting
22 “demonstration projects and” before “training”.

1 **SEC. 916. ADMINISTRATIVE COSTS FOR CRIME VICTIM AS-**
2 **SISTANCE.**

3 (a) *CREATION OF EXCEPTION.*—Section 1404(b)(2) of
4 the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2))
5 is amended by striking “An eligible” and inserting “Except
6 as provided in paragraph (3), an eligible”.

7 (b) *REQUIREMENTS OF EXCEPTION.*—Section 1404(b)
8 of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b))
9 is amended by adding at the end the following new sub-
10 section:

11 “(3) Not more than 5 percent of sums received
12 under subsection (a) may be used for the administra-
13 tion of the State crime victim assistance program re-
14 ceiving such sums.”.

15 **SEC. 917. MAINTENANCE OF EFFORT.**

16 Section 1407 of the Victims of Crime Act of 1984 (42
17 U.S.C. 10604) is amended by adding at the end the follow-
18 ing new subsection:

19 “(h) Each entity receiving sums made available under
20 this Act for administrative purposes shall certify that such
21 sums will not be used to supplant State or local funds, but
22 will be used to increase the amount of such funds that
23 would, in the absence of Federal funds, be made available
24 for these purposes.”.

1 **Subtitle C—Senior Citizens**

2 **SEC. 921. SHORT TITLE.**

3 *This subtitle may be cited as the “National Triad Pro-*
4 *gram Act”.*

5 **SEC. 922. FINDINGS.**

6 *The Congress finds that—*

7 (1) *senior citizens are among the most rapidly*
8 *growing segments of our society;*

9 (2) *currently, senior citizens comprise 15 percent*
10 *of our society, and predictions are that by the turn*
11 *of the century they will constitute 18 percent of our*
12 *Nation’s population;*

13 (3) *senior citizens find themselves uniquely situ-*
14 *ated in our society, environmentally and physically;*

15 (4) *many senior citizens are experiencing in-*
16 *creased social isolation due to fragmented and distant*
17 *familial relations, scattered associations, limited ac-*
18 *cess to transportation, and other insulating factors;*

19 (5) *physical conditions such as hearing loss, poor*
20 *eyesight, lessened agility, and chronic and debilitat-*
21 *ing illnesses often contribute to an older person’s sus-*
22 *ceptibility to criminal victimization;*

23 (6) *senior citizens are too frequently the victims*
24 *of abuse and neglect, violent crime, property crime,*

1 *consumer fraud, medical quackery, and confidence*
2 *games;*

3 *(7) studies have found that senior citizens that*
4 *are victims of violent crime are more likely to be in-*
5 *jured and require medical attention than are younger*
6 *victims;*

7 *(8) victimization data on crimes against senior*
8 *citizens are incomplete and out of date, and data*
9 *sources are partial, scattered, and not easily obtained;*

10 *(9) although a few studies have attempted to de-*
11 *fine and estimate the extent of abuse and neglect of*
12 *senior citizens, both in their homes and in institu-*
13 *tional settings, many experts believe that this crime*
14 *is substantially underreported and undetected;*

15 *(10) similarly, while some evidence suggests that*
16 *senior citizens may be targeted in a range of fraudu-*
17 *lent schemes, neither the Uniform Crime Report nor*
18 *the National Crime Survey collects data on*
19 *individual- or household-level fraud;*

20 *(11) many law enforcement agencies do not have*
21 *model practices for responding to the criminal abuse*
22 *of senior citizens;*

23 *(12) law enforcement officers and social service*
24 *providers come from different disciplines and fre-*

1 *quently bring different perspectives to the problem of*
2 *crimes against senior citizens;*

3 *(13) those differences, in turn, can contribute to*
4 *inconsistent approaches to the problem and inhibit a*
5 *genuinely effective response;*

6 *(14) there are, however, a few efforts currently*
7 *under way that seek to forge partnerships to coordi-*
8 *nate criminal justice and social service approaches to*
9 *victimization of senior citizens;*

10 *(15) the Triad program, sponsored by the Na-*
11 *tional Sheriffs' Association (NSA), the International*
12 *Association of Chiefs of Police (IACP), and the Amer-*
13 *ican Association of Retired Persons (AARP), is one*
14 *such effort; and*

15 *(16) recognizing that senior citizens have the*
16 *same fundamental desire as other members of our so-*
17 *ciety to live freely, without fear or restriction due to*
18 *the criminal element, the Federal Government should*
19 *seek to expand efforts to reduce crime against this*
20 *growing and uniquely vulnerable segment of our pop-*
21 *ulation.*

22 **SEC. 923. PURPOSES.**

23 *The purposes of this subtitle are—*

24 *(1) to support a coordinated effort among law*
25 *enforcement and social service agencies to stem the*

1 *tide of violence against senior citizens and support*
2 *media and nonmedia strategies aimed at increasing*
3 *both public understanding of the problem and the sen-*
4 *ior citizens' skills in preventing crime against them-*
5 *selves and their property; and*

6 *(2) to address the problem of crime against sen-*
7 *ior citizens in a systematic and effective manner by*
8 *promoting and expanding collaborative crime preven-*
9 *tion programs, such as the Triad model, that assist*
10 *law enforcement agencies and senior citizens in im-*
11 *plementing specific strategies for crime prevention,*
12 *victim assistance, citizen involvement, and public*
13 *education.*

14 **SEC. 924. NATIONAL ASSESSMENT AND DISSEMINATION.**

15 *(a) IN GENERAL.—The Director of the National Insti-*
16 *tute of Justice shall, subject to the availability of appropria-*
17 *tions, conduct a qualitative and quantitative national as-*
18 *essment of—*

19 *(1) the nature and extent of crimes committed*
20 *against senior citizens and the effect of such crimes*
21 *on the victims;*

22 *(2) the numbers, extent, and impact of violent*
23 *crimes and nonviolent crimes (such as frauds and*
24 *“scams”) against senior citizens and the extent of un-*
25 *reported crime;*

1 (3) *the collaborative needs of law enforcement,*
2 *health, and social service organizations, focusing on*
3 *prevention of crimes against senior citizens, to iden-*
4 *tify, investigate, and provide assistance to victims of*
5 *those crimes; and*

6 (4) *the development and growth of strategies to*
7 *respond effectively to the matters described in para-*
8 *graphs (1), (2), and (3).*

9 (b) *MATTERS TO BE ADDRESSED.*—*The national as-*
10 *essment made pursuant to subsection (a) shall address—*

11 (1) *the analysis and synthesis of data from a*
12 *broad range of sources in order to develop accurate*
13 *information on the nature and extent of crimes*
14 *against senior citizens, including identifying and*
15 *conducting such survey and other data collection ef-*
16 *forts as are needed and designing a strategy to keep*
17 *such information current over time;*

18 (2) *institutional and community responses to el-*
19 *derly victims of crime, focusing on the problems asso-*
20 *ciated with fear of victimization, abuse of senior citi-*
21 *zens, and hard-to-reach senior citizens who are in*
22 *poor health, are living alone or without family near-*
23 *by, or living in high crime areas;*

24 (3) *special services and responses required by el-*
25 *derly victims;*

1 (4) *whether the experience of senior citizens with*
2 *some service organizations differs markedly from that*
3 *of younger populations;*

4 (5) *the kinds of programs that have proven use-*
5 *ful in reducing victimization of senior citizens*
6 *through crime prevention activities and programs;*

7 (6) *the kinds of programs that contribute to suc-*
8 *cessful coordination among public sector agencies and*
9 *community organizations in reducing victimization*
10 *of senior citizens; and*

11 (7) *the research agenda needed to develop a com-*
12 *prehensive understanding of the problems of crimes*
13 *against senior citizens, including the changes that can*
14 *be anticipated in the crimes themselves and appro-*
15 *priate responses as the society increasingly ages.*

16 (c) *AVOIDANCE OF DUPLICATION.*—*In conducting the*
17 *assessment under subsection (a), the Director of the Na-*
18 *tional Institute of Justice shall draw upon the findings of*
19 *existing studies and avoid duplication of efforts that have*
20 *previously been made.*

21 (d) *DISSEMINATION.*—*Based on the results of the na-*
22 *tional assessment and analysis of successful or promising*
23 *strategies in dealing with the problems described in sub-*
24 *section (b) and other problems, including coalition efforts*
25 *such as the Triad programs described in sections 922 and*

1 923, the Director of the National Institute of Justice shall
2 disseminate the results through reports, publications, clear-
3 inghouse services, public service announcements, and pro-
4 grams of evaluation, demonstration, training, and technical
5 assistance.

6 **SEC. 925. PILOT PROGRAMS.**

7 (a) AWARDS.—The Director of the Bureau of Justice
8 Assistance shall, subject to the availability of appropria-
9 tions, make grants to coalitions of local law enforcement
10 agencies and senior citizens to assist in the development of
11 programs and execute field tests of particularly promising
12 strategies for crime prevention services and related services
13 based on the concepts of the Triad model, which can then
14 be evaluated and serve as the basis for further demonstra-
15 tion and education programs.

16 (b) TRIAD COOPERATIVE MODEL.—(1) Subject to
17 paragraph (2), a pilot program funded under this section
18 shall consist of the Triad cooperative model developed by
19 the organizations described in section 922(15), which calls
20 for the participation of the sheriff, at least 1 police chief,
21 and a representative of at least 1 senior citizens' organiza-
22 tion within a county and may include participation by
23 general service coalitions of law enforcement, victim service,
24 and senior citizen advocate organizations.

1 (2) *If there is not both a sheriff and a police chief in*
2 *a county or if the sheriff or a police chief do not participate,*
3 *a pilot program funded under this section shall include in*
4 *the place of the sheriff or police chief another key law en-*
5 *forcement official in the county such as a local prosecutor.*

6 (c) *APPLICATION.—A coalition or Triad program that*
7 *desires to establish a pilot program under this section shall*
8 *submit to the Director of the Bureau of Justice Assistance*
9 *an application that includes—*

10 (1) *a description of the community and its sen-*
11 *ior citizen population;*

12 (2) *assurances that Federal funds received under*
13 *this part shall be used to provide additional and ap-*
14 *propriate education and services to the community's*
15 *senior citizens;*

16 (3) *a description of the extent of involvement of*
17 *each organizational component (chief, sheriff (or other*
18 *law enforcement official), and senior organization*
19 *representative) and focus of the Triad program;*

20 (4) *a comprehensive plan including—*

21 (A) *a description of the crime problems fac-*
22 *ing senior citizens and need for expanded law*
23 *enforcement and victim assistance services;*

24 (B) *a description of the types of projects to*
25 *be developed or expanded;*

1 (C) a plan for an evaluation of the results
2 of Triad endeavors;

3 (D) a description of the resources (including
4 matching funds, in-kind services, and other re-
5 sources) available in the community to imple-
6 ment the Triad development or expansion;

7 (E) a description of the gaps that cannot be
8 filled with existing resources;

9 (F) an explanation of how the requested
10 grant will be used to fill those gaps; and

11 (G) a description of the means and methods
12 the applicant will use to reduce criminal victim-
13 ization of older persons; and

14 (5) funding requirements for implementing a
15 comprehensive plan.

16 (d) *DISTRIBUTION OF AWARDS.*—The Director of the
17 Bureau of Justice Assistance shall make awards—

18 (1) to 17 Triad programs in counties with a
19 population of less than 50,000;

20 (2) to 17 Triad programs in counties with a
21 population of at least 50,000 but less than 100,000;
22 and

23 (3) to 16 Triad programs in counties with a
24 population of 100,000 or more.

1 (e) *POST-GRANT PERIOD REPORT.*—A grant recipient
2 under this section shall, not later than 6 months after the
3 conclusion of the grant period, submit to the Director of
4 the Bureau of Justice Assistance a report that—

5 (1) describes the composition of organizations
6 that participated in the pilot program;

7 (2) identifies problem areas encountered during
8 the course of the pilot program;

9 (3) provides data comparing the types and fre-
10 quency of criminal activity before and after the grant
11 period and the effect of such criminal activity on sen-
12 ior citizens in the community; and

13 (4) describes the grant recipient's plans and
14 goals for continuance of the Triad program after the
15 grant period.

16 **SEC. 926. TRAINING ASSISTANCE, EVALUATION, AND DIS-**
17 **SEMINATION AWARDS.**

18 In conjunction with the national assessment under sec-
19 tion 924—

20 (1) the Director of the Bureau of Justice Assist-
21 ance shall make awards to organizations with dem-
22 onstrated ability to provide training and technical
23 assistance in establishing crime prevention programs
24 based on the Triad model, for purposes of aiding in

1 *the establishment and expansion of pilot programs*
2 *under this section; and*

3 *(2) the Director of the National Institute of Jus-*
4 *tice shall make awards to research organizations, for*
5 *the purposes of—*

6 *(A) evaluating the effectiveness of selected*
7 *pilot programs; and*

8 *(B) conducting the research and develop-*
9 *ment identified through the national assessment*
10 *as being critical; and*

11 *(3) the Director of the Bureau of Justice Assist-*
12 *ance shall make awards to public service advertising*
13 *coalitions, for the purposes of mounting a program of*
14 *public service advertisements to increase public*
15 *awareness and understanding of the issues surround-*
16 *ing crimes against senior citizens and promoting*
17 *ideas or programs to prevent them.*

18 **SEC. 927. REPORT.**

19 *The Director of the Bureau of Justice Assistance and*
20 *the Director of the National Institute of Justice shall submit*
21 *to Congress an annual report (which may be included with*
22 *the report submitted under section 102(b) of title I of the*
23 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
24 *U.S.C. 3712(b)) describing the results of the pilot programs*
25 *conducted under section 925.*

1 **SEC. 928. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated—*

3 *(1) \$2,000,000 to the Bureau of Justice Assist-*
4 *ance for the purpose of making Triad pilot program*
5 *awards in that amount under section 925;*

6 *(2) \$1,000,000 to the Bureau of Justice Assist-*
7 *ance for the purpose of funding the national training*
8 *and technical assistance effort under sections 924 and*
9 *926;*

10 *(3) \$1,000,000 to the Bureau of Justice Assist-*
11 *ance for the purpose of developing public service an-*
12 *nouncements under sections 924 and 926;*

13 *(4) \$2,000,000 to the National Institute of Jus-*
14 *tice for the purposes of conducting the national assess-*
15 *ment, evaluation pilot programs, and carrying out*
16 *the research agenda under sections 924 and 926; and*

17 *(5) to the extent that funds are not otherwise*
18 *available for the purpose, such sums as are necessary*
19 *to pay the administrative costs of carrying out this*
20 *subtitle.*

21 **TITLE X—STATE AND LOCAL LAW**
22 **ENFORCEMENT**

23 **Subtitle A—DNA Identification**

24 **SEC. 1001. SHORT TITLE.**

25 *This subtitle may be cited as the “DNA Identification*
26 *Act of 1993”.*

1 **SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAIL-**
2 **ABILITY OF DNA ANALYSES FOR LAW EN-**
3 **FORCEMENT IDENTIFICATION PURPOSES.**

4 (a) *DRUG CONTROL AND SYSTEM IMPROVEMENT*
5 *GRANT PROGRAM.*—Section 501(b) of title I of the Omnibus
6 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
7 *3751(b)) is amended—*

8 (1) *by striking “and” at the end of paragraph*
9 *(20);*

10 (2) *by striking the period at the end of para-*
11 *graph (21) and inserting “; and”; and*

12 (3) *by adding at the end the following new para-*
13 *graph:*

14 “(22) *developing or improving in a forensic lab-*
15 *oratory a capability to analyze deoxyribonucleic acid*
16 *(hereinafter in this title referred to as ‘DNA’) for*
17 *identification purposes.”.*

18 (b) *STATE APPLICATIONS.*—Section 503(a) of title I
19 *of the Omnibus Crime Control and Safe Streets Act of 1968*
20 *(42 U.S.C. 3753(a)) is amended by adding at the end the*
21 *following new paragraph:*

22 “(12) *If any part of funds received from a grant*
23 *made under this part is to be used to develop or im-*
24 *prove a DNA analysis capability in a forensic labora-*
25 *tory, a certification that—*

1 “(A) DNA analyses performed at such lab-
2 oratory will satisfy or exceed then current stand-
3 ards for a quality assurance program for DNA
4 analysis, issued by the Director of the Federal
5 Bureau of Investigation under section 1003 of
6 the DNA Identification Act of 1993;

7 “(B) DNA samples obtained by, and DNA
8 analyses performed at, such laboratory will be
9 accessible only—

10 “(i) to criminal justice agencies for
11 law enforcement identification purposes;

12 “(ii) in judicial proceedings, if other-
13 wise admissible pursuant to applicable stat-
14 utes or rules;

15 “(iii) for criminal defense purposes, to
16 a defendant, who shall have access to sam-
17 ples and analyses performed in connection
18 with the case in which such defendant is
19 charged; or

20 “(iv) if personally identifiable infor-
21 mation is removed, for a population statis-
22 tics database, for identification research
23 and protocol development purposes, or for
24 quality control purposes; and

1 “(C) such laboratory, and each analyst per-
2 forming DNA analyses at such laboratory, will
3 undergo, at regular intervals of not to exceed 180
4 days, external proficiency testing by a DNA pro-
5 ficiency testing program meeting the standards
6 issued under section 1003 of the DNA Identifica-
7 tion Act of 1993.”.

8 (c) DNA IDENTIFICATION GRANTS.—

9 (1) PART X.—Title I of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et
11 seq.), as amended by section 2802(a), is amended—

12 (A) by redesignating part X as part Y,

13 (B) by redesignating section 2401 as section
14 2501; and

15 (C) by inserting after part W the following
16 new part:

17 **“PART X—DNA IDENTIFICATION GRANTS**

18 **“SEC. 2401. GRANT AUTHORIZATION.**

19 “The Director may make funds available under this
20 part to States and units of local government, or combina-
21 tions thereof, to carry out all or a substantial part of a
22 program or project intended to develop or improve the capa-
23 bility to analyze deoxyribonucleic acid (referred to in this
24 part as “DNA”) in a forensic laboratory.

1 **“SEC. 2402. APPLICATIONS.**

2 *“To request a grant under this part, the chief executive*
3 *officer of a State or unit of local government shall submit*
4 *an application in such form as the Director may require.*

5 **“SEC. 2403. APPLICATION REQUIREMENTS.**

6 *“No grant may be made under this part unless an ap-*
7 *plication has been submitted to the Director in which the*
8 *applicant certifies that—*

9 *“(1) DNA analyses performed at the laboratory*
10 *will satisfy or exceed then current standards for a*
11 *quality assurance program for DNA analysis issued*
12 *by the Director of the Federal Bureau of Investigation*
13 *under section 1003 of the DNA Identification Act of*
14 *1993.*

15 *“(2) DNA samples obtained by and DNA analy-*
16 *ses performed at the laboratory shall be made avail-*
17 *able only—*

18 *“(A) to criminal justice agencies for law en-*
19 *forcement identification purposes;*

20 *“(B) in judicial proceedings, if otherwise*
21 *admissible pursuant to applicable statutes or*
22 *rules;*

23 *“(C) for criminal defense purposes, to a de-*
24 *fendant, who shall have access to samples and*
25 *analyses performed in connection with the case*
26 *in which the defendant is charged; and*

1 “(D) to others, if personally identifiable in-
2 formation is removed, for a population statistics
3 database, for identification research and protocol
4 development purposes, or for quality control pur-
5 poses; and

6 “(3) the laboratory and each analyst performing
7 DNA analyses at the laboratory shall undergo, at reg-
8 ular intervals not exceeding 180 days, external pro-
9 ficiency testing by a DNA proficiency testing pro-
10 gram that meets the standards issued under section
11 1003 of the DNA Identification Act of 1993.

12 **“SEC. 2404. ADMINISTRATIVE PROVISIONS.**

13 “(a) *REGULATION AUTHORITY.*—The Director may
14 promulgate guidelines, regulations, and procedures, as nec-
15 essary to carry out the purposes of this part, including limi-
16 tations on the number of awards made during each fiscal
17 year, the submission and review of applications, selection
18 criteria, and the extension or continuation of awards.

19 “(b) *AWARD AUTHORITY.*—The Director shall have
20 final authority over all funds awarded under this part.

21 “(c) *TECHNICAL ASSISTANCE.*—To assist and measure
22 the effectiveness and performance of programs and activities
23 funded under this part, the Director shall provide technical
24 assistance as required.

1 **“SEC. 2405. RESTRICTIONS ON USE OF FUNDS.**

2 “(a) *FEDERAL SHARE.*—*The Federal share of a grant,*
3 *contract, or cooperative agreement made under this part*
4 *may not exceed 75 percent of the total costs of the project*
5 *described in the application submitted for the fiscal year*
6 *for which the project receives assistance.*

7 “(b) *ADMINISTRATIVE COSTS.*—*A State or unit of local*
8 *government may not use more than 10 percent of the funds*
9 *it receives from this part for administrative expenses.*

10 **“SEC. 2406. REPORTS.**

11 “(a) *REPORTS TO DIRECTOR.*—*Each State or unit of*
12 *local government which receives a grant under this part*
13 *shall submit to the Director, for each year in which funds*
14 *from a grant received under this part is expended, a report*
15 *at such time and in such manner as the Director may rea-*
16 *sonably require which contains—*

17 “(1) *a summary of the activities carried out*
18 *under the grant and an assessment of whether such*
19 *activities are meeting the needs identified in the ap-*
20 *plication submitted under section 2402; and*

21 “(2) *such other information as the Director may*
22 *require.*

23 “(b) *REPORTS TO CONGRESS.*—*Not later than 90 days*
24 *after the end of each fiscal year for which grants are made*
25 *under this part, the Director shall submit to the Speaker*

1 *of the House of Representatives and the President pro tem-*
2 *pore of the Senate, a report that includes—*

3 “(1) *the aggregate amount of grants made under*
4 *this part to each State or unit of local government for*
5 *such fiscal year; and*

6 “(2) *a summary of the information provided in*
7 *compliance with subsection (a)(1).*

8 **“SEC. 2407. EXPENDITURE RECORDS.**

9 “(a) *RECORDS.—Each State or unit of local govern-*
10 *ment which receives a grant under this part shall keep*
11 *records as the Director may require to facilitate an effective*
12 *audit.*

13 “(b) *ACCESS.—The Director, the Comptroller General,*
14 *or their designated agents shall have access, for the purpose*
15 *of audit and examination, to any books, documents, and*
16 *records of States and units of local government which re-*
17 *ceive grants made under this part if, in the opinion of the*
18 *Director, the Comptroller General, or their designated*
19 *agents, such books, documents, and records are related to*
20 *the receipt or use of any such grant.”.*

21 “(2) *TABLE OF CONTENTS.—The table of contents*
22 *of title I of the Omnibus Crime Control and Safe*
23 *Streets Act of 1968 (42 U.S.C. 3711 et seq.), as*
24 *amended by section 2802(c), is amended by striking*

1 *the matter relating to part W and inserting the fol-*
2 *lowing:*

“PART X—DNA IDENTIFICATION GRANTS

“Sec. 2401. Grant Authorization.

“Sec. 2402. Applications.

“Sec. 2403. Application requirements.

“Sec. 2404. Administrative provisions.

“Sec. 2405. Restrictions on use of funds.

“Sec. 2406. Reports.

“Sec. 2407. Expenditure records.

“PART Y—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2501. Continuation of rules, authorities, and proceedings.”.

3 *(3) AUTHORIZATION OF APPROPRIATIONS.—Sec-*
4 *tion 1001 of the Omnibus Crime Control and Safe*
5 *Streets Act of 1968 (42 U.S.C. 3793), as amended by*
6 *section 2802(c), is amended—*

7 *(A) in paragraph (3) by striking “and W”*
8 *and inserting “W, and X”; and*

9 *(B) adding at the end the following new*
10 *paragraph:*

11 *“(18) There are authorized to be appropriated to*
12 *carry out part X \$5,000,000 for each of fiscal years*
13 *1994, 1995, 1996, 1997, 1998, and 1999.”.*

14 *(4) EFFECTIVE DATE.—The amendments made*
15 *by this section shall take effect on the date that is 60*
16 *days after the date of enactment of this Act.*

1 **SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TEST-**
2 **ING STANDARDS.**

3 (a) *PUBLICATION OF QUALITY ASSURANCE AND PRO-*
4 *FICIENCY TESTING STANDARDS.*—(1)(A) *Not later than 180*
5 *days after the date of enactment of this Act, the Director*
6 *of the Federal Bureau of Investigation shall appoint an ad-*
7 *visory board on DNA quality assurance methods from*
8 *among nominations proposed by the head of the National*
9 *Academy of Sciences and professional societies of crime lab-*
10 *oratory officials.*

11 (B) *The advisory board shall include as members sci-*
12 *entists from State, local, and private forensic laboratories,*
13 *molecular geneticists and population geneticists not affili-*
14 *ated with a forensic laboratory, and a representative from*
15 *the National Institute of Standards and Technology.*

16 (C) *The advisory board shall develop, and if appro-*
17 *priate, periodically revise, recommended standards for*
18 *quality assurance, including standards for testing the pro-*
19 *ficiency of forensic laboratories, and forensic analysts, in*
20 *conducting analyses of DNA.*

21 (2) *The Director of the Federal Bureau of Investiga-*
22 *tion, after taking into consideration such recommended*
23 *standards, shall issue (and revise from time to time) stand-*
24 *ards for quality assurance, including standards for testing*
25 *the proficiency of forensic laboratories, and forensic ana-*
26 *lysts, in conducting analyses of DNA.*

1 (3) *The standards described in paragraphs (1) and (2)*
2 *shall specify criteria for quality assurance and proficiency*
3 *tests to be applied to the various types of DNA analyses*
4 *used by forensic laboratories. The standards shall also in-*
5 *clude a system for grading proficiency testing performance*
6 *to determine whether a laboratory is performing acceptably.*

7 (4) *Until such time as the advisory board has made*
8 *recommendations to the Director of the Federal Bureau of*
9 *Investigation and the Director has acted upon those rec-*
10 *ommendations, the quality assurance guidelines adopted by*
11 *the technical working group on DNA analysis methods shall*
12 *be deemed the Director's standards for purposes of this sec-*
13 *tion.*

14 (b) *ADMINISTRATION OF THE ADVISORY BOARD.—(1)*
15 *For administrative purposes, the advisory board appointed*
16 *under subsection (a) shall be considered an advisory board*
17 *to the Director of the Federal Bureau of Investigation.*

18 (2) *Section 14 of the Federal Advisory Committee Act*
19 *(5 U.S.C. App.) shall not apply with respect to the advisory*
20 *board appointed under subsection (a).*

21 (3) *The DNA advisory board established under this sec-*
22 *tion shall be separate and distinct from any other advisory*
23 *board administered by the FBI, and is to be administered*
24 *separately.*

1 (4) *The board shall cease to exist on the date 5 years*
2 *after the initial appointments are made to the board, unless*
3 *the existence of the board is extended by the Director of the*
4 *Federal Bureau of Investigation.*

5 (c) *PROFICIENCY TESTING PROGRAM.—(1) Not later*
6 *than 1 year after the effective date of this Act, the Director*
7 *of the National Institute of Justice shall certify to the Com-*
8 *mittees on the Judiciary of the House and Senate that—*

9 (A) *the Institute has entered into a contract with*
10 *an appropriate entity for establishing a blind exter-*
11 *nal proficiency testing program for DNA analyses,*
12 *which shall be available to public and private labora-*
13 *tories performing forensic DNA analyses;*

14 (B) *a blind external proficiency testing program*
15 *for DNA analyses is already readily available to pub-*
16 *lic and private laboratories performing forensic DNA*
17 *analyses; or*

18 (C) *it is not feasible to have blind external test-*
19 *ing for DNA forensic analyses.*

20 (2) *As used in this subsection, the term “blind external*
21 *proficiency test” means a test that is presented to a forensic*
22 *laboratory through a second agency and appears to the ana-*
23 *lysts to involve routine evidence.*

24 (3) *Notwithstanding any other provision of law, the*
25 *Director of the Bureau of Justice Assistance may make*

1 *available to the Director of the National Institute of Justice*
2 *during the first fiscal year in which funds are distributed*
3 *under this subtitle up to \$250,000 from the funds available*
4 *under part Y of Title I of the Omnibus Crime Control and*
5 *Safe Streets Act of 1968 to carry out this subsection.*

6 **SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EX-**
7 **CHANGE OF DNA IDENTIFICATION INFORMA-**
8 **TION.**

9 *(a) ESTABLISHMENT OF INDEX.—The Director of the*
10 *Federal Bureau of Investigation may establish an index*
11 *of—*

12 *(1) DNA identification records of persons con-*
13 *victed of crimes;*

14 *(2) analyses of DNA samples recovered from*
15 *crime scenes; and*

16 *(3) analyses of DNA samples recovered from un-*
17 *identified human remains.*

18 *(b) INFORMATION.—The index described in subsection*
19 *(a) shall include only information on DNA identification*
20 *records and DNA analyses that are—*

21 *(1) based on analyses performed by or on behalf*
22 *of a criminal justice agency in accordance with pub-*
23 *licly available standards that satisfy or exceed the*
24 *guidelines for a quality assurance program for DNA*

1 *analysis, issued by the Director of the Federal Bureau*
2 *of Investigation under section 1003;*

3 *(2) prepared by laboratories, and DNA analysts,*
4 *that undergo, at regular intervals of not to exceed 180*
5 *days, external proficiency testing by a DNA pro-*
6 *ficiency testing program meeting the standards issued*
7 *under section 1003; and*

8 *(3) maintained by Federal, State, and local*
9 *criminal justice agencies pursuant to rules that allow*
10 *disclosure of stored DNA samples and DNA analyses*
11 *only—*

12 *(A) to criminal justice agencies for law en-*
13 *forcement identification purposes;*

14 *(B) in judicial proceedings, if otherwise ad-*
15 *missible pursuant to applicable statutes or rules;*

16 *(C) for criminal defense purposes, to a de-*
17 *fendant, who shall have access to samples and*
18 *analyses performed in connection with the case*
19 *in which such defendant is charged; or*

20 *(D) if personally identifiable information is*
21 *removed, for a population statistics database, for*
22 *identification research and protocol development*
23 *purposes, or for quality control purposes.*

24 *(c) FAILURE TO COMPLY.—The exchange of records*
25 *authorized by this section is subject to cancellation if the*

1 *quality control and privacy requirements described in sub-*
2 *section (b) are not met.*

3 **SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.**

4 *(a) PROFICIENCY TESTING REQUIREMENTS.—*

5 *(1) GENERALLY.—(A) Personnel at the Federal*
6 *Bureau of Investigation who perform DNA analyses*
7 *shall undergo, at regular intervals of not to exceed*
8 *180 days, external proficiency testing by a DNA pro-*
9 *ficiency testing program meeting the standards issued*
10 *under section 1003.*

11 *(B) Within 1 year after the date of enactment of*
12 *this Act, the Director of the Federal Bureau of Inves-*
13 *tigation shall arrange for periodic blind external tests*
14 *to determine the proficiency of DNA analysis per-*
15 *formed at the Federal Bureau of Investigation labora-*
16 *tory.*

17 *(C) In this paragraph, “blind external test”*
18 *means a test that is presented to the laboratory*
19 *through a second agency and appears to the analysts*
20 *to involve routine evidence.*

21 *(2) REPORT.—For 5 years after the date of en-*
22 *actment of this Act, the Director of the Federal Bu-*
23 *reau of Investigation shall submit to the Committees*
24 *on the Judiciary of the House and Senate an annual*

1 *report on the results of each of the tests described in*
2 *paragraph (1).*

3 *(b) PRIVACY PROTECTION STANDARDS.—*

4 *(1) GENERALLY.—Except as provided in para-*
5 *graph (2), the results of DNA tests performed for a*
6 *Federal law enforcement agency for law enforcement*
7 *purposes may be disclosed only—*

8 *(A) to criminal justice agencies for law en-*
9 *forcement identification purposes;*

10 *(B) in judicial proceedings, if otherwise ad-*
11 *missible pursuant to applicable statues or rules;*
12 *and*

13 *(C) for criminal defense purposes, to a de-*
14 *fendant, who shall have access to samples and*
15 *analyses performed in connection with the case*
16 *in which such defendant is charged.*

17 *(2) EXCEPTION.—If personally identifiable infor-*
18 *mation is removed, test results may be disclosed for*
19 *a population statistics database, for identification re-*
20 *search and protocol development purposes, or for*
21 *quality control purposes.*

22 *(c) CRIMINAL PENALTY.—(1) A person who—*

23 *(A) by virtue of employment or official position,*
24 *has possession of, or access to, individually identifi-*
25 *able DNA information indexed in a database created*

1 or maintained by any Federal law enforcement agen-
2 cy; and

3 (B) willfully discloses such information in any
4 manner to any person or agency not entitled to re-
5 ceive it,
6 shall be fined not more than \$100,000.

7 (2) A person who, without authorization, willfully ob-
8 tains DNA samples or individually identifiable DNA infor-
9 mation indexed in a database created or maintained by any
10 Federal law enforcement agency shall be fined not more
11 than \$100,000.

12 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the Federal
14 Bureau of Investigation to carry out sections 1003, 1004,
15 and 1005 \$4,500,000 for each of fiscal years 1994, 1995,
16 1996, 1997, 1998, and 1999.

17 **Subtitle B—Department of Justice**
18 **Community Substance Abuse**
19 **Prevention**

20 **SEC. 1011. SHORT TITLE.**

21 This section may be cited as the “Department of Jus-
22 tice Community Substance Abuse Prevention Act of 1993”.

23 **SEC. 1012. COMMUNITY PARTNERSHIPS.**

24 (a) *IN GENERAL.*—Part E of title I of the Omnibus
25 Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711

1 *et seq.) is amended by adding at the end the following new*
2 *subpart:*

3 *“Subpart 4—Community Coalitions on Substance Abuse*

4 *“GRANTS TO COMBAT SUBSTANCE ABUSE*

5 *“SEC. 531. (a) DEFINITION.—As used in this section,*
6 *the term ‘eligible coalition’ means an association, consisting*
7 *of at least 7 organizations, agencies, and individuals that*
8 *are concerned about preventing substance abuse, that shall*
9 *include—*

10 *“(1) public and private organizations and agen-*
11 *cies that represent law enforcement, schools, health*
12 *and social service agencies, and community-based or-*
13 *ganizations; and*

14 *“(2) representatives of 3 of the following groups:*
15 *the clergy, academia, business, parents, youth, the*
16 *media, civic and fraternal groups, or other non-*
17 *governmental interested parties.*

18 *“(b) GRANT PROGRAM.—The Attorney General, acting*
19 *through the Director of the Bureau of Justice Assistance,*
20 *and the appropriate State agency, may make grants to eli-*
21 *gible coalitions in order to—*

22 *“(1) plan and implement comprehensive long-*
23 *term strategies for substance abuse prevention;*

24 *“(2) develop a detailed assessment of existing*
25 *substance abuse prevention programs and activities to*

1 *determine community resources and to identify major*
2 *gaps and barriers in such programs and activities;*

3 *“(3) identify and solicit funding sources to en-*
4 *able such programs and activities to become self-sus-*
5 *taining;*

6 *“(4) develop a consensus regarding the priorities*
7 *of a community concerning substance abuse;*

8 *“(5) develop a plan to implement such priorities;*
9 *and*

10 *“(6) coordinate substance abuse services and ac-*
11 *tivities, including prevention activities in the schools*
12 *or communities and substance abuse treatment pro-*
13 *grams.*

14 *“(c) COMMUNITY PARTICIPATION.—In developing and*
15 *implementing a substance abuse prevention program, a coa-*
16 *lition receiving funds under subsection (b) shall—*

17 *“(1) emphasize and encourage substantial vol-*
18 *untary participation in the community, especially*
19 *among individuals involved with youth such as teach-*
20 *ers, coaches, parents, and clergy; and*

21 *“(2) emphasize and encourage the involvement of*
22 *businesses, civic groups, and other community organi-*
23 *zations and members.*

24 *“(d) APPLICATION.—An eligible coalition shall submit*
25 *an application to the Attorney General and the appropriate*

1 *State agency in order to receive a grant under this section.*

2 *Such application shall—*

3 “(1) describe and, to the extent possible, docu-
4 ment the nature and extent of the substance abuse
5 problem, emphasizing who is at risk and specifying
6 which groups of individuals should be targeted for
7 prevention and intervention;

8 “(2) describe the activities needing financial
9 assistance;

10 “(3) identify participating agencies, organiza-
11 tions, and individuals;

12 “(4) identify the agency, organization, or indi-
13 vidual that has responsibility for leading the coal-
14 tion, and provide assurances that such agency, orga-
15 nization or individual has previous substance abuse
16 prevention experience;

17 “(5) describe a mechanism to evaluate the success
18 of the coalition in developing and carrying out the
19 substance abuse prevention plan referred to in sub-
20 section (b)(5) and to report on such plan to the Attor-
21 ney General on an annual basis; and

22 “(6) contain such additional information and
23 assurances as the Attorney General and the appro-
24 priate State agency may prescribe.

1 “(e) *PRIORITY.*—*In awarding grants under this sec-*
2 *tion, the Attorney General and the appropriate State agen-*
3 *cy shall give priority to a community that—*

4 “(1) *provides evidence of significant substance*
5 *abuse;*

6 “(2) *proposes a comprehensive and multifaceted*
7 *approach to eliminating substance abuse;*

8 “(3) *encourages the involvement of businesses*
9 *and community leaders in substance abuse prevention*
10 *activities;*

11 “(4) *demonstrates a commitment and a high pri-*
12 *ority for preventing substance abuse; and*

13 “(5) *demonstrates support from the community*
14 *and State and local agencies for efforts to eliminate*
15 *substance abuse.*

16 “(f) *REVIEW.*—*Each coalition receiving money pursu-*
17 *ant to the provisions of this section shall submit an annual*
18 *report to the Attorney General, and the appropriate State*
19 *agency, evaluating the effectiveness of the plan described in*
20 *subsection (b)(5) and containing such additional informa-*
21 *tion as the Attorney General, or the appropriate State agen-*
22 *cy, may prescribe. The Attorney General, in conjunction*
23 *with the Director of the Bureau of Justice Assistance, and*
24 *the appropriate State agency, shall submit an annual re-*
25 *view to the Committee on the Judiciary of the Senate and*

1 *the Committee on the Judiciary of the House of Representa-*
 2 *tives. Such review shall—*

3 *“(1) evaluate the grant program established in*
 4 *this section to determine its effectiveness;*

5 *“(2) implement necessary changes to the pro-*
 6 *gram that can be done by the Attorney General; and*

7 *“(3) recommend any statutory changes that are*
 8 *necessary.*

9 *“(g) AUTHORIZATION OF APPROPRIATIONS.—There*
 10 *are authorized to be appropriated to carry out this section*
 11 *\$15,000,000 for fiscal year 1995, \$20,000,000 for fiscal year*
 12 *1996, and \$25,000,000 for fiscal year 1997.”.*

13 *(b) TECHNICAL AMENDMENT.—The table of contents of*
 14 *title I of the Omnibus Crime Control and Safe Streets Act*
 15 *of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting*
 16 *after the item relating to section 522 the following:*

“SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

“Sec. 531. Grants to combat substance abuse.”.

17 ***Subtitle C—Racial and Ethnic Bias***
 18 ***Study Grants***

19 ***SEC. 1021. STUDY GRANTS.***

20 *(a) FINDINGS.—The Congress finds that—*

21 *(1) equality under law is tested most profoundly*
 22 *by whether a legal system tolerates race playing a role*
 23 *in the criminal justice system; and*

1 (2) *States should examine their criminal justice*
2 *systems in order to ensure that racial and ethnic bias*
3 *has no part in such criminal justice systems.*

4 **(b) AUTHORIZATION OF GRANT PROGRAM.—**

5 **(1) IN GENERAL.—***The Attorney General, acting*
6 *through the Bureau of Justice Assistance, may make*
7 *grants to States that have established by State law or*
8 *by the court of last resort a plan for analyzing the*
9 *role of race in that State's criminal justice system.*
10 *Such plan shall include recommendations designed to*
11 *correct any findings that racial and ethnic bias plays*
12 *such a role.*

13 **(2) CRITERIA FOR GRANTS.—***Grants under this*
14 *subsection shall be awarded based upon criteria estab-*
15 *lished by the Attorney General. In establishing the*
16 *criteria, the Attorney General shall take into consid-*
17 *eration the population of the respective States, the ra-*
18 *cial and ethnic composition of the population of the*
19 *States, whether the State plan expressly considers the*
20 *role of race in procedures for jury selection in the*
21 *State, and the crime rates of the States.*

22 **(3) REPORTS BY STATES.—***Recipients of grants*
23 *under this subsection shall report the findings and*
24 *recommendations of studies funded by grants under*

1 *this subsection to the Congress within reasonable time*
2 *limits established by the Attorney General.*

3 (4) *REIMBURSEMENT OF STATES.*—Grants may
4 *be made to reimburse States for work started prior to*
5 *the date of enactment of this Act.*

6 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
7 *authorized to be appropriated to carry out this section*
8 *\$2,000,000 for each of fiscal years 1995, 1996, 1997, 1998,*
9 *and 1999.*

10 ***Subtitle D—Improved Training and***
11 ***Technical Automation***

12 ***SEC. 1031. IMPROVED TRAINING AND TECHNICAL AUTOMA-***
13 ***TION.***

14 (a) *GRANTS.*—

15 (1) *IN GENERAL.*—The Attorney General shall,
16 *subject to the availability of appropriations, make*
17 *grants to units of State and local law enforcement for*
18 *the purposes of improving law enforcement agency ef-*
19 *iciency through computerized automation and tech-*
20 *nological improvements.*

21 (2) *TYPES OF PROGRAMS.*—Grants under this
22 *section may include programs to—*

23 (A) *increase use of mobile digital terminals;*

24 (B) *improve communications systems;*

25 (C) *accomplish paper-flow reduction;*

1 (D) establish or improve ballistics identi-
2 fication programs;

3 (E) increase the application of automated
4 fingerprint identification systems and their com-
5 munications on an interstate and intrastate
6 basis; and.

7 (F) improve computerized collection of
8 criminal records.

9 (3) FUNDING.—No funds under this subtitle may
10 be used to implement any cryptographic or digital te-
11 lephony programs.

12 (b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

13 (1) IN GENERAL.—The Attorney General shall,
14 subject to the availability of appropriations—

15 (A) expand and improve investigative and
16 managerial training courses for State and local
17 law enforcement agencies; and

18 (B) develop and implement, on a pilot basis
19 with no more than 10 participating cities, an
20 intelligent information system that gathers, inte-
21 grates, organizes, and analyzes information in
22 active support of investigations by Federal,
23 State, and local law enforcement agencies of vio-
24 lent serial crimes.

1 (2) *IMPROVEMENT OF FACILITIES.*—The im-
2 provement described in subsection (a) shall include
3 improvements of the training facilities of the Federal
4 Bureau of Investigation Academy at Quantico, Vir-
5 ginia.

6 (3) *INTELLIGENT INFORMATION SYSTEM.*—The
7 intelligent information system described in paragraph
8 (1)(B) shall be developed and implemented by the
9 Federal Bureau of Investigation and shall utilize the
10 resources of the Violent Criminal Apprehension Pro-
11 gram.

12 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated for fiscal year 1994—

14 (1) \$100,000,000 to carry out subsection (a);

15 (2) \$40,000,000 to carry out subsection
16 (b)(1)(A); and

17 (3) \$10,000,000 to carry out subsection
18 (b)(2)(B).

1 **TITLE XI—PROVISIONS**
2 **RELATING TO POLICE OFFICERS**
3 **Subtitle A—Law Enforcement**
4 **Family Support**

5 **SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

6 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
7 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*
8 *as amended by section 309(b)(1), is amended—*

9 (1) *by redesignating part S as part T;*

10 (2) *by redesignating section 1901 as 2001; and*

11 (3) *by inserting after part R the following new*
12 *part:*

13 **“PART S—FAMILY SUPPORT**

14 **“SEC. 1901. DUTIES OF DIRECTOR.**

15 *“The Director shall—*

16 *“(1) establish guidelines and oversee the imple-*
17 *mentation of family-friendly policies within law en-*
18 *forcement-related offices and divisions in the Depart-*
19 *ment of Justice;*

20 *“(2) study the effects of stress on law enforcement*
21 *personnel and family well-being and disseminate the*
22 *findings of such studies to Federal, State, and local*
23 *law enforcement agencies, related organizations, and*
24 *other interested parties;*

1 “(3) identify and evaluate model programs that
2 provide support services to law enforcement personnel
3 and families;

4 “(4) provide technical assistance and training
5 programs to develop stress reduction and family sup-
6 port to State and local law enforcement agencies;

7 “(5) collect and disseminate information regard-
8 ing family support, stress reduction, and psycho-
9 logical services to Federal, State, and local law en-
10 forcement agencies, law enforcement-related organiza-
11 tions, and other interested entities; and

12 “(6) determine issues to be researched by the Bu-
13 reau and by grant recipients.

14 **“SEC. 1902. GENERAL AUTHORIZATION.**

15 “The Director may make grants to States and local
16 law enforcement agencies and to organizations representing
17 State or local law enforcement personnel to provide family
18 support services to law enforcement personnel.

19 **“SEC. 1903. USES OF FUNDS.**

20 “(a) *IN GENERAL.*—A State or local law enforcement
21 agency or organization that receives a grant under this Act
22 shall use amounts provided under the grant to establish or
23 improve training and support programs for law enforce-
24 ment personnel.

1 “(b) *REQUIRED ACTIVITIES.*—A law enforcement
2 agency or organization that receives funds under this part
3 shall provide at least one of the following services:

4 “(1) *Counseling for law enforcement family*
5 *members.*

6 “(2) *Child care on a 24-hour basis.*

7 “(3) *Marital and adolescent support groups.*

8 “(4) *Stress reduction programs.*

9 “(5) *Stress education for law enforcement re-*
10 *cruits and families.*

11 “(6) *Provide technical assistance and training*
12 *programs to support any or all of the services de-*
13 *scribed in paragraphs (1), (2), (3), (4), and (5).*

14 “(c) *OPTIONAL ACTIVITIES.*—A law enforcement agen-
15 cy or organization that receives funds under this part may
16 provide the following services:

17 “(1) *Post-shooting debriefing for officers and*
18 *their spouses.*

19 “(2) *Group therapy.*

20 “(3) *Hypertension clinics.*

21 “(4) *Critical incident response on a 24-hour*
22 *basis.*

23 “(5) *Law enforcement family crisis telephone*
24 *services on a 24-hour basis.*

1 “(6) *Counseling for law enforcement personnel*
2 *exposed to the human immunodeficiency virus.*

3 “(7) *Counseling for peers.*

4 “(8) *Counseling for families of personnel killed*
5 *in the line of duty.*

6 “(9) *Seminars regarding alcohol, drug use, gam-*
7 *bling, and overeating.*

8 “(10) *Technical assistance and training to sup-*
9 *port any or all of the services described in paragraphs*
10 *(1), (2), (3), (4), (5), (6), (7), (8), and (9).*

11 **“SEC. 1904. APPLICATIONS.**

12 *“A law enforcement agency or organization desiring*
13 *to receive a grant under this part shall submit to the Direc-*
14 *tor an application at such time, in such manner, and con-*
15 *taining or accompanied by such information as the Direc-*
16 *tor may reasonably require. Such application shall—*

17 “(1) *certify that the law enforcement agency*
18 *shall match all Federal funds with an equal amount*
19 *of cash or in-kind goods or services from other non-*
20 *Federal sources;*

21 “(2) *include a statement from the highest rank-*
22 *ing law enforcement official from the State or locality*
23 *or from the highest ranking official from the organi-*
24 *zation applying for the grant that attests to the need*

1 *and intended use of services to be provided with grant*
2 *funds; and*

3 *“(3) assure that the Director or the Comptroller*
4 *General of the United States shall have access to all*
5 *records related to the receipt and use of grant funds*
6 *received under this part.*

7 **“SEC. 1905. AWARD OF GRANTS; LIMITATION.**

8 *“(a) GRANT DISTRIBUTION.—In approving grants*
9 *under this part, the Director shall assure an equitable dis-*
10 *tribution of assistance among the States, among urban and*
11 *rural areas of the United States, and among urban and*
12 *rural areas of a State.*

13 *“(b) DURATION.—The Director may award a grant*
14 *each fiscal year, not to exceed \$100,000 to a State or local*
15 *law enforcement agency or \$250,000 to a law enforcement*
16 *organization for a period not to exceed 5 years. In any ap-*
17 *plication from a State or local law enforcement agency or*
18 *organization for a grant to continue a program for the sec-*
19 *ond, third, fourth, or fifth fiscal year following the first fis-*
20 *cal year in which a grant was awarded to such agency,*
21 *the Director shall review the progress made toward meeting*
22 *the objectives of the program. The Director may refuse to*
23 *award a grant if the Director finds sufficient progress has*
24 *not been made toward meeting such objectives, but only*

1 *after affording the applicant notice and an opportunity for*
2 *reconsideration.*

3 “(c) *LIMITATION.*—*Not more than 10 percent of grant*
4 *funds received by a State or a local law enforcement agency*
5 *or organization may be used for administrative purposes.*

6 **“SEC. 1906. DISCRETIONARY RESEARCH GRANTS.**

7 “*The Director may reserve 10 percent of funds to*
8 *award research grants to a State or local law enforcement*
9 *agency or organization to study issues of importance in the*
10 *law enforcement field as determined by the Director.*

11 **“SEC. 1907. REPORTS.**

12 “(a) *REPORT FROM GRANT RECIPIENTS.*—*A State or*
13 *local law enforcement agency or organization that receives*
14 *a grant under this part shall submit to the Director an*
15 *annual report that includes—*

16 “(1) *program descriptions;*

17 “(2) *the number of staff employed to administer*
18 *programs;*

19 “(3) *the number of individuals who participated*
20 *in programs; and*

21 “(4) *an evaluation of the effectiveness of grant*
22 *programs.*

23 “(b) *REPORT FROM DIRECTOR.*—(1) *The Director*
24 *shall submit to the Congress a report not later than March*
25 *31 of each fiscal year.*

1 “(2) Such report shall contain—

2 “(A) a description of the types of projects devel-
3 oped or improved through funds received under this
4 part;

5 “(B) a description of exemplary projects and ac-
6 tivities developed;

7 “(C) a designation of the family relationship to
8 the law enforcement personnel of individuals served;
9 and

10 “(D) the number of individuals served in each
11 location and throughout the country.

12 **“SEC. 1908. DEFINITIONS.**

13 *“For purposes of this part—*

14 *“(1) the term ‘family-friendly policy’ means a*
15 *policy to promote or improve the morale and well*
16 *being of law enforcement personnel and their families;*
17 *and*

18 *“(2) the term ‘law enforcement personnel’ means*
19 *individuals employed by Federal, State, and local law*
20 *enforcement agencies.”.*

21 **(b) TECHNICAL AMENDMENT.**—*The table of contents of*
22 *title I of the Omnibus Crime Control and Safe Streets Act*
23 *of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
24 *309(b)(2), is amended by striking the matter relating to*
25 *part R and inserting the following:*

*"PART S—FAMILY SUPPORT**"Sec. 1901. Duties of director.**"Sec. 1902. General authorization.**"Sec. 1903. Uses of funds.**"Sec. 1904. Applications.**"Sec. 1905. Award of grants; limitation.**"Sec. 1906. Discretionary research grants.**"Sec. 1907. Reports.**"Sec. 1908. Definitions.**"PART V—TRANSITION; EFFECTIVE DATE; REPEALS**"Sec. 2001. Continuation of rules, authorities, and privileges."*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*
 2 *1001(a) of the Omnibus Crime Control and Safe Streets Act*
 3 *of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
 4 *309(b)(3), is amended—*

5 (1) *in paragraph (3) by striking "and R" and*
 6 *inserting "R, and S"; and*

7 (2) *by adding at the end the following new para-*
 8 *graph:*

9 *"(13) There are authorized to be appropriated to carry*
 10 *out part U \$5,000,000 for each of fiscal years 1995, 1996,*
 11 *1997, 1998, and 1999. Not more than 20 percent of such*
 12 *funds may be used to accomplish the duties of the Director*
 13 *under that part, including administrative costs, research,*
 14 *and training programs."*

15 ***Subtitle B—Police Pattern or***
 16 ***Practice***

17 ***SEC. 1111. CAUSE OF ACTION.***

18 (a) *UNLAWFUL CONDUCT.—It shall be unlawful for*
 19 *any governmental authority, or any agent thereof, or any*

1 *person acting on behalf of a governmental authority, to en-*
2 *gage in a pattern or practice of conduct by law enforcement*
3 *officers or by officials or employees of any governmental*
4 *agency with responsibility for the administration of juve-*
5 *nile justice or the incarceration of juveniles that deprives*
6 *persons of rights, privileges, or immunities secured or pro-*
7 *tected by the Constitution or laws of the United States.*

8 **(b) CIVIL ACTION BY ATTORNEY GENERAL.**—*Whenever*
9 *the Attorney General has reasonable cause to believe that*
10 *a violation of paragraph (1) has occurred, the Attorney*
11 *General, for or in the name of the United States, may in*
12 *a civil action obtain appropriate equitable and declaratory*
13 *relief to eliminate the pattern or practice.*

14 **SEC. 1112. DATA ON USE OF EXCESSIVE FORCE.**

15 **(a) ATTORNEY GENERAL TO COLLECT.**—*The Attorney*
16 *General shall, through the victimization surveys conducted*
17 *by the Bureau of Justice Statistics, acquire data about the*
18 *use of excessive force by law enforcement officers.*

19 **(b) LIMITATION ON USE OF DATA.**—*Data acquired*
20 *under this section shall be used only for research or statis-*
21 *tical purposes and may not contain any information that*
22 *may reveal the identity of the victim or any law enforce-*
23 *ment officer.*

1 (c) *ANNUAL SUMMARY.*—The Attorney general shall
2 publish an annual summary of the data acquired under this
3 section.

4 ***Subtitle C—Police Corps and Law***
5 ***Enforcement Officers Training***
6 ***and Education***

7 ***CHAPTER 1—POLICE CORPS***

8 ***SEC. 1121. SHORT TITLE.***

9 This chapter may be cited as the “Police Corps Act”.

10 ***SEC. 1122. PURPOSES.***

11 The purposes of this chapter are to—

12 (1) address violent crime by increasing the num-
13 ber of police with advanced education and training
14 on community patrol; and

15 (2) provide educational assistance to law enforce-
16 ment personnel and to students who possess a sincere
17 interest in public service in the form of law enforce-
18 ment.

19 ***SEC. 1123. DEFINITIONS.***

20 In this chapter—

21 “academic year” means a traditional academic
22 year beginning in August or September and ending
23 in the following May or June.

1 *“dependent child” means a natural or adopted*
2 *child or stepchild of a law enforcement officer who at*
3 *the time of the officer’s death—*

4 (A) *was no more than 21 years old; or*

5 (B) *if older than 21 years, was in fact de-*
6 *pendent on the child’s parents for at least one-*
7 *half of the child’s support (excluding educational*
8 *expenses), as determined by the Director.*

9 *“Director” means the Director of the Office of the*
10 *Police Corps and Law Enforcement Education ap-*
11 *pointed under section 1124.*

12 *“educational expenses” means expenses that are*
13 *directly attributable to—*

14 (A) *a course of education leading to the*
15 *award of the baccalaureate degree in legal- or*
16 *criminal justice-related studies; or*

17 (B) *a course of graduate study legal or*
18 *criminal justice studies following award of a*
19 *baccalaureate degree,*

20 *including the cost of tuition, fees, books, supplies,*
21 *transportation, room and board and miscellaneous ex-*
22 *penses.*

23 *“institution of higher education” has the mean-*
24 *ing stated in the first sentence of section 1201(a) of*

1 *the Higher Education Act of 1965 (20 U.S.C.*
2 *1141(a)).*

3 *“participant” means a participant in the Police*
4 *Corps program selected pursuant to section 306.*

5 *“State” means a State of the United States, the*
6 *District of Columbia, the Commonwealth of Puerto*
7 *Rico, the Virgin Islands, American Samoa, Guam,*
8 *and the Commonwealth of the Northern Mariana Is-*
9 *lands.*

10 *“State Police Corps program” means a State po-*
11 *lice corps program that meets the requirements of sec-*
12 *tion 1130.*

13 **SEC. 1124. ESTABLISHMENT OF OFFICE OF THE POLICE**
14 **CORPS AND LAW ENFORCEMENT EDUCATION.**

15 *(a) ESTABLISHMENT.—There is established in the De-*
16 *partment of Justice, under the general authority of the At-*
17 *torney General, an Office of the Police Corps and Law En-*
18 *forcement Education.*

19 *(b) APPOINTMENT OF DIRECTOR.—The Office of the*
20 *Police Corps and Law Enforcement Education shall be*
21 *headed by a Director who shall be appointed by the Presi-*
22 *dent, by and with the advice and consent of the Senate.*

23 *(c) RESPONSIBILITIES OF DIRECTOR.—The Director*
24 *shall be responsible for the administration of the Police*
25 *Corps program established by this chapter and shall have*

1 authority to promulgate regulations to implement this
2 chapter.

3 **SEC. 1125. DESIGNATION OF LEAD AGENCY AND SUBMIS-**
4 **SION OF STATE PLAN.**

5 (a) *LEAD AGENCY.*—A State that desires to participate
6 in the Police Corps program under this chapter shall des-
7 ignate a lead agency that will be responsible for—

8 (1) submitting to the Director a State plan de-
9 scribed in subsection (b); and

10 (2) administering the program in the State.

11 (b) *STATE PLANS.*—A State plan shall—

12 (1) contain assurances that the lead agency shall
13 work in cooperation with the local law enforcement li-
14 aisons, representatives of police labor organizations
15 and police management organizations, and other ap-
16 propriate State and local agencies to develop and im-
17 plement interagency agreements designed to carry out
18 the program;

19 (2) contain assurances that the State shall adver-
20 tise the assistance available under this chapter;

21 (3) contain assurances that the State shall screen
22 and select law enforcement personnel for participation
23 in the program; and

24 (4) meet the requirements of section 1130.

1 **SEC. 1126. SCHOLARSHIP ASSISTANCE.**

2 (a) *SCHOLARSHIPS AUTHORIZED.*—(1) *The Director*
3 *may award scholarships to participants who agree to work*
4 *in a State or local police force in accordance with agree-*
5 *ments entered into pursuant to subsection (d).*

6 (2)(A) *Except as provided in subparagraph (B), each*
7 *scholarship payment made under this section for each aca-*
8 *demic year shall not exceed—*

9 (i) *\$7,500; or*

10 (ii) *the cost of the educational expenses related to*
11 *attending an institution of higher education.*

12 (B) *In the case of a participant who is pursuing a*
13 *course of educational study during substantially an entire*
14 *calendar year, the amount of scholarship payments made*
15 *during such year shall not exceed \$10,000.*

16 (C) *The total amount of scholarship assistance received*
17 *by any one student under this section shall not exceed*
18 *\$30,000.*

19 (3) *Recipients of scholarship assistance under this sec-*
20 *tion shall continue to receive such scholarship payments*
21 *only during such periods as the Director finds that the re-*
22 *cipient is maintaining satisfactory progress as determined*
23 *by the institution of higher education the recipient is at-*
24 *tending.*

1 (4)(A) *The Director shall make scholarship payments*
2 *under this section directly to the institution of higher edu-*
3 *cation that the student is attending.*

4 (B) *Each institution of higher education receiving a*
5 *payment on behalf of a participant pursuant to subpara-*
6 *graph (A) shall remit to such student any funds in excess*
7 *of the costs of tuition, fees, and room and board payable*
8 *to the institution.*

9 (b) *REIMBURSEMENT AUTHORIZED.—(1) The Director*
10 *may make payments to a participant to reimburse such*
11 *participant for the costs of educational expenses if the stu-*
12 *dent agrees to work in a State or local police force in ac-*
13 *cordance with the agreement entered into pursuant to sub-*
14 *section (d).*

15 (2)(A) *Each payment made pursuant to paragraph (1)*
16 *for each academic year of study shall not exceed—*

17 (i) *\$7,500; or*

18 (ii) *the cost of educational expenses related to at-*
19 *tending an institution of higher education.*

20 (B) *In the case of a participant who is pursuing a*
21 *course of educational study during substantially an entire*
22 *calendar year, the amount of scholarship payments made*
23 *during such year shall not exceed \$10,000.*

24 (C) *The total amount of payments made pursuant to*
25 *subparagraph (A) to any 1 student shall not exceed \$30,000.*

1 (c) *USE OF SCHOLARSHIP.*—*Scholarships awarded*
2 *under this subsection shall only be used to attend a 4-year*
3 *institution of higher education, except that—*

4 (1) *scholarships may be used for graduate and*
5 *professional study; and*

6 (2) *if a participant has enrolled in the program*
7 *upon or after transfer to a 4-year institution of high-*
8 *er education, the Director may reimburse the partici-*
9 *part for the participant's prior educational expenses.*

10 (d) *AGREEMENT.*—(1)(A) *Each participant receiving*
11 *a scholarship or a payment under this section shall enter*
12 *into an agreement with the Director.*

13 (B) *An agreement under subparagraph (A) shall con-*
14 *tain assurances that the participant shall—*

15 (i) *after successful completion of a baccalaureate*
16 *program and training as prescribed in section 8,*
17 *work for 4 years in a State or local police force with-*
18 *out there having arisen sufficient cause for the par-*
19 *ticipant's dismissal under the rules applicable to*
20 *members of the police force of which the participant*
21 *is a member;*

22 (ii) *complete satisfactorily—*

23 (I) *an educational course of study and re-*
24 *ceipt of a baccalaureate degree (in the case of un-*
25 *dergraduate study) or the reward of credit to the*

1 *participant for having completed one or more*
2 *graduate courses (in the case of graduate study);*
3 *and*

4 *(II) Police Corps training and certification*
5 *by the Director that the participant has met*
6 *such performance standards as may be estab-*
7 *lished pursuant to section 1128; and*

8 *(iii) repay all of the scholarship or payment re-*
9 *ceived plus interest at the rate of 10 percent if the*
10 *conditions of clauses (i) and (ii) are not complied*
11 *with.*

12 *(2)(A) A recipient of a scholarship or payment under*
13 *this section shall not be considered to be in violation of the*
14 *agreement entered into pursuant to paragraph (1) if the*
15 *recipient—*

16 *(i) dies; or*

17 *(ii) becomes permanently and totally disabled as*
18 *established by the sworn affidavit of a qualified phy-*
19 *sician.*

20 *(B) If a scholarship recipient is unable to comply with*
21 *the repayment provision set forth in paragraph (1)(B)(ii)*
22 *because of a physical or emotional disability or for good*
23 *cause as determined by the Director, the Director may sub-*
24 *stitute community service in a form prescribed by the Di-*
25 *rector for the required repayment.*

1 (C) *The Director shall expeditiously seek repayment*
2 *from a participant who violates an agreement described in*
3 *paragraph (1).*

4 (e) *DEPENDENT CHILD.*—*A dependent child of a law*
5 *enforcement officer—*

6 (1) *who is a member of a State or local police*
7 *force or is a Federal criminal investigator or uni-*
8 *formed police officer,*

9 (2) *who is not a participant in the Police Corps*
10 *program, but*

11 (3) *who serves in a State for which the Director*
12 *has approved a Police Corps plan, and*

13 (4) *who is killed in the course of performing po-*
14 *lice duties,*

15 *shall be entitled to the scholarship assistance authorized in*
16 *this section for any course of study in any accredited insti-*
17 *tution of higher education. Such dependent child shall not*
18 *incur any repayment obligation in exchange for the scholar-*
19 *ship assistance provided in this section.*

20 (f) *APPLICATION.*—*Each participant desiring a schol-*
21 *arship or payment under this section shall submit an appli-*
22 *cation as prescribed by the Director in such manner and*
23 *accompanied by such information as the Director may rea-*
24 *sonably require.*

1 **SEC. 1127. SELECTION OF PARTICIPANTS.**

2 (a) *IN GENERAL.*—*Participants in State Police Corps*
3 *programs shall be selected on a competitive basis by each*
4 *State under regulations prescribed by the Director.*

5 (b) *SELECTION CRITERIA AND QUALIFICATIONS.*—(1)
6 *In order to participate in a State Police Corps program,*
7 *a participant shall—*

8 (A) *be a citizen of the United States or an alien*
9 *lawfully admitted for permanent residence in the*
10 *United States;*

11 (B) *meet the requirements for admission as a*
12 *trainee of the State or local police force to which the*
13 *participant will be assigned pursuant to section*
14 *1130(c)(5), including achievement of satisfactory*
15 *scores on any applicable examination, except that*
16 *failure to meet the age requirement for a trainee of*
17 *the State or local police shall not disqualify the appli-*
18 *cant if the applicant will be of sufficient age upon*
19 *completing an undergraduate course of study;*

20 (C) *possess the necessary mental and physical*
21 *capabilities and emotional characteristics to discharge*
22 *effectively the duties of a law enforcement officer;*

23 (D) *be of good character and demonstrate sincere*
24 *motivation and dedication to law enforcement and*
25 *public service;*

1 (E) in the case of an undergraduate, agree in
2 writing that the participant will complete an edu-
3 cational course of study leading to the award of a
4 baccalaureate degree and will then accept an appoint-
5 ment and complete 4 years of service as an officer in
6 the State police or in a local police department with-
7 in the State;

8 (F) in the case of a participant desiring to un-
9 dertake or continue graduate study, agree in writing
10 that the participant will accept an appointment and
11 complete 4 years of service as an officer in the State
12 police or in a local police department within the
13 State before undertaking or continuing graduate
14 study;

15 (G) contract, with the consent of the partici-
16 pant's parent or guardian if the participant is a
17 minor, to serve for 4 years as an officer in the State
18 police or in a local police department, if an appoint-
19 ment is offered; and

20 (H) except as provided in paragraph (2), be
21 without previous law enforcement experience.

22 (2)(A) Until the date that is 5 years after the date
23 of enactment of this Act, up to 10 percent of the applicants
24 accepted into the Police Corps program may be persons
25 who—

1 (i) have had some law enforcement experience;
2 and

3 (ii) have demonstrated special leadership poten-
4 tial and dedication to law enforcement.

5 (B)(i) The prior period of law enforcement of a partic-
6 ipant selected pursuant to subparagraph (A) shall not be
7 counted toward satisfaction of the participant's 4-year serv-
8 ice obligation under section 1129, and such a participant
9 shall be subject to the same benefits and obligations under
10 this chapter as other participants, including those stated
11 in section (b)(1) (E) and (F).

12 (ii) Clause (i) shall not be construed to preclude count-
13 ing a participant's previous period of law enforcement ex-
14 perience for purposes other than satisfaction of the require-
15 ments of section 9, such as for purposes of determining such
16 a participant's pay and other benefits, rank, and tenure.

17 (3) It is the intent of this chapter that there shall be
18 no more than 20,000 participants in each graduating class.
19 The Director shall approve State plans providing in the ag-
20 gregate for such enrollment of applicants as shall assure,
21 as nearly as possible, annual graduating classes of 20,000.
22 In a year in which applications are received in a number
23 greater than that which will produce, in the judgment of
24 the Director, a graduating class of more than 20,000, the
25 Director shall, in deciding which applications to grant, give

1 *preference to those who will be participating in State plans*
2 *that provide law enforcement personnel to areas of greatest*
3 *need.*

4 *(c) RECRUITMENT OF MINORITIES.—Each State par-*
5 *ticipating in the Police Corps program shall make special*
6 *efforts to seek and recruit applicants from among members*
7 *of all racial, ethnic or gender groups. This subsection does*
8 *not authorize an exception from the competitive standards*
9 *for admission established pursuant to subsections (a) and*
10 *(b).*

11 *(d) ENROLLMENT OF APPLICANT.—(1) An applicant*
12 *shall be accepted into a State Police Corps program on the*
13 *condition that the applicant will be matriculated in, or ac-*
14 *cepted for admission at, a 4-year institution of higher edu-*
15 *cation—*

16 *(A) as a full-time student in an undergraduate*
17 *program; or*

18 *(B) for purposes of taking a graduate course.*

19 *(2) If the applicant is not matriculated or accepted*
20 *as set forth in paragraph (1), the applicant's acceptance*
21 *in the program shall be revoked.*

22 *(e) LEAVE OF ABSENCE.—(1) A participant in a State*
23 *Police Corps program who requests a leave of absence from*
24 *educational study, training or service for a period not to*
25 *exceed 1 year (or 18 months in the aggregate in the event*

1 of multiple requests) due to temporary physical or emo-
2 tional disability shall be granted such leave of absence by
3 the State.

4 (2) A participant who requests a leave of absence from
5 educational study, training or service for a period not to
6 exceed 1 year (or 18 months in the aggregate in the event
7 of multiple requests) for any reason other than those listed
8 in paragraph (1) may be granted such leave of absence by
9 the State.

10 (3) A participant who requests a leave of absence from
11 educational study or training for a period not to exceed
12 30 months to serve on an official church mission may be
13 granted such leave of absence.

14 (f) *ADMISSION OF APPLICANTS.*—An applicant may be
15 admitted into a State Police Corps program either before
16 commencement of or during the applicant's course of edu-
17 cational study.

18 **SEC. 1128. POLICE CORPS TRAINING.**

19 (a) *IN GENERAL.*—(1) The Director shall establish
20 programs of training for Police Corps participants. Such
21 programs may be carried out at up to 3 training centers
22 established for this purpose and administered by the Direc-
23 tor, or by contracting with existing State training facilities.
24 The Director shall contract with a State training facility
25 upon request of such facility if the Director determines that

1 *such facility offers a course of training substantially equiv-*
2 *alent to the Police Corps training program described in this*
3 *chapter.*

4 (2) *The Director may enter into contracts with indi-*
5 *viduals, institutions of learning, and government agencies*
6 *(including State and local police forces) to obtain the serv-*
7 *ices of persons qualified to participate in and contribute*
8 *to the training process.*

9 (3) *The Director may enter into agreements with agen-*
10 *cies of the Federal Government to utilize on a reimbursable*
11 *basis space in Federal buildings and other resources.*

12 (4) *The Director may authorize such expenditures as*
13 *are necessary for the effective maintenance of the training*
14 *centers, including purchases of supplies, uniforms, and edu-*
15 *cational materials, and the provision of subsistence, quar-*
16 *ters, and medical care to participants.*

17 (b) *TRAINING SESSIONS.*—*A participant in a State*
18 *Police Corps program shall attend two 8-week training ses-*
19 *sions at a training center, one during the summer following*
20 *completion of sophomore year and one during the summer*
21 *following completion of junior year. If a participant enters*
22 *the program after sophomore year, the participant shall*
23 *complete 16 weeks of training at times determined by the*
24 *Director.*

1 (c) *FURTHER TRAINING.*—The 16 weeks of Police
2 Corps training authorized in this section is intended to
3 serve as basic law enforcement training but not to exclude
4 further training of participants by the State and local au-
5 thorities to which they will be assigned. Each State plan
6 approved by the Director under section 10 shall include as-
7 surances that following completion of a participant's course
8 of education each participant shall receive appropriate ad-
9 ditional training by the State or local authority to which
10 the participant is assigned. The time spent by a participant
11 in such additional training, but not the time spent in Police
12 Corps training, shall be counted toward fulfillment of the
13 participant's 4-year service obligation.

14 (d) *COURSE OF TRAINING.*—The training sessions at
15 training centers established under this section shall be de-
16 signed to provide basic law enforcement training, including
17 vigorous physical and mental training to teach partici-
18 pants self-discipline and organizational loyalty and to im-
19 part knowledge and understanding of legal processes and
20 law enforcement.

21 (e) *EVALUATION OF PARTICIPANTS.*—A participant
22 shall be evaluated during training for mental, physical, and
23 emotional fitness, and shall be required to meet performance
24 standards prescribed by the Director at the conclusion of

1 *each training session in order to remain in the Police Corps*
2 *program.*

3 *(f) STIPEND.—The Director shall pay participants in*
4 *training sessions a stipend of \$250 a week during training.*

5 **SEC. 1129. SERVICE OBLIGATION.**

6 *(a) SWEARING IN.—Upon satisfactory completion of*
7 *the participant's course of education and training program*
8 *established in section 1128 and meeting the requirements*
9 *of the police force to which the participant is assigned, a*
10 *participant shall be sworn in as a member of the police*
11 *force to which the participant is assigned pursuant to the*
12 *State Police Corps plan, and shall serve for 4 years as a*
13 *member of that police force.*

14 *(b) RIGHTS AND RESPONSIBILITIES.—A participant*
15 *shall have all of the rights and responsibilities of and shall*
16 *be subject to all rules and regulations applicable to other*
17 *members of the police force of which the participant is a*
18 *member, including those contained in applicable agree-*
19 *ments with labor organizations and those provided by State*
20 *and local law.*

21 *(c) DISCIPLINE.—If the police force of which the par-*
22 *ticipant is a member subjects the participant to discipline*
23 *such as would preclude the participant's completing 4 years*
24 *of service, and result in denial of educational assistance*
25 *under section 1126, the Director may, upon a showing of*

1 *good cause, permit the participant to complete the service*
2 *obligation in an equivalent alternative law enforcement*
3 *service and, if such service is satisfactorily completed, sec-*
4 *tion 1126(d)(1)(B)(iii) shall not apply.*

5 *(d) LAYOFFS.—If the police force of which the partici-*
6 *part is a member lays off the participant such as would*
7 *preclude the participant’s completing 4 years of service, and*
8 *result in denial of educational assistance under section*
9 *1126, the Director may permit the participant to complete*
10 *the service obligation in an equivalent alternative law en-*
11 *forcement service and, if such service is satisfactorily com-*
12 *pleted, section 1126(d)(1)(B)(iii) shall not apply.*

13 **SEC. 1130. STATE PLAN REQUIREMENTS.**

14 *A State Police Corps plan shall—*

15 *(1) provide for the screening and selection of*
16 *participants in accordance with the criteria set out in*
17 *section 1127;*

18 *(2) state procedures governing the assignment of*
19 *participants in the Police Corps program to State*
20 *and local police forces (no more than 10 percent of all*
21 *the participants assigned in each year by each State*
22 *to be assigned to a statewide police force or forces);*

23 *(3) provide that participants shall be assigned to*
24 *those geographic areas in which—*

1 (A) *there is the greatest need for additional*
2 *law enforcement personnel; and*

3 (B) *the participants will be used most effec-*
4 *tively;*

5 (4) *provide that to the extent consistent with*
6 *paragraph (3), a participant shall be assigned to an*
7 *area near the participant's home or such other place*
8 *as the participant may request;*

9 (5) *provide that to the extent feasible, a partici-*
10 *part's assignment shall be made at the time the par-*
11 *ticipant is accepted into the program, subject to*
12 *change—*

13 (A) *prior to commencement of a partici-*
14 *part's fourth year of undergraduate study, under*
15 *such circumstances as the plan may specify; and*

16 (B) *from commencement of a participant's*
17 *fourth year of undergraduate study until comple-*
18 *tion of 4 years of police service by participant,*
19 *only for compelling reasons or to meet the needs*
20 *of the State Police Corps program and only with*
21 *the consent of the participant;*

22 (6) *provide that no participant shall be assigned*
23 *to serve with a local police force—*

24 (A) *whose size has declined by more than 5*
25 *percent since June 21, 1989; or*

1 (B) which has members who have been laid
2 off but not retired;

3 (7) provide that participants shall be placed and
4 to the extent feasible kept on community and preven-
5 tive patrol;

6 (8) ensure that participants will receive effective
7 training and leadership;

8 (9) provide that the State may decline to offer a
9 participant an appointment following completion of
10 Federal training, or may remove a participant from
11 the Police Corps program at any time, only for good
12 cause (including failure to make satisfactory progress
13 in a course of educational study) and after following
14 reasonable review procedures stated in the plan; and

15 (10) provide that a participant shall, while serv-
16 ing as a member of a police force, be compensated at
17 the same rate of pay and benefits and enjoy the same
18 rights under applicable agreements with labor organi-
19 zations and under State and local law as other police
20 officers of the same rank and tenure in the police
21 force of which the participant is a member.

22 **SEC. 1131. ASSISTANCE TO STATES AND LOCALITIES EM-**
23 **PLOYING POLICE CORPS OFFICERS.**

24 Each jurisdiction directly employing Police Corps par-
25 ticipants during the 4-year term of service prescribed by

1 *section 1129 shall receive \$10,000 on account of each such*
2 *participant at the completion of each such year of service,*
3 *but—*

4 *(1) no such payment shall be made on account*
5 *of service in any State or local police force—*

6 *(A) whose average size, in the year for*
7 *which payment is to be made, not counting Po-*
8 *lice Corps participants assigned under section*
9 *106, has declined more than 2 percent since Jan-*
10 *uary 1, 1993; or*

11 *(B) which has members who have been laid*
12 *off but not retired; and*

13 *(2) no such payment shall be made on account*
14 *of any Police Corps participant for years of service*
15 *after the completion of the term of service prescribed*
16 *in section 1129.*

17 **SEC. 1132. AUTHORIZATION OF APPROPRIATIONS.**

18 *There are authorized to be appropriated to carry out*
19 *this chapter—*

20 *(1) \$100,000,000 for fiscal year 1995 and*
21 *\$250,000,000 for fiscal year 1996; and*

22 *(2) such sums as are necessary for each of fiscal*
23 *years 1997, 1998, and 1999.*

1 **SEC. 1133. REPORTS TO CONGRESS.**

2 (a) *IN GENERAL.*—Not later than April 1 of each year,
3 the Director shall submit a report to the Attorney General,
4 the President, the Speaker of the House of Representatives,
5 and the President of the Senate.

6 (b) *CONTENTS.*—A report under subsection (a) shall—

7 (1) state the number of current and past partici-
8 pants in the Police Corps program, broken down ac-
9 cording to the levels of educational study in which
10 they are engaged and years of service they have served
11 on police forces (including service following comple-
12 tion of the 4-year service obligation);

13 (2) describe the geographic, racial, and gender
14 dispersion of participants in the Police Corps pro-
15 gram; and

16 (3) describe the progress of the Police Corps pro-
17 gram and make recommendations for changes in the
18 program.

19 **CHAPTER 2—LAW ENFORCEMENT**

20 **SCHOLARSHIP PROGRAM**

21 **SEC. 1141. SHORT TITLE.**

22 This chapter may be cited as the “Law Enforcement
23 Scholarships and Recruitment Act”.

24 **SEC. 1142. DEFINITIONS.**

25 In this chapter—

1 “Director” means the Director of the Bureau of
2 Justice Assistance.

3 “educational expenses” means expenses that are
4 directly attributable to—

5 (A) a course of education leading to the
6 award of an associate degree;

7 (B) a course of education leading to the
8 award of a baccalaureate degree; or

9 (C) a course of graduate study following
10 award of a baccalaureate degree,

11 including the cost of tuition, fees, books, supplies, and
12 related expenses.

13 “institution of higher education” has the mean-
14 ing stated in the first sentence of section 1201(a) of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1141(a)).

17 “law enforcement position” means employment
18 as an officer in a State or local police force, or correc-
19 tional institution.

20 “State” means a State of the United States, the
21 District of Columbia, the Commonwealth of Puerto
22 Rico, the Virgin Islands of the United States, Amer-
23 ican Samoa, Guam, and the Commonwealth of the
24 Northern Mariana Islands.

1 **SEC. 1143. ALLOTMENT.**

2 *From amounts appropriated under section 1150, the*
3 *Director shall allot—*

4 *(1) 80 percent of such amounts to States on the*
5 *basis of the number of law enforcement officers in*
6 *each State compared to the number of law enforce-*
7 *ment officers in all States; and*

8 *(2) 20 percent of such amounts to States on the*
9 *basis of the shortage of law enforcement personnel and*
10 *the need for assistance under this title in the State*
11 *compared to the shortage of law enforcement personnel*
12 *and the need for assistance under this title in all*
13 *States.*

14 **SEC. 1144. ESTABLISHMENT OF PROGRAM.**

15 *(a) USE OF ALLOTMENT.—*

16 *(1) IN GENERAL.—A State that receives an allot-*
17 *ment pursuant to section 1143 shall use the allotment*
18 *to pay the Federal share of the costs of—*

19 *(A) awarding scholarships to in-service law*
20 *enforcement personnel to enable such personnel to*
21 *seek further education; and*

22 *(B) providing—*

23 *(i) full-time employment in summer;*

24 *or*

1 (ii) *part-time (not to exceed 20 hours*
2 *per week) employment for a period not to*
3 *exceed 1 year.*

4 (2) *EMPLOYMENT.—The employment described*
5 *in paragraph (1)(B)—*

6 (A) *shall be provided by State and local law*
7 *enforcement agencies for students who are juniors*
8 *or seniors in high school or are enrolled in an*
9 *institution of higher education and who dem-*
10 *onstrate an interest in undertaking a career in*
11 *law enforcement;*

12 (B) *shall not be in a law enforcement posi-*
13 *tion; and*

14 (C) *shall consist of performing meaningful*
15 *tasks that inform students of the nature of the*
16 *tasks performed by law enforcement agencies.*

17 (b) *PAYMENTS; FEDERAL SHARE; NON-FEDERAL*
18 *SHARE.—*

19 (1) *PAYMENTS.—The Secretary shall pay to each*
20 *State that receives an allotment under section 1143*
21 *the Federal share of the cost of the activities described*
22 *in the application submitted pursuant to section*
23 *1147.*

24 (2) *FEDERAL SHARE.—The Federal share shall*
25 *not exceed 60 percent.*

1 (3) *NON-FEDERAL SHARE.*—*The non-Federal*
2 *share of the cost of scholarships and student employ-*
3 *ment provided under this chapter shall be supplied*
4 *from sources other than the Federal Government.*

5 (c) *RESPONSIBILITIES OF DIRECTOR.*—*The Director*
6 *shall be responsible for the administration of the programs*
7 *conducted pursuant to this title and shall, in consultation*
8 *with the Assistant Secretary for Postsecondary Education,*
9 *issue rules to implement this title.*

10 (d) *ADMINISTRATIVE EXPENSES.*—*A State that re-*
11 *ceives an allotment under section 1143 may reserve not*
12 *more than 8 percent of the allotment for administrative ex-*
13 *penses.*

14 (e) *SPECIAL RULE.*—*A State that receives an allot-*
15 *ment under section 1143 shall ensure that each scholarship*
16 *recipient under this title be compensated at the same rate*
17 *of pay and benefits and enjoy the same rights under appli-*
18 *cable agreements with labor organizations and under State*
19 *and local law as other law enforcement personnel of the*
20 *same rank and tenure in the office of which the scholarship*
21 *recipient is a member.*

22 (f) *SUPPLEMENTATION OF FUNDING.*—*Funds received*
23 *under this chapter shall only be used to supplement, and*
24 *not to supplant, Federal, State, or local efforts for recruit-*
25 *ment and education of law enforcement personnel.*

1 **SEC. 1145. SCHOLARSHIPS.**

2 (a) *PERIOD OF AWARD.*—Scholarships awarded under
3 this chapter shall be for a period of 1 academic year.

4 (b) *USE OF SCHOLARSHIPS.*—Each individual award-
5 ed a scholarship under this chapter may use the scholarship
6 for educational expenses at an institution of higher edu-
7 cation.

8 **SEC. 1146. ELIGIBILITY.**

9 (a) *SCHOLARSHIPS.*—A person shall be eligible to re-
10 ceive a scholarship under this chapter if the person has been
11 employed in law enforcement for the 2-year period imme-
12 diately preceding the date on which assistance is sought.

13 (b) *INELIGIBILITY FOR STUDENT EMPLOYMENT.*—A
14 person who has been employed as a law enforcement officer
15 is ineligible to participate in a student employment pro-
16 gram carried out under this chapter.

17 **SEC. 1147. STATE APPLICATION.**

18 (a) *IN GENERAL.*—Each State desiring an allotment
19 under section 1143 shall submit an application to the Di-
20 rector at such time, in such manner, and accompanied by
21 such information as the Director may reasonably require.

22 (b) *CONTENTS.*—An application under subsection (a)
23 shall—

24 (1) describe the scholarship program and the stu-
25 dent employment program for which assistance under
26 this title is sought;

1 (2) contain assurances that the lead agency will
2 work in cooperation with the local law enforcement li-
3 aisons, representatives of police labor organizations
4 and police management organizations, and other ap-
5 propriate State and local agencies to develop and im-
6 plement interagency agreements designed to carry out
7 this chapter;

8 (3) contain assurances that the State will adver-
9 tise the scholarship assistance and student employ-
10 ment it will provide under this chapter and that the
11 State will use such programs to enhance recruitment
12 efforts;

13 (4) contain assurances that the State will screen
14 and select law enforcement personnel for participation
15 in the scholarship program under this chapter;

16 (5) contain assurances that under such student
17 employment program the State will screen and select,
18 for participation in such program, students who have
19 an interest in undertaking a career in law
20 enforcement;

21 (6) contain assurances that under such scholar-
22 ship program the State will make scholarship pay-
23 ments to institutions of higher education on behalf of
24 persons who receive scholarships under this chapter;

1 (7) *with respect to such student employment pro-*
2 *gram, identify—*

3 (A) *the employment tasks that students will*
4 *be assigned to perform;*

5 (B) *the compensation that students will be*
6 *paid to perform such tasks; and*

7 (C) *the training that students will receive*
8 *as part of their participation in the program;*

9 (8) *identify model curriculum and existing pro-*
10 *grams designed to meet the educational and profes-*
11 *sional needs of law enforcement personnel; and*

12 (9) *contain assurances that the State will pro-*
13 *mote cooperative agreements with educational and*
14 *law enforcement agencies to enhance law enforcement*
15 *personnel recruitment efforts in institutions of higher*
16 *education.*

17 **SEC. 1148. LOCAL APPLICATION.**

18 (a) *IN GENERAL.*—*A person who desires a scholarship*
19 *or employment under this chapter shall submit an applica-*
20 *tion to the State at such time, in such manner, and accom-*
21 *panied by such information as the State may reasonably*
22 *require.*

23 (b) *CONTENTS.*—*An application under subsection (a)*
24 *shall describe—*

1 (1) *the academic courses for which a scholarship*
2 *is sought; or*

3 (2) *the location and duration of employment*
4 *that is sought.*

5 (c) *PRIORITY.—In awarding scholarships and provid-*
6 *ing student employment under this chapter, each State shall*
7 *give priority to applications from persons who are—*

8 (1) *members of racial, ethnic, or gender groups*
9 *whose representation in the law enforcement agencies*
10 *within the State is substantially less than in the pop-*
11 *ulation eligible for employment in law enforcement in*
12 *the State;*

13 (2) *pursuing an undergraduate degree; and*

14 (3) *not receiving financial assistance under the*
15 *Higher Education Act of 1965.*

16 **SEC. 1149. SCHOLARSHIP AGREEMENT.**

17 (a) *IN GENERAL.—A person who receives a scholarship*
18 *under this chapter shall enter into an agreement with the*
19 *Director.*

20 (b) *CONTENTS.—An agreement described in subsection*
21 *(a) shall—*

22 (1) *provide assurances that the scholarship recip-*
23 *ient will work in a law enforcement position in the*
24 *State that awarded the scholarship in accordance*
25 *with the service obligation described in subsection (c)*

1 *after completion of the scholarship recipient's aca-*
2 *demical courses leading to an associate, bachelor, or*
3 *graduate degree;*

4 *(2) provide assurances that the scholarship recip-*
5 *ient will repay the entire scholarship in accordance*
6 *with such terms and conditions as the Director shall*
7 *prescribe if the requirements of the agreement are not*
8 *complied with, unless the scholarship recipient—*

9 *(A) dies;*

10 *(B) becomes physically or emotionally dis-*
11 *abled, as established by the sworn affidavit of a*
12 *qualified physician; or*

13 *(C) has been discharged in bankruptcy; and*

14 *(3) set forth the terms and conditions under*
15 *which the scholarship recipient may seek employment*
16 *in the field of law enforcement in a State other than*
17 *the State that awarded the scholarship.*

18 *(c) SERVICE OBLIGATION.—*

19 *(1) IN GENERAL.— Except as provided in para-*
20 *graph (2), a person who receives a scholarship under*
21 *this title shall work in a law enforcement position in*
22 *the State that awarded the scholarship for a period*
23 *of 1 month for each credit hour for which funds are*
24 *received under the scholarship.*

1 (2) *SPECIAL RULE.*—For purposes of satisfying
2 the requirement of paragraph (1), a scholarship recip-
3 ient shall work in a law enforcement position in the
4 State that awarded the scholarship for not less than
5 6 months but shall not be required to work in such
6 a position for more than 2 years.

7 **SEC. 1150. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) *GENERAL AUTHORIZATION OF APPROPRIATIONS.*—
9 There are authorized to be appropriated to carry out this
10 chapter \$30,000,000 for each of fiscal years 1995, 1996,
11 1997, 1998, and 1999.

12 (b) *USES OF FUNDS.*—Of the funds appropriated
13 under subsection (a) for a fiscal year—

14 (1) 80 percent shall be available to provide schol-
15 arships described in section 1144(a)(1)(A); and

16 (2) 20 percent shall be available to provide em-
17 ployment described in sections 1144(a)(1)(B) and
18 1144(a)(2).

19 **TITLE XII—DRUG COURT**
20 **PROGRAMS**

21 **SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.**

22 (a) *APPLICATION.*—The Attorney General may estab-
23 lish a unified or coordinated process for applying for grants
24 under parts T, U, and V of title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968, as added by this title.

1 *In addition to any other requirements that may be specified*
2 *by the Attorney General, an application for a grant under*
3 *any provision of this title shall—*

4 (1) *include a long-term strategy and detailed im-*
5 *plementation plan;*

6 (2) *explain the applicant's inability to fund the*
7 *program adequately without Federal assistance;*

8 (3) *certify that the Federal support provided will*
9 *be used to supplement, and not supplant, State and*
10 *local sources of funding that would otherwise be avail-*
11 *able;*

12 (4) *identify related governmental and commu-*
13 *nity initiatives which complement or will be coordi-*
14 *nated with the proposal;*

15 (5) *certify that there has been appropriate co-*
16 *ordination with all affected agencies;*

17 (6) *specify plans for obtaining necessary support*
18 *and continuing the proposed program following the*
19 *conclusion of Federal support; and*

20 (7) *certify that no violent offenders will be eligi-*
21 *ble or allowed to participate in the program author-*
22 *ized under part U.*

23 (b) *REGULATORY AUTHORITY.—*

24 (1) *IN GENERAL.—The Attorney General shall*
25 *issue regulations and guidelines to carry out the pro-*

1 *grams authorized by this title, including specifica-*
2 *tions concerning application requirements, selection*
3 *criteria, duration and renewal of grants, evaluation*
4 *requirements, matching funds, limitation of adminis-*
5 *trative expenses, submission of reports by grantees,*
6 *recordkeeping by grantees, and access to books,*
7 *records, and documents maintained by grantees or*
8 *other persons for purposes of audit or examination.*

9 (2) *PROHIBITION OF PARTICIPATION BY VIOLENT*
10 *OFFENDERS.—The Attorney General shall—*

11 (A) *issue regulations and guidelines to en-*
12 *sure that the programs authorized under part U*
13 *of this title do not permit participation by vio-*
14 *lent offenders; and*

15 (B) *immediately suspend funding for any*
16 *grant under this title if the Attorney General*
17 *finds that violent offenders are participating in*
18 *any program funded under part U.*

19 (c) *TECHNICAL ASSISTANCE AND EVALUATION.—The*
20 *Attorney General may provide technical assistance to*
21 *grantees under the programs authorized by this title. The*
22 *Attorney General may carry out, or arrange by grant or*
23 *contract or otherwise for the carrying out of, evaluations*
24 *or programs receiving assistance under the programs au-*
25 *thorized by this title, in addition to any evaluations that*

1 grantees may be required to carry out pursuant to sub-
2 section (b).

3 (d) *USE OF COMPONENTS.*—The Attorney General
4 may utilize any component or components of the Depart-
5 ment of Justice in carrying out this section or other provi-
6 sions of this title, or in coordinating activities under the
7 programs authorized by this title.

8 (e) *GAO STUDY.*—

9 (1) *IN GENERAL.*—The Comptroller General of
10 the United States shall study and assess the effective-
11 ness and impact of grants authorized by this title and
12 report to Congress the results of the study on or before
13 January 1, 1997.

14 (2) *DOCUMENTS AND INFORMATION.*—The Attor-
15 ney General and grant recipients shall provide the
16 Comptroller General with all relevant documents and
17 information that the Comptroller General deems nec-
18 essary to conduct the study under paragraph (1), in-
19 cluding the identities and criminal records of pro-
20 gram participants.

21 (3) *CRITERIA.*—In assessing the effectiveness of
22 the grants made under programs authorized by this
23 title, the Comptroller General shall consider, among
24 other things—

1 (A) *recidivism rates of program partici-*
2 *pants;*

3 (B) *completion rates among program par-*
4 *ticipants;*

5 (C) *drug use by program participants; and*

6 (D) *the costs of the program to the criminal*
7 *justice system.*

8 (f) *DEFINITION.—In this title, “violent offender”*
9 *means a person charged with or convicted of an offense (or*
10 *charged with or adjudicated as a delinquent by reason of*
11 *conduct that, if engaged in by an adult would constitute*
12 *an offense), during the course of which offense or conduct—*

13 (1) *the person carried, possessed, or used a fire-*
14 *arm or dangerous weapon;*

15 (2) *there occurred the death of or serious bodily*
16 *injury to any person; or*

17 (3) *there occurred the use of force against the*
18 *person of another*

19 *without regard to whether any of the circumstances de-*
20 *scribed in paragraph (1), (2), or (3) is an element of the*
21 *offense or conduct of which or for which the person is*
22 *charged, convicted, or adjudicated as a delinquent.*

1 **SEC. 1202. DRUG TESTING UPON ARREST.**

2 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
3 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
4 as amended by section 1101(a), is amended—

5 (1) by redesignating part T as part U;

6 (2) by redesignating section 2001 as section
7 2101; and

8 (3) by inserting after part S the following new
9 part:

10 **“PART T—DRUG TESTING UPON ARREST**

11 **“SEC. 2001. GRANT AUTHORIZATION.**

12 “The Director of the Bureau of Justice Assistance may
13 make grants under this part to States, for the use by States
14 and units of local government in the States, for the purpose
15 of developing, implementing, or continuing a drug testing
16 project when individuals are arrested, during the pretrial
17 period or during participation in any pre- or post-convic-
18 tion diversion program.

19 **“SEC. 2002. STATE APPLICATIONS.**

20 “(a) *GENERAL REQUIREMENTS.*—To request a grant
21 under this part the chief executive of a State shall submit
22 an application to the Director in such form and containing
23 such information as the Director may reasonably require.

24 “(b) *MANDATORY ASSURANCES.*—To be eligible to re-
25 ceive funds under this part, a State shall agree to develop
26 or maintain programs of urinalysis or similar drug testing

1 *of individuals upon arrest during the pretrial period, or*
2 *during participation in any pre- or post-conviction diver-*
3 *sion program.*

4 “(c) *CENTRAL OFFICE.*—*The office designated under*
5 *section 507—*

6 “(1) *shall prepare the application as required*
7 *under subsection (a); and*

8 “(2) *shall administer grant funds received under*
9 *this part, including, review of spending, processing,*
10 *progress, financial reporting, technical assistance,*
11 *grant adjustments, accounting, auditing, and fund*
12 *disbursement.*

13 **“SEC. 2003. LOCAL APPLICATIONS.**

14 “(a) *IN GENERAL.*—(1) *To request funds under this*
15 *part from a State, the chief executive of a unit of local gov-*
16 *ernment shall submit an application to the office designated*
17 *under section 2002(c).*

18 “(2) *An application under paragraph (1) shall be con-*
19 *sidered approved, in whole or in part, by the State not later*
20 *than 90 days after such application is first received unless*
21 *the State informs the applicant in writing of specific rea-*
22 *sons for disapproval.*

23 “(3) *The State shall not disapprove any application*
24 *submitted to the State without first affording the applicant*
25 *reasonable notice and an opportunity for reconsideration.*

1 “(4) *If such application is approved, the unit of local*
2 *government is eligible to receive such funds.*

3 “(b) *DISTRIBUTION TO UNITS OF LOCAL GOVERN-*
4 *MENT.—A State that receives funds under section 2001 in*
5 *a fiscal year shall make such funds available to units of*
6 *local government with an application that has been submit-*
7 *ted and approved by the State within 90 days after the Bu-*
8 *reau has approved the application submitted by the State*
9 *and has made funds available to the State. The Director*
10 *shall have the authority to waive the 90-day requirement*
11 *in this section upon a finding that the State is unable to*
12 *satisfy such requirement under State statutes.*

13 **“SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14 “(a) *STATE DISTRIBUTION.—Of the total amount ap-*
15 *propriated under this part in any fiscal year—*

16 “(1) *0.4 percent shall be allocated to each of the*
17 *participating States; and*

18 “(2) *of the total funds remaining after the allo-*
19 *cation under paragraph (1), there shall be allocated*
20 *to each of the participating States an amount which*
21 *bears the same ratio to the amount of remaining*
22 *funds described in this paragraph as the number of*
23 *individuals arrested in such State bears to the num-*
24 *ber of individuals arrested in all the participating*
25 *States.*

1 “(b) *LOCAL DISTRIBUTION.*—(1) *A State that receives*
2 *funds under this part in a fiscal year shall distribute to*
3 *units of local government in such State the portion of such*
4 *funds that bears the same ratio to the aggregate amount*
5 *of such funds as the amount of funds expended by all units*
6 *of local government for criminal justice in the preceding*
7 *fiscal year bears to the aggregate amount of funds expended*
8 *by the State and all units of local government in the State*
9 *for criminal justice in the preceding fiscal year.*

10 “(2) *Any funds not distributed to units of local govern-*
11 *ment under paragraph (1) shall be available for expenditure*
12 *by such State for purposes specified in such State’s applica-*
13 *tion.*

14 “(3) *If the Director determines, on the basis of infor-*
15 *mation available during any fiscal year, that a portion of*
16 *the funds allocated to a State for such fiscal year will not*
17 *be used by such State or that a State is not eligible to re-*
18 *ceive funds under section 2001, the Director shall award*
19 *such funds to units of local government in such State giving*
20 *priority to the units of local government that the Director*
21 *considers to have the greatest need.*

22 “(c) *FEDERAL SHARE.*—*The Federal share of a grant*
23 *made under this part may not exceed 75 percent of the total*
24 *costs of the projects described in the application submitted*

1 under section 2002 for the fiscal year for which the projects
2 receive assistance under this part.

3 “(d) *GEOGRAPHIC DISTRIBUTION.*—The Director shall
4 attempt, to the extent practicable, to achieve an equitable
5 geographic distribution of grant awards.

6 **“SEC. 2005. REPORT.**

7 “A State or unit of local government that receives
8 funds under this part shall submit to the Director a report
9 in March of each fiscal year that funds are received under
10 this part regarding the effectiveness of the drug testing
11 project.”

12 (b) *TECHNICAL AMENDMENT.*—The table of contents of
13 title I of the Omnibus Crime Control and Safe Streets Act
14 of 1968 (42 U.S.C. 3711 et seq.), as amended by section
15 1101(b), is amended by striking the matter relating to part
16 T and inserting the following:

“PART T—DRUG TESTING UPON ARREST

“Sec. 2001. Grant authorization.

“Sec. 2002. State applications.

“Sec. 2003. Local applications.

“Sec. 2004. Allocation and distribution of funds.

“Sec. 2005. Report.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”

17 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
18 1001(a) of the Omnibus Crime Control and Safe Streets Act
19 of 1968 (42 U.S.C. 3793), as amended by section 1101(c),
20 is amended—

1 (1) in paragraph (3) by striking “and S” and
2 inserting “S, and T”; and

3 (2) by adding at the end the following new para-
4 graph:

5 “(14) There are authorized to be appropriated to carry
6 out the projects under part T \$100,000,000 for each of fiscal
7 years 1995, 1996, and 1997.”.

8 **SEC. 1203. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**
9 **FENDERS.**

10 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
11 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
12 as amended by section 1202(a), is amended—

13 (1) by redesignating part U as part V;

14 (2) by redesignating section 2101 as section
15 2201; and

16 (3) by inserting after part T the following new
17 part:

18 **“PART U—ALTERNATIVE PUNISHMENTS FOR**
19 **YOUNG NONVIOLENT OFFENDERS**

20 **“SEC. 2101. GRANT AUTHORIZATION.**

21 “(a) *IN GENERAL.*—The Director of the Bureau of Jus-
22 tice Assistance (referred to in this part as the ‘Director’)
23 may make grants under this part to States, for the use by
24 States and units of local government in the States, for the
25 purpose of developing alternative methods of punishment for

1 *young nonviolent offenders to traditional forms of incarcer-*
2 *ation and probation.*

3 “(b) *ALTERNATIVE METHODS.—The alternative meth-*
4 *ods of punishment referred to in subsection (a) should en-*
5 *sure certainty of punishment for young nonviolent offenders*
6 *and promote reduced recidivism, crime prevention, and as-*
7 *sistance to victims, particularly for young nonviolent of-*
8 *fenders who can be punished more effectively in an environ-*
9 *ment other than a traditional correctional facility, includ-*
10 *ing—*

11 “(1) *alternative sanctions that create account-*
12 *ability and certainty of punishment for young non-*
13 *violent offenders;*

14 “(2) *boot camp prison programs that provide as-*
15 *surances that appropriate aftercare services (such as*
16 *educational and job training programs, drug counsel-*
17 *ing or treatment, parole or other post-release super-*
18 *vision programs, halfway house programs, job place-*
19 *ment programs, and participation in self-help and*
20 *peer group programs) will be made available;*

21 “(3) *technical training and support for the im-*
22 *plementation and maintenance of State and local res-*
23 *titution programs for young non-violent offenders;*

24 “(4) *innovative projects;*

1 “(5) *correctional options, such as community-*
2 *based incarceration, weekend incarceration, and elec-*
3 *tric monitoring of offenders;*

4 “(6) *community service programs that provide*
5 *work service placement for young non-violent offend-*
6 *ers at nonprofit, private organizations and commu-*
7 *nity organizations;*

8 “(7) *demonstration restitution projects that are*
9 *evaluated for effectiveness; and*

10 “(8) *innovative methods that address the prob-*
11 *lems of young non-violent offenders convicted of seri-*
12 *ous substance abuse, including alcohol abuse, and*
13 *gang-related offenses, including technical assistance*
14 *and training to counsel and treat such offenders.*

15 **“SEC. 2102. STATE APPLICATIONS.**

16 “(a) *IN GENERAL.—To request a grant under this*
17 *part, the chief executive of a State shall submit an applica-*
18 *tion to the Director in such form and containing such infor-*
19 *mation as the Director may reasonably require.*

20 “(b) *ASSURANCES.—An application under subsection*
21 *(a) shall include assurances that Federal funds received*
22 *under this part shall be used to supplement, not supplant,*
23 *non-Federal funds that would otherwise be available for ac-*
24 *tivities funded under this part.*

1 “(c) *STATE OFFICE.*—*The office designated under sec-*
2 *tion 507 shall—*

3 “(1) *prepare the application as required under*
4 *subsection (a); and*

5 “(2) *administer grant funds received under this*
6 *part, including review of spending, processing,*
7 *progress, financial reporting, technical assistance,*
8 *grant adjustments, accounting, auditing, and fund*
9 *disbursement.*

10 **“SEC. 2103. REVIEW OF STATE APPLICATIONS.**

11 “(a) *IN GENERAL.*—*The Director shall make a grant*
12 *under section 2101(a) to carry out the projects described*
13 *in the application submitted by an applicant under section*
14 *2102 upon determining that—*

15 “(1) *the application is consistent with the re-*
16 *quirements of this part; and*

17 “(2) *before the approval of the application, the*
18 *Director has made an affirmative finding in writing*
19 *that the proposed project has been reviewed in accord-*
20 *ance with this part.*

21 “(b) *APPROVAL.*—*An application submitted under sec-*
22 *tion 2102 shall be considered approved, in whole or in part,*
23 *by the Director not later than 45 days after it is first re-*
24 *ceived unless the Director informs the applicant of specific*
25 *reasons for disapproval.*

1 “(c) *RESTRICTION.*—Grant funds received under this
2 part shall not be used for land acquisition or construction
3 projects other than alternative facilities described in section
4 2101(b) for young non-violent offenders.

5 “(d) *DISAPPROVAL NOTICE AND RECONSIDERATION.*—
6 The Director shall not disapprove any application without
7 first affording the applicant reasonable notice and an op-
8 portunity for reconsideration.

9 “**SEC. 2104. LOCAL APPLICATIONS.**

10 “(a) *IN GENERAL.*—To request funds under this part
11 from a State, the chief executive of a unit of local govern-
12 ment shall submit an application to the office designated
13 under section 507.

14 “(b) *APPROVAL.*—An application under paragraph (1)
15 shall be considered approved, in whole or in part, by the
16 State not later than 90 days after the application is first
17 received unless the State informs the applicant in writing
18 of specific reasons for disapproval.

19 “(c) *DISAPPROVAL.*—The State shall not disapprove
20 any application submitted to the State without first afford-
21 ing the applicant reasonable notice and an opportunity for
22 reconsideration.

23 “(d) *EFFECT OF APPROVAL.*—If an application under
24 paragraph (1) is approved, the unit of local government is
25 eligible to receive the requested funds.

1 “(e) *DISTRIBUTION TO UNITS OF LOCAL GOVERN-*
2 *MENT.*—

3 “(1) *IN GENERAL.*—A State that receives funds
4 under section 2101 in a fiscal year shall make such
5 funds available to units of local government with an
6 application that has been submitted and approved by
7 the State within 90 days after the Director has ap-
8 proved the application submitted by the State and
9 has made funds available to the State.

10 “(2) *WAIVER.*—The Director may waive the 90-
11 day requirement of paragraph (1) upon a finding
12 that the State is unable to satisfy the requirement
13 under State statutes.

14 **“SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.**

15 “(a) *STATE DISTRIBUTION.*—Of the total amount ap-
16 propriated under this part in any fiscal year—

17 “(1) 0.4 percent shall be allocated to each of the
18 participating States; and

19 “(2) of the total funds remaining after the allo-
20 cation under paragraph (1), there shall be allocated
21 to each of the participating States an amount that
22 bears the same ratio to the amount of remaining
23 funds described in this paragraph as the number of
24 young non-violent offenders of the State bears to the

1 *number of young non-violent offenders in all the par-*
2 *ticipating States.*

3 “(b) *LOCAL DISTRIBUTION.*—

4 “(1) *IN GENERAL.*—A State that receives funds
5 under this part in a fiscal year shall distribute to
6 units of local government in the State for the pur-
7 poses specified in section 2101 the portion of such
8 funds that bears the same ratio to the aggregate
9 amount of such funds as the amount of funds ex-
10 pended by all units of local government for criminal
11 justice in the preceding fiscal year bears to the aggre-
12 gate amount of funds expended by the State and all
13 units of local government in the State for criminal
14 justice in such preceding fiscal year.

15 “(2) *UNDISTRIBUTED FUNDS.*—Any funds not
16 distributed to units of local government under para-
17 graph (1) shall be available for expenditure by the
18 State for purposes specified in section 2101.

19 “(3) *AWARD OF FUNDS BY THE DIRECTOR.*—If
20 the Director determines, on the basis of information
21 available during any fiscal year, that a portion of the
22 funds allocated to a State for a fiscal year will not
23 be used by the State or that a State is not eligible to
24 receive funds under section 2101, the Director shall
25 award such funds to units of local government in the

1 *State, giving priority to the units of local government*
2 *that the Director considers to have the greatest need.*

3 “(c) *FEDERAL SHARE.*—*The Federal share of a grant*
4 *made under this part may not exceed 75 percent of the total*
5 *costs of the projects described in the application submitted*
6 *under section 2102(a) for the fiscal year for which the*
7 *projects receive assistance under this part.*

8 “(d) *GEOGRAPHIC DISTRIBUTION.*—*The Director shall*
9 *attempt, to the extent practicable, to achieve an equitable*
10 *geographic distribution of grant awards.*

11 **“SEC. 2106. EVALUATION.**

12 “(a) *SUBMISSION.*—

13 “(1) *IN GENERAL.*—*Each State and local unit of*
14 *government that receives a grant under this part shall*
15 *submit to the Director an evaluation not later than*
16 *March 1 of each year in accordance with guidelines*
17 *issued by the Director and in consultation with the*
18 *National Institute of Justice.*

19 “(2) *WAIVER.*—*The Director may waive the re-*
20 *quirement specified in paragraph (1) if the Director*
21 *determines that an evaluation is not warranted in the*
22 *case of a particular State or unit of local government.*

23 “(b) *DISTRIBUTION.*—*The Director shall make avail-*
24 *able to the public on a timely basis evaluations received*
25 *under subsection (a).*

1 “(c) *ADMINISTRATIVE COSTS.*—A State and local unit
2 of government may use not more than 5 percent of funds
3 it receives under this part to develop an evaluation program
4 under this section.”.

5 (b) *TECHNICAL AMENDMENT.*—The table of contents of
6 title I of the Omnibus Crime Control and Safe Streets Act
7 of 1968 (42 U.S.C. 3711 et seq.), as amended by section
8 1202(b), is amended by striking the matter relating to part
9 U and inserting the following:

“PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG NON-VIOLENT OFFENDERS

“Sec. 2101. Grant authorization.

“Sec. 2102. State applications.

“Sec. 2103. Review of State applications.

“Sec. 2104. Local applications.

“Sec. 2105. Allocation and distribution of funds.

“Sec. 2106. Evaluation.

“PART V—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2201. Continuation of rules, authorities, and proceedings.”.

10 (c) *DEFINITION.*—Section 901(a) of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
12 3791(a)) is amended by adding at the end the following
13 new paragraph:

14 “(24) ‘young non-violent offender’ means a non-
15 violent first-time offender or non-violent offender with
16 a minor criminal record who is 25 years of age or
17 younger.”.

18 (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section
19 1001(a) of title I of the Omnibus Crime Control and Safe

1 *Streets Act of 1968 (42 U.S.C. 3793), as amended by section*
2 *1202(c), is amended—*

3 *(1) in paragraph (3) by striking “and T” and*
4 *inserting “T, and U”; and*

5 *(2) by adding at the end the following new para-*
6 *graph:*

7 *“(15) There are authorized to be appropriated to carry*
8 *out the projects under part U \$200,000,000 for each of fiscal*
9 *years 1995, 1996, and 1997.”.*

10 ***SEC. 1204. RESIDENTIAL SUBSTANCE ABUSE TREATMENT***
11 ***FOR PRISONERS.***

12 *(a) IN GENERAL.—Title I of the Omnibus Crime Con-*
13 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*
14 *as amended by section 1203(a), is amended—*

15 *(1) by redesignating part V as part W;*

16 *(2) by redesignating section 2201 as section*
17 *2301; and*

18 *(3) by inserting after part U the following new*
19 *part:*

20 ***“PART V—RESIDENTIAL SUBSTANCE ABUSE***
21 ***TREATMENT FOR PRISONERS***

22 ***“SEC. 2201. GRANT AUTHORIZATION.***

23 *“The Director of the Bureau of Justice Assistance (re-*
24 *ferred to in this part as the ‘Director’) may make grants*
25 *under this part to States, for the use by States for the pur-*

1 *pose of developing and implementing residential substance*
2 *abuse treatment programs within State correctional facili-*
3 *ties, including residential substance abuse treatment pro-*
4 *grams for offenders who violate the terms of any post-con-*
5 *viction diversion program and who are committed to State*
6 *correctional facilities.*

7 ***“SEC. 2202. STATE APPLICATIONS.***

8 *“(a) IN GENERAL.—(1) To request a grant under this*
9 *part the chief executive of a State shall submit an applica-*
10 *tion to the Director in such form and containing such infor-*
11 *mation as the Director may reasonably require.*

12 *“(2) Such application shall include assurances that*
13 *Federal funds received under this part shall be used to sup-*
14 *plement, not supplant, non-Federal funds that would other-*
15 *wise be available for activities funded under this part.*

16 *“(3) Such application shall coordinate the design and*
17 *implementation of treatment programs between State cor-*
18 *rectional representatives and the State alcohol and drug*
19 *abuse agency.*

20 *“(b) DRUG TESTING REQUIREMENT.—To be eligible to*
21 *receive funds under this part, a State must agree to imple-*
22 *ment or continue to require urinalysis or similar testing*
23 *of individuals in correctional residential substance abuse*
24 *treatment programs. Such testing shall include individuals*

1 *released from residential substance abuse treatment pro-*
2 *grams who remain in the custody of the State.*

3 “(c) *ELIGIBILITY FOR PREFERENCE WITH AFTER*
4 *CARE COMPONENT.*—

5 “(1) *To be eligible for a preference under this*
6 *part, a State must ensure that individuals who par-*
7 *ticipate in the drug treatment program established or*
8 *implemented with assistance provided under this part*
9 *will be provided with aftercare services.*

10 “(2) *State aftercare services must involve the co-*
11 *ordination of the prison treatment program with*
12 *other human service and rehabilitation programs,*
13 *such as educational and job training programs, pa-*
14 *role supervision programs, half-way house programs,*
15 *and participation in self-help and peer group pro-*
16 *grams, that may aid in the rehabilitation of individ-*
17 *uals in the drug treatment program.*

18 “(3) *To qualify as an aftercare program, the*
19 *head of the drug treatment program, in conjunction*
20 *with State and local authorities and organizations*
21 *involved in drug treatment, shall assist in placement*
22 *of drug treatment program participants with appro-*
23 *prate community drug treatment facilities when such*
24 *individuals leave prison at the end of a sentence or*
25 *on parole.*

1 “(d) *STATE OFFICE.*—*The office designated under sec-*
2 *tion 507—*

3 “(1) *shall prepare the application as required*
4 *under this section; and*

5 “(2) *shall administer grant funds received under*
6 *this part, including, review of spending, processing,*
7 *progress, financial reporting, technical assistance,*
8 *grant adjustments, accounting, auditing, and fund*
9 *disbursement.*

10 **“SEC. 2203. REVIEW OF STATE APPLICATIONS.**

11 “(a) *IN GENERAL.*—*The Bureau shall make a grant*
12 *under section 2201 to carry out the projects described in*
13 *the application submitted under section 2202 upon deter-*
14 *mining that—*

15 “(1) *the application is consistent with the re-*
16 *quirements of this part; and*

17 “(2) *before the approval of the application the*
18 *Bureau has made an affirmative finding in writing*
19 *that the proposed project has been reviewed in accord-*
20 *ance with this part.*

21 “(b) *APPROVAL.*—*Each application submitted under*
22 *section 2202 shall be considered approved, in whole or in*
23 *part, by the Bureau not later than 90 days after first re-*
24 *ceived unless the Bureau informs the applicant of specific*
25 *reasons for disapproval.*

1 “(c) *RESTRICTION.*—Grant funds received under this
2 part shall not be used for land acquisition or construction
3 projects.

4 “(d) *DISAPPROVAL NOTICE AND RECONSIDERATION.*—
5 The Bureau shall not disapprove any application without
6 first affording the applicant reasonable notice and an op-
7 portunity for reconsideration.

8 “**SEC. 2204. ALLOCATION AND DISTRIBUTION OF FUNDS.**

9 “(a) *ALLOCATION.*—Of the total amount appropriated
10 under this part in any fiscal year—

11 “(1) 0.4 percent shall be allocated to each of the
12 participating States; and

13 “(2) of the total funds remaining after the allo-
14 cation under paragraph (1), there shall be allocated
15 to each of the participating States an amount that
16 bears the same ratio to the amount of remaining
17 funds described in this paragraph as the State prison
18 population of the State bears to the total prison popu-
19 lation of all of the participating States.

20 “(b) *FEDERAL SHARE.*—The Federal share of a grant
21 made under this part may not exceed 75 percent of the total
22 costs of the projects described in the application submitted
23 under section 2202 for the fiscal year for which the projects
24 receive assistance under this part.

1 **“SEC. 2205. EVALUATION.**

2 *“Each State that receives a grant under this part shall*
 3 *submit to the Director an evaluation not later than March*
 4 *1 of each year in such form and containing such informa-*
 5 *tion as the Director may reasonably require.”.*

6 **(b) TECHNICAL AMENDMENT.**—*The table of contents of*
 7 *title I of the Omnibus Crime Control and Safe Streets Act*
 8 *of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
 9 *1203(b), is amended by striking the matter relating to part*
 10 *V and inserting the following:*

“PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 2201. Grant authorization.

“Sec. 2202. State applications.

“Sec. 2203. Review of State applications.

“Sec. 2204. Allocation and distribution of funds.

“Sec. 2205. Evaluation.

“PART W—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2301. Continuation of rules, authorities, and proceedings.”.

11 **(c) DEFINITIONS.**—*Section 901(a) of the Omnibus*
 12 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
 13 *3791(a)), as amended by section 2102(c), is amended by*
 14 *adding at the end the following new paragraph:*

15 *“(25) ‘residential substance abuse treatment pro-*
 16 *gram’ means a course of individual and group activi-*
 17 *ties, lasting between 6 and 12 months, in residential*
 18 *treatment facilities set apart from the general prison*
 19 *population—*

20 *“(A) directed at the substance abuse prob-*
 21 *lems of the prisoner; and*

1 “(B) intended to develop the prisoner’s cog-
2 nitive, behavioral, social, vocational, and other
3 skills so as to solve the prisoner’s substance abuse
4 and related problems.”.

5 (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section
6 1001(a) of title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (42 U.S.C. 3793), as amended by section
8 1202(d), is amended—

9 (1) in paragraph (3) by striking “and U” and
10 inserting “U, and V”; and

11 (2) by adding at the end the following new para-
12 graph:

13 “(16) There are authorized to be appropriated to carry
14 out projects under part V \$100,000,000 for each of fiscal
15 years 1995, 1996, and 1997.”.

16 **TITLE XIII—PRISONS**
17 **Subtitle A—Federal Prisons**

18 **SEC. 1301. PRISONER’S PLACE OF IMPRISONMENT.**

19 Paragraph (b) of section 3621 of title 18, United States
20 Code, is amended by inserting after subsection (5) the fol-
21 lowing: “In designating the place of imprisonment or mak-
22 ing transfers under this subsection, there shall be no favor-
23 itism given to prisoners of high social or economic status.”.

1 **SEC. 1302. PRISON IMPACT ASSESSMENTS.**

2 (a) *IN GENERAL.*—Chapter 303 of title 18, United
3 States Code, is amended by adding at the end the following
4 new section:

5 **“§ 4047. Prison impact assessments**

6 “(a) Any submission of legislation by the Judicial or
7 Executive branch which could increase or decrease the num-
8 ber of persons incarcerated or in Federal penal institutions
9 shall be accompanied by a prison impact statement, as de-
10 fined in subsection (b) of this section.

11 “(b) The Attorney General shall, in consultation with
12 the Sentencing Commission and the Administrative Office
13 of the United States Courts, prepare and furnish prison im-
14 pact assessments under subsection (c) of this section, and
15 in response to requests from Congress for information relat-
16 ing to a pending measure or matter that might affect the
17 number of defendants processed through the Federal crimi-
18 nal justice system. A prison impact assessment on pending
19 legislation must be supplied within 14 days of any request.
20 A prison impact assessment shall include—

21 “(1) projections of the impact on prison, proba-
22 tion, and post prison supervision populations;

23 “(2) an estimate of the fiscal impact of such pop-
24 ulation changes on Federal expenditures, including
25 those for construction and operation of correctional

1 *facilities for the current fiscal year and 5 succeeding*
2 *fiscal years;*

3 *“(3) an analysis of any other significant factor*
4 *affecting the cost of the measure and its impact on the*
5 *operations of components of the criminal justice sys-*
6 *tem; and*

7 *“(4) a statement of the methodologies and as-*
8 *sumptions utilized in preparing the assessment.*

9 *“(c) The Attorney General shall prepare and transmit*
10 *to the Congress, by March 1 of each year, a prison impact*
11 *assessment reflecting the cumulative effect of all relevant*
12 *changes in the law taking effect during the preceding cal-*
13 *endar year.”.*

14 (b) *TECHNICAL AMENDMENT.*—*The chapter analysis*
15 *for chapter 303 is amended by adding at the end the follow-*
16 *ing new item:*

“4047. Prison impact assessments.”.

17 ***SEC. 1303. FEDERAL PRISONER DRUG TESTING.***

18 (a) *SHORT TITLE.*—*This title may be cited as the*
19 *“Federal Prisoner Drug Testing Act of 1993”.*

20 (b) *DRUG TESTING PROGRAM.*—(1) *Chapter 229 of*
21 *title 18, United States Code, is amended by adding at the*
22 *end the following new section:*

1 **“§ 3608. Drug testing of Federal offenders on post-con-**
2 **viction release**

3 *“The Director of the Administrative Office of the Unit-*
4 *ed States Courts, in consultation with the Attorney General*
5 *and the Secretary of Health and Human Services, shall,*
6 *subject to the availability of appropriations, establish a pro-*
7 *gram of drug testing of Federal offenders on post-conviction*
8 *release. The program shall include such standards and*
9 *guidelines as the Director may determine necessary to en-*
10 *sure the reliability and accuracy of the drug testing pro-*
11 *grams. In each judicial district the chief probation officer*
12 *shall arrange for the drug testing of defendants on post-*
13 *conviction release pursuant to a conviction for a felony or*
14 *other offense described in section 3563(a)(4) of this title.*
15 *There are authorized to be appropriated for each fiscal year*
16 *such sums as are necessary to carry out this section.”.*

17 (2) *The table of sections at the beginning of chapter*
18 *229 of title 18, United States Code, is amended by adding*
19 *at the end the following:*

“3608. Drug testing of Federal offenders on post-conviction release.”.

20 (c) *CONDITIONS OF PROBATION.—Section 3563(a) of*
21 *title 18, United States Code, is amended—*

22 (1) *in paragraph (2) by striking “and” after the*
23 *semicolon;*

24 (2) *in paragraph (3) by striking the period and*
25 *inserting “; and”;*

1 (3) by adding at the end the following new para-
2 graph:

3 “(4) for a felony, a misdemeanor, or an infrac-
4 tion, that the defendant refrain from any unlawful
5 use of a controlled substance and submit to one drug
6 test within 15 days of release on probation and at
7 least 2 periodic drug tests thereafter (as determined
8 by the court) for use of a controlled substance, but the
9 condition stated in this paragraph may be amelio-
10 rated or suspended by the court for any individual
11 defendant if the defendant’s presentence report or
12 other reliable sentencing information indicates a low
13 risk of future substance abuse by the defendant.”; and

14 (4) by adding at the end the following: “The re-
15 sults of a drug test administered in accordance with
16 paragraph (4) shall be subject to confirmation only if
17 the results are positive, the defendant is subject to
18 possible imprisonment for such failure, and either the
19 defendant denies the accuracy of such test or there is
20 some other reason to question the results of the test.
21 A defendant who tests positive may be detained pend-
22 ing verification of a positive drug test result. A drug
23 test confirmation shall be a urine drug test confirmed
24 using gas chromatography/mass spectrometry tech-
25 niques or such test as the Director of the Administra-

1 *tive Office of the United States Courts after consulta-*
2 *tion with the Secretary of Health and Human Serv-*
3 *ices may determine to be of equivalent accuracy. Not-*
4 *withstanding the requirements of section 3565(b), the*
5 *court shall consider the availability of appropriate*
6 *substance abuse treatment programs when considering*
7 *any action against a defendant who fails a drug test*
8 *administered in accordance with paragraph (4).”.*

9 *(d) CONDITIONS ON SUPERVISED RELEASE.—Section*
10 *3583(d) of title 18, United States Code, is amended by in-*
11 *serting after the first sentence the following: “The court*
12 *shall also order, as an explicit condition of supervised re-*
13 *lease, that the defendant refrain from any unlawful use of*
14 *a controlled substance and submit to a drug test within 15*
15 *days of release on supervised release and at least 2 periodic*
16 *drug tests thereafter (as determined by the court) for use*
17 *of a controlled substance. The condition stated in the pre-*
18 *ceding sentence may be ameliorated or suspended by the*
19 *court as provided in section 3563(a)(4). The results of a*
20 *drug test administered in accordance with the preceding*
21 *subsection shall be subject to confirmation only if the results*
22 *are positive, the defendant is subject to possible imprison-*
23 *ment for such failure, and either the defendant denies the*
24 *accuracy of such test or there is some other reason to ques-*
25 *tion the results of the test. A drug test confirmation shall*

1 *be a urine drug test confirmed using gas chromatography/
2 mass spectrometry techniques or such test as the Director
3 of the Administrative Office of the United States Courts
4 after consultation with the Secretary of Health and Human
5 Services may determine to be of equivalent accuracy. Not-
6 withstanding the requirements of section 3583(g), the court
7 shall consider the availability of appropriate substance
8 abuse treatment programs when considering any action
9 against a defendant who fails a drug test.”.*

10 *(e) CONDITIONS OF PAROLE.—Section 4209(a) of title
11 18, United States Code, is amended by inserting after the
12 first sentence the following: “In every case, the Commission
13 shall also impose as a condition of parole that the parolee
14 pass a drug test prior to release and refrain from any un-
15 lawful use of a controlled substance and submit to at least
16 2 periodic drug tests (as determined by the Commission)
17 for use of a controlled substance. The condition stated in
18 the preceding sentence may be ameliorated or suspended by
19 the Commission for any individual parolee if it determines
20 that there is good cause for doing so. The results of a drug
21 test administered in accordance with the provisions of the
22 preceding sentence shall be subject to confirmation only if
23 the results are positive, the defendant is subject to possible
24 imprisonment for such failure, and either the defendant de-
25 nies the accuracy of such test or there is some other reason*

1 *to question the results of the test. A drug test confirmation*
2 *shall be a urine drug test confirmed using gas chroma-*
3 *tography/mass spectrometry techniques or such test as the*
4 *Director of the Administrative Office of the United States*
5 *Courts after consultation with the Secretary of Health and*
6 *Human Services may determine to be of equivalent accu-*
7 *racy. Notwithstanding the requirements of section 4214(f),*
8 *the Commission shall consider the availability of appro-*
9 *priate substance abuse treatment programs when consider-*
10 *ing any action against a defendant who fails a drug test.”.*

11 **SEC. 1304. DRUG TREATMENT IN FEDERAL PRISONS.**

12 (a) *SHORT TITLE.*—*This section may be cited as the*
13 *“Drug Treatment in Federal Prisons Act of 1993”.*

14 (b) *DEFINITIONS.*—*As used in this section—*

15 (1) *the term “residential substance abuse treat-*
16 *ment” means a course of individual and group ac-*
17 *tivities, lasting between 6 and 12 months, in residen-*
18 *tial treatment facilities set apart from the general*
19 *prison population—*

20 (A) *directed at the substance abuse problems*
21 *of the prisoner; and*

22 (B) *intended to develop the prisoner’s cog-*
23 *nitve, behavioral, social, vocational, and other*
24 *skills so as to solve the prisoner’s substance abuse*
25 *and related problems; and*

1 (2) the term “eligible prisoner” means a prisoner
2 who is—

3 (A) determined by the Bureau of Prisons to
4 have a substance abuse problem; and

5 (B) willing to participate in a residential
6 substance abuse treatment program.

7 (c) IMPLEMENTATION OF SUBSTANCE ABUSE TREAT-
8 MENT REQUIREMENT.—

9 (1) In order to carry out the requirement of the
10 last sentence of section 3621(b) of title 18, United
11 States Code, that every prisoner with a substance
12 abuse problem have the opportunity to participate in
13 appropriate substance abuse treatment, the Bureau of
14 Prisons shall, subject to the availability of appropria-
15 tions, provide residential substance abuse treatment—

16 (A) for not less than 50 percent of eligible
17 prisoners by the end of fiscal year 1995;

18 (B) for not less than 75 percent of eligible
19 prisoners by the end of fiscal year 1996; and

20 (C) for all eligible prisoners by the end of
21 fiscal year 1997 and thereafter.

22 (2) Section 3621 of title 18, United States Code,
23 is amended by adding at the end the following:

24 “(d) INCENTIVE FOR PRISONERS’ SUCCESSFUL COM-
25 PLETION OF TREATMENT PROGRAM.—

1 “(1) *GENERALLY.*—Any prisoner who, in the
2 *judgment of the Director of the Bureau of Prisons, has*
3 *successfully completed a program of residential sub-*
4 *stance abuse treatment provided under subsection (b)*
5 *of this section, shall remain in the custody of the Bu-*
6 *reau for such time (as limited by paragraph (2) of*
7 *this subsection) and under such conditions, as the Bu-*
8 *reau deems appropriate. If the conditions of confine-*
9 *ment are different from those the prisoner would have*
10 *experienced absent the successful completion of the*
11 *treatment, the Bureau shall periodically test the pris-*
12 *oner for drug abuse and discontinue such conditions*
13 *on determining that drug abuse has recurred.*

14 “(2) *PERIOD OF CUSTODY.*—The period a pris-
15 *oner convicted of a nonviolent offense remains in cus-*
16 *tody after successfully completing a treatment pro-*
17 *gram shall not exceed the prison term the law would*
18 *otherwise require such prisoner to serve, but may not*
19 *be less than such term minus one year.”.*

20 “(d) *REPORT.*—The Bureau of Prisons shall transmit
21 *to the Congress on January 1, 1993, and on January 1*
22 *of each year thereafter, a report. Such report shall con-*
23 *tain—*

1 (1) a detailed quantitative and qualitative de-
2 scription of each substance abuse treatment program,
3 residential or not, operated by the Bureau;

4 (2) a full explanation of how eligibility for such
5 programs is determined, with complete information
6 on what proportion of prisoners with substance abuse
7 problems are eligible; and

8 (3) a complete statement of to what extent the
9 Bureau has achieved compliance with the require-
10 ments of this title.

11 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
12 authorized to be appropriated for fiscal year 1995 and each
13 fiscal year thereafter such sums as may be necessary to
14 carry out this title.

15 **SEC. 1305. SENTENCES TO ACCOUNT FOR COSTS TO THE**
16 **GOVERNMENT OF IMPRISONMENT, RELEASE,**
17 **AND PROBATION.**

18 (a) *IMPOSITION OF SENTENCE.*—Section 3572(a) of
19 title 18, United States Code, is amended—

20 (1) by redesignating paragraphs (6) and (7) as
21 paragraphs (7) and (8), respectively; and

22 (2) by inserting after paragraph (5) the follow-
23 ing new paragraph:

1 “(6) the expected costs to the government of any
2 imprisonment, supervised release, or probation com-
3 ponent of the sentence;”.

4 (b) *DUTIES OF THE SENTENCING COMMISSION.*—Sec-
5 tion 994 of title 28, United States Code, is amended by add-
6 ing at the end the following new subsection:

7 “(y) The Commission, in promulgating guidelines pur-
8 suant to subsection (a)(1), may include, as a component
9 of a fine, the expected costs to the Government of any im-
10 prisonment, supervised release, or probation sentence that
11 is ordered.”.

12 **Subtitle B—State Prisons**

13 **SEC. 1321. BOOT CAMPS AND PRISONS FOR VIOLENT DRUG** 14 **OFFENDERS.**

15 (a) *DEFINITION.*—In this section, “boot camp prison
16 program” means a correctional program of not more than
17 6 months’ duration involving—

18 (1) assignment for participation in the program,
19 in conformity with State law, by prisoners other than
20 prisoners who have been convicted at any time of a
21 violent felony;

22 (2) adherence by inmates to a highly regimented
23 schedule that involves strict discipline, physical train-
24 ing, and work;

1 (3) *participation by inmates in appropriate edu-*
2 *cation, job training, and substance abuse counseling*
3 *or treatment; and*

4 (4) *aftercare services for inmates following re-*
5 *lease that are coordinated with the program carried*
6 *out during the period of imprisonment.*

7 (b) *ESTABLISHMENT OF GRANT AND TECHNICAL AS-*
8 *SISTANCE PROGRAM.—*

9 (1) *IN GENERAL.—The Attorney General may*
10 *make grants to States and to multi-State compact as-*
11 *sociations for the purposes of—*

12 (A) *developing, constructing, expanding, op-*
13 *erating, and improving boot camp prison pro-*
14 *grams, city or county detention facilities, or low-*
15 *to medium-security prisons;*

16 (B) *developing, constructing, and operating*
17 *prisons that house and provide treatment for vio-*
18 *lent offenders with serious substance abuse prob-*
19 *lems; and*

20 (C) *assisting in activating existing boot*
21 *camp or prison facilities that are unutilized or*
22 *underutilized because of lack of funding.*

23 (2) *TECHNICAL ASSISTANCE.—The Attorney*
24 *General may provide technical assistance to grantees*
25 *under this section.*

1 (3) *UTILIZATION OF PRIVATE SECTOR.*—Nothing
2 *herein shall prevent the utilization of any grant funds*
3 *to contract with the private sector to design, construct*
4 *or provide any services associated with any facilities*
5 *funded herein.*

6 (4) *UTILIZATION OF COMPONENTS.*—The Attor-
7 *ney General may utilize any component or compo-*
8 *nents of the Department of Justice in carrying out*
9 *this section.*

10 (c) *STATE AND MULTI-STATE COMPACT APPLICA-*
11 *TIONS.*—

12 (1) *IN GENERAL.*—To request a grant under this
13 *section, the chief executive of a State or the coordina-*
14 *tor of a multi-State compact association shall submit*
15 *an application to the Attorney General in such form*
16 *and containing such information as the Attorney*
17 *General may prescribe by regulation or guidelines.*
18 *The chief executive of a State or the coordinator of a*
19 *multi-State compact association may designate pri-*
20 *vate sector participants for the design, construction or*
21 *provision of services associated with any facilities for*
22 *which funding is requested.*

23 (2) *CONTENT OF APPLICATION.*—In accordance
24 *with the regulations or guidelines established by the*

1 *Attorney General, an application for a grant under*
2 *this section shall—*

3 *(A) include a long-term strategy and de-*
4 *tailed implementation plan;*

5 *(B) include evidence of the existence of, and*
6 *describe the terms of, a multi-State compact for*
7 *any multiple-State plan;*

8 *(C) provide a description of any construc-*
9 *tion activities, including cost estimates, that will*
10 *be a part of any plan;*

11 *(D) provide a description of the criteria for*
12 *selection of prisoners for participating in a boot*
13 *camp prison program or assignment to a re-*
14 *gional prison or activated prison or boot camp*
15 *facility that is to be funded;*

16 *(E) provide assurances that the boot camp*
17 *prison program, regional prison, or activated*
18 *prison or boot camp facility that receives fund-*
19 *ing will provide work programs, education, job*
20 *training, and appropriate drug treatment for in-*
21 *mates;*

22 *(F) provide assurances that—*

23 *(i) prisoners who participate in a boot*
24 *camp prison program or are assigned to a*
25 *regional prison or activated prison or boot*

1 *camp facility that receives funding will be*
2 *provided with aftercare services; and*

3 (ii) *a substantial proportion of the*
4 *population of any regional prison that re-*
5 *ceives funds under this section will be vio-*
6 *lent offenders with serious substance abuse*
7 *problems, and provision of treatment for*
8 *such offenders will be a priority element of*
9 *the prison's mission;*

10 (G) *provide assurances that aftercare serv-*
11 *ices will involve the coordination of the boot*
12 *camp prison program, regional prison, or acti-*
13 *ivated prison or boot camp facility, with other*
14 *human service and rehabilitation programs*
15 *(such as educational and job training programs,*
16 *drug counseling or treatment, parole or other*
17 *post-release supervision programs, halfway house*
18 *programs, job placement programs, and partici-*
19 *ipation in self-help and peer group programs)*
20 *that reduce the likelihood of further criminality*
21 *by prisoners who participate in a boot camp*
22 *program or are assigned to a regional prison or*
23 *activated prison or boot camp facility following*
24 *release;*

1 (H) explain the applicant's inability to
2 fund the program adequately without Federal as-
3 sistance;

4 (I) identify related governmental and com-
5 munity initiatives that complement or will be
6 coordinated with the proposal;

7 (J) certify that there has been appropriate
8 coordination with all affected agencies; and

9 (K) specify plans for obtaining necessary
10 support and continuing the proposed program
11 following the conclusion of Federal support.

12 (d) LIMITATIONS ON FUNDS.—

13 (1) NONSUPPLANTING REQUIREMENT.—Funds
14 made available under this section shall not be used to
15 supplant State funds, but shall be used to increase the
16 amount of funds that would, in the absence of Federal
17 funds, be made available from State sources.

18 (2) ADMINISTRATIVE COSTS.—No more than 5
19 percent of the funds available under this section may
20 be used for administrative costs.

21 (3) MATCHING FUNDS.—The portion of the costs
22 of a program provided by a grant under this section
23 may not exceed 75 percent of the total cost of the pro-
24 gram as described in the application.

25 (4) DURATION OF GRANTS.—

1 (A) *IN GENERAL.*—A grant under this sec-
2 tion may be renewed for up to 3 years beyond
3 the initial year of funding if the applicant dem-
4 onstrates satisfactory progress toward achieve-
5 ment of the objectives set out in an approved ap-
6 plication.

7 (B) *MULTIYEAR GRANTS.*—A multiyear
8 grant may be made under this section so long as
9 the total duration of the grant, including any re-
10 newals, does not exceed 4 years.

11 (e) *CONVERSION OF PROPERTY AND FACILITIES AT*
12 *CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO*
13 *BOOT CAMP PRISONS AND REGIONAL PRISONS.*—

14 (1) *DEFINITION.*—In this subsection, “base clo-
15 sure law” means—

16 (A) *title II of the Defense Authorization*
17 *Amendments and Base Closure and Realignment*
18 *Act (10 U.S.C. 2687 note);*

19 (B) *the Defense Base Closure and Realign-*
20 *ment Act of 1990 (part A of title XXIX of Public*
21 *Law 101–510; 10 U.S.C. 2687 note);*

22 (C) *section 2687 of title 10, United States*
23 *Code; and*

24 (D) *any other similar law.*

1 (2) *REPORT.*—Not later than 6 months after the
2 date of enactment of this Act, the Attorney General
3 shall prepare and disseminate to State and local offi-
4 cials a report listing any real property or facility lo-
5 cated at a military installation to be closed or re-
6 aligned under a base closure law that is suitable for
7 use as a boot camp prison or regional prison. The At-
8 torney General shall periodically update this report
9 for dissemination to State and local officials.

10 (3) *APPLICABILITY.*—This subsection shall apply
11 with respect to property or facilities located at mili-
12 tary installations the closure or realignment of which
13 commences after the date of enactment of this Act.

14 (f) *PERFORMANCE EVALUATION.*—

15 (1) *EVALUATION COMPONENTS.*—

16 (A) *IN GENERAL.*—Each boot camp prison,
17 regional prison, and activated prison or boot
18 camp facility program funded under this section
19 shall contain an evaluation component developed
20 pursuant to guidelines established by the Attor-
21 ney General.

22 (B) *OUTCOME MEASURES.*—The evaluations
23 required by this paragraph shall include outcome
24 measures that can be used to determine the effec-
25 tiveness of the funded programs, including the ef-

1 *fectiveness of such programs in comparison with*
2 *other correctional programs or dispositions in re-*
3 *ducing the incidence of recidivism.*

4 (2) *PERIODIC REVIEW AND REPORTS.—*

5 (A) *REVIEW.—The Attorney General shall*
6 *review the performance of each grant recipient*
7 *under this section.*

8 (B) *REPORTS.—The Attorney General may*
9 *require a grant recipient to submit to the Attor-*
10 *ney General the results of the evaluations re-*
11 *quired under paragraph (1) and such other data*
12 *and information as the Attorney General deems*
13 *reasonably necessary to carry out the Attorney*
14 *General's responsibilities under this section.*

15 (3) *REPORT TO CONGRESS.—The Attorney Gen-*
16 *eral shall submit an annual report to Congress de-*
17 *scribing the grants awarded under this section and*
18 *providing an assessment of the operations of the pro-*
19 *grams receiving grants.*

20 (g) *REVOCATION OR SUSPENSION OF FUNDING.—If the*
21 *Attorney General determines, as a result of the reviews re-*
22 *quired by subsection (f), or otherwise, that a grant recipient*
23 *under this section is not in substantial compliance with the*
24 *terms and requirements of an approved grant application,*

1 *the Attorney General may revoke or suspend funding of the*
2 *grant in whole or in part.*

3 *(h) ACCESS TO DOCUMENTS.—The Attorney General*
4 *and the Comptroller General shall have access for the pur-*
5 *pose of audit and examination to—*

6 *(1) the pertinent books, documents, papers, or*
7 *records of a grant recipient under this section; and*

8 *(2) the pertinent books, documents, papers, or*
9 *records of other persons and entities that are involved*
10 *in programs for which assistance is provided under*
11 *this section.*

12 *(i) GENERAL REGULATORY AUTHORITY.—The Attor-*
13 *ney General may issue regulations and guidelines to carry*
14 *out this section.*

15 *(j) AUTHORIZATION OF APPROPRIATIONS.—*

16 *(1) IN GENERAL.—There is authorized to be ap-*
17 *propriated to carry out this section \$3,000,000,000, to*
18 *remain available until expended.*

19 *(2) USE OF APPROPRIATED FUNDS.—No more*
20 *than one-third of the amounts appropriated under*
21 *paragraph (1) may be used to make grants for the*
22 *construction, development, and operation of regional*
23 *prisons under subsection (b)(1)(B).*

1 **SEC. 1322. NATIONAL INSTITUTE OF JUSTICE STUDY.**

2 (a) *FEASIBILITY STUDY.*—The National Institute of
3 Justice shall study the feasibility of establishing a clearing-
4 house to provide information to interested persons to facili-
5 tate the transfer of prisoners in State correctional institu-
6 tions to other such correctional institutions, pursuant to the
7 Interstate Corrections Compact or other applicable inter-
8 state compact, for the purpose of allowing prisoners to serve
9 their prison sentences at correctional institutions in close
10 proximity to their families.

11 (b) *REPORT TO CONGRESS.*—The National Institute of
12 Justice shall, not later than 1 year after the date of the
13 enactment of this Act, submit to the Committees on the Ju-
14 diciary of the House of Representatives and the Senate a
15 report containing the results of the study conducted under
16 subsection (a), together with any recommendations the In-
17 stitute may have on establishing a clearinghouse described
18 in such subsection.

19 (c) *DEFINITION.*—For purposes of this section, the
20 term “State” includes the District of Columbia and any
21 territory or possession of the United States.

22 **SEC. 1323. STUDY AND ASSESSMENT OF ALCOHOL USE AND**
23 **TREATMENT.**

24 The Director of the National Institute of Justice
25 shall—

1 (1) *conduct a study to compare the recidivism*
2 *rates of individuals under the influence of alcohol or*
3 *alcohol in combination with other drugs at the time*
4 *of their offense—*

5 (A) *who participated in a residential treat-*
6 *ment program while in the custody of the State;*
7 *and*

8 (B) *who did not participate in a residential*
9 *treatment program while in the custody of the*
10 *State; and*

11 (2) *conduct a nationwide assessment regarding*
12 *the use of alcohol and alcohol in combination with*
13 *other drugs as a factor in violent, domestic, and gen-*
14 *eral criminal activity.*

15 **SEC. 1324. NOTIFICATION OF RELEASE OF PRISONERS.**

16 *Section 4042 of title 18, United States Code, is amend-*
17 *ed—*

18 (1) *by striking “The Bureau” and inserting “(a)*
19 *IN GENERAL.—The Bureau”;*

20 (2) *by striking “This section” and inserting “(c)*
21 *APPLICATION OF SECTION.—This section”;*

22 (3) *in paragraph (4) of subsection (a), as des-*
23 *ignated by paragraph (1) of this subsection—*

24 (A) *by striking “Provide” and inserting*
25 *“provide”;* *and*

1 (B) by striking the period at the end and
2 inserting “; and”;

3 (4) by inserting after paragraph (4) of sub-
4 section (a), as designated by paragraph (1) of this
5 subsection, the following new paragraph:

6 “(5) provide notice of release of prisoners in ac-
7 cordance with subsection (b).”; and

8 (5) by inserting after subsection (a), as des-
9 ignated by paragraph (1) of this subsection, the fol-
10 lowing new subsection:

11 “(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except
12 in the case of a prisoner being protected under chapter 224,
13 the Bureau of Prisons shall, at least 5 days prior to the
14 date on which a prisoner described in paragraph (3) is to
15 be released on supervised release, or, in the case of a pris-
16 oner on supervised release, at least 5 days prior to the date
17 on which the prisoner changes residence to a new jurisdic-
18 tion, cause written notice of the release or change of resi-
19 dence to be made to the chief law enforcement officer of the
20 State and of the local jurisdiction in which the prisoner
21 will reside.

22 “(2) A notice under paragraph (1) shall disclose—

23 “(A) the prisoner’s name;

1 “(B) the prisoner’s criminal history, including a
2 description of the offense of which the prisoner was
3 convicted; and

4 “(C) any restrictions on conduct or other condi-
5 tions to the release of the prisoner that are imposed
6 by law, the sentencing court, or the Bureau of Prisons
7 or any other Federal agency.

8 “(3) A prisoner is described in this paragraph if the
9 prisoner was convicted of—

10 “(A) a drug trafficking crime, as that term is de-
11 fined in section 924(c)(2); or

12 “(B) a crime of violence, as that term is defined
13 in section 924(c)(3).

14 “(4) The notice provided under this section shall be
15 used solely for law enforcement purposes.”.

16 **SEC. 1325. APPLICATION TO PRISONERS TO WHICH PRIOR**
17 **LAW APPLIES.**

18 *In the case of a prisoner convicted of an offense com-*
19 *mitted prior to November 1, 1987, the reference to super-*
20 *vised release in section 4042(b) of title 18, United States*
21 *Code, shall be deemed to be a reference to probation or pa-*
22 *role.*

1 **Subtitle C—Grants Under the Juve-**
2 **nile Justice and Delinquency**
3 **Prevention Act of 1974**

4 **SEC. 1331. GRANTS FOR COMMUNITY-BASED VIOLENT-JUVE-**
5 **NILE FACILITIES.**

6 (a) *IN GENERAL.*—The Attorney General, through the
7 Bureau of Prisons, may make grants to States and units
8 of general local government or combinations thereof to assist
9 them in planning, establishing, and operating secure facili-
10 ties for violent and chronic juvenile offenders. The mandate
11 required by the Juvenile Justice and Delinquency Preven-
12 tion Act shall not apply to grants under this subtitle.

13 (b) *AUTHORIZATION.*—There are authorized to be ap-
14 propriated \$100,000,000 for each of fiscal years 1994, 1995,
15 1996, 1997, 1998.

16 **Subtitle D—Regional Prisons and**
17 **State Prisons**

18 **SEC. 1341. REGIONAL PRISONS FOR VIOLENT CRIMINALS**
19 **AND VIOLENT CRIMINAL ALIENS.**

20 (a) *DEFINITIONS.*—In this section—

21 “child abuse offense” means an offense under
22 Federal or State law that constitutes sexual exploi-
23 tation of children or selling or buying of children
24 within the meaning of chapter 110 of title 18, United
25 States Code.

1 *“firearm offense” means an offense under Fed-*
2 *eral or State law committed while the offender is in*
3 *possession of a firearm or while an accomplice of the*
4 *offender, to the knowledge of the offender, is in posses-*
5 *sion of a firearm.*

6 *“crime of violence” means a felony offense under*
7 *Federal or State law that is a crime of violence with-*
8 *in the meaning of section 16 of title 18, United States*
9 *Code.*

10 *“qualifying prisoner” means—*

11 *(A) an alien who is in this country illegally*
12 *or unlawfully and who has been convicted of a*
13 *crime of violence (as defined in section 924(c)(3)*
14 *of title 18, United States Code) or a serious drug*
15 *offense (as defined in section 924(e)(2)(A) of title*
16 *18, United States Code); and*

17 *(B) a violent criminal.*

18 *“sex offense” means an offense under Federal or*
19 *State law that constitutes aggravated sexual abuse,*
20 *sexual abuse, sexual abuse of a minor or ward, or*
21 *abusive sexual contact within the meaning of chapter*
22 *109A of title 18, United States Code.*

23 *“violent criminal”—*

24 *(A) means a person convicted under Federal*
25 *law of an offense described in, under the cir-*

1 *cumstances described in, the provisions of section*
2 *924 (c) or (e) of title 18 or section 994(h) of title*
3 *28, United States Code, or under State law for*
4 *the same or a similar offense; and*

5 *(B) insofar as any of the circumstances de-*
6 *scribed in an offense described in subparagraph*
7 *(A) is the prior conviction of an offense, includes*
8 *a person who had been adjudicated as a juvenile*
9 *delinquent by reason of the commission of an act*
10 *that, if committed by an adult, would constitute*
11 *such an offense.*

12 *(b) CONSTRUCTION OF PRISONS.—(1) IN GENERAL.—*
13 *The Attorney General shall, after consultation with State*
14 *correctional administrators, construct and operate a mini-*
15 *mum of 10 regional prisons, situated throughout the United*
16 *States, each containing space for at least 2,500 inmates.*
17 *The Attorney General may contract with the private sector*
18 *to design, construct or provide any services associated with*
19 *the regional prisons. At least 75 percent of the overall ca-*
20 *capacity of such prisons in the aggregate shall be dedicated*
21 *to qualifying prisoners from qualifying States. In making*
22 *a determination as to the location of regional prisons, the*
23 *Attorney General shall give appropriate consideration to*
24 *the feasibility of converting Federal correctional complexes*
25 *currently in the planning or construction phase.*

1 (2) *CONSIDERATION OF COST-EFFECTIVE AL-*
2 *TERNATIVES AND STATE AND LOCAL RE-USE*
3 *PLANS.—(A) In determining where to locate any of*
4 *the regional prisons authorized in paragraph (1), and*
5 *in accordance with the Department of Justice’s duty*
6 *to review and identify a use for any portion of an in-*
7 *stallation closed pursuant to title II of the Defense*
8 *Authorization Amendments and Base Closure and Re-*
9 *alignment Act (Public Law 100–526) and the Defense*
10 *Base Closure and Realignment Act of 1990 (part A*
11 *of title XXIX of Public Law 101–510) the Attorney*
12 *General shall consider—*

13 (i) *whether using any portion of a closed*
14 *military installation in the region or military*
15 *installation scheduled to be closed in the region*
16 *provides a cost-effective alternative to the pur-*
17 *chase of real property or construction of new*
18 *prison facilities;*

19 (ii) *whether such use is consistent with a*
20 *reutilization and redevelopment plan. Consent*
21 *must be obtained from the local re-use authority*
22 *for the military installation, recognized and*
23 *funded by the Secretary of Defense, before the At-*
24 *torney General may proceed with plans for the*

1 *design or construction of a prison authorized in*
2 *paragraph 1; and*

3 *(iii) giving priority consideration to any*
4 *installation located in a rural area whose closure*
5 *under this title will have a substantial adverse*
6 *impact on the economy of the communities for*
7 *the economic recovery of such communities from*
8 *such closure.*

9 *(B) Before proceeding with plans for the design*
10 *or construction of a prison authorized in paragraph*
11 *(1), the Attorney General shall submit to Congress a*
12 *report explaining the basis of the decision on where*
13 *to locate the new prison facility.*

14 *(C) If the Attorney General decides not to utilize*
15 *any portion of a closed military installation or an*
16 *installation scheduled to be closed for locating a re-*
17 *gional prison, the report shall include an analysis of*
18 *why installations in the region, the use of which as*
19 *a prison would be consistent with a reutilization and*
20 *redevelopment plan, do not provide a cost-effective al-*
21 *ternative to the purchase of real property or construc-*
22 *tion of new facilities.*

23 *(D) The Attorney General shall obtain all infor-*
24 *mation necessary to determine whether any portion of*
25 *a closed military installation in the region or mili-*

1 *tary installation scheduled to be closed in the region*
2 *is a cost-effective alternative to the purchase of real*
3 *property or construction of new prison facilities.*

4 *(c) ACCEPTANCE OF PRISONERS.—Any qualifying*
5 *State may apply to the Attorney General to accept any*
6 *qualifying prisoner. If, in the Attorney General’s judgment*
7 *there are likely to be more qualifying prisoners than there*
8 *is space available, then to the extent that the Attorney Gen-*
9 *eral deems it practicable, the Attorney General should seek*
10 *to allocate space among qualifying States in a proportion*
11 *similar to the number of qualifying prisoners held by that*
12 *State in relation to the total number of qualifying prisoners*
13 *from qualifying States.*

14 *(d) QUALIFYING STATE.—*

15 *(1) IN GENERAL.—The Attorney General shall*
16 *not certify a State as a qualifying State under this*
17 *section unless the State is providing—*

18 *(A) truth in sentencing with respect to any*
19 *felony crime of violence involving the use or at-*
20 *tempted use of force against a person, or use of*
21 *a firearm against a person for which a maxi-*
22 *imum sentence of 5 years or more is authorized*
23 *that is consistent with that provided in the Fed-*
24 *eral system in chapter 229 of title 18, United*
25 *States Code, which provides that defendants will*

1 *serve at least 85 percent of the sentence ordered*
2 *and which provides for a binding sentencing*
3 *guideline system in which sentencing judges' dis-*
4 *cretion is limited to ensure greater uniformity in*
5 *sentencing;*

6 *(B) pretrial detention similar to that pro-*
7 *vided in the Federal system under section 3142*
8 *of title 18, United States Code;*

9 *(C) sentences for firearm offenders where*
10 *death or serious bodily injury results, murderers,*
11 *sex offenders, and child abuse offenders that,*
12 *after application of relevant sentencing guide-*
13 *lines, result in the imposition of sentences that*
14 *are at least as long as those imposed under Fed-*
15 *eral law (after application of relevant sentencing*
16 *guidelines); and*

17 *(D) suitable recognition for the rights of*
18 *victims, including consideration of the victim's*
19 *perspective at all appropriate stages of criminal*
20 *proceedings.*

21 *(2) DISQUALIFICATION.—The Attorney General*
22 *shall withdraw a State's status as a qualifying State*
23 *if the Attorney General finds that the State no longer*
24 *appropriately provides for the matters described in*
25 *paragraph (1) or has ceased making substantial*

1 *progress toward attaining them, in which event the*
2 *State shall no longer be entitled to the benefits of this*
3 *section, except to the extent the Attorney General oth-*
4 *erwise directs.*

5 (3) *WAIVER.—The Attorney General may waive,*
6 *for no more than one year, any of the requirements*
7 *of this subsection with respect to a particular State*
8 *if the Attorney General certifies that, in the Attorney*
9 *General’s judgment, there are compelling law enforce-*
10 *ment reasons for doing so. Any State granted any*
11 *such waiver shall be treated as a qualifying State for*
12 *all purposes of this subtitle, unless the Attorney Gen-*
13 *eral otherwise directs.*

14 (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
15 *authorized to be appropriated to carry out this section—*

16 (1) *\$600,000,000 for fiscal year 1994;*

17 (2) *\$600,000,000 for fiscal year 1995;*

18 (3) *\$600,000,000 for fiscal year 1996;*

19 (4) *\$600,000,000 for fiscal year 1997; and*

20 (5) *\$600,000,000 for fiscal year 1998.*

21 ***Subtitle E—Violent Crime***
22 ***Reduction Trust Fund***

23 ***SEC. 1351. PURPOSES.***

24 *The Congress declares it essential—*

1 (1) to fully fund the control and prevention of
2 violent crime authorized in this Act over the next 5
3 years;

4 (2) to ensure orderly limitation and reduction of
5 Federal Government employment, as recommended by
6 the Report of the National Performance Review, con-
7 ducted by the Vice President; and

8 (3) to apply sufficient amounts of the savings
9 achieved by limiting Government employment to the
10 purpose of ensuring full funding of this Act over the
11 next 5 years.

12 **SEC. 1352. REDUCTION OF FEDERAL FULL-TIME EQUIVA-**
13 **LENT POSITIONS.**

14 (a) *DEFINITION.*—For purposes of this section, the
15 term “agency” means an Executive agency as defined under
16 section 105 of title 5, United States Code, but does not in-
17 clude the General Accounting Office.

18 (b) *LIMITATIONS ON FULL-TIME EQUIVALENT POSI-*
19 *TIONS.*—The President, through the Office of Management
20 and Budget (in consultation with the Office of Personnel
21 Management), shall ensure that the total number of full-
22 time equivalent positions in all agencies shall not exceed—

23 (1) 2,095,182 during fiscal year 1994;

24 (2) 2,044,100 during fiscal year 1995;

25 (3) 2,003,846 during fiscal year 1996;

1 (4) 1,963,593 during fiscal year 1997; and

2 (5) 1,923,339 during fiscal year 1998.

3 (c) *MONITORING AND NOTIFICATION.*—The Office of
4 Management and Budget, after consultation with the Office
5 of Personnel Management, shall—

6 (1) continuously monitor all agencies and make
7 a determination on the first date of each quarter of
8 each applicable fiscal year of whether the require-
9 ments under subsection (b) are met; and

10 (2) notify the President and the Congress on the
11 first date of each quarter of each applicable fiscal
12 year of any determination that any requirement of
13 subsection (b) is not met.

14 (d) *COMPLIANCE.*—If at any time during a fiscal year,
15 the Office of Management and Budget notifies the President
16 and the Congress that any requirement under subsection (b)
17 is not met, no agency may hire any employee for any posi-
18 tion in such agency until the Office of Management and
19 Budget notifies the President and the Congress that the total
20 number of full-time equivalent positions for all agencies
21 equals or is less than the applicable number required under
22 subsection (b).

23 (e) *WAIVER.*—Any provision of this section may be
24 waived upon—

1 (1) a determination by the President of the exist-
2 ence of war or a national security requirement; or

3 (2) the enactment of a joint resolution upon an
4 affirmative vote of three-fifths of the Members of each
5 House of the Congress duly chosen and sworn.

6 **SEC. 1353. CREATION OF VIOLENT CRIME REDUCTION**
7 **TRUST FUND.**

8 (a) *ESTABLISHMENT OF THE ACCOUNT.*—Chapter 11
9 of title 31, United States Code, is amended by inserting
10 at the end thereof the following new section:

11 **“§ 1115. Violent crime reduction trust fund**

12 “(a) There is established a separate account in the
13 Treasury, known as the ‘Violent Crime Reduction Trust
14 Fund’, into which shall be deposited deficit reduction
15 achieved by section 1352 of the Violent Crime Control and
16 Law Enforcement Act of 1993 sufficient to fund that Act
17 (as defined in subsection (b) of this section).

18 “(b) On the first day of the following fiscal years (or
19 as soon thereafter as possible for fiscal year 1994), the fol-
20 lowing amounts shall be transferred from the general fund
21 to the Violent Crime Reduction Trust Fund—

22 “(1) for fiscal year 1994, \$720,000,000;

23 “(2) for fiscal year 1995, \$2,423,000,000;

24 “(3) for fiscal year 1996, \$4,267,000,000;

25 “(4) for fiscal year 1997, \$6,313,000,000; and

1 “(5) for fiscal year 1998, \$8,545,000,000.

2 “(c) Notwithstanding any other provision of law—

3 “(1) the amounts in the Violent Crime Reduction
4 Trust Fund may be appropriated exclusively for the
5 purposes authorized in the Violent Crime Control and
6 Law Enforcement Act of 1993;

7 “(2) the amounts in the Violent Crime Reduction
8 Trust Fund and appropriations under paragraph (1)
9 of this section shall be excluded from, and shall not
10 be taken into account for purposes of, any budget en-
11 forcement procedures under the Congressional Budget
12 Act of 1974 or the Balanced Budget and Emergency
13 Deficit Control Act of 1985; and

14 “(3) for purposes of this subsection, ‘appropria-
15 tions under paragraph (1)’ mean amounts of budget
16 authority not to exceed the balances of the Violent
17 Crime Reduction Trust Fund and amounts of outlays
18 that flow from budget authority actually appro-
19 priated.”.

20 (b) LISTING OF THE VIOLENT CRIME REDUCTION
21 TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Sec-
22 tion 1321(a) of title 31, United States Code, is amended
23 by inserting at the end thereof the following new paragraph:

24 “(91) Violent Crime Reduction Trust Fund.”.

1 (c) *REQUIREMENT FOR THE PRESIDENT TO REPORT*
2 *ANNUALLY ON THE STATUS OF THE ACCOUNT.*—Section
3 *1105(a) of title 31, United States Code, is amended by add-*
4 *ing at the end thereof:*

5 “(29) *information about the Violent Crime Re-*
6 *duction Trust Fund, including a separate statement*
7 *of amounts in that Trust Fund.*

8 “(30) *an analysis displaying by agency proposed*
9 *reductions in full-time equivalent positions compared*
10 *to the current year’s level in order to comply with sec-*
11 *tion 1352 of the Violent Crime Control and Law En-*
12 *forcement Act of 1993.”.*

13 ***SEC. 1354. CONFORMING REDUCTION IN DISCRETIONARY***
14 ***SPENDING LIMITS.***

15 *The Director of the Office of Management and Budget*
16 *shall, upon enactment of this Act, reduce the discretionary*
17 *spending limits set forth in section 601(a)(2) of the Con-*
18 *gressional Budget Act of 1974 for fiscal years 1994 through*
19 *1998 as follows:*

20 (1) *for fiscal year 1994, for the discretionary*
21 *category: \$720,000,000 in new budget authority and*
22 *\$314,000,000 in outlays;*

23 (2) *for fiscal year 1995, for the discretionary*
24 *category: \$2,423,000,000 in new budget authority and*
25 *\$2,330,000,000 in outlays;*

1 (3) for fiscal year 1996, for the discretionary
2 category: \$4,267,000,000 in new budget authority and
3 \$4,184,000,000 in outlays;

4 (4) for fiscal year 1997, for the discretionary
5 category: \$6,313,000,000 in new budget authority and
6 \$6,221,000,000 in outlays; and

7 (5) for fiscal year 1998, for the discretionary
8 category: \$8,545,000,000 in new budget authority and
9 \$8,443,000,000 in outlays.

10 **TITLE XIV—RURAL CRIME**
11 **Subtitle A—Drug Trafficking in**
12 **Rural Areas**

13 **SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
14 **MENT AGENCIES.**

15 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
16 1001(a)(9) of title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 is amended to read as follows:

18 “(9) There are authorized to be appropriated to carry
19 out part O \$50,000,000 for each of fiscal years 1994, 1995,
20 1996, 1997, and 1998.”.

21 (b) *AMENDMENT TO BASE ALLOCATION.*—Section
22 1501(a)(2)(A) of title I of the Omnibus Crime Control and
23 Safe Streets Act of 1968 is amended by striking “\$100,000”
24 and inserting “\$250,000”.

1 **SEC. 1402. RURAL CRIME AND DRUG ENFORCEMENT TASK**
2 **FORCES.**

3 (a) *ESTABLISHMENT.*—Not later than 90 days after
4 the date of enactment of this Act, the Attorney General, in
5 consultation with the Governors, mayors, and chief execu-
6 tive officers of State and local law enforcement agencies,
7 shall establish a Rural Crime and Drug Enforcement Task
8 Force in each of the Federal judicial districts which encom-
9 pass significant rural lands. Assets seized as a result of in-
10 vestigations initiated by a Rural Drug Enforcement Task
11 Force shall be used primarily to enhance the operations of
12 the task force and its participating State and local law en-
13 forcement agencies.

14 (b) *TASK FORCE MEMBERSHIP.*—The task forces estab-
15 lished under subsection (a) shall be chaired by the United
16 States Attorney for the respective Federal judicial district.
17 The task forces shall include representatives from—

- 18 (1) *State and local law enforcement agencies;*
- 19 (2) *the Drug Enforcement Administration;*
- 20 (3) *the Federal Bureau of Investigation;*
- 21 (4) *the Immigration and Naturalization Service;*
- 22 (5) *the Customs Service;*
- 23 (6) *the United States Marshals Service; and*
- 24 (7) *law enforcement officers from the United*
25 *States Park Police, United States Forest Service and*
26 *Bureau of Land Management, and such other Federal*

1 *law enforcement agencies as the Attorney General*
2 *may direct.*

3 **SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

4 (a) *IN GENERAL.*—*The Attorney General may cross-*
5 *designate up to 100 law enforcement officers from each of*
6 *the agencies specified under section 1502(b)(6) of the Omni-*
7 *bus Crime Control and Safe Streets Act of 1968 with juris-*
8 *isdiction to enforce the provisions of the Controlled Sub-*
9 *stances Act on non-Federal lands and title 18 of the United*
10 *States Code to the extent necessary to effect the purposes*
11 *of this Act.*

12 (b) *ADEQUATE STAFFING.*—*The Attorney General*
13 *shall, subject to the availability of appropriations, ensure*
14 *that each of the task forces established in accordance with*
15 *this title are adequately staffed with investigators and that*
16 *additional investigators are provided when requested by the*
17 *task force.*

18 **SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.**

19 (a) *SPECIALIZED TRAINING FOR RURAL OFFICERS.*—
20 *The Director of the Federal Law Enforcement Training*
21 *Center shall develop a specialized course of instruction de-*
22 *voted to training law enforcement officers from rural agen-*
23 *cies in the investigation of drug trafficking and related*
24 *crimes.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
2 authorized to be appropriated to carry out subsection (a)
3 \$1,000,000 for each of fiscal years 1994, 1995, 1996, 1997,
4 and 1998.

5 **SEC. 1405. MORE AGENTS FOR THE DRUG ENFORCEMENT**
6 **ADMINISTRATION.**

7 There are authorized to be appropriated for the hiring
8 of additional Drug Enforcement Administration agents
9 \$20,000,000 for each of fiscal years 1994, 1995, 1996, 1997,
10 and 1998.

11 **Subtitle B—Drug Free Truck Stops**
12 **and Safety Rest Areas**

13 **SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST**
14 **AREAS.**

15 (a) *SHORT TITLE.*—This section may be cited as the
16 “Drug Free Truck Stop Act”.

17 (b) *AMENDMENT TO CONTROLLED SUBSTANCES*
18 *ACT.*—

19 (1) *IN GENERAL.*—Part D of the Controlled Sub-
20 stances Act (21 U.S.C. 801 et seq.) is amended by in-
21 sserting after section 408 the following new section:

22 “TRANSPORTATION SAFETY OFFENSES

23 “SEC. 409. (a) *DEFINITIONS.*—In this section—

1 “‘safety rest area’ means a roadside facility with
2 parking facilities for the rest or other needs of motor-
3 ists.

4 “‘truck stop’ means a facility (including any
5 parking lot appurtenant thereto) that—

6 “(A) has the capacity to provide fuel or
7 service, or both, to any commercial motor vehicle
8 (as defined under section 12019 of the Commer-
9 cial Motor Vehicle Safety Act of 1986 (49 U.S.C.
10 App. 2716)) operating in commerce (as defined
11 in that section); and

12 “(B) is located within 2,500 feet of the Na-
13 tional System of Interstate and Defense High-
14 ways or the Federal-Aid Primary System.

15 “(b) *FIRST OFFENSE.*—A person who violates section
16 401(a)(1) or section 416 by distributing or possessing with
17 intent to distribute a controlled substance in or on, or with-
18 in 1,000 feet of, a truck stop or safety rest area is (except
19 as provided in subsection (b)) subject to—

20 “(1) twice the maximum punishment authorized
21 by section 401(b); and

22 “(2) twice any term of supervised release author-
23 ized by section 401(b) for a first offense.

24 “(c) *SUBSEQUENT OFFENSE.*—A person who violates
25 section 401(a)(1) or section 416 by distributing or possess-

1 *ing with intent to distribute a controlled substance in or*
2 *on, or within 1,000 feet of, a truck stop or a safety rest*
3 *area after a prior conviction or convictions under sub-*
4 *section (a) have become final is subject to—*

5 *“(1) 3 times the maximum punishment author-*
6 *ized by section 401(b); and*

7 *“(2) 3 times any term of supervised release au-*
8 *thorized by section 401(b) for a first offense.”.*

9 (2) *TECHNICAL AMENDMENTS.—*

10 (A) *CROSS REFERENCE.—Section 401(b) of*
11 *the Controlled Substances Act (21 U.S.C. 841(b))*
12 *is amended by inserting “409,” before “418,”*
13 *each place it appears.*

14 (B) *TABLE OF CONTENTS.—The table of*
15 *contents of the Comprehensive Drug Abuse Pre-*
16 *vention and Control Act of 1970 is amended by*
17 *striking the item relating to section 409 and in-*
18 *serting the following new item:*

“Sec. 409. Transportation safety offenses.”.

19 (c) *SENTENCING GUIDELINES.—Pursuant to its au-*
20 *thority under section 994 of title 28, United States Code,*
21 *and section 21 of the Sentencing Act of 1987 (28 U.S.C.*
22 *994 note), the United States Sentencing Commission shall*
23 *promulgate guidelines, or shall amend existing guidelines,*
24 *to provide an appropriate enhancement of punishment for*

1 *a defendant convicted of violating section 409 of the Con-*
2 *trolled Substances Act, as added by subsection (b).*

3 ***Subtitle C—Rural Domestic Vio-***
4 ***lence and Child Abuse Enforce-***
5 ***ment***

6 ***SEC. 1421. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE***
7 ***ENFORCEMENT ASSISTANCE.***

8 *(a) GRANTS.—The Attorney General may make grants*
9 *to units of State and local governments of rural States, and*
10 *to other public or private entities of rural States—*

11 *(1) to implement, expand, and establish coopera-*
12 *tive efforts and projects between law enforcement offi-*
13 *cers, prosecutors, victim advocacy groups, and other*
14 *related parties to investigate and prosecute incidents*
15 *of domestic violence and child abuse;*

16 *(2) to provide treatment and counseling to vic-*
17 *tims of domestic violence and child abuse; and*

18 *(3) to work in cooperation with the community*
19 *to develop education and prevention strategies di-*
20 *rected toward such issues.*

21 *(b) DEFINITION.—In this section, “rural State” has*
22 *the meaning stated in section 1501(b) of title I of the Omni-*
23 *bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
24 *3796bb(B)).*

25 *(c) AUTHORIZATION OF APPROPRIATIONS.—*

1 (1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated to carry out this section \$10,000,000 for*
3 *each of fiscal years 1995, 1996, and 1997.*

4 (2) *ADDITIONAL FUNDING.*—*In addition to funds*
5 *received under a grant under subsection (a), a law*
6 *enforcement agency may use funds received under a*
7 *grant under section 103 to accomplish the objectives*
8 *of this section.*

9 ***TITLE XV—DRUG CONTROL***
10 ***Subtitle A—Increased Penalties***

11 ***SEC. 1501. ENHANCEMENT OF PENALTIES FOR DRUG TRAF-***
12 ***FICKING IN PRISONS.***

13 *Section 1791 of title 18, United States Code, is amend-*
14 *ed—*

15 (1) *in subsection (c), by inserting before “Any”*
16 *the following new sentence: “Any punishment imposed*
17 *under subsection (b) for a violation of this section in-*
18 *volving a controlled substance shall be consecutive to*
19 *any other sentence imposed by any court for an of-*
20 *fense involving such a controlled substance.”;*

21 (2) *in subsection (d)(1)(A), by inserting after “a*
22 *firearm or destructive device” the following: “or a*
23 *controlled substance in schedule I or II, other than*
24 *marijuana or a controlled substance referred to in*
25 *subparagraph (C) of this subsection”;*

1 (3) in subsection (d)(1)(B), by inserting before
2 “ammunition,” the following: “marijuana or a con-
3 trolled substance in schedule III, other than a con-
4 trolled substance referred to in subparagraph (C) of
5 this subsection,”;

6 (4) in subsection (d)(1)(C), by inserting “meth-
7 amphetamine, its salts, isomers, and salts of its iso-
8 mers,” after “a narcotic drug,”;

9 (5) in subsection (d)(1)(D), by inserting “(A),
10 (B), or” before “(C)”; and

11 (6) in subsection (b), by striking “(c)” each place
12 it appears and inserting “(d)”.

13 **SEC. 1502. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTA-**
14 **TION OF SMALL DRUG QUANTITIES.**

15 Section 497(a)(2)(A) of the Tariff Act of 1930 (19
16 U.S.C. 1497(a)(2)(A)) is amended by adding “or \$500,
17 whichever is greater” after “value of the article”.

18 **SEC. 1503. PENALTIES FOR DRUG DEALING IN PUBLIC**
19 **HOUSING AUTHORITY FACILITIES.**

20 Section 419 of the Controlled Substances Act (21
21 U.S.C. 860) is amended—

22 (1) in subsection (a) by striking “playground, or
23 within” and inserting “playground, or housing facil-
24 ity owned by a public housing authority, or within”;
25 and

1 (2) in subsection (b) by striking “playground, or
2 within” and inserting “playground, or housing facil-
3 ity owned by a public housing authority, or within”.

4 **SEC. 1504. ANABOLIC STEROIDS PENALTIES.**

5 Section 404 of the Controlled Substances Act (21
6 U.S.C. 844) is amended by inserting after subsection (a)
7 the following:

8 “(b)(1) Whoever, being a physical trainer or adviser
9 to an individual, endeavors to persuade or induce that indi-
10 vidual to possess or use anabolic steroids in violation of
11 subsection (a), shall be fined under title 18, United States
12 Code, or imprisoned not more than 2 years, or both. If such
13 individual has not attained the age of 18 years, the maxi-
14 mum imprisonment shall be 5 years.

15 “(2) As used in this subsection, the term ‘physical
16 trainer or adviser’ means any professional or amateur
17 coach, manager, trainer, instructor, or other such person,
18 who provides any athletic or physical instruction, training,
19 advice, assistance, or other such service to any person.”.

20 **SEC. 1505. INCREASED PENALTIES FOR DRUG-DEALING IN**
21 **“DRUG-FREE” ZONES.**

22 Pursuant to its authority under section 994 of title
23 28, United States Code, the United States Sentencing Com-
24 mission shall amend existing guidelines to provide that a
25 defendant convicted of violating section 419 of the Con-

1 *trolled Substances Act (21 U.S.C. 860) shall be assigned an*
2 *offense level under chapter 2 of the sentencing guidelines*
3 *that is no less than level 20.*

4 **SEC. 1506. ENHANCED PENALTIES FOR ILLEGAL DRUG USE**
5 **IN FEDERAL PRISONS.**

6 (a) *DECLARATION OF POLICY.—It is the policy of the*
7 *Federal Government that the use or distribution of illegal*
8 *drugs in the Nation’s Federal prisons will not be tolerated*
9 *and that such crimes shall be prosecuted to the fullest extent*
10 *of the law.*

11 (b) *SENTENCING GUIDELINES.—Pursuant to its au-*
12 *thority under section 994 of title 28, United States Code,*
13 *the United States Sentencing Commission shall amend its*
14 *sentencing guidelines to appropriately enhance the penalty*
15 *for a person convicted of an offense—*

16 (1) *under section 404 of the Controlled Sub-*
17 *stances Act involving simple possession of a controlled*
18 *substance within a Federal prison or other Federal*
19 *detention facility; or*

20 (2) *under section 401(b) of the Controlled Sub-*
21 *stances Act involving the smuggling of a controlled*
22 *substance into a Federal prison or other Federal de-*
23 *tention facility or the distribution or intended dis-*
24 *tribution of a controlled substance within a Federal*
25 *prison or other Federal detention facility.*

1 (c) *NO PROBATION OR SUSPENSION OF SENTENCE.*—
 2 *Notwithstanding any other law, the court shall not place*
 3 *on probation or suspend the sentence of a person convicted*
 4 *of an offense described in subsection (b).*

5 ***Subtitle B—Precursor Chemicals***
 6 ***Act***

7 ***SEC. 1511. SHORT TITLE.***

8 *This title may be cited as the “Chemical Control*
 9 *Amendments Act of 1993”.*

10 ***SEC. 1512. DEFINITION AMENDMENTS.***

11 (a) *DEFINITIONS.*—*Section 102 of the Controlled Sub-*
 12 *stances Act (21 U.S.C. 802) is amended—*

13 (1) *in paragraph (33) by striking “any listed*
 14 *precursor chemical or listed essential chemical” and*
 15 *inserting “any list I chemical or any list II chemi-*
 16 *cal”;*

17 (2) *in paragraph (34)—*

18 (A) *by striking “listed precursor chemical”*
 19 *and inserting “list I chemical”; and*

20 (B) *by striking “critical to the creation”*
 21 *and inserting “important to the manufacturer”;*

22 (3) *in paragraph (34) (A), (F), and (H), by in-*
 23 *serting “, its esters” before “and”;*

24 (4) *in paragraph (35)—*

1 (A) by striking “listed essential chemical”
2 and inserting “list II chemical”;

3 (B) by inserting “(other than a list I chemi-
4 cal)” before “specified”; and

5 (C) by striking “as a solvent, reagent, or
6 catalyst”;

7 (5) in paragraph (38) by inserting “or who acts
8 as a broker or trader for an international transaction
9 involving a listed chemical, a tableting machine, or
10 an encapsulating machine” before the period;

11 (6) in paragraph (39)(A)—

12 (A) by striking “importation or exportation
13 of” and inserting “importation, or exportation
14 of, or an international transaction involving
15 shipment of,”;

16 (B) in clause (iii) by inserting “or any cat-
17 egory of transaction for a specific listed chemical
18 or chemicals” after “transaction”;

19 (C) by amending clause (iv) to read as fol-
20 lows:

21 “(iv) any transaction in a listed chemical
22 that is contained in a drug that may be mar-
23 keted or distributed lawfully in the United States
24 under the Federal Food, Drug, and Cosmetic Act
25 (21 U.S.C. 301 et seq.) unless—

1 “(I)(aa) the drug contains ephedrine or
2 its salts, optical isomers, or salts of optical
3 isomers as the only active medicinal ingre-
4 dient or contains ephedrine and therapeuti-
5 cally insignificant quantities of another ac-
6 tive medicinal ingredient; or

7 “(bb) the Attorney General has deter-
8 mined under section 204 that the drug or
9 group of drugs is being diverted to obtain
10 the listed chemical for use in the illicit pro-
11 duction of a controlled substance; and

12 “(II) the quantity of ephedrine or other
13 listed chemical contained in the drug in-
14 cluded in the transaction or multiple trans-
15 actions equals or exceeds the threshold estab-
16 lished for that chemical by the Attorney
17 General.”; and

18 (D) in clause (v) by striking the semicolon
19 and inserting “which the Attorney General has
20 by regulation designated as exempt from the ap-
21 plication of this title and title II based on a
22 finding that the mixture is formulated in such a
23 way that it cannot be easily used in the illicit
24 production of a controlled substance and that the

1 *listed chemical or chemicals contained in the*
2 *mixture cannot be readily recovered;”;*

3 (7) *in paragraph (40) by striking “listed precursor*
4 *chemical or a listed essential chemical” each place*
5 *it appears and inserting “list I chemical or a list II*
6 *chemical”;* and

7 (8) *by adding at the end the following new para-*
8 *graphs:*

9 “(43) *The term ‘international transaction’ means a*
10 *transaction involving the shipment of a listed chemical*
11 *across an international border (other than a United States*
12 *border) in which a broker or trader located in the United*
13 *States participates.*

14 “(44) *The terms ‘broker’ and ‘trader’ mean a person*
15 *that assists in arranging an international transaction in*
16 *a listed chemical by—*

17 “(A) *negotiating contracts;*

18 “(B) *-serving as an agent or intermediary; or*

19 “(C) *bringing together a buyer and seller, buyer*
20 *and transporter, or a seller and transporter.”.*

21 (b) *REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—*

22 (1) *PROCEDURE.—Part B of the Controlled Sub-*
23 *stances Act (21 U.S.C. 811 et seq.) is amended by*
24 *adding at the end the following new section:*

1 *“REMOVAL OF EXEMPTION OF CERTAIN DRUGS*

2 *“SEC. 204. (a) REMOVAL OF EXEMPTION.—The Attor-*
3 *ney General shall by regulation remove from exemption*
4 *under section 102(39)(A)(iv)(II) a drug or group of drugs*
5 *that the Attorney General finds is being diverted to obtain*
6 *a listed chemical for use in the illicit production of a con-*
7 *trolled substance.*

8 *“(b) FACTORS TO BE CONSIDERED.—In removing a*
9 *drug or group of drugs from exemption under subsection*
10 *(a), the Attorney General shall consider, with respect to a*
11 *drug or group of drugs that is proposed to be removed from*
12 *exemption—*

13 *“(1) the scope, duration, and significance of the*
14 *diversion;*

15 *“(2) whether the drug or group of drugs is for-*
16 *mulated in such a way that it cannot be easily used*
17 *in the illicit production of a controlled substance; and*

18 *“(3) whether the listed chemical can be readily*
19 *recovered from the drug or group of drugs.*

20 *“(c) SPECIFICITY OF DESIGNATION.—The Attorney*
21 *General shall limit the designation of a drug or a group*
22 *of drugs removed from exemption under subsection (a) to*
23 *the most particularly identifiable type of drug or group of*
24 *drugs for which evidence of diversion exists unless there is*
25 *evidence, based on the pattern of diversion and other rel-*

1 *evant factors, that the diversion will not be limited to that*
2 *particular drug or group of drugs.*

3 *“(d) REINSTATEMENT OF EXEMPTION WITH RESPECT*
4 *TO PARTICULAR DRUG PRODUCTS.—*

5 *“(1) REINSTATEMENT.—On application by a*
6 *manufacturer of a particular drug product that has*
7 *been removed from exemption under subsection (a),*
8 *the Attorney General shall by regulation reinstate the*
9 *exemption with respect to that particular drug prod-*
10 *uct if the Attorney General determines that the par-*
11 *ticular drug product is manufactured and distributed*
12 *in a manner that prevents diversion.*

13 *“(2) FACTORS TO BE CONSIDERED.—In deciding*
14 *whether to reinstate the exemption with respect to a*
15 *particular drug product under paragraph (1), the At-*
16 *torney General shall consider—*

17 *“(A) the package sizes and manner of pack-*
18 *aging of the drug product;*

19 *“(B) the manner of distribution and adver-*
20 *tising of the drug product;*

21 *“(C) evidence of diversion of the drug prod-*
22 *uct;*

23 *“(D) any actions taken by the manufacturer*
24 *to prevent diversion of the drug product; and*

1 “(E) such other factors as are relevant to
2 and consistent with the public health and safety,
3 including the factors described in subsection (b)
4 as applied to the drug product.

5 “(3) STATUS PENDING APPLICATION FOR REIN-
6 STATEMENT.—A transaction involving a particular
7 drug product that is the subject of a bona fide pend-
8 ing application for reinstatement of exemption filed
9 with the Attorney General not later than 60 days
10 after a regulation removing the exemption is issued
11 pursuant to subsection (a) shall not be considered to
12 be a regulated transaction if the transaction occurs
13 during the pendency of the application and, if the At-
14 torney General denies the application, during the pe-
15 riod of 60 days following the date on which the Attor-
16 ney General denies the application, unless—

17 “(A) the Attorney General has evidence
18 that, applying the factors described in subsection
19 (b) to the drug product, the drug product is
20 being diverted; and

21 “(B) the Attorney General so notifies the
22 applicant.

23 “(4) AMENDMENT AND MODIFICATION.—A regu-
24 lation reinstating an exemption under paragraph (1)

1 *may be modified or revoked with respect to a particu-*
2 *lar drug product upon a finding that—*

3 *“(A) applying the factors described in sub-*
4 *section (b) to the drug product, the drug product*
5 *is being diverted; or*

6 *“(B) there is a significant change in the*
7 *data that led to the issuance of the regulation.”.*

8 (2) *TECHNICAL AMENDMENT.—The table of con-*
9 *tents of the Comprehensive Drug Abuse Prevention*
10 *and Control Act of 1970 (84 Stat. 1236) is amended*
11 *by adding at the end of the section relating to part*
12 *B of title II the following new item:*

“Sec. 204. Removal of exemption of certain drugs.”.

13 (c) *REGULATION OF LISTED CHEMICALS.—Section*
14 *310 of the Controlled Substances Act (21 U.S.C. 830) is*
15 *amended—*

16 (1) *in subsection (a)(1)—*

17 (A) *by striking “precursor chemical” and*
18 *inserting “list I chemical”; and*

19 (B) *in subparagraph (B) by striking “an*
20 *essential chemical” and inserting “a list II*
21 *chemical”; and*

22 (2) *in subsection (c)(2)(D) by striking “precur-*
23 *sor chemical” and inserting “chemical control”.*

1 **SEC. 1513. REGISTRATION REQUIREMENTS.**

2 (a) *RULES AND REGULATIONS.*—Section 301 of the
3 *Controlled Substances Act (21 U.S.C. 821)* is amended by
4 striking the period and inserting “and to the registration
5 and control of regulated persons and of regulated trans-
6 actions.”.

7 (b) *PERSONS REQUIRED TO REGISTER UNDER SEC-*
8 *TION 302.*—Section 302 of the *Controlled Substances Act*
9 *(21 U.S.C. 822)* is amended—

10 (1) in subsection (a)(1) by inserting “or list I
11 chemical” after “controlled substance” each place it
12 appears;

13 (2) in subsection (b)—

14 (A) by inserting “or list I chemicals” after
15 “controlled substances”; and

16 (B) by inserting “or chemicals” after “such
17 substances”;

18 (3) in subsection (c) by inserting “or list I chem-
19 ical” after “controlled substance” each place it ap-
20 pears; and

21 (4) in subsection (e) by inserting “or list I
22 chemicals” after “controlled substances”.

23 (c) *REGISTRATION REQUIREMENTS UNDER SECTION*
24 *303.*—Section 303 of the *Controlled Substances Act (21*
25 *U.S.C. 823)* is amended by adding at the end the following
26 new subsection:

1 “(h) The Attorney General shall register an applicant
2 to distribute a list I chemical unless the Attorney General
3 determines that registration of the applicant is inconsistent
4 with the public interest. Registration under this subsection
5 shall not be required for the distribution of a drug product
6 that is exempted under section 102(39)(A)(iv). In determin-
7 ing the public interest for the purposes of this subsection,
8 the Attorney General shall consider—

9 “(1) maintenance by the applicant of effective
10 controls against diversion of listed chemicals into
11 other than legitimate channels;

12 “(2) compliance by the applicant with applicable
13 Federal, State and local law;

14 “(3) any prior conviction record of the applicant
15 under Federal or State laws relating to controlled
16 substances or to chemicals controlled under Federal or
17 State law;

18 “(4) any past experience of the applicant in the
19 manufacture and distribution of chemicals; and

20 “(5) such other factors as are relevant to and
21 consistent with the public health and safety.”.

22 (d) DENIAL, REVOCATION, OR SUSPENSION OF REG-
23 ISTRATION.—Section 304 of the Controlled Substances Act
24 (21 U.S.C. 824) is amended—

25 (1) in subsection (a)—

1 (A) by inserting “or a list I chemical” after
2 “controlled substance” each place it appears; and

3 (B) by inserting “or list I chemicals” after
4 “controlled substances”;

5 (2) in subsection (b) by inserting “or list I chem-
6 ical” after “controlled substance”;

7 (3) in subsection (f) by inserting “or list I
8 chemicals” after “controlled substances” each place it
9 appears; and

10 (4) in subsection (g)—

11 (A) by inserting “or list I chemicals” after
12 “controlled substances” each place it appears;
13 and

14 (B) by inserting “or list I chemical” after
15 “controlled substance” each place it appears.

16 (e) *PERSONS REQUIRED TO REGISTER UNDER SEC-*
17 *TION 1007.*—Section 1007 of the Controlled Substances Im-
18 *port and Export Act (21 U.S.C. 957) is amended—*

19 (1) in subsection (a)—

20 (A) in paragraph (1) by inserting “or list
21 I chemical” after “controlled substance”; and

22 (B) in paragraph (2) by striking “in sched-
23 ular I, II, III, IV, or V,” and inserting “or list
24 I chemical,”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1) by inserting “or list
2 I chemical” after “controlled substance” each
3 place it appears; and

4 (B) in paragraph (2) by inserting “or list
5 I chemicals” after “controlled substances”.

6 (f) *REGISTRATION REQUIREMENTS UNDER SECTION*
7 1008.—Section 1008 of the Controlled Substances Import
8 and Export Act (21 U.S.C. 958) is amended—

9 (1) in subsection (c)—

10 (A) by inserting “(1)” after “(c)”; and

11 (B) by adding at the end the following new
12 paragraph:

13 “(2)(A) The Attorney General shall register an appli-
14 cant to import or export a list I chemical unless the Attor-
15 ney General determines that registration of the applicant
16 is inconsistent with the public interest. Registration under
17 this subsection shall not be required for the import or export
18 of a drug product that is exempted under section
19 102(39)(A)(iv).

20 “(B) In determining the public interest for the pur-
21 poses of subparagraph (A), the Attorney General shall con-
22 sider the factors specified in section 303(h).”;

23 (2) in subsection (d)—

1 (A) in paragraph (3) by inserting “or list
2 I chemical or chemicals,” after “substances,”;
3 and

4 (B) in paragraph (6) by inserting “or list
5 I chemicals” after “controlled substances” each
6 place it appears;

7 (3) in subsection (e) by striking “and 307” and
8 inserting “307, and 310”; and

9 (4) in subsections (f), (g), and (h) by inserting
10 “or list I chemicals” after “controlled substances”
11 each place it appears.

12 (g) *PROHIBITED ACTS C.*—Section 403(a) of the Con-
13 trolled Substances Act (21 U.S.C. 843(a)) is amended—

14 (1) by striking “or” at the end of paragraph (7);

15 (2) by striking the period at the end of para-
16 graph (8) and inserting “; or”; and

17 (3) by adding at the end the following new para-
18 graph:

19 “(9) if the person is a regulated person, to dis-
20 tribute, import, or export a list I chemical without
21 the registration required by this Act.”.

22 **SEC. 1514. REPORTING OF LISTED CHEMICAL MANUFAC-**
23 **TURING.**

24 Section 310(b) of the Controlled Substances Act (21
25 U.S.C. 830(b)) is amended—

1 (1) by inserting “(1)” after “(b)”;

2 (2) by redesignating paragraphs (1), (2), (3),
3 and (4) as subparagraphs (A), (B), (C), and (D), re-
4 spectively;

5 (3) by striking “paragraph (1)” each place it
6 appears and inserting “subparagraph (A)”;

7 (4) by striking “paragraph (2)” and inserting
8 “subparagraph (B)”;

9 (5) by striking “paragraph (3)” and inserting
10 “subparagraph (C)”;

11 (6) by adding at the end the following new para-
12 graph:

13 “(2) A regulated person that manufactures a list-
14 ed chemical shall report annually to the Attorney
15 General, in such form and manner and containing
16 such specific data as the Attorney General shall pre-
17 scribe by regulation, information concerning listed
18 chemicals manufactured by the person. The require-
19 ment of the preceding sentence shall not apply to the
20 manufacture of a drug product that is exempted
21 under section 102(39)(A)(iv).”.

22 **SEC. 1515. REPORTS BY BROKERS AND TRADERS; CRIMINAL**
23 **PENALTIES.**

24 (a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND
25 PENALTIES WITH RESPECT TO IMPORTATION AND EXPOR-

1 *TATION OF LISTED CHEMICALS.*—Section 1018 of the Con-
2 *trolled Substances Import and Export Act (21 U.S.C. 971)*
3 *is amended by adding at the end the following new sub-*
4 *section:*

5 “(d) A person located in the United States who is a
6 broker or trader for an international transaction in a listed
7 chemical that is a regulated transaction solely because of
8 that person’s involvement as a broker or trader shall, with
9 respect to that transaction, be subject to all of the notifica-
10 tion, reporting, recordkeeping, and other requirements
11 placed upon exporters of listed chemicals by this title and
12 title II.”.

13 (b) *PROHIBITED ACTS A.*—Section 1010(d) of the Con-
14 *trolled Substances Import and Export Act (21 U.S.C.*
15 *960(d)) is amended to read as follows:*

16 “(d) A person who knowingly or intentionally—

17 “(1) imports or exports a listed chemical with
18 intent to manufacture a controlled substance in viola-
19 tion of this title or title II;

20 “(2) exports a listed chemical in violation of the
21 laws of the country to which the chemical is exported
22 or serves as a broker or trader for an international
23 transaction involving a listed chemical, if the trans-
24 action is in violation of the laws of the country to
25 which the chemical is exported;

1 “(3) imports or exports a listed chemical know-
2 ing, or having reasonable cause to believe, that the
3 chemical will be used to manufacture a controlled
4 substance in violation of this title or title II; or

5 “(4) exports a listed chemical, or serves as a
6 broker or trader for an international transaction in-
7 volving a listed chemical, knowing, or having reason-
8 able cause to believe, that the chemical will be used
9 to manufacture a controlled substance in violation of
10 the laws of the country to which the chemical is ex-
11 ported,

12 shall be fined in accordance with title 18, imprisoned not
13 more than 10 years, or both.”.

14 **SEC. 1516. EXEMPTION AUTHORITY; ADDITIONAL PEN-**
15 **ALTIES.**

16 (a) NOTIFICATION REQUIREMENT.—Section 1018 of
17 the Controlled Substances Import and Export Act (21
18 U.S.C. 971), as amended by section 5(a), is amended by
19 adding at the end the following new subsection:

20 “(e)(1) The Attorney General may by regulation re-
21 quire that the 15-day notification requirement of subsection
22 (a) apply to all exports of a listed chemical to a specified
23 country, regardless of the status of certain customers in such
24 country as regular customers, if the Attorney General finds
25 that such notification is necessary to support effective chem-

1 ical diversion control programs or is required by treaty or
2 other international agreement to which the United States
3 is a party.

4 “(2) The Attorney General may by regulation waive
5 the 15-day notification requirement for exports of a listed
6 chemical to a specified country if the Attorney General de-
7 termines that such notification is not required for effective
8 chemical diversion control. If the notification requirement
9 is waived, exporters of the listed chemical shall be required
10 to submit to the Attorney General reports of individual ex-
11 portations or periodic reports of such exportation of the list-
12 ed chemical, at such time or times and containing such in-
13 formation as the Attorney General shall establish by regula-
14 tion.

15 “(3) The Attorney General may by regulation waive
16 the 15-day notification requirement for the importation of
17 a listed chemical if the Attorney General determines that
18 such notification is not necessary for effective chemical di-
19 version control. If the notification requirement is waived,
20 importers of the listed chemical shall be required to submit
21 to the Attorney General reports of individual importations
22 or periodic reports of the importation of the listed chemical,
23 at such time or times and containing such information as
24 the Attorney General shall establish by regulation.”.

1 (b) *PROHIBITED ACTS A.*—Section 1010(d) of the Con-
2 *trolled Substances Import and Export Act (21 U.S.C.*
3 *960(d)*, as amended by section 5(b), is amended—

4 (1) by striking “or” at the end of paragraph (3);

5 (2) by striking the comma at the end of para-
6 *graph (4) and inserting a semicolon; and*

7 (3) by adding at the end the following new para-
8 *graphs:*

9 “(5) imports or exports a listed chemical, with
10 *the intent to evade the reporting or recordkeeping re-*
11 *quirements of section 1018 applicable to such impor-*
12 *tation or exportation by falsely representing to the*
13 *Attorney General that the importation or exportation*
14 *qualifies for a waiver of the 15-day notification re-*
15 *quirement granted pursuant to section 1018(e) (2) or*
16 *(3) by misrepresenting the actual country of final des-*
17 *tination of the listed chemical or the actual listed*
18 *chemical being imported or exported; or*

19 “(6) imports or exports a listed chemical in vio-
20 *lation of section 1007 or 1018.”.*

21 **SEC. 1517. AMENDMENTS TO LIST I.**

22 Section 102(34) of the Controlled Substances Act (21
23 *U.S.C. 802(34)) is amended—*

24 (1) by striking subparagraphs (O), (U), and
25 *(W);*

1 (2) by redesignating subparagraphs (P) through
2 (T) as (O) through (S), subparagraph (V) as (T), and
3 subparagraphs (X) and (Y) as (U) and (X), respec-
4 tively;

5 (3) in subparagraph (X), as redesignated by
6 paragraph (2), by striking “(X)” and inserting
7 “(U)”; and

8 (4) by inserting after subparagraph (U), as re-
9 designated by paragraph (2), the following new sub-
10 paragraphs:

11 “(V) benzaldehyde.

12 “(W) nitroethane.”.

13 **SEC. 1518. ELIMINATION OF REGULAR SUPPLIER STATUS**
14 **AND CREATION OF REGULAR IMPORTER STA-**
15 **TUS.**

16 (a) *DEFINITION.*—Section 102(37) of the Controlled
17 Substances Act (21 U.S.C. 802(37)) is amended to read as
18 follows:

19 “(37) The term ‘regular importer’ means, with respect
20 to a listed chemical, a person that has an established record
21 as an importer of that listed chemical that is reported to
22 the Attorney General.”.

23 (b) *NOTIFICATION.*—Section 1018 of the Controlled
24 Substances Act (21 U.S.C. 971) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1) by striking “regular
2 supplier of the regulated person” and inserting
3 “to an importation by a regular importer”; and

4 (B) in paragraph (2)—

5 (i) by striking “a customer or supplier
6 of a regulated person” and inserting “a cus-
7 tomer of a regulated person or to an im-
8 porter”; and

9 (ii) by striking “regular supplier” and
10 inserting “the importer as a regular im-
11 porter”; and

12 (2) in subsection (c)(1) by striking “regular sup-
13 plier” and inserting “regular importer”.

14 **SEC. 1519. ADMINISTRATIVE INSPECTIONS AND AUTHOR-**
15 **ITY.**

16 Section 510 of the Controlled Substances Act (21
17 U.S.C. 880) is amended—

18 (1) by amending subsection (a)(2) to read as fol-
19 lows:

20 “(2) places, including factories, warehouses, and
21 other establishments, and conveyances, where persons
22 registered under section 303 (or exempt from registra-
23 tion under section 302(d) or by regulation of the At-
24 torney General) or regulated persons may lawfully
25 hold, manufacture, distribute, dispense, administer, or

1 *otherwise dispose of controlled substances or listed*
2 *chemicals or where records relating to those activities*
3 *are maintained.”; and*

4 *(2) in subsection (b)(3)—*

5 *(A) in subparagraph (B) by inserting “,*
6 *listed chemicals,” after “unfinished drugs”; and*

7 *(B) in subparagraph (C) by inserting “or*
8 *listed chemical” after “controlled substance” and*
9 *inserting “or chemical” after “such substance”.*

10 **SEC. 1520. THRESHOLD AMOUNTS.**

11 *Section 102(39)(A) of the Controlled Substances Act*
12 *(21 U.S.C. 802(39)(A)), as amended by section 2, is amend-*
13 *ed by inserting “of a listed chemical, or if the Attorney Gen-*
14 *eral establishes a threshold amount for a specific listed*
15 *chemical,” before “a threshold amount, including a cumu-*
16 *lative threshold amount for multiple transactions”.*

17 **SEC. 1521. MANAGEMENT OF LISTED CHEMICALS.**

18 *(a) IN GENERAL.—Part C of the Controlled Substances*
19 *Act (21 U.S.C. 821 et seq.) is amended by adding at the*
20 *end the following new section:*

21 *“MANAGEMENT OF LISTED CHEMICALS*

22 *“SEC. 311. (a) OFFENSE.—It is unlawful for a person*
23 *who possesses a listed chemical with the intent that it be*
24 *used in the illegal manufacture of a controlled substance*
25 *to manage the listed chemical or waste from the manufac-*
26 *ture of a controlled substance otherwise than as required*

1 *by regulations issued under sections 3001, 3002, 3003,*
2 *3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C.*
3 *6921, 6922, 6923, 6924, and 6925).*

4 “(b) *ENHANCED PENALTY.—(1) In addition to a pen-*
5 *alty that may be imposed for the illegal manufacture, pos-*
6 *session, or distribution of a listed chemical or toxic residue*
7 *of a clandestine laboratory, a person who violates subsection*
8 *(a) shall be assessed the costs described in paragraph (2)*
9 *and shall be imprisoned as described in paragraph (3).*

10 “(2) *Pursuant to paragraph (1) a defendant shall be*
11 *assessed the following costs to the United States, a State,*
12 *or another authority or person that undertakes to correct*
13 *the results of the improper management of a listed chemical:*

14 “(A) *The cost of initial cleanup and disposal of*
15 *the listed chemical and contaminated property.*

16 “(B) *The cost of restoring property that is dam-*
17 *aged by exposure to a listed chemical for rehabilita-*
18 *tion under Federal, State, and local standards.*

19 “(3)(A) *A violation of subsection (a) shall be punished*
20 *as a class D felony, or in the case of a willful violation,*
21 *as a class C felony.*

22 “(B) *Pursuant to its authority under section 944 of*
23 *title 28, United States Code, the United States Sentencing*
24 *Commission shall amend its sentencing guidelines to pro-*

1 *vide* for an appropriate enhancement of punishment for a
2 willful violation of subsection (a).

3 “(4) A court may order that all or a portion of the
4 earnings from work performed by a defendant in prison be
5 withheld for payment of costs assessed under paragraph (2).

6 “(c) *USE OF FORFEITED ASSETS.*—The Attorney Gen-
7 eral may direct that assets forfeited under section 511 in
8 connection with a prosecution under this section be shared
9 with State agencies that participated in the seizure or
10 cleaning up of a contaminated site.”

11 (b) *EXCEPTION TO DISCHARGE IN BANKRUPTCY.*—Sec-
12 tion 523(a) of title 11, United States Code, is amended—

13 (1) by striking “or” at the end of paragraph
14 (11);

15 (2) by striking the period at the end of para-
16 graph (12) and inserting “; or”; and

17 (3) by adding at the end the following new para-
18 graph:

19 “(13) for costs assessed under section 311(b) of
20 the Controlled Substances Act.”

21 **SEC. 1522. FORFEITURE EXPANSION.**

22 Section 511(a) of the Controlled Substances Act (21
23 U.S.C. 881(a)) is amended—

24 (1) in paragraph (6) by inserting “or listed
25 chemical” after “controlled substance”; and

1 (2) in paragraph (9) by striking “a felony provi-
2 sion of”.

3 **SEC. 1523. REGULATIONS AND EFFECTIVE DATE.**

4 (a) *REGULATIONS.*—The Attorney General shall, not
5 later than 90 days after the date of enactment of this Act,
6 issue regulations necessary to carry out this title.

7 (b) *EFFECTIVE DATE.*—This title and the amendments
8 made by this title shall become effective on the date that
9 is 120 days after the date of enactment of this Act.

10 **Subtitle C—General Provisions**

11 **SEC. 1531. CLARIFICATION OF NARCOTIC OR OTHER DAN-**
12 **GEROUS DRUGS UNDER RICO.**

13 Section 1961(1) of title 18, United States Code, is
14 amended by striking “narcotic or other dangerous drugs”
15 each place it appears and inserting “a controlled substance
16 or listed chemical, as defined in section 102 of the Con-
17 trolled Substances Act”.

18 **SEC. 1532. CONFORMING AMENDMENTS TO RECIDIVIST**
19 **PENALTY PROVISIONS OF THE CONTROLLED**
20 **SUBSTANCES ACT AND THE CONTROLLED**
21 **SUBSTANCES IMPORT AND EXPORT ACT.**

22 (a) Sections 401(b)(1) (B), (C), and (D) of the Con-
23 trolled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and
24 (D)) and sections 1010(b) (1), (2), and (3) of the Controlled
25 Substances Import and Export Act (21 U.S.C. 960(b) (1),

1 (2), and (3)) are each amended in the sentence or sentences
2 beginning “If any person commits” by striking “one or
3 more prior convictions” through “have become final” and
4 inserting “a prior conviction for a felony drug offense has
5 become final”.

6 (b) Section 1012(b) of the Controlled Substances Im-
7 port and Export Act (21 U.S.C. 962(b)) is amended by
8 striking “one or more prior convictions of him for a felony
9 under any provision of this title or title II or other law
10 of a State, the United States, or a foreign country relating
11 to narcotic drugs, marihuana, or depressant or stimulant
12 drugs, have become final” and inserting “one or more prior
13 convictions of such person for a felony for a felony drug
14 offense have become final”.

15 (c) Section 401(b)(1)(A) of the Controlled Substances
16 Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the
17 sentence beginning “For purposes of this subparagraph, the
18 term ‘felony drug offense’ means”.

19 (d) Section 102 of the Controlled Substances Act (21
20 U.S.C. 802) is amended by adding at the end the following
21 new paragraph:

22 “(43) The term ‘felony drug offense’ means an offense
23 that is punishable by imprisonment for more than one year
24 under any law of the United States or of a State or foreign
25 country that prohibits or restricts conduct relating to nar-

1 *cotic drugs, marihuana, or depressant or stimulant sub-*
2 *stances.”.*

3 **SEC. 1533. PROGRAM TO PROVIDE PUBLIC AWARENESS OF**
4 **THE PROVISION OF PUBLIC LAW 101-516 THAT**
5 **CONDITIONS PORTIONS OF A STATE'S FED-**
6 **ERAL HIGHWAY FUNDING ON THE STATE'S**
7 **ENACTMENT OF LEGISLATION REQUIRING**
8 **THE REVOCATION OF THE DRIVER'S LI-**
9 **CENSES OF CONVICTED DRUG ABUSERS.**

10 *The Attorney General, in consultation with the Sec-*
11 *retary of Transportation, shall implement a program of na-*
12 *tional awareness of section 333 of Public Law 101-516. The*
13 *program shall notify the Governors and State Representa-*
14 *tives of the requirements of that section.*

15 **SEC. 1534. ADVERTISING.**

16 *Section 403 of the Controlled Substances Act (21*
17 *U.S.C. 843) is amended—*

18 *(1) by redesignating subsections (c) and (d) as*
19 *subsections (d) and (e), respectively; and*

20 *(2) by inserting after subsection (b) the following*
21 *new subsection:*

22 *“(c) It shall be unlawful for any person to print, pub-*
23 *lish, place, or otherwise cause to appear in any newspaper,*
24 *magazine, handbill, or other publications, any written ad-*
25 *vertisement knowing that it has the purpose of seeking or*

1 *offering illegally to receive, buy, or distribute a Schedule*
2 *I controlled substance. As used in this section the term ‘ad-*
3 *vertisement’ includes, in addition to its ordinary meaning,*
4 *such advertisements as those for a catalog of Schedule I con-*
5 *trolled substances and any similar written advertisement*
6 *that has the purpose of seeking or offering illegally to re-*
7 *ceive, buy, or distribute a Schedule I controlled substance.*
8 *The term ‘advertisement’ does not include material which*
9 *merely advocates the use of a similar material, which advo-*
10 *cates a position or practice, and does not attempt to propose*
11 *or facilitate an actual transaction in a Schedule I con-*
12 *trolled substance.”.*

13 **SEC. 1535. NATIONAL DRUG CONTROL STRATEGY.**

14 (a) *IN GENERAL.*—Section 1005(a) of the National
15 Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is
16 amended by adding at the end the following new paragraph:

17 “(5) *Beginning with the first submission of a National*
18 *Drug Control Strategy to Congress after the date of the en-*
19 *actment of the Violent Crime Control and Law Enforcement*
20 *Act of 1993, the goals, objectives, and priorities of such*
21 *Strategy shall include a goal for expanding the availability*
22 *of treatment for drug addiction.”.*

23 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
24 *that among the long-term goals of the National Drug Con-*

1 *trol Strategy should be the availability of drug treatment*
2 *to all who are in need of such treatment.*

3 **SEC. 1536. NOTIFICATION OF LAW ENFORCEMENT OFFI-**
4 **CERS OF DISCOVERIES OF CONTROLLED SUB-**
5 **STANCES OR LARGE SUMS OF CASH IN EX-**
6 **CESS OF \$10,000 IN WEAPON SCREENING.**

7 *Section 315 of the Federal Aviation Act of 1958 (49*
8 *U.S.C. App. 1356) is amended—*

9 *(1) by redesignating subsection (c) as subsection*
10 *(d); and*

11 *(2) by inserting after subsection (b) the following*
12 *new subsection:*

13 *“(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR*
14 *CASH IN EXCESS OF \$10,000.—Not later than 90 days after*
15 *the date of the enactment of this section, the Administrator*
16 *shall issue regulations requiring employees and agents re-*
17 *ferred to in subsection (a) to report to appropriate Federal*
18 *and State law enforcement officers any incident in which*
19 *the employee or agent, in the course of conducting screening*
20 *procedures pursuant to subsection (a), discovers a controlled*
21 *substance the possession of which may be a violation of Fed-*
22 *eral or State law, or any sizable sums of cash in excess*
23 *of \$10,000 the possession of which may be a violation of*
24 *Federal or State law.”.*

1 **SEC. 1537. DRUG PARAPHERNALIA AMENDMENT.**

2 *Section 422 of the Controlled Substances Act (21*
3 *U.S.C. 863) is amended by adding at the end the following*
4 *new subsection:*

5 *“(g) CIVIL ENFORCEMENT.—The Attorney General*
6 *may bring a civil action against any person who violates*
7 *this section. The action may be brought in any district*
8 *court of the United States or the United States courts of*
9 *any territory in which the violation is taking or has taken*
10 *place. In an action under this section, the court shall deter-*
11 *mine the occurrence of a violation by a preponderance of*
12 *the evidence, and shall have the power to assess a civil pen-*
13 *alty of up to \$250,000, and to grant such other relief, in-*
14 *cluding an injunction, as may be appropriate. Such rem-*
15 *edies shall be in addition to any other remedy available*
16 *under other law.”.*

17 **TITLE XVI—DRUNK DRIVING**
18 **PROVISIONS**

19 **SEC. 1601. SHORT TITLE.**

20 *This title may be cited as the “Drunk Driving Child*
21 *Protection Act of 1993”.*

22 **SEC. 1602. STATE LAWS APPLIED IN AREAS OF FEDERAL JU-**
23 **RISDICTION.**

24 *Section 13(b) of title 18, United States Code, is amend-*
25 *ed—*

1 (1) *by striking “For purposes” and inserting*

2 *“(1) Subject to paragraph (2) and for purposes”; and*

3 (2) *by adding at the end the following new para-*

4 *graph:*

5 *“(2)(A) In addition to any term of imprisonment pro-*

6 *vided for operating a motor vehicle under the influence of*

7 *a drug or alcohol imposed under the law of a State, terri-*

8 *tory, possession, or district, the punishment for such an of-*

9 *fense under this section shall include an additional term*

10 *of imprisonment of not more than 1 year, or if serious bod-*

11 *ily injury of a minor is caused, 5 years, or if death of a*

12 *minor is caused, 10 years, and an additional fine of not*

13 *more than \$1,000, or both, if—*

14 *“(i) a minor (other than the offender) was*

15 *present in the motor vehicle when the offense was*

16 *committed; and*

17 *“(ii) the law of the State, territory, possession,*

18 *or district in which the offense occurred does not pro-*

19 *vide an additional term of imprisonment under the*

20 *circumstances described in clause (i).*

21 *“(B) For the purposes of subparagraph (A), the term*

22 *‘minor’ means a person less than 18 years of age.”.*

1 **SEC. 1603. SENSE OF CONGRESS CONCERNING CHILD CUS-**
2 **TODY AND VISITATION RIGHTS.**

3 *It is the sense of the Congress that in determining child*
4 *custody and visitation rights, the courts should take into*
5 *consideration the history of drunk driving that any person*
6 *involved in the determination may have.*

7 **TITLE XVII—COMMISSIONS**
8 **Subtitle A—Commission on Crime**
9 **and Violence**

10 **SEC. 1701. ESTABLISHMENT OF COMMISSION ON CRIME**
11 **AND VIOLENCE.**

12 *There is established a commission to be known as the*
13 *“National Commission on Crime and Violence in America”.*
14 *The Commission shall be composed of 25 members, ap-*
15 *pointed as follows:*

16 *(1) 7 persons by the President, 4 of whom shall*
17 *be members of one major political party and 3 of*
18 *whom shall be members of another major political*
19 *party;*

20 *(2) 9 persons by the Speaker of the House of*
21 *Representatives, 4 of whom shall be appointed on the*
22 *recommendation of the minority leader; and*

23 *(3) 9 persons by the President pro tempore of the*
24 *Senate, 5 of whom shall be appointed on the rec-*
25 *ommendation of the majority leader of the Senate and*
26 *the chairman of the Committee on the Judiciary of*

1 *the Senate and 4 of whom shall be appointed on the*
2 *recommendation of the minority leader of the Senate*
3 *and the ranking minority member of the Committee*
4 *on the Judiciary of the Senate.*

5 **SEC. 1702. PURPOSE.**

6 *The purposes of the Commission are as follows:*

7 (1) *To develop a comprehensive and effective*
8 *crime control plan which will serve as a “blueprint”*
9 *for action in the 1990’s. The report shall include an*
10 *estimated cost for implementing any recommenda-*
11 *tions made by the Commission.*

12 (2) *To bring attention to successful models and*
13 *programs in crime prevention and crime control.*

14 (3) *To reach out beyond the traditional criminal*
15 *justice community for ideas when developing the com-*
16 *prehensive crime control plan.*

17 (4) *To recommend improvements in the coordi-*
18 *nation of local, State, Federal, and international bor-*
19 *der crime control efforts.*

20 (5) *To make a comprehensive study of the eco-*
21 *nomical and social factors leading to or contributing to*
22 *crime and specific proposals for legislative and ad-*
23 *ministrative actions to reduce crime and the elements*
24 *that contribute to it.*

1 (6) *To recommend means of targeting finite cor-*
2 *rectional facility space and resources to the most seri-*
3 *ous and violent offenders, with the goal of achieving*
4 *the most cost-effective possible crime control and pro-*
5 *tection of the community and public safety, with par-*
6 *ticular emphasis on examining the issue of possible*
7 *disproportionate incarceration rates among black*
8 *males and any other minority group disproportion-*
9 *ately represented in State and Federal correctional*
10 *populations, and to consider increased use of alter-*
11 *natives to incarceration which offer a reasonable pros-*
12 *pect of equal or better crime control at equal or less*
13 *cost.*

14 **SEC. 1703. RESPONSIBILITIES OF THE COMMISSION.**

15 *The commission shall be responsible for the following:*

16 (1) *Reviewing the effectiveness of traditional*
17 *criminal justice approaches in preventing and con-*
18 *trolling crime and violence.*

19 (2) *Examining the impact that changes to state*
20 *and Federal law have had in controlling crime and*
21 *violence.*

22 (3) *Examining the impact of changes in Federal*
23 *immigration laws and policies and increased develop-*
24 *ment and growth along United States international*

1 *borders on crime and violence in the United States,*
2 *particularly among our Nation's youth.*

3 (4) *Examining the problem of youth gangs and*
4 *provide recommendations as to how to reduce youth*
5 *involvement in violent crime.*

6 (5) *Examining the extent to which assault weap-*
7 *ons and high power firearms have contributed to vio-*
8 *lence and murder in America.*

9 (6) *Convening field hearings in various regions*
10 *of the country to receive testimony from a cross sec-*
11 *tion of criminal justice professionals, business leaders,*
12 *elected officials, medical doctors, and other citizens*
13 *that wish to participate.*

14 (7) *Reviewing all segments of our criminal jus-*
15 *tice system, including the law enforcement, prosecu-*
16 *tion, defense, judicial, corrections components in de-*
17 *veloping the crime control plan.*

18 ***Subtitle B—National Commission***
19 ***to Study the Causes of the De-***
20 ***mand for Drugs in the United***
21 ***States***

22 ***SEC. 1711. SHORT TITLE.***

23 *This subtitle may be cited as the “National Commis-*
24 *sion to Study the Causes of the Demand for Drugs in the*
25 *United States”.*

1 **SEC. 1712. ESTABLISHMENT.**

2 *There is established a National Commission to Study*
3 *the Causes of the Demand for Drugs in the United States*
4 *(referred to in this subtitle as the “Commission”).*

5 **SEC. 1713. DUTIES.**

6 *(a) IN GENERAL.—The Commission shall—*

7 *(1) examine the root causes of illicit drug use*
8 *and abuse in the United States, including by compil-*
9 *ing existing research regarding those root causes;*

10 *(2) evaluate the efforts being made to prevent*
11 *drug abuse;*

12 *(3) identify the existing gaps in drug abuse pol-*
13 *icy that result from the lack of attention to the root*
14 *causes of drug abuse;*

15 *(4) assess the needs of Government at all levels*
16 *for resources and policies for reducing the overall de-*
17 *sire of individuals to experiment with and abuse il-*
18 *licit drugs; and*

19 *(5) make recommendations regarding necessary*
20 *improvements in policies for reducing the use of illicit*
21 *drugs in the United States.*

22 *(b) EXAMINATION.—Matters examined by the Commis-*
23 *sion under this section shall include the following:*

24 *(1) CHARACTERISTICS.—The characteristics of*
25 *potential illicit drug users and abusers or drug traf-*

1 *fickers, including age and social, economic, and edu-*
2 *cational backgrounds.*

3 (2) *ENVIRONMENT.*—*Environmental factors that*
4 *contribute to illicit drug use and abuse, including the*
5 *correlation between unemployment, poverty, and*
6 *homelessness on drug experimentation and abuse.*

7 (3) *ASSOCIATIONS AND SOCIAL RELATION-*
8 *SHIPS.*—*The effects of substance use and abuse by a*
9 *relative or friend in contributing to the likelihood and*
10 *desire of an individual to experiment with illicit*
11 *drugs.*

12 (4) *CULTURE.*—*Aspects of, and changes in, phil-*
13 *osophical or religious beliefs, cultural values, attitudes*
14 *toward authority, status of basic social units (such as*
15 *families), and traditions that contribute to illicit*
16 *drug use and abuse.*

17 (5) *PHYSIOLOGICAL AND PSYCHOLOGICAL FAC-*
18 *TORS.*—*The physiological and psychological factors*
19 *that contribute to the desire for illicit drugs.*

20 (6) *EFFORTS OF GOVERNMENTS.*—*The current*
21 *status of Federal, State, and local efforts regarding*
22 *the causes of illicit drug use and abuse, including a*
23 *review of drug strategies being promoted by Federal,*
24 *State, and local authorities to address the causes of*
25 *illicit drug use and abuse.*

1 **SEC. 1714. MEMBERSHIP.**

2 (a) *NUMBER AND APPOINTMENT.*—

3 (1) *IN GENERAL.*—*The Commission shall consist*
4 *of 15 members, as follows:*

5 (A) *PRESIDENT.*—*Four individuals ap-*
6 *pointed by the President, 2 of whom shall be*
7 *members of one major political party and 2 of*
8 *whom shall be members of another major politi-*
9 *cal party.*

10 (B) *SENATE.*—*Five individuals, 3 of whom*
11 *shall be appointed by the majority leader of the*
12 *Senate, after consultation with the chairman of*
13 *the Committee on the Judiciary of the Senate,*
14 *and 2 of whom shall be appointed by the minor-*
15 *ity leader of the Senate, after consultation with*
16 *the ranking minority member of the Committee*
17 *on the Judiciary of the Senate. At least 1 mem-*
18 *ber appointed under this paragraph shall be a*
19 *recovering drug user.*

20 (C) *HOUSE OF REPRESENTATIVES.*—*Five*
21 *individuals, 3 of whom shall be appointed jointly*
22 *by the Speaker and majority leader of the House*
23 *of Representatives and 2 of whom shall be ap-*
24 *pointed by the minority leader of the House of*
25 *Representatives. At least 1 member appointed*

1 *under this paragraph shall be a recovering drug*
2 *abuser.*

3 (D) *MINORITY CONGRESSIONAL LEADER-*
4 *SHIP.—One individual appointed jointly by the*
5 *minority leader of the Senate and the minority*
6 *leader of the House of Representatives.*

7 (2) *GOALS IN MAKING APPOINTMENTS.—In ap-*
8 *pointing individuals as members of the Commission,*
9 *the President and the majority and minority leaders*
10 *of the House of Representatives and the Senate shall*
11 *seek to ensure that—*

12 (A) *the membership of the Commission re-*
13 *fects the racial, ethnic, and gender diversity of*
14 *the United States; and*

15 (B) *members are specially qualified to serve*
16 *on the Commission by reason of their education,*
17 *training, expertise, or experience in—*

18 (i) *sociology;*

19 (ii) *psychology;*

20 (iii) *law;*

21 (iv) *bio-medicine;*

22 (v) *addiction; and*

23 (vi) *ethnography and urban poverty,*
24 *including health care, housing, education,*
25 *and employment.*

1 (b) *PROHIBITION AGAINST OFFICER OR EMPLOYEE.*—
2 *Each individual appointed under subsection (a) shall not*
3 *be an officer or employee of any government and shall be*
4 *qualified to serve the Commission by virtue of education,*
5 *training, or experience.*

6 (c) *DEADLINE FOR APPOINTMENT.*—*Members of the*
7 *Commission shall be appointed within 60 days after the*
8 *date of the enactment of this Act for the life of the Commis-*
9 *sion.*

10 (d) *MEETINGS.*—*The Commission shall have its head-*
11 *quarters in the District of Columbia, and shall meet at least*
12 *once each month for a business session that shall be con-*
13 *ducted by the Chairperson.*

14 (e) *QUORUM.*—*Seven members of the Commission shall*
15 *constitute a quorum, but a lesser number may hold hear-*
16 *ings.*

17 (f) *CHAIRPERSON AND VICE CHAIRPERSON.*—*No later*
18 *than 15 days after the members of the Commission are ap-*
19 *pointed, such members shall designate a Chairperson and*
20 *Vice Chairperson of the Commission.*

21 (g) *CONTINUATION OF MEMBERSHIP.*—*If a member of*
22 *the Commission later becomes an officer or employee of any*
23 *government, the individual may continue as a member*
24 *until a successor is appointed.*

1 (h) *VACANCIES.*—A vacancy in the Commission shall
2 be filled not later than 30 days after the Commission is
3 informed of the vacancy in the manner in which the origi-
4 nal appointment was made.

5 (i) *COMPENSATION.*—

6 (1) *NO PAY, ALLOWANCE, OR BENEFIT.*—Mem-
7 bers of the Commission shall receive no additional
8 pay, allowances, or benefits by reason of their service
9 on the Commission.

10 (2) *TRAVEL EXPENSES.*—Each member of the
11 Commission shall receive travel expenses, including
12 per diem in lieu of subsistence, in accordance with
13 sections 5702 and 5703 of title 5, United States Code.

14 **SEC. 1715. STAFF AND SUPPORT SERVICES.**

15 (a) *DIRECTOR.*—The Chairperson shall appoint a di-
16 rector after consultation with the members of the Commis-
17 sion, who shall be paid the rate of basic pay for level V
18 of the Executive Schedule.

19 (b) *STAFF.*—With the approval of the Commission, the
20 director may appoint personnel as the director considers
21 appropriate.

22 (c) *APPLICABILITY OF CIVIL SERVICE LAWS.*—The
23 staff of the Commission shall be appointed without regard
24 to the provisions of title 5, United States Code, governing
25 appointments in the competitive service, and shall be paid

1 *without regard to the provisions of chapter 51 and sub-*
2 *chapter III of chapter 53 of that title relating to classifica-*
3 *tion and General Schedule pay rates.*

4 (d) *EXPERTS AND CONSULTANTS.*—*With the approval*
5 *of the Commission, the director may procure temporary and*
6 *intermittent services under section 3109(b) of title 5, United*
7 *States Code.*

8 (e) *STAFF OF FEDERAL AGENCIES.*—*Upon the request*
9 *of the Commission, the head of any Federal agency may*
10 *detail, on a reimbursable basis, any of the personnel of that*
11 *agency to the Commission to assist in carrying out its du-*
12 *ties under this Act.*

13 (f) *OTHER RESOURCES.*—*The Commission shall have*
14 *reasonable access to materials, resources, statistical data,*
15 *and other information from the Library of Congress, as well*
16 *as agencies and elected representatives of the executive and*
17 *legislative branches of government. The Chairperson of the*
18 *Commission shall make requests in writing where nec-*
19 *essary.*

20 (g) *PHYSICAL FACILITIES.*—*The General Services Ad-*
21 *ministration shall find suitable office space for the oper-*
22 *ation of the Commission. The facilities shall serve as the*
23 *headquarters of the Commission and shall include all nec-*
24 *essary equipment and incidentals required for proper*
25 *functioning.*

1 **SEC. 1716. POWERS OF COMMISSION.**

2 (a) *HEARINGS.*—*The Commission may conduct public*
3 *hearings or forums at its discretion, at any time and place*
4 *it is able to secure facilities and witnesses, for the purpose*
5 *of carrying out its duties.*

6 (b) *DELEGATION OF AUTHORITY.*—*Any member or*
7 *agent of the Commission may, if authorized by the Commis-*
8 *sion, take any action the Commission is authorized to take*
9 *by this section.*

10 (c) *INFORMATION.*—*The Commission may secure di-*
11 *rectly from any Federal agency information necessary to*
12 *enable it to carry out this Act. Upon request of the Chair-*
13 *person or Vice Chairperson of the Commission, the head of*
14 *a Federal agency shall furnish the information to the Com-*
15 *mission to the extent permitted by law.*

16 (d) *GIFTS, BEQUESTS, AND DEVICES.*—*The Commis-*
17 *sion may accept, use, and dispose of gifts, bequests, or de-*
18 *vices of services or property, both real and personal, for the*
19 *purpose of aiding or facilitating the work of the Commis-*
20 *sion. Gifts, bequests, or devises of money and proceeds from*
21 *sales of other property received as gifts, bequests, or devices*
22 *shall be deposited in the Treasury and shall be available*
23 *for disbursement upon order of the Commission.*

24 (e) *MAILS.*—*The Commission may use the United*
25 *States mails in the same manner and under the same condi-*
26 *tions as other Federal agencies.*

1 **SEC. 1717. REPORTS.**

2 (a) *MONTHLY REPORTS.*—*The Commission shall sub-*
3 *mit monthly activity reports to the President and the Con-*
4 *gress.*

5 (b) *REPORTS.*—

6 (1) *INTERIM REPORT.*—*The Commission shall*
7 *submit an interim report to the President and the*
8 *Congress not later than 1 year before the termination*
9 *of the Commission. The interim report shall contain*
10 *a detailed statement of the findings and conclusions*
11 *of the Commission, together with its recommendations*
12 *for legislative and administrative action based on the*
13 *Commission's activities to date. A strategy for dis-*
14 *seminating the report to Federal, State, and local au-*
15 *thorities shall be formulated and submitted with the*
16 *formal presentation of the report to the President and*
17 *the Congress.*

18 (2) *FINAL REPORT.*—*Not later than the date of*
19 *the termination of the Commission, the Commission*
20 *shall submit to the Congress and the President a final*
21 *report with a detailed statement of final findings,*
22 *conclusions, and recommendations, including an as-*
23 *essment of the extent to which recommendations of*
24 *the Commission included in the interim report under*
25 *paragraph (1) have been implemented.*

1 (c) *PRINTING AND PUBLIC DISTRIBUTION.*—Upon re-
2 *ceipt of each report of the Commission under this section,*
3 *the President shall—*

4 (1) *order the report to be printed; and*

5 (2) *make the report available to the public upon*
6 *request.*

7 ***SEC. 1718. TERMINATION.***

8 *The Commission shall terminate on the date which is*
9 *2 years after the Members of the Commission have met and*
10 *designated a Chairperson and Vice Chairperson.*

11 ***Subtitle C—National Commission***
12 ***to Support Law Enforcement***

13 ***SEC. 1721. SHORT TITLE.***

14 *This subtitle may be cited as the “National Commis-*
15 *sion to Support Law Enforcement Act”.*

16 ***SEC. 1722. CONGRESSIONAL FINDINGS.***

17 *The Congress finds that—*

18 (1) *law enforcement officers risk their lives daily*
19 *to protect citizens, for modest rewards and too little*
20 *recognition;*

21 (2) *a significant shift has occurred in the prob-*
22 *lems that law enforcement officers face without a cor-*
23 *responding change in the support from the Federal*
24 *Government;*

1 (3) law enforcement officers are on the front line
2 in the war against drugs and crime;

3 (4) the rate of violent crime continues to increase
4 along with the increase in drug use;

5 (5) a large percentage of individuals arrested test
6 positive for drug usage;

7 (6) the Presidential Commission on Law En-
8 forcement and the Administration of Justice of 1965
9 focused attention on many issues affecting law en-
10 forcement, and a review twenty-five years later would
11 help to evaluate current problems, including drug-re-
12 lated crime, violence, racial conflict, and decreased
13 funding; and

14 (7) a comprehensive study of law enforcement is-
15 sues, including the role of the Federal Government in
16 supporting law enforcement officers, working condi-
17 tions, and responsibility for crime control would as-
18 sist in redefining the relationships between the Fed-
19 eral Government, the public, and law enforcement of-
20 ficials.

21 **SEC. 1723. ESTABLISHMENT.**

22 There is established a national commission to be
23 known as the “National Commission to Support Law En-
24 forcement” (referred to in this subtitle as the “Commis-
25 sion”).

1 **SEC. 1724. DUTIES.**

2 (a) *IN GENERAL.* —The Commission shall study and
3 recommend changes regarding law enforcement agencies
4 and law enforcement issues on the Federal, State, and local
5 levels, including the following:

6 (1) *FUNDING.*—The sufficiency of funding, in-
7 cluding a review of grant programs at the Federal
8 level.

9 (2) *EMPLOYMENT.*—The conditions of law en-
10 forcement employment.

11 (3) *INFORMATION.*—The effectiveness of informa-
12 tion-sharing systems, intelligence, infrastructure, and
13 procedures among law enforcement agencies of Fed-
14 eral, State, and local governments.

15 (4) *RESEARCH AND TRAINING.*—The status of
16 law enforcement research and education and training.

17 (5) *EQUIPMENT AND RESOURCES.*—The ade-
18 quacy of equipment, physical resources, and human
19 resources.

20 (6) *COOPERATION.*—The cooperation among Fed-
21 eral, State, and local law enforcement agencies.

22 (7) *RESPONSIBILITY.*—The responsibility of gov-
23 ernments and law enforcement agencies in solving the
24 crime problem.

1 (8) *IMPACT.*—*The impact of the criminal justice*
2 *system, including court schedules and prison over-*
3 *crowding, on law enforcement.*

4 (b) *CONSULTATION.*—*The Commission shall conduct*
5 *surveys and consult with focus groups of law enforcement*
6 *officers, local officials, and community leaders across the*
7 *Nation to obtain information and seek advice on important*
8 *law enforcement issues.*

9 **SEC. 1725. MEMBERSHIP.**

10 (a) *NUMBER AND APPOINTMENT.*—*The Commission*
11 *shall be composed of 29 members as follows:*

12 (1) *9 individuals from national law enforcement*
13 *organizations representing law enforcement officers, of*
14 *whom—*

15 (A) *2 shall be appointed by the Speaker of*
16 *the House of Representatives;*

17 (B) *2 shall be appointed by the majority*
18 *leader of the Senate;*

19 (C) *2 shall be appointed by the minority*
20 *leader of the House of Representatives;*

21 (D) *2 shall be appointed by the minority*
22 *leader of the Senate; and*

23 (E) *1 shall be appointed by the President.*

1 (2) 9 individuals from national law enforcement
2 organizations representing law enforcement manage-
3 ment, of whom—

4 (A) 2 shall be appointed by the Speaker of
5 the House of Representatives;

6 (B) 2 shall be appointed by the majority
7 leader of the Senate;

8 (C) 2 shall be appointed by the minority
9 leader of the House of Representatives;

10 (D) 2 shall be appointed by the minority
11 leader of the Senate; and

12 (E) 1 shall be appointed by the President.

13 (3) 2 individuals with academic expertise re-
14 garding law enforcement issues, of whom—

15 (A) 1 shall be appointed by the Speaker of
16 the House of Representatives and the majority
17 leader of the Senate.

18 (B) 1 shall be appointed by the minority
19 leader of the Senate and the minority leader of
20 the House of Representatives.

21 (4) 2 Members of the House of Representatives,
22 appointed by the Speaker and the minority leader of
23 the House of Representatives.

24 (5) 2 Members of the Senate, appointed by the
25 majority leader and the minority leader of the Senate.

1 (6) *1 individual from the Department of Justice,*
2 *appointed by the President.*

3 (7) *2 individuals representing a State or local*
4 *governmental entity, such as a Governor, mayor, or*
5 *State Attorney General, to be appointed jointly by the*
6 *majority leader and the minority leader of the Senate.*

7 (8) *2 individuals representing a State or local*
8 *governmental entity, such as a Governor, mayor, or*
9 *State Attorney General, to be appointed jointly by the*
10 *Speaker and the minority leader of the House of Rep-*
11 *resentatives.*

12 (b) *COMPTROLLER GENERAL.—The Comptroller Gen-*
13 *eral shall serve in an advisory capacity and shall oversee*
14 *the methodology and approach of the Commission's study.*

15 (c) *CHAIRPERSON.—Upon their appointment the*
16 *members of the Commission shall select one of their number*
17 *to act as chairperson.*

18 (d) *COMPENSATION.—*

19 (1) *IN GENERAL.—Members of the Commission*
20 *shall receive no additional pay, allowance, or benefit*
21 *by reason of service on the Commission.*

22 (2) *TRAVEL EXPENSES.—Each member of the*
23 *Commission shall receive travel expenses, including*
24 *per diem in lieu of subsistence, in accordance with*
25 *sections 5702 and 5703 of title 5, United States Code.*

1 (e) *APPOINTMENT DATES.*—Members of the Commis-
2 sion shall be appointed no later than 90 days after the en-
3 actment of this Act.

4 **SEC. 1726. EXPERTS AND CONSULTANTS.**

5 (a) *EXPERTS AND CONSULTANTS.*—The Commission
6 may procure temporary and intermittent services under
7 section 3109(b) of title 5, United States Code.

8 (b) *STAFF OF FEDERAL AGENCIES.*—Upon request of
9 the Commission, the head of any Federal agency is author-
10 ized to detail, on a reimbursable basis, any of the personnel
11 of that agency to the Commission to assist the Commission
12 in carrying out its duties under this title.

13 (c) *ADMINISTRATIVE SUPPORT.*—The Administrator of
14 General Services shall provide to the Commission, on a re-
15 imburseable basis, administrative support services as the
16 Commission may request.

17 **SEC. 1727. POWERS OF COMMISSION.**

18 (a) *HEARINGS.*—The Commission may, for purposes
19 of this title, hold hearings, sit and act at the times and
20 places, take testimony, and receive evidence, as the Commis-
21 sion considers appropriate.

22 (b) *DELEGATION OF AUTHORITY.*—Any member or
23 agent of the Commission may, if authorized by the Commis-
24 sion, take any action the Commission is authorized to take
25 by this section.

1 (c) *INFORMATION.*—The Commission may secure di-
2 rectly from any Federal agency information necessary to
3 enable it to carry out this title. Upon request of the chair-
4 person of the Commission, the head of an agency shall fur-
5 nish the information to the Commission to the extent per-
6 mitted by law.

7 (d) *GIFTS AND DONATIONS.*—The Commission may
8 accept, use, and dispose of gifts or donations of services or
9 property.

10 (e) *MAILS.*—The Commission may use the United
11 States mails in the same manner and under the same condi-
12 tions as other Federal agencies.

13 **SEC. 1728. REPORT.**

14 Not later than the expiration of the eighteen-month pe-
15 riod beginning on the date of the appointment of the mem-
16 bers of the Commission, a report containing the findings
17 of the Commission and specific proposals for legislation and
18 administrative actions that the Commission has determined
19 to be appropriate shall be submitted to Congress.

20 **SEC. 1729. TERMINATION.**

21 The Commission shall cease to exist upon the expira-
22 tion of the 60-day period beginning on the date on which
23 the Commission submits its report under section 1738.

1 **SEC. 1730. REPEALS.**

2 *Title XXXIV of the Crime Control Act of 1990 (Public*
3 *Law 101–647; 104 Stat. 4918) and title II, section 211B*
4 *of the Departments of Commerce, Justice, and State, the*
5 *Judiciary, and Related Agencies Appropriations Act, 1991*
6 *(Public Law 101–515; 104 Stat. 2122) are repealed.*

7 **Subtitle D—Presidential Summit on**
8 **Violence**

9 **SEC. 1731. CONGRESSIONAL FINDINGS.**

10 *The Congress finds that—*

11 *(1) violence in America has reached epidemic*
12 *proportions;*

13 *(2) this epidemic reaches into communities large*
14 *and small, affects the richest and the poorest among*
15 *us, touches people of every ethnic and economic back-*
16 *ground, and affects all institutions, both public and*
17 *private;*

18 *(3) actual violence and depictions of violence are*
19 *so pervasive that they have an enormous impact on*
20 *the lives and character of our children;*

21 *(4) every person, group, and institution in*
22 *America has a role to play in ending the epidemic of*
23 *violence; and*

24 *(5) we need a national conference in order to de-*
25 *velop a shared understanding of the causes of violence*

1 (4) to recommend improvements in the coordina-
2 tion of local, State, and Federal agencies in the areas
3 of violence in schools prevention; and

4 (5) to make a comprehensive study of the eco-
5 nomic and social factors leading to or contributing to
6 violence in schools and specific proposals for legisla-
7 tive and administrative actions to reduce violence and
8 the elements that contribute to it.

9 **SEC. 1743. DUTIES.**

10 *The Commission shall—*

11 (1) *define the causes of violence in schools;*

12 (2) *define the scope of the national problem of vi-*
13 *olence in schools;*

14 (3) *provide statistics and data on the problem of*
15 *violence in schools on a State-by-State basis;*

16 (4) *investigate the problem of youth gangs and*
17 *their relation to violence in schools and provide rec-*
18 *ommendations as to how to reduce youth involvement*
19 *in violent crime in schools;*

20 (5) *examine the extent to which weapons and*
21 *firearms in schools have contributed to violence and*
22 *murder in schools;*

23 (6) *explore the extent to which the school envi-*
24 *ronment has contributed to violence in schools; and*

1 (7) *review the effectiveness of current approaches*
2 *in preventing violence in schools.*

3 **SEC. 1744. MEMBERSHIP.**

4 (a) *NUMBER AND APPOINTMENT.—*

5 (1) *IN GENERAL.—The Commission shall consist*
6 *of 22 members, as follows:*

7 (A) *PRESIDENT.—Two persons appointed*
8 *by the President.*

9 (B) *SENATE.—Five persons appointed by*
10 *the majority leader of the Senate and five per-*
11 *sons appointed by the minority leader of the*
12 *Senate.*

13 (C) *HOUSE OF REPRESENTATIVES.—Five*
14 *persons appointed by the Speaker of the House*
15 *of Representatives, and five persons appointed by*
16 *the minority leader of the House of Representa-*
17 *tives.*

18 (2) *GOALS IN MAKING APPOINTMENTS.—In ap-*
19 *pointing individuals as members of the Commission,*
20 *the President and the majority and minority leaders*
21 *of the House of Representatives and the Senate shall*
22 *seek to ensure that—*

23 (A) *the membership of the Commission re-*
24 *fects the racial, ethnic, and gender diversity of*
25 *the United States; and*

1 (B) members are specially qualified to serve
2 on the Commission by reason of their education,
3 training, expertise, or experience in—

4 (i) sociology;

5 (ii) psychology;

6 (iii) law;

7 (iv) law enforcement; and

8 (v) ethnography and urban poverty,
9 including health care, housing, education,
10 and employment.

11 (b) *DEADLINE FOR APPOINTMENT.*—Members of the
12 Commission shall be appointed within 60 days after the
13 date of the enactment of this Act for the life of the Commis-
14 sion.

15 (c) *MEETINGS.*—The Commission shall have its head-
16 quarters in the District of Columbia, and shall meet at least
17 once each month for a business session that shall be con-
18 ducted by the Chairperson.

19 (d) *QUORUM.*—Thirteen members of the Commission
20 shall constitute a quorum, but a lesser number may hold
21 hearings.

22 (e) *CHAIRPERSON AND VICE CHAIRPERSON.*—No later
23 than 15 days after the members of the Commission are ap-
24 pointed, such members shall designate a Chairperson and
25 Vice Chairperson of the Commission.

1 (f) *CONTINUATION OF MEMBERSHIP.*—If a member of
2 the Commission later becomes an officer or employee of any
3 government, the individual may continue as a member
4 until a successor is appointed.

5 (g) *VACANCIES.*—A vacancy in the Commission shall
6 be filled not later than 30 days after the Commission is
7 informed of the vacancy in the manner in which the origi-
8 nal appointment was made.

9 (h) *COMPENSATION.*—

10 (1) *NO PAY, ALLOWANCE, OR BENEFIT.*—Mem-
11 bers of the Commission shall receive no additional
12 pay, allowances, or benefits by reason of their service
13 on the Commission.

14 (2) *TRAVEL EXPENSES.*—Each member of the
15 Commission shall receive travel expenses, including
16 per diem in lieu of subsistence, in accordance with
17 sections 5702 and 5703 of title 5, United States Code.

18 **SEC. 1745. STAFF AND SUPPORT SERVICES.**

19 (a) *DIRECTOR.*—The Chairperson shall appoint a di-
20 rector after consultation with the members of the Commis-
21 sion, who shall be paid the rate of basic pay for level V
22 of the Executive Schedule.

23 (b) *STAFF.*—With the approval of the Commission, the
24 director may appoint personnel as the director considers
25 appropriate.

1 (c) *APPLICABILITY OF CIVIL SERVICE LAWS.*—The
2 *staff of the Commission shall be appointed without regard*
3 *to the provisions of title 5, United States Code, governing*
4 *appointments in the competitive service, and shall be paid*
5 *without regard to the provisions of chapter 51 and sub-*
6 *chapter III of chapter 53 of that title relating to classifica-*
7 *tion and General Schedule pay rates.*

8 (d) *EXPERTS AND CONSULTANTS.*—With the approval
9 *of the Commission, the director may procure temporary and*
10 *intermittent services under section 3109(b) of title 5, United*
11 *States Code.*

12 (e) *STAFF OF FEDERAL AGENCIES.*—Upon the request
13 *of the Commission, the head of any Federal agency may*
14 *detail, on a reimbursable basis, any of the personnel of that*
15 *agency to the Commission to assist in carrying out its du-*
16 *ties under this Act.*

17 (f) *OTHER RESOURCES.*—The Commission shall have
18 *reasonable access to materials, resources, statistical data,*
19 *and other information from the Library of Congress, as well*
20 *as agencies and elected representatives of the executive and*
21 *legislative branches of government. The Chairperson of the*
22 *Commission shall make requests in writing where nec-*
23 *essary.*

24 (g) *PHYSICAL FACILITIES.*—The General Services Ad-
25 *ministration shall find suitable office space for the oper-*

1 *ation of the Commission. The facilities shall serve as the*
2 *headquarters of the Commission and shall include all nec-*
3 *essary equipment and incidentals required for proper func-*
4 *tioning.*

5 **SEC. 1746. POWERS OF COMMISSION.**

6 (a) *HEARINGS.*—*The Commission may conduct public*
7 *hearings or forums at its discretion, at any time and place*
8 *it is able to secure facilities and witnesses, for the purpose*
9 *of carrying out its duties.*

10 (b) *DELEGATION OF AUTHORITY.*—*Any member or*
11 *agent of the Commission may, if authorized by the Commis-*
12 *sion, take any action the Commission is authorized to take*
13 *by this section.*

14 (c) *INFORMATION.*—*The Commission may secure di-*
15 *rectly from any Federal agency information necessary to*
16 *enable it to carry out this Act. Upon request of the Chair-*
17 *person or Vice Chairperson of the Commission, the head of*
18 *a Federal agency shall furnish the information to the Com-*
19 *mission to the extent permitted by law.*

20 (d) *GIFTS, BEQUESTS, AND DEVICES.*—*The Commis-*
21 *sion may accept, use, and dispose of gifts, bequests, or de-*
22 *vices of services or property, both real and personal, for the*
23 *purpose of aiding or facilitating the work of the Commis-*
24 *sion. Gifts, bequests, or devises of money and proceeds from*
25 *sales of other property received as gifts, bequests, or devices*

1 *shall be deposited in the Treasury and shall be available*
2 *for disbursement upon order of the Commission.*

3 (e) *MAILS.*—*The Commission may use the United*
4 *States mails in the same manner and under the same condi-*
5 *tions as other Federal agencies.*

6 **SEC. 1747. REPORTS.**

7 (a) *MONTHLY REPORTS.*—*The Commission shall sub-*
8 *mit monthly activity reports to the President and the Con-*
9 *gress.*

10 (b) *REPORTS.*—

11 (1) *INTERIM REPORT.*—*The Commission shall*
12 *submit an interim report to the President and the*
13 *Congress not later than 1 years before the termination*
14 *of the Commission. The interim report shall contain*
15 *a detailed statement of the findings and conclusions*
16 *of the Commission, together with its recommendations*
17 *for legislative and administrative action based on the*
18 *Commission's activities to date. A strategy for dis-*
19 *seminating the report to Federal, State, and local au-*
20 *thorities shall be formulated and submitted with the*
21 *formal presentation of the report to the President and*
22 *the Congress.*

23 (2) *FINAL REPORT.*—*Not later than the date of*
24 *the termination of the Commission, the Commission*
25 *shall submit to the Congress and the President a final*

1 *report with a detailed statement of final findings,*
2 *conclusions, and recommendations, including an as-*
3 *essment of the extent to which recommendations of*
4 *the Commission included in the interim report under*
5 *paragraph (1) have been implemented.*

6 (c) *PRINTING AND PUBLIC DISTRIBUTION.*—*Upon re-*
7 *ceipt of each report of the Commission under this section,*
8 *the President shall—*

9 (1) *order the report to be printed; and*

10 (2) *make the report available to the public upon*
11 *request.*

12 ***SEC. 1748. TERMINATION.***

13 *The Commission shall terminate on the date which is*
14 *2 years after the members of the Commission have met and*
15 *designated a Chairperson and Vice Chairperson.*

16 ***SEC. 1749. AUTHORIZATION OF APPROPRIATIONS.***

17 *There are authorized to be appropriated such sums as*
18 *are necessary to enable the Commission to carry out its du-*
19 *ties under this subtitle.*

20 ***TITLE XVIII—BAIL POSTING***
21 ***REPORTING***

22 ***SEC. 1801. SHORT TITLE.***

23 *This title may be cited as the “Illegal Drug Profits*
24 *Act of 1993”.*

1 **SEC. 1802. REQUIRED REPORTING BY CRIMINAL COURT**
2 **CLERKS.**

3 (a) *IN GENERAL.*—Each clerk of a Federal or State
4 criminal court shall report to the Internal Revenue Service,
5 in a form and manner as prescribed by the Secretary of
6 the Treasury, the name and taxpayer identification number
7 of—

8 (1) any individual charged with any criminal
9 offense who posts cash bail, or on whose behalf cash
10 bail is posted, in an amount exceeding \$10,000; and

11 (2) any individual or entity (other than a li-
12 censed bail bonding individual or entity) posting such
13 cash bail for or on behalf of such individual.

14 (b) *CRIMINAL OFFENSES.*—For purposes of subsection
15 (a), the term “criminal offense” means—

16 (1) any Federal criminal offense involving a
17 controlled substance;

18 (2) racketeering (as defined in section 1951,
19 1952, or 1955 of title 18, United States Code);

20 (3) money laundering (as defined in section
21 1956 or 1957 of title 18, United States Code); and

22 (4) any violation of State criminal law involv-
23 ing an offense substantially similar to an offense de-
24 scribed in paragraph (1), (2), or (3).

1 (c) *COPY TO PROSECUTORS.*—Each clerk shall submit
2 a copy of each report of cash bail described in subsection
3 (a) to—

4 (1) the office of the United States Attorney; and
5 (2) the office of the local prosecuting attorney,
6 for the jurisdiction in which the defendant resides
7 (and the jurisdiction in which the criminal offense oc-
8 curred, if different).

9 (d) *REGULATIONS.*—The Secretary of the Treasury
10 shall promulgate such regulations as are necessary within
11 90 days of the date of enactment of this Act.

12 (e) *EFFECTIVE DATE.*—This section shall become effec-
13 tive 60 days on the date of the promulgation of regulations
14 under subsection (d).

15 **TITLE XIX—MOTOR VEHICLE**
16 **THEFT PREVENTION**

17 **SEC. 1901. SHORT TITLE.**

18 This title may be cited as the “Motor Vehicle Theft Pre-
19 vention Act”.

20 **SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PROGRAM.**

21 (a) *IN GENERAL.*—Not later than 180 days after the
22 date of enactment of this section, the Attorney General shall
23 develop, in cooperation with the States, a national vol-
24 untary motor vehicle theft prevention program (in this sec-
25 tion referred to as the “program”) under which—

1 (1) *the owner of a motor vehicle may voluntarily*
2 *sign a consent form with a participating State or lo-*
3 *cality in which the motor vehicle owner—*

4 (A) *states that the vehicle is not normally*
5 *operated under certain specified conditions; and*

6 (B) *agrees to—*

7 (i) *display program decals or devices*
8 *on the owner's vehicle; and*

9 (ii) *permit law enforcement officials in*
10 *any State to stop the motor vehicle and take*
11 *reasonable steps to determine whether the*
12 *vehicle is being operated by or with the per-*
13 *mission of the owner, if the vehicle is being*
14 *operated under the specified conditions; and*

15 (2) *participating States and localities authorize*
16 *law enforcement officials in the State or locality to*
17 *stop motor vehicles displaying program decals or de-*
18 *vices under specified conditions and take reasonable*
19 *steps to determine whether the vehicle is being oper-*
20 *ated by or with the permission of the owner.*

21 (b) *UNIFORM DECAL OR DEVICE DESIGNS.—*

22 (1) *IN GENERAL.—The motor vehicle theft pre-*
23 *vention program developed pursuant to this section*
24 *shall include a uniform design or designs for decals*

1 *or other devices to be displayed by motor vehicles par-*
2 *ticipating in the program.*

3 (2) *TYPE OF DESIGN.—The uniform design*
4 *shall—*

5 (A) *be highly visible; and*

6 (B) *explicitly state that the motor vehicle to*
7 *which it is affixed may be stopped under the*
8 *specified conditions without additional grounds*
9 *for establishing a reasonable suspicion that the*
10 *vehicle is being operated unlawfully.*

11 (c) *VOLUNTARY CONSENT FORM.—The voluntary con-*
12 *sent form used to enroll in the program shall—*

13 (1) *clearly state that participation in the pro-*
14 *gram is voluntary;*

15 (2) *clearly explain that participation in the pro-*
16 *gram means that, if the participating vehicle is being*
17 *operated under the specified conditions, law enforce-*
18 *ment officials may stop the vehicle and take reason-*
19 *able steps to determine whether it is being operated*
20 *by or with the consent of the owner, even if the law*
21 *enforcement officials have no other basis for believing*
22 *that the vehicle is being operated unlawfully;*

23 (3) *include an express statement that the vehicle*
24 *is not normally operated under the specified condi-*
25 *tions and that the operation of the vehicle under those*

1 *conditions would provide sufficient grounds for a pru-*
2 *dent law enforcement officer to reasonably believe that*
3 *the vehicle was not being operated by or with the con-*
4 *sent of the owner; and*

5 *(4) include any additional information that the*
6 *Attorney General may reasonably require.*

7 *(d) SPECIFIED CONDITIONS UNDER WHICH STOPS*
8 *MAY BE AUTHORIZED.—*

9 *(1) IN GENERAL.—The Attorney General shall*
10 *promulgate rules establishing the conditions under*
11 *which participating motor vehicles may be authorized*
12 *to be stopped under this section. These conditions may*
13 *not be based on race, creed, color, national origin,*
14 *gender, or age. These conditions may include—*

15 *(A) the operation of the vehicle during cer-*
16 *tain hours of the day; or*

17 *(B) the operation of the vehicle under other*
18 *circumstances that would provide a sufficient*
19 *basis for establishing a reasonable suspicion that*
20 *the vehicle was not being operated by the owner,*
21 *or with the consent of the owner.*

22 *(2) MORE THAN ONE SET OF CONDITIONS.—The*
23 *Attorney General may establish more than one set of*
24 *conditions under which participating motor vehicles*
25 *may be stopped. If more than one set of conditions is*

1 *established, a separate consent form and a separate*
2 *design for program decals or devices shall be estab-*
3 *lished for each set of conditions. The Attorney General*
4 *may choose to satisfy the requirement of a separate*
5 *design for program decals or devices under this para-*
6 *graph by the use of a design color that is clearly dis-*
7 *tinguishable from other design colors.*

8 (3) *NO NEW CONDITIONS WITHOUT CONSENT.—*
9 *After the program has begun, the conditions under*
10 *which a vehicle may be stopped if affixed with a cer-*
11 *tain decal or device design may not be expanded*
12 *without the consent of the owner.*

13 (4) *LIMITED PARTICIPATION BY STATES AND LO-*
14 *CALITIES.—A State or locality need not authorize the*
15 *stopping of motor vehicles under all sets of conditions*
16 *specified under the program in order to participate in*
17 *the program.*

18 (e) *MOTOR VEHICLES FOR HIRE.—*

19 (1) *NOTIFICATION TO LESSEES.—Any person*
20 *who is in the business of renting or leasing motor ve-*
21 *hicles and who rents or leases a motor vehicle on*
22 *which a program decal or device is affixed shall, prior*
23 *to transferring possession of the vehicle, notify the*
24 *person to whom the motor vehicle is rented or leased*
25 *about the program.*

1 (2) *TYPE OF NOTICE.*—The notice required by
2 this subsection shall—

3 (A) *be in writing;*

4 (B) *be in a prominent format to be deter-*
5 *mined by the Attorney General; and*

6 (C) *explain the possibility that if the motor*
7 *vehicle is operated under the specified conditions,*
8 *the vehicle may be stopped by law enforcement*
9 *officials even if the officials have no other basis*
10 *for believing that the vehicle is being operated*
11 *unlawfully.*

12 (3) *FINE FOR FAILURE TO PROVIDE NOTICE.*—
13 *Failure to provide proper notice under this subsection*
14 *shall be punishable by a fine not to exceed \$5,000.*

15 (f) *NOTIFICATION OF POLICE.*—As a condition of par-
16 *ticipating in the program, a State or locality must agree*
17 *to take reasonable steps to ensure that law enforcement offi-*
18 *cials throughout the State or locality are familiar with the*
19 *program, and with the conditions under which motor vehi-*
20 *cles may be stopped under the program.*

21 (g) *REGULATIONS.*—The Attorney General shall pro-
22 *mulgate regulations to implement this section.*

23 (h) *AUTHORIZATION OF APPROPRIATIONS.*—There are
24 *authorized such sums as are necessary to carry out this sec-*
25 *tion.*

1 **SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE IDEN-**
2 **TIFICATION NUMBERS.**

3 (a) *BASIC OFFENSE.*—Subsection (a) of section 511 of
4 title 18, United States Code, is amended to read as follows:

5 “(a) A person who—

6 “(1) knowingly removes, obliterates, tampers
7 with, or alters an identification number for a motor
8 vehicle or motor vehicle part; or

9 “(2) with intent to further the theft of a motor
10 vehicle, knowingly removes, obliterates, tampers with,
11 or alters a decal or device affixed to a motor vehicle
12 pursuant to the Motor Vehicle Theft Prevention Act,
13 shall be fined under this title, imprisoned not more than
14 5 years, or both.”

15 (b) *EXCEPTED PERSONS.*—Paragraph (2) of section
16 511(b) of title 18, United States Code, is amended—

17 (1) by striking “and” after the semicolon in sub-
18 paragraph (B);

19 (2) by striking the period at the end of subpara-
20 graph (C) and inserting “; and”; and

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(D) a person who removes, obliterates,
24 tampers with, or alters a decal or device affixed
25 to a motor vehicle pursuant to the Motor Vehicle
26 Theft Prevention Act, if that person is the owner

1 *of the motor vehicle, or is authorized to remove,*
2 *obliterate, tamper with or alter the decal or de-*
3 *vice by—*

4 *“(i) the owner or his authorized agent;*

5 *“(ii) applicable State or local law; or*

6 *“(iii) regulations promulgated by the*

7 *Attorney General to implement the Motor*

8 *Vehicle Theft Prevention Act.”.*

9 (c) *DEFINITION.—Section 511 of title 18, United*
10 *States Code, is amended by adding at the end thereof the*
11 *following:*

12 *“(d) For purposes of subsection (a) of this section, the*
13 *term ‘tampers with’ includes covering a program decal or*
14 *device affixed to a motor vehicle pursuant to the Motor Ve-*
15 *hicle Theft Prevention Act for the purpose of obstructing*
16 *its visibility.”.*

17 (d) *UNAUTHORIZED APPLICATION OF A DECAL OR DE-*
18 *VICE.—*

19 (1) *IN GENERAL.—Chapter 25 of title 18, United*
20 *States Code, is amended by adding after section 511*
21 *the following new section:*

22 **“§511A. Unauthorized application of theft prevention**
23 **decal or device**

24 *“(a) Whoever affixes to a motor vehicle a theft preven-*
25 *tion decal or other device, or a replica thereof, unless au-*

1 *thorized to do so pursuant to the Motor Vehicle Theft Pre-*
2 *vention Act, shall be punished by a fine not to exceed*
3 *\$1,000.*

4 “(b) For purposes of this section, the term ‘theft pre-
5 vention decal or device’ means a decal or other device de-
6 signed in accordance with a uniform design for such devices
7 developed pursuant to the Motor Vehicle Theft Prevention
8 Act.”.

9 (2) *TECHNICAL AMENDMENT.*—The chapter anal-
10 ysis for chapter 25 of title 18, United States Code, is
11 amended by adding after the item relating to section
12 511 the following new item:

“511A. Unauthorized application of theft prevention decal or device.”.

13 **TITLE XX—PROTECTIONS FOR**
14 **THE ELDERLY**

15 **SEC. 2001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT**
16 **PROGRAM.**

17 (a) *GRANT.*—The Attorney General shall, subject to the
18 availability of appropriations, award a grant to an eligible
19 organization to assist the organization in paying for the
20 costs of planning, designing, establishing, and operating a
21 Missing Alzheimer’s Disease Patient Alert Program, which
22 shall be a locally based, proactive program to protect and
23 locate missing patients with Alzheimer’s disease and related
24 dementias.

1 (b) *APPLICATION.*—To be eligible to receive a grant
2 under subsection (a), an organization shall submit an ap-
3 plication to the Attorney General at such time, in such
4 manner, and containing such information as the Attorney
5 General may require, including, at a minimum, an assur-
6 ance that the organization will obtain and use assistance
7 from private nonprofit organizations to support the pro-
8 gram.

9 (c) *ELIGIBLE ORGANIZATION.*—The Attorney General
10 shall award the grant described in subsection (a) to a na-
11 tional voluntary organization that has a direct link to pa-
12 tients, and families of patients, with Alzheimer’s disease
13 and related dementias.

14 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
15 authorized to be appropriated to carry out this section
16 \$1,000,000 for each of fiscal years 1995, 1996, and 1997.

17 **SEC. 2002. CRIMES AGAINST THE ELDERLY.**

18 (a) *IN GENERAL.*—Pursuant to its authority under the
19 Sentencing Reform Act of 1984 and section 21 of the Sen-
20 tencing Act of 1987 (including its authority to amend the
21 sentencing guidelines and policy statements) and its au-
22 thority to make such amendments on an emergency basis,
23 the United States Sentencing Commission shall ensure that
24 the applicable guideline range for a defendant convicted of
25 a crime of violence against an elderly victim is sufficiently

1 *stringent to deter such a crime, to protect the public from*
2 *additional crimes of such a defendant, and to adequately*
3 *reflect the heinous nature of such an offense.*

4 (b) *CRITERIA.—In carrying out subsection (a), the*
5 *United States Sentencing Commission shall ensure that—*

6 (1) *the guidelines provide for increasingly severe*
7 *punishment for a defendant commensurate with the*
8 *degree of physical harm caused to the elderly victim;*

9 (2) *the guidelines take appropriate account of the*
10 *vulnerability of the victim; and*

11 (3) *the guidelines provide enhanced punishment*
12 *for a defendant convicted of a crime of violence*
13 *against an elderly victim who has previously been*
14 *convicted of a crime of violence against an elderly*
15 *victim, regardless of whether the conviction occurred*
16 *in Federal or State court.*

17 (c) *DEFINITIONS.—In this section—*

18 “*crime of violence*” *means an offense under sec-*
19 *tion 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or*
20 *2244 of title 18, United States Code.*

21 “*elderly victim*” *means a victim who is 65 years*
22 *of age or older at the time of an offense.*

1 **TITLE XXI—CONSUMER**
2 **PROTECTION**

3 **SEC. 2101. CRIMES BY OR AFFECTING PERSONS ENGAGED**
4 **IN THE BUSINESS OF INSURANCE WHOSE AC-**
5 **TIVITIES AFFECT INTERSTATE COMMERCE.**

6 (a) *IN GENERAL.*—Chapter 47 of title 18, United
7 States Code, is amended by adding at the end the following
8 new sections:

9 **“§ 1033. Crimes by or affecting persons engaged in the**
10 **business of insurance whose activities af-**
11 **fect interstate commerce**

12 “(a)(1) *Whoever is engaged in the business of insur-*
13 *ance whose activities affect interstate commerce and, with*
14 *the intent to deceive, knowingly makes any false material*
15 *statement or report or willfully and materially overvalues*
16 *any land, property or security—*

17 “(A) *in connection with any financial reports or*
18 *documents presented to any insurance regulatory offi-*
19 *cial or agency or an agent or examiner appointed by*
20 *such official or agency to examine the affairs of such*
21 *person, and*

22 “(B) *for the purpose of influencing the actions of*
23 *such official or agency or such an appointed agent or*
24 *examiner,*

25 *shall be punished as provided in paragraph (2).*

1 “(2) The punishment for an offense under paragraph
2 (1) is a fine as established under this title or imprisonment
3 for not more than 10 years, or both, except that the term
4 of imprisonment shall be not more than 15 years if the
5 statement or report or overvaluing of land, property, or se-
6 curity jeopardizes the safety and soundness of an insurer.

7 “(b)(1) Whoever—

8 “(A) acting as, or being an officer, director,
9 agent, or employee of, any person engaged in the busi-
10 ness of insurance whose activities affect interstate
11 commerce, or

12 “(B) is engaged in the business of insurance
13 whose activities affect interstate commerce or is in-
14 volved (other than as an insured or beneficiary under
15 a policy of insurance) in a transaction relating to the
16 conduct of affairs of such a business,

17 willfully embezzles, abstracts, purloins, or misappropriates
18 any of the moneys, funds, premiums, credits, or other prop-
19 erty of such person so engaged shall be punished as provided
20 in paragraph (2).

21 “(2) The punishment for an offense under paragraph
22 (1) is a fine as provided under this title or imprisonment
23 for not more than 10 years, or both, except that if such
24 embezzlement, abstraction, purloining, or misappropriation
25 described in paragraph (1) jeopardizes the safety and

1 *soundness of an insurer, such imprisonment shall be not*
2 *more than 15 years. If the amount or value so embezzled,*
3 *abstracted, purloined, or misappropriated does not exceed*
4 *\$5,000, whoever violates paragraph (1) shall be fined as*
5 *provided in this title or imprisoned not more than one year,*
6 *or both.*

7 “(c)(1) *Whoever is engaged in the business of insurance*
8 *and whose activities affect interstate commerce or is in-*
9 *olved (other than as an insured or beneficiary under a pol-*
10 *icy of insurance) in a transaction relating to the conduct*
11 *of affairs of such a business, knowingly makes any false*
12 *entry of material fact in any book, report, or statement of*
13 *such person engaged in the business of insurance with in-*
14 *tent to—*

15 “(A) *deceive any person about the financial con-*
16 *dition or solvency of such business, or*

17 “(B) *deceive any officer, employee, or agent of*
18 *such person engaged in the business of insurance, any*
19 *insurance regulatory official or agency, or any agent*
20 *or examiner appointed by such official or agency to*
21 *examine the affairs of such person about the financial*
22 *condition or solvency of such business,*
23 *shall be punished as provided in paragraph (2).*

24 “(2) *The punishment for an offense under paragraph*
25 *(1) is a fine as provided under this title or imprisonment*

1 *for not more than 10 years, or both, except that if the false*
2 *entry in any book, report, or statement of such person jeop-*
3 *ardizes the safety and soundness of an insurer, such impris-*
4 *onment shall be not more than 15 years.*

5 “(d) *Whoever, by threats or force or by any threatening*
6 *letter or communication, corruptly influences, obstructs, or*
7 *impedes or endeavors corruptly to influence, obstruct, or*
8 *impede the due and proper administration of the law under*
9 *which any proceeding involving the business of insurance*
10 *whose activities affect interstate commerce is pending before*
11 *any insurance regulatory official or agency or any agent*
12 *or examiner appointed by such official or agency to exam-*
13 *ine the affairs of a person engaged in the business of insur-*
14 *ance whose activities affect interstate commerce, shall be*
15 *fined as provided in this title or imprisoned not more than*
16 *10 years, or both.*

17 “(e)(1)(A) *Any individual who has been convicted of*
18 *any criminal felony involving dishonesty or a breach of*
19 *trust, or who has been convicted of an offense under this*
20 *section, and who willfully engages in the business of insur-*
21 *ance whose activities affect interstate commerce or partici-*
22 *pates in such business, shall be fined as provided in this*
23 *title or imprisoned not more than 5 years, or both.*

24 “(B) *Any individual who is engaged in the business*
25 *of insurance whose activities affect interstate commerce and*

1 *who willfully permits the participation described in sub-*
2 *paragraph (A) shall be fined as provided in this title or*
3 *imprisoned not more than 5 years, or both.*

4 “(2) A person described in paragraph (1)(A) may en-
5 *gage in the business of insurance or participate in such*
6 *business if such person has the written consent of any insur-*
7 *ance regulatory official authorized to regulate the insurer,*
8 *which consent specifically refers to this subsection.*

9 “(f) As used in this section—

10 “(1) the term ‘business of insurance’ means—

11 “(A) the writing of insurance, or

12 “(B) the reinsuring of risks,

13 *by an insurer, including all acts necessary or inci-*
14 *dental to such writing or reinsuring and the activities*
15 *of persons who act as, or are, officers, directors,*
16 *agents, or employees of insurers or who are other per-*
17 *sons authorized to act on behalf of such persons;*

18 “(2) the term ‘insurer’ means any entity the
19 *business activity of which is the writing of insurance*
20 *or the reinsuring of risks or any receiver or similar*
21 *official or any liquidating agent for such an entity,*
22 *in his or her capacity as such, and includes any per-*
23 *son who acts as, or is, an officer, director, agent, or*
24 *employee of that business;*

25 “(3) the term ‘interstate commerce’ means—

1 “(A) *commerce within the District of Co-*
2 *lumbia, or any territory or possession of the*
3 *United States;*

4 “(B) *all commerce between any point in the*
5 *State, territory, possession, or the District of Co-*
6 *lumbia and any point outside thereof;*

7 “(C) *all commerce between points within*
8 *the same State through any place outside such*
9 *State; or*

10 “(D) *all other commerce over which the*
11 *United States has jurisdiction; and*

12 “(4) *the term ‘State’ includes any State, the Dis-*
13 *trict of Columbia, the Commonwealth of Puerto Rico,*
14 *the Northern Mariana Islands, the Virgin Islands,*
15 *American Samoa, and the Trust Territory of the Pa-*
16 *cific Islands.*

17 **“§ 1034. Civil penalties and injunctions for violations**
18 **of section 1033**

19 “(a) *The Attorney General may bring a civil action*
20 *in the appropriate United States district court against any*
21 *person who engages in conduct constituting an offense*
22 *under section 1033 and, upon proof of such conduct by a*
23 *preponderance of the evidence, such person shall be subject*
24 *to a civil penalty of not more than \$50,000 for each viola-*
25 *tion or the amount of compensation which the person re-*

1 ceived or offered for the prohibited conduct, whichever
2 amount is greater. If the offense has contributed to the deci-
3 sion of a court of appropriate jurisdiction to issue an order
4 directing the conservation, rehabilitation, or liquidation of
5 an insurer, such penalty shall be remitted to the regulatory
6 official for the benefit of the policyholders, claimants, and
7 creditors of such insurer. The imposition of a civil penalty
8 under this subsection does not preclude any other criminal
9 or civil statutory, common law, or administrative remedy,
10 which is available by law to the United States or any other
11 person.

12 “(b) If the Attorney General has reason to believe that
13 a person is engaged in conduct constituting an offense
14 under section 1033, the Attorney General may petition an
15 appropriate United States district court for an order pro-
16 hibiting that person from engaging in such conduct. The
17 court may issue an order prohibiting that person from en-
18 gaging in such conduct if the court finds that the conduct
19 constitutes such an offense. The filing of a petition under
20 this section does not preclude any other remedy which is
21 available by law to the United States or any other person.”.

22 (b) *TECHNICAL AMENDMENT.*—The chapter analysis
23 for chapter 47 of title 18, United States Code, is amended
24 by adding at the end the following new items:

“1033. Crimes by or affecting persons engaged in the business of insurance whose
activities affect interstate commerce.

“1034. Civil penalties and injunctions for violations of section 1033.”.

1 (c) *MISCELLANEOUS AMENDMENTS TO TITLE 18,*
2 *UNITED STATES CODE.*—

3 (1) *TAMPERING WITH INSURANCE REGULATORY*
4 *PROCEEDINGS.*—Section 1515(a)(1) of title 18, United
5 *States Code, is amended—*

6 (A) *by striking “or” at the end of subpara-*
7 *graph (B);*

8 (B) *by inserting “or” at the end of subpara-*
9 *graph (C); and*

10 (C) *by adding at the end the following new*
11 *subparagraph:*

12 “(D) *a proceeding involving the business of*
13 *insurance whose activities affect interstate com-*
14 *merce before any insurance regulatory official or*
15 *agency or any agent or examiner appointed by*
16 *such official or agency to examine the affairs of*
17 *any person engaged in the business of insurance*
18 *whose activities affect interstate commerce;”.*

19 (2) *LIMITATIONS.*—Section 3293 of title 18,
20 *United States Code, is amended by inserting “1033,”*
21 *after “1014,”.*

22 (3) *OBSTRUCTION OF CRIMINAL INVESTIGA-*
23 *TIONS.*—Section 1510 of title 18, United States Code,
24 *is amended by adding at the end the following new*
25 *subsection:*

1 “(d)(1) Whoever—

2 “(A) acting as, or being, an officer, director,
3 agent or employee of a person engaged in the business
4 of insurance whose activities affect interstate com-
5 merce, or

6 “(B) is engaged in the business of insurance
7 whose activities affect interstate commerce or is in-
8 volved (other than as an insured or beneficiary under
9 a policy of insurance) in a transaction relating to the
10 conduct of affairs of such a business,

11 with intent to obstruct a judicial proceeding, directly or in-
12 directly notifies any other person about the existence or con-
13 tents of a subpoena for records of that person engaged in
14 such business or information that has been furnished to a
15 Federal grand jury in response to that subpoena, shall be
16 fined as provided by this title or imprisoned not more than
17 5 years, or both.

18 “(2) As used in paragraph (1), the term ‘subpoena for
19 records’ means a Federal grand jury subpoena for records
20 that has been served relating to a violation of, or a conspir-
21 acy to violate, section 1033 of this title.”.

1 **SEC. 2102. CONSUMER PROTECTION AGAINST CREDIT CARD**
2 **FRAUD ACT OF 1993.**

3 (a) *SHORT TITLE.*—This section may be cited as the
4 “Consumer Protection Against Credit Card Fraud Act of
5 1993”.

6 (b) *FRAUD AND RELATED ACTIVITY IN CONNECTION*
7 *WITH ACCESS DEVICES.*—Section 1029 of title 18, United
8 States Code, is amended in subsection (a) by inserting after
9 paragraph (4) the following new paragraphs:

10 “(5) knowingly and with intent to defraud effects
11 transactions, with one or more access devices issued to
12 another person or persons, to receive payment or any
13 other thing of value during any one-year period the
14 aggregate value of which is equal to or greater than
15 \$1,000;

16 “(6) without the authorization of the issuer of
17 the access device, knowingly and with intent to de-
18 fraud solicits a person for the purpose of—

19 “(A) offering an access device; or

20 “(B) selling information regarding or an
21 application to obtain an access device; or

22 “(7) without the authorization of the credit card
23 system member or its agent, knowingly and with in-
24 tent to defraud causes or arranges for another person
25 to present to the member or its agent, for payment,

1 *one or more evidences or records of transactions made*
2 *by an access device;”.*

3 (c) *TECHNICAL AMENDMENTS.—Section 1029 of title*
4 *18, United States Code, as amended by subsection (b), is*
5 *amended—*

6 (1) *in subsection (a) by striking “or” at the end*
7 *of paragraph (3);*

8 (2) *in subsection (c)(1) by striking “(a)(2) or*
9 *(a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”;*
10 *and*

11 (3) *in subsection (e) by—*

12 (A) *striking “and” at the end of paragraph*
13 *(5);*

14 (B) *adding “and” at the end of paragraph*
15 *(6); and*

16 (C) *adding at the end thereof the following*
17 *new paragraph:*

18 “(7) *the term ‘credit card system member’ means*
19 *a financial institution or other entity that is a mem-*
20 *ber of a credit card system, including an entity,*
21 *whether it is affiliated with or identical to the credit*
22 *card issuer, that is the sole member of a credit card*
23 *system.”.*

1 **SEC. 2103. MAIL FRAUD.**

2 *Section 1341 of title 18, United States Code, is amend-*
3 *ed—*

4 *(1) by inserting “or deposits or causes to be de-*
5 *posited any matter or thing whatever to be sent or de-*
6 *livered by any private or commercial interstate car-*
7 *rier,” after “Postal Service,”; and*

8 *(2) by inserting “or such carrier” after “causes*
9 *to be delivered by mail”.*

10 **TITLE XXII—FINANCIAL INSTITU-**
11 **TION FRAUD PROSECUTIONS**

12 **SEC. 2201. SHORT TITLE.**

13 *This title may be cited as the “Financial Institutions*
14 *Fraud Prosecution Act of 1991”.*

15 **SEC. 2202. FEDERAL DEPOSIT INSURANCE ACT AMEND-**
16 **MENT.**

17 *Section 19(a) of the Federal Deposit Insurance Act (12*
18 *U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—*

19 *(1) by striking “or 1956”; and*

20 *(2) by inserting “1517, 1956, or 1957”.*

21 **SEC. 2203. FEDERAL CREDIT UNION ACT AMENDMENTS.**

22 *Section 205(d) of the Federal Credit Union Act (12*
23 *U.S.C. 1785(d)) is amended to read as follows:*

24 *“(d) PROHIBITION.—*

25 *“(1) IN GENERAL.—Except with prior written*
26 *consent of the Board—*

1 “(A) any person who has been convicted of
2 any criminal offense involving dishonesty or a
3 breach of trust, or has agreed to enter into a pre-
4 trial diversion or similar program in connection
5 with a prosecution for such offense, may not—

6 “(i) become, or continue as, an institu-
7 tion-affiliated party with respect to any in-
8 sured credit union; or

9 “(ii) otherwise participate, directly or
10 indirectly, in the conduct of the affairs of
11 any insured credit union; and

12 “(B) any insured credit union may not per-
13 mit any person referred to in subparagraph (A)
14 to engage in any conduct or continue any rela-
15 tionship prohibited under such subparagraph.

16 “(2) *MINIMUM 10-YEAR PROHIBITION PERIOD*
17 *FOR CERTAIN OFFENSES.*—

18 “(A) *IN GENERAL.*—If the offense referred to
19 in paragraph (1)(A) in connection with any per-
20 son referred to in such paragraph is—

21 “(i) an offense under—

22 “(I) section 215, 656, 657, 1005,
23 1006, 1007, 1008, 1014, 1032, 1344,
24 1517, 1956, or 1957 of title 18, United
25 States Code; or

1 “(II) section 1341 or 1343 of such
2 title which affects any financial insti-
3 tution (as defined in section 20 of such
4 title); or

5 “(ii) the offense of conspiring to com-
6 mit any such offense,

7 the Board may not consent to any exception to
8 the application of paragraph (1) to such person
9 during the 10-year period beginning on the date
10 the conviction or the agreement of the person be-
11 comes final.

12 “(B) EXCEPTION BY ORDER OF SENTENCING
13 COURT.—

14 “(i) IN GENERAL.—On motion of the
15 Board, the court in which the conviction or
16 the agreement of a person referred to in sub-
17 paragraph (A) has been entered may grant
18 an exception to the application of para-
19 graph (1) to such person if granting the ex-
20 ception is in the interest of justice.

21 “(ii) PERIOD FOR FILING.—A motion
22 may be filed under clause (i) at any time
23 during the 10-year period described in sub-
24 paragraph (A) with regard to the person on
25 whose behalf such motion is made.

1 “(3) *PENALTY.*—Whoever knowingly violates
2 *paragraph (1) or (2) shall be fined not more than*
3 *\$1,000,000 for each day such prohibition is violated*
4 *or imprisoned for not more than 5 years, or both.*”.

5 **SEC. 2204. CRIME CONTROL ACT AMENDMENT.**

6 *Section 2546 of the Crime Control Act of 1990 (Public*
7 *Law 101–647, 104 Stat. 4885) is amended by adding at*
8 *the end the following new subsection:*

9 “(c) *FRAUD TASK FORCES REPORT.*—In addition to
10 *the reports required under subsection (a), the Attorney Gen-*
11 *eral is encouraged to submit a report to the Congress con-*
12 *taining the findings of the financial institutions fraud task*
13 *forces established under section 2539 as they relate to the*
14 *collapse of private deposit insurance corporations, together*
15 *with recommendations for any regulatory or legislative*
16 *changes necessary to prevent such collapses in the future.*”.

17 **TITLE XXIII—SAVINGS AND LOAN**
18 **PROSECUTION TASK FORCE**

19 **SEC. 2301. SAVINGS AND LOAN PROSECUTION TASK FORCE.**

20 *The Attorney General shall establish within the Justice*
21 *Department a savings and loan criminal fraud task force*
22 *to prosecute in an aggressive manner those criminal cases*
23 *involving savings and loan institutions.*

1 **TITLE XXIV—SENTENCING**
2 **PROVISIONS**

3 **SEC. 2401. IMPOSITION OF SENTENCE.**

4 *Section 3553(a)(4) of title 18, United States Code, is*
5 *amended to read as follows:*

6 “(4) the kinds of sentence and the sentencing
7 range established for—

8 “(A) the applicable category of offense com-
9 mitted by the applicable category of defendant as
10 set forth in the guidelines issued by the Sentenc-
11 ing Commission pursuant to section 994(a)(1) of
12 title 28, United States Code, and that are in ef-
13 fect on the date the defendant is sentenced; or

14 “(B) in the case of a violation of probation
15 or supervised release, the applicable guidelines or
16 policy statements issued by the Sentencing Com-
17 mission pursuant to section 994(a)(3) of title 28,
18 United States Code;”.

19 **SEC. 2402. TECHNICAL AMENDMENT TO MANDATORY CON-**
20 **DITIONS OF PROBATION.**

21 *Section 3563(a)(3) of title 18, United States Code, is*
22 *amended by striking “possess illegal controlled substances”*
23 *and inserting “unlawfully possess a controlled substance”.*

1 **SEC. 2403. SUPERVISED RELEASE AFTER IMPRISONMENT.**

2 *Section 3583 of title 18, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (d), by striking “possess illegal*
5 *controlled substances” and inserting “unlawfully pos-*
6 *sess a controlled substance”;*

7 *(2) in subsection (e)—*

8 *(A) by striking “person” each place such*
9 *term appears in such subsection and inserting*
10 *“defendant”; and*

11 *(B) by amending paragraph (3) to read as*
12 *follows:*

13 *“(3) revoke a term of supervised release, and re-*
14 *quire the defendant to serve in prison all or part of*
15 *the term of supervised release authorized by statute*
16 *for the offense that resulted in such term of supervised*
17 *release without credit for time previously served on*
18 *postrelease supervision, if the court, pursuant to the*
19 *Federal Rules of Criminal Procedure applicable to*
20 *revocation of probation or supervised release, finds by*
21 *a preponderance of the evidence that the defendant*
22 *violated a condition of supervised release, except that*
23 *a defendant whose term is revoked under this para-*
24 *graph may not be required to serve more than 5 years*
25 *in prison if the offense that resulted in the term of*
26 *supervised release is a class A felony, more than 3*

1 *years in prison if such offense is a class B felony,*
2 *more than 2 years in prison if such offense is a class*
3 *C or D felony, or more than one year in any other*
4 *case; or”;* and

5 (3) *by adding at the end the following new*
6 *subsections:*

7 “(h) *SUPERVISED RELEASE FOLLOWING REVOCA-*
8 *TION.—When a term of supervised release is revoked and*
9 *the defendant is required to serve a term of imprisonment*
10 *that is less than the maximum term of imprisonment au-*
11 *thorized under subsection (e)(3), the court may include a*
12 *requirement that the defendant be placed on a term of su-*
13 *pervised release after imprisonment. The length of such a*
14 *term of supervised release shall not exceed the term of super-*
15 *vised release authorized by statute for the offense that re-*
16 *sulted in the original term of supervised release, less any*
17 *term of imprisonment that was imposed upon revocation*
18 *of supervised release.*

19 “(i) *DELAYED REVOCATION.—The power of the court*
20 *to revoke a term of supervised release for violation of a con-*
21 *dition of supervised release, and to order the defendant to*
22 *serve a term of imprisonment and, subject to the limitations*
23 *in subsection (h), a further term of supervised release, ex-*
24 *tends beyond the expiration of the term of supervised release*
25 *for any period reasonably necessary for the adjudication of*

1 *matters arising before its expiration if, before its expira-*
2 *tion, a warrant or summons has been issued on the basis*
3 *of an allegation of such a violation.”.*

4 **SEC. 2404. FLEXIBILITY IN APPLICATION OF MANDATORY**
5 **MINIMUM SENTENCE PROVISIONS IN CER-**
6 **TAIN CIRCUMSTANCES.**

7 (a) *AMENDMENT OF TITLE 18, UNITED STATES*
8 *CODE.—Section 3553 of title 18, United States Code, is*
9 *amended by adding at the end the following new subsection:*

10 “(f) *MANDATORY MINIMUM SENTENCE PROVISIONS.—*

11 “(1) *SENTENCING UNDER THIS SECTION.—In the*
12 *case of an offense described in paragraph (2), the*
13 *court shall, notwithstanding the requirement of a*
14 *mandatory minimum sentence in that section, impose*
15 *a sentence in accordance with this section and the*
16 *sentencing guidelines and any pertinent policy state-*
17 *ment issued by the United States Sentencing Commis-*
18 *sion.*

19 “(2) *OFFENSES.—An offense is described in this*
20 *paragraph if—*

21 “(A) *the defendant is subject to a manda-*
22 *tory minimum term of imprisonment under sec-*
23 *tion 401 or 402 of the Controlled Substances Act*
24 *(21 U.S.C. 841 and 844) or section 1010 of the*

1 *Controlled Substances Import and Export Act*
2 *(21 U.S.C. 960);*

3 “(B) the defendant does not have—

4 “(i) more than 0 criminal history
5 point under the sentencing guidelines; or

6 “(ii) any prior conviction, foreign or
7 domestic, for a crime of violence against the
8 person or drug trafficking offense that re-
9 sulted in a sentence of imprisonment (or an
10 adjudication as a juvenile delinquent for an
11 act that, if committed by an adult, would
12 constitute a crime of violence against the
13 person or drug trafficking offense;

14 “(C) the offense did not result in death or
15 serious bodily injury (as defined in section 1365)
16 to any person—

17 “(i) as a result of the act of any person
18 during the course of the offense; or

19 “(ii) as a result of the use by any per-
20 son of a controlled substance that was in-
21 volved in the offense;

22 “(D) the defendant did not carry or other-
23 wise have possession of a firearm (as defined in
24 section 921) or other dangerous weapon during
25 the course of the offense and did not direct an-

1 other person who possessed a firearm to do so
2 and the defendant had no knowledge of any other
3 conspirator involved possessing a firearm;

4 “(E) the defendant was not an organizer,
5 leader, manager, or supervisor of others (as de-
6 fined or determined under the sentencing guide-
7 lines) in the offense; and

8 “(F) the defendant was nonviolent in that
9 the defendant did not use, attempt to use, or
10 make a credible threat to use physical force
11 against the person of another during the course
12 of the offense.

13 “(G) the defendant did not own the drugs,
14 finance any part of the offense or sell the
15 drugs.”.

16 (b) HARMONIZATION.—

17 (1) IN GENERAL.—The United States Sentencing
18 Commission—

19 (A) may make such amendments as it
20 deems necessary and appropriate to harmonize
21 the sentencing guidelines and policy statements
22 with section 3553(f) of title 18, United States
23 Code, as added by subsection (a), and promul-
24 gate policy statements to assist the courts in in-
25 terpreting that provision; and

1 (B) shall amend the sentencing guidelines,
2 if necessary, to assign to an offense under section
3 401 or 402 of the Controlled Substances Act (21
4 U.S.C. 841 and 844) or section 1010 of the Con-
5 trolled Substances Import and Export Act (21
6 U.S.C. 960) to which a mandatory minimum
7 term of imprisonment applies a guideline level
8 that will result in the imposition of a term of
9 imprisonment at least equal to the mandatory
10 term of imprisonment that is currently applica-
11 ble unless a downward adjustment is authorized
12 under section 3553(f) of title 18, United States
13 Code, as added by subsection (a).

14 (2) If the Commission determines that an expe-
15 dited procedure is necessary in order for amendments
16 made pursuant to paragraph (1) to become effective
17 on the effective date specified in subsection (c), the
18 Commission may promulgate such amendments as
19 emergency amendments under the procedures set forth
20 in section 21(a) of the Sentencing Act of 1987 (Public
21 Law 100–182; 101 Stat. 1271), as though the author-
22 ity under that section had not expired.

23 (c) *EFFECTIVE DATE.*—The amendment made by sub-
24 section (a) and any amendments to the sentencing guide-
25 lines made by the United States Sentencing Commission

1 pursuant to subsection (b) shall apply with respect to sen-
2 tences imposed for offenses committed on or after the date
3 that is 60 days after the date of enactment of this Act. Not-
4 withstanding any other provision of law, any defendant
5 who has been sentenced pursuant to section 3553(f) who is
6 subsequently convicted of a violation of the Controlled Sub-
7 stances Act or any crime of violence for which imposition
8 of a mandatory minimum term of imprisonment is re-
9 quired, he or she shall be sentenced to an additional 5 years
10 imprisonment.

11 **SEC. 2405. MANDATORY PRISON TERMS FOR USE, POSSES-**
12 **SION, OR CARRYING OF A FIREARM OR DE-**
13 **STRUCTIVE DEVICE DURING A STATE CRIME**
14 **OF VIOLENCE OR STATE DRUG TRAFFICKING**
15 **CRIME.**

16 Section 924(c) of title 18, United States Code, is
17 amended by adding at the end the following new paragraph:

18 “(4)(A) A person who, during and in relation to a
19 crime of violence or drug trafficking crime (including a
20 crime of violence or drug trafficking crime that provides
21 for an enhanced punishment if committed by the use of a
22 deadly or dangerous weapon or device) for which the person
23 may be prosecuted in a court of any State—

1 “(i) in the case of a first conviction of such a
2 crime, in addition to the sentence imposed for the
3 crime of violence or drug trafficking crime—

4 “(I) knowingly possesses a firearm shall be
5 imprisoned not less than 10 years;

6 “(II) discharges a firearm with intent to in-
7 jure another person shall be imprisoned not less
8 than 20 years; or

9 “(III) knowingly possesses a firearm that is
10 a machinegun or destructive device or is
11 equipped with a firearm silencer or firearm muf-
12 fler shall be imprisoned not less than 30 years;

13 “(ii) in the case of a second conviction of such
14 a crime, in addition to the sentence imposed for the
15 crime of violence or drug trafficking crime—

16 “(I) shall be imprisoned not less than 20
17 years if the person was in possession of a fire-
18 arm during and in relation to the crime of vio-
19 lence or drug trafficking crime;

20 “(II) shall be imprisoned not less than 30
21 years if the person discharged a firearm during
22 and in relation to the crime of violence or drug
23 trafficking crime; or

24 “(III) if the person discharges a firearm
25 that is a machinegun or a destructive device or

1 *is equipped with a firearm silencer or firearm*
2 *muffler, shall be imprisoned for life; and*

3 “(iii) *in the case of a third or subsequent convic-*
4 *tion of such a crime, shall be imprisoned for life.*

5 “(B)(i) *Notwithstanding any other law, a court shall*
6 *not place on probation or suspend the sentence of any per-*
7 *son convicted of a violation of this subsection, nor shall a*
8 *term of imprisonment imposed under this subsection run*
9 *concurrently with any other term of imprisonment includ-*
10 *ing that imposed for the crime of violence or drug traffick-*
11 *ing crime in which the firearm was used.*

12 “(ii) *No person sentenced under this subsection shall*
13 *be released for any reason whatsoever during a term of im-*
14 *prisonment imposed under this paragraph.*

15 “(C) *For the purposes of paragraph (A), a person shall*
16 *be considered to be in possession of a firearm if—*

17 “(i) *in the case of a crime of violence, the person*
18 *touches a firearm at the scene of the crime at any*
19 *time during the commission of the crime; and*

20 “(ii) *in the case of a drug trafficking crime, the*
21 *person has a firearm readily available at the scene of*
22 *the crime.*

23 “(D) *Except in the case of a person who engaged in*
24 *or participated in criminal conduct that gave rise to the*
25 *occasion for the person’s use of a firearm, this paragraph*

1 *has no application to a person who may be found to have*
2 *committed a criminal act while acting in defense of person*
3 *or property during the course of a crime being committed*
4 *by another person (including the arrest or attempted arrest*
5 *of the offender during or immediately after the commission*
6 *of the crime).*

7 “(E) In this paragraph—

8 “‘crime of violence’ means an offense that is
9 punishable by imprisonment for more than 1 year
10 and—

11 “(I) has as an element the use, attempted
12 use, or threatened use of physical force against
13 the person or property of another; or

14 “(II) by its nature involves a substantial
15 risk that physical force against the person or
16 property of another may be used during the
17 course of the offense.

18 “‘drug trafficking crime’ means a crime punishable
19 by imprisonment for more than 1 year involving the
20 manufacture, distribution, possession, cultivation,
21 sale, or transfer of a controlled substance, controlled
22 substance analogue, immediate precursor, or listed
23 chemical (as those terms are defined in section 102 of
24 the Controlled Substance Act (21 U.S.C. 802)), or an
25 attempt or conspiracy to commit such a crime.

1 “(F) *It is the intent of Congress that—*

2 “(i) *this paragraph shall be used to supplement*
3 *but not supplant the efforts of State and local pros-*
4 *ecutors in prosecuting crimes of violence and drug*
5 *trafficking crimes that could be prosecuted under*
6 *State law; and*

7 “(ii) *the Attorney General shall give due def-*
8 *erence to the interest that a State or local prosecutor*
9 *has in prosecuting a person under State law.*

10 “(G) *This paragraph does not create any rights, sub-*
11 *stantive or procedural, enforceable at law by any party in*
12 *any manner, civil or criminal, nor does it place any limita-*
13 *tions on otherwise lawful prerogatives of the Attorney Gen-*
14 *eral.*

15 “(H) *There is a Federal jurisdiction over an offense*
16 *under this paragraph if a firearm involved in the offense*
17 *has moved at any time in interstate or foreign commerce.”.*

18 **SEC. 2406. MURDER INVOLVING FIREARM.**

19 (a) *IN GENERAL.—Chapter 51 of title 18, United*
20 *States Code, as amended by section 504(a), is amended by*
21 *adding at the end the following section:*

22 **“§ 1122. Murder involving firearm**

23 “(a) *OFFENSE.—A person who has been found guilty*
24 *of causing, through the use of a firearm, as defined in sec-*
25 *tion 921 of this title, the death of another person, inten-*

1 *tionally, knowingly, or through recklessness manifesting ex-*
2 *treme indifference to human life, or through the intentional*
3 *infliction of serious bodily injury, shall be punished by*
4 *death or imprisoned for any term of years or for life. When-*
5 *ever the government seeks a sentence of death under this*
6 *section, the procedures set forth in title 18, chapter 228,*
7 *shall apply.*

8 “(b) *JURISDICTION.*—*There is Federal jurisdiction*
9 *over an offense under this section if—*

10 “(1) *the conduct of the offender occurred in the*
11 *course of an offense against the United States; or*

12 “(2) *a firearm involved in the offense has moved*
13 *at any time in interstate or foreign commerce.*

14 “(c) *It is the intent of Congress that—*

15 “(1) *this paragraph shall be used to supplement*
16 *but not supplant the efforts of State and local pros-*
17 *ecutors in prosecuting murders involving firearms*
18 *that have moved in interstate or foreign commerce*
19 *that could be prosecuted under State law; and*

20 “(2) *the Attorney General shall give due def-*
21 *erence to the interest that a State or local prosecutor*
22 *has in prosecuting a person under State law.*

23 “(d) *This paragraph does not create any rights, sub-*
24 *stantive or procedural, enforceable at law by any party in*
25 *any manner, civil or criminal, nor does it place any limita-*

1 *tions on otherwise lawful prerogatives of the Attorney Gen-*
2 *eral.”.*

3 (b) *TECHNICAL AMENDMENT.*—*The chapter analysis*
4 *for chapter 51 of title 18, United States Code, as amended*
5 *by section 504(b), is amended by adding at the end the fol-*
6 *lowing new item:*

“Sec. 1122. Murder involving firearm.”.

7 **SEC. 2407. MANDATORY MINIMUM PRISON SENTENCES FOR**
8 **THOSE WHO SELL ILLEGAL DRUGS TO MI-**
9 **NORS OR WHO USE MINORS IN DRUG TRAF-**
10 **FICKING ACTIVITIES.**

11 (a) *DISTRIBUTION TO PERSONS UNDER AGE 18.*—*Sec-*
12 *tion 418 of the Controlled Substances Act (21 U.S.C. 859)*
13 *is amended—*

14 (1) *in subsection (a) (first offense) by inserting*
15 *after the second sentence “Except to the extent a*
16 *greater minimum sentence is otherwise provided by*
17 *section 401(b), a term of imprisonment under this*
18 *subsection in a case involving distribution to a person*
19 *under 18 years of age by a person 21 or more years*
20 *of age shall be not less than 10 years. Notwithstand-*
21 *ing any other provision of law, the court shall not*
22 *place on probation or suspend the sentence of any*
23 *person sentenced under the preceding sentence.”; and*

24 (2) *in subsection (b) (second offense) by inserting*
25 *after the second sentence “Except to the extent a*

1 *greater sentence is otherwise authorized by section*
2 *401(b), a term of imprisonment under this subsection*
3 *in a case involving distribution to a person under 18*
4 *years of age by a person 21 or more years of age shall*
5 *be a mandatory term of life imprisonment. Notwith-*
6 *standing any other provision of law, the court shall*
7 *not place on probation or suspend the sentence of any*
8 *person sentenced under the preceding sentence.”.*

9 *(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF*
10 *AGE.—Section 420 of the Controlled Substances Act (21*
11 *U.S.C. 861) is amended—*

12 *(1) in subsection (b) by adding at the end the*
13 *following: “Except to the extent a greater minimum*
14 *sentence is otherwise provided, a term of imprison-*
15 *ment of a person 21 or more years of age convicted*
16 *under this subsection shall be not less than 10 years.*
17 *Notwithstanding any other provision of law, the court*
18 *shall not place on probation or suspend the sentence*
19 *of any person sentenced under the preceding sen-*
20 *tence.”; and*

21 *(2) in subsection (c) (penalty for second offenses)*
22 *by inserting after the second sentence the following:*
23 *“Except to the extent a greater minimum sentence is*
24 *otherwise provided, a term of imprisonment of a per-*
25 *son 21 or more years of age convicted under this sub-*

1 *section shall be a mandatory term of life imprison-*
2 *ment. Notwithstanding any other provision of law,*
3 *the court shall not place on probation or suspend the*
4 *sentence of any person sentenced under the preceding*
5 *sentence.”.*

6 **SEC. 2408. LIFE IMPRISONMENT WITHOUT RELEASE FOR**
7 **DRUG FELONS AND VIOLENT CRIMINALS**
8 **CONVICTED A THIRD TIME.**

9 *Section 401(b)(1)(A) of the Controlled Substances Act*
10 *(21 U.S.C. 841(b)(1)(A)) is amended by striking “If any*
11 *person commits a violation of this subparagraph or of sec-*
12 *tion 418, 419, or 420 after two or more prior convictions*
13 *for a felony drug offense have become final, such person*
14 *shall be sentenced to a mandatory term of life imprisonment*
15 *without release and fined in accordance with the preceding*
16 *sentence.” and inserting “If any person commits a violation*
17 *of this subparagraph or of section 418, 419, or 420 (21*
18 *U.S.C. 859, 860, and 861) or a crime of violence after 2*
19 *or more prior convictions for a felony drug offense or crime*
20 *of violence or for any combination thereof have become*
21 *final, such person shall be sentenced to not less than a man-*
22 *datory term of life imprisonment without release and fined*
23 *in accordance with the preceding sentence. For purposes of*
24 *this subparagraph, the term ‘crime of violence’ means an*
25 *offense that is a felony punishable by a maximum term of*

1 *imprisonment of 10 years or more and has as an element*
2 *the use, attempted use, or threatened use of physical force*
3 *against the person or property of another, or by its nature*
4 *involves a substantial risk that physical force against the*
5 *person or property of another may be used in the course*
6 *of committing the offense.”.*

7 **SEC. 2409. DIRECTION TO UNITED STATES SENTENCING**
8 **COMMISSION REGARDING SENTENCING EN-**
9 **HANCEMENTS FOR HATE CRIMES.**

10 (a) *DEFINITION.*—*In this section, “hate crime” means*
11 *a crime in which the defendant intentionally selects a vic-*
12 *tim, or in the case of a property crime, the property that*
13 *is the object of the crime, because of the actual or perceived*
14 *race, color, religion, national origin, ethnicity, gender, dis-*
15 *ability, or sexual orientation of any person.*

16 (b) *SENTENCING ENHANCEMENT.*—*Pursuant to section*
17 *994 of title 28, United States Code, the United States Sen-*
18 *tencing Commission shall promulgate guidelines or amend*
19 *existing guidelines to provide sentencing enhancements of*
20 *not less than 3 offense levels for offenses that the finder of*
21 *fact at trial determines beyond a reasonable doubt are hate*
22 *crimes. In carrying out this section, the United States Sen-*
23 *tencing Commission shall ensure that there is reasonable*
24 *consistency with other guidelines, avoid duplicative punish-*
25 *ments for substantially the same offense, and take into ac-*

1 *count any mitigating circumstances that might justify ex-*
2 *ceptions.*

3 **SEC. 2410. CONFIRMATION OF INTENT OF CONGRESS IN EN-**
4 **ACTING SECTIONS 2252 AND 2256 OF TITLE 18,**
5 **UNITED STATES CODE.**

6 (a) *DECLARATION.*—*The Congress declares that in en-*
7 *acting sections 2252 and 2256 of title 18, United States*
8 *Code, it was and is the intent of Congress that—*

9 (1) *the scope of “exhibition of the genitals or*
10 *pubic area” in section 2256(2)(E), in the definition*
11 *of “sexually explicit conduct”, is not limited to nude*
12 *exhibitions or exhibitions in which the outlines of*
13 *those areas were discernible through clothing; and*

14 (2) *the requirements in section 2252(a) (1)(A),*
15 *(2)(A), (3)(B)(i), and (4)(B)(i) that the production of*
16 *a visual depiction involve the use of a minor engag-*
17 *ing in “sexually explicit conduct” of the kind de-*
18 *scribed in section 2256(2)(E) are satisfied if a person*
19 *photographs a minor in such a way as to exhibit the*
20 *child in a lascivious manner.*

21 (b) *SENSE OF THE CONGRESS.*—*It is the sense of the*
22 *Congress that in filing its brief in United States v. Knox,*
23 *No. 92–1183, and thereby depriving the United States Su-*
24 *preme Court of the adverseness necessary for full and fair*
25 *presentation of the issues arising in the case, the Depart-*

1 *ment of Justice did not accurately reflect the intent of Con-*
2 *gress in arguing that “the videotapes in [the Knox case]*
3 *constitute ‘lascivious exhibition[s] of the genitals or pubic*
4 *area’ only if those body parts are visible in the tapes and*
5 *the minors posed or acted lasciviously.”.*

6 ***TITLE XXV—SENTENCING AND***
7 ***MAGISTRATES AMENDMENTS***

8 ***SEC. 2501. AUTHORIZATION OF PROBATION FOR PETTY OF-***
9 ***FENSES IN CERTAIN CASES.***

10 *Section 3561(a)(3) of title 18, United States Code, is*
11 *amended by adding at the end: “However, this paragraph*
12 *does not preclude the imposition of a sentence to a term*
13 *of probation for a petty offense if the defendant has been*
14 *sentenced to a term of imprisonment at the same time for*
15 *another such offense.”.*

16 ***SEC. 2502. TRIAL BY A MAGISTRATE IN PETTY OFFENSE***
17 ***CASES.***

18 *Section 3401 of title 18, United States Code, is amend-*
19 *ed—*

20 *(1) in subsection (b) by adding “other than a*
21 *petty offense” after “misdemeanor”; and*

22 *(2) in subsection (g) by amending the first sen-*
23 *tence to read as follows: “The magistrate judge may,*
24 *in a petty offense case involving a juvenile, exercise*

1 *all powers granted to the district court under chapter*
2 *403 of this title.”.*

3 ***TITLE XXVI—COMPUTER CRIME***

4 ***SEC. 2601. COMPUTER ABUSE AMENDMENTS ACT OF 1993.***

5 (a) *SHORT TITLE.*—*This title may be cited as the*
6 *“Computer Abuse Amendments Act of 1993”.*

7 (b) *PROHIBITION.*—*Section 1030(a)(5) of title 18,*
8 *United States Code, is amended to read as follows:*

9 *“(5)(A) through means of a computer used in*
10 *interstate commerce or communications, knowingly*
11 *causes the transmission of a program, information,*
12 *code, or command to a computer or computer system*
13 *if—*

14 *“(i) the person causing the transmission in-*
15 *tends that such transmission will—*

16 *“(I) damage, or cause damage to, a*
17 *computer, computer system, network, infor-*
18 *mation, data, or program; or*

19 *“(II) withhold or deny, or cause the*
20 *withholding or denial, of the use of a com-*
21 *puter, computer services, system or network,*
22 *information, data or program; and*

23 *“(ii) the transmission of the harmful com-*
24 *ponent of the program, information, code, or*
25 *command—*

1 “(I) occurred without the knowledge
2 and authorization of the persons or entities
3 who own or are responsible for the computer
4 system receiving the program, information,
5 code, or command; and

6 “(II)(aa) causes loss or damage to one
7 or more other persons of value aggregating
8 \$1,000 or more during any 1-year period;
9 or

10 “(bb) modifies or impairs, or poten-
11 tially modifies or impairs, the medical ex-
12 amination, medical diagnosis, medical
13 treatment, or medical care of one or more
14 individuals; or

15 “(B) through means of a computer used in inter-
16 state commerce or communication, knowingly causes
17 the transmission of a program, information, code, or
18 command to a computer or computer system—

19 “(i) with reckless disregard of a substantial
20 and unjustifiable risk that the transmission
21 will—

22 “(I) damage, or cause damage to, a
23 computer, computer system, network, infor-
24 mation, data or program; or

1 “(II) withhold or deny or cause the
2 withholding or denial of the use of a com-
3 puter, computer services, system, network,
4 information, data or program; and

5 “(ii) if the transmission of the harmful
6 component of the program, information, code, or
7 command—

8 “(I) occurred without the knowledge
9 and authorization of the persons or entities
10 who own or are responsible for the computer
11 system receiving the program, information,
12 code, or command; and

13 “(II)(aa) causes loss or damage to one
14 or more other persons of a value aggregat-
15 ing \$1,000 or more during any 1-year pe-
16 riod; or

17 “(bb) modifies or impairs, or poten-
18 tially modifies or impairs, the medical ex-
19 amination, medical diagnosis, medical
20 treatment, or medical care of one or more
21 individuals;”.

22 (c) *PENALTY.*—Section 1030(c) of title 18, United
23 States Code is amended—

24 (1) in paragraph (2)(B) by striking “and” after
25 the semicolon;

1 (2) in paragraph (3)(A) by inserting “(A)” after
2 “(a)(5)”; and

3 (3) in paragraph (3)(B) by striking the period
4 at the end thereof and inserting “; and”; and

5 (4) by adding at the end thereof the following:

6 “(4) a fine under this title or imprisonment for
7 not more than 1 year, or both, in the case of an of-
8 fense under subsection (a)(5)(B).”.

9 (d) *CIVIL ACTION*.—Section 1030 of title 18, United
10 States Code, is amended by adding at the end thereof the
11 following new subsection:

12 “(g) Any person who suffers damage or loss by reason
13 of a violation of the section, other than a violation of sub-
14 section (a)(5)(B), may maintain a civil action against the
15 violation to obtain compensatory damages and injunctive re-
16 lief or other equitable relief. Damages for violations of any
17 subsection other than subsection (a)(5)(A)(ii)(II)(bb) or
18 (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No
19 action may be brought under this subsection unless such ac-
20 tion is begun within 2 years of the date of the act com-
21 plained of or the date of the discovery of the damage.”.

22 (e) *REPORTING REQUIREMENTS*.—Section 1030 of title
23 18 United States Code, is amended by adding at the end
24 thereof the following new subsection:

1 “(h) The Attorney General and the Secretary of the
2 Treasury shall report to the Congress annually, during the
3 first 3 years following the date of the enactment of this sub-
4 section, concerning investigations and prosecutions under
5 section 1030(a)(5) of title 18, United States Code.”.

6 (f) *PROHIBITION*.—Section 1030(a)(3) of title 18 Unit-
7 ed States Code, is amended by inserting “adversely” before
8 “affects the use of the Government’s operation of such com-
9 puter”.

10 **TITLE XXVII—INTERNATIONAL**
11 **PARENTAL KIDNAPPING**

12 **SEC. 2701. SHORT TITLE.**

13 This subtitle may be cited as the “International Paren-
14 tal Kidnapping Crime Act of 1993”.

15 **SEC. 2702. TITLE 18 AMENDMENT.**

16 (a) *IN GENERAL*.—Chapter 55 (relating to kidnap-
17 ping) of title 18, United States Code, is amended by adding
18 at the end the following new section:

19 **“§ 1204. International parental kidnapping**

20 “(a) *DEFINITIONS*.—In this section—

21 “‘child’ means a person who has not attained
22 the age of 16 years.

23 “‘parental rights’, with respect to a child, means
24 the right to physical custody of the child—

1 “(A) *whether joint or sole (and includes vis-*
2 *iting rights); and*

3 “(B) *whether arising by operation of law,*
4 *court order, or legally binding agreement of the*
5 *parties.*

6 “(b) *OFFENSE.—A person who removes a child from*
7 *the United States or retains a child (who has been in the*
8 *United States) outside the United States with intent to ob-*
9 *struct the lawful exercise of parental rights shall be fined*
10 *under this title, imprisoned not more than 3 years, or both.*

11 “(c) *AFFIRMATIVE DEFENSES.—It shall be an affirma-*
12 *tive defense under this section that—*

13 “(1) *the defendant acted within the provisions of*
14 *a valid court order granting the defendant legal cus-*
15 *tody or visitation rights, and that order was obtained*
16 *pursuant to the Uniform Child Custody Jurisdiction*
17 *Act and was in effect at the time of the offense;*

18 “(2) *the defendant was fleeing an incidence or*
19 *pattern of domestic violence; or*

20 “(3) *the defendant had physical custody of the*
21 *child pursuant to a court order granting legal custody*
22 *or visitation rights and failed to return the child as*
23 *a result of circumstances beyond the defendant’s con-*
24 *trol, and the defendant notified or made reasonable*
25 *attempts to notify the other parent or lawful custo-*

1 *dian of the child of such circumstances within 24*
2 *hours after the visitation period had expired and re-*
3 *turned the child as soon as possible.*

4 “(d) *RULE OF CONSTRUCTION.*—*This section does not*
5 *detract from The Hague Convention on the Civil Aspects*
6 *of International Parental Child Abduction, done at The*
7 *Hague on October 25, 1980.”.*

8 (b) *SENSE OF THE CONGRESS.*—*It is the sense of the*
9 *Congress that, inasmuch as use of the procedures under The*
10 *Hague Convention on the Civil Aspects of International Pa-*
11 *rental Child Abduction has resulted in the return of many*
12 *children, those procedures, in circumstances in which they*
13 *are applicable, should be the option of first choice for a par-*
14 *ent who seeks the return of a child who has been removed*
15 *from the parent.*

16 (c) *TECHNICAL AMENDMENT.*—*The chapter analysis*
17 *for chapter 55 of title 18, United States Code, is amended*
18 *by adding at the end the following new item:*

“1204. International parental kidnapping.”.

19 **SEC. 2703. STATE COURT PROGRAMS REGARDING INTER-**
20 **STATE AND INTERNATIONAL PARENTAL**
21 **CHILD ABDUCTION.**

22 *There is authorized to be appropriated \$250,000 to*
23 *carry out under the State Justice Institute Act of 1984 (42*
24 *U.S.C. 10701 et seq.) national, regional, and in-State train-*
25 *ing and educational programs dealing with criminal and*

1 *civil aspects of interstate and international parental child*
2 *abduction.*

3 **TITLE XXVIII—SAFE SCHOOLS**

4 **SEC. 2801. SHORT TITLE.**

5 *This title may be cited as the “Safe Schools Act of*
6 *1993”.*

7 **SEC. 2802. SAFE SCHOOLS.**

8 *(a) IN GENERAL.—Title I of the Omnibus Crime Con-*
9 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),*
10 *as amended by section 1204(a), is amended—*

11 *(1) by redesignating part W as part X;*

12 *(2) by redesignating section 2301 as section*
13 *2401; and*

14 *(3) by inserting after part V the following new*
15 *part:*

16 **“PART W—SAFE SCHOOLS ASSISTANCE**

17 **“SEC. 2301. GRANT AUTHORIZATION.**

18 *“(a) IN GENERAL.—The Director of the Bureau of Jus-*
19 *tice Assistance, in consultation with the Secretary of Edu-*
20 *cation, may make grants to local educational agencies for*
21 *the purpose of providing assistance to such agencies most*
22 *directly affected by crime and violence.*

23 *“(b) MODEL PROJECT.—The Director, in consultation*
24 *with the Secretary of Education, shall develop a written*
25 *safe schools model in English and in other appropriate lan-*

1 *guages in a timely fashion and make such model available*
2 *to any local educational agency that requests such informa-*
3 *tion.*

4 ***“SEC. 2302. USE OF FUNDS.***

5 *“Grants made by the Director under this part shall*
6 *be used—*

7 *“(1) to fund anticrime and safety measures and*
8 *to develop education and training programs for the*
9 *prevention of crime, violence, and use of illegal drugs*
10 *and alcohol;*

11 *“(2) for counseling programs for victims of crime*
12 *within schools;*

13 *“(3) for crime prevention equipment, including*
14 *metal detectors and video-surveillance devices;*

15 *“(4) for the prevention and reduction of the par-*
16 *ticipation of young individuals in organized crime*
17 *and drug and gang-related activities in schools;and*

18 *“(5) to fund education programs to teach young*
19 *individuals about the United States criminal justice*
20 *system, including education about the applicable pen-*
21 *alties for the use and sale of illegal drugs and the*
22 *commission of violent or drug-related offenses.*

23 ***“SEC. 2303. APPLICATIONS.***

24 *“(a) IN GENERAL.—In order to be eligible to receive*
25 *a grant under this part for any fiscal year, a local edu-*

1 *cational agency shall submit an application to the Director*
2 *in such form and containing such information as the Direc-*
3 *tor may reasonably require.*

4 “(b) *REQUIREMENTS.—Each application under sub-*
5 *section (a) shall include—*

6 “(1) *a request for funds for the purposes de-*
7 *scribed in section 2302;*

8 “(2) *a description of the schools and commu-*
9 *nities to be served by the grant, including the nature*
10 *of the crime and violence problems within such*
11 *schools;*

12 “(3) *assurances that Federal funds received*
13 *under this part shall be used to supplement, not sup-*
14 *plant, non-Federal funds that would otherwise be*
15 *available for activities funded under this part; and*

16 “(4) *statistical information in such form and*
17 *containing such information that the Director may*
18 *require regarding crime within schools served by such*
19 *local educational agency.*

20 “(c) *COMPREHENSIVE PLAN.—Each application shall*
21 *include a comprehensive plan that shall contain—*

22 “(1) *a description of the crime problems within*
23 *the schools targeted for assistance;*

24 “(2) *a description of the projects to be developed;*

1 “(3) a description of the resources available in
2 the community to implement the plan together with
3 a description of the gaps in the plan that cannot be
4 met with existing resources;

5 “(4) an explanation of how the requested grant
6 will be used to fill gaps;

7 “(5) a description of the system the applicant
8 will establish to prevent and reduce crime problems;
9 and

10 “(6) a description of educational materials to be
11 developed in English and in other appropriate lan-
12 guages.

13 **“SEC. 2304. ALLOCATION OF FUNDS; LIMITATIONS ON**
14 **GRANTS.**

15 “(a) *ADMINISTRATIVE COST LIMITATION.*—The Direc-
16 tor shall use not more than 5 percent of the funds available
17 under this part for the purposes of administration and tech-
18 nical assistance.

19 “(b) *RENEWAL OF GRANTS.*—A grant under this part
20 may be renewed for up to 2 additional years after the first
21 fiscal year during which the recipient receives its initial
22 grant under this part, subject to the availability of funds,
23 if—

24 “(1) the Director determines that the funds made
25 available to the recipient during the previous year

1 *were used in a manner required under the approved*
2 *application; and*

3 *“(2) the Director determines that an additional*
4 *grant is necessary to implement the crime prevention*
5 *program described in the comprehensive plan as re-*
6 *quired by section 2303(c).*

7 **“SEC. 2305. AWARD OF GRANTS.**

8 *“(a) SELECTION OF RECIPIENTS.—The Director, in*
9 *consultation with the Secretary of Education, shall consider*
10 *the following factors in awarding grants to local edu-*
11 *cational agencies:*

12 *“(1) CRIME PROBLEM.—The nature and scope of*
13 *the crime problem in the targeted schools.*

14 *“(2) NEED AND ABILITY.—Demonstrated need*
15 *and evidence of the ability to provide the services de-*
16 *scribed in the plan required under section 2303(c).*

17 *“(b) GEOGRAPHIC DISTRIBUTION.—The Director shall*
18 *attempt, to the extent practicable, to achieve an equitable*
19 *geographic distribution of grant awards.*

20 **“SEC. 2306. REPORTS.**

21 *“(a) REPORT TO DIRECTOR.—Local educational agen-*
22 *cies that receive funds under this part shall submit to the*
23 *Director a report not later than March 1 of each year that*
24 *describes progress achieved in carrying out the plan re-*
25 *quired under section 2303(c).*

1 “(b) *REPORT TO CONGRESS.*—*The Director shall sub-*
2 *mit to the Committee on Education and Labor and the*
3 *Committee on the Judiciary a report by October 1 of each*
4 *year in which grants are made available under this part*
5 *which shall contain a detailed statement regarding grant*
6 *awards, activities of grant recipients, a compilation of sta-*
7 *tistical information submitted by applicants under*
8 *2303(b)(4), and an evaluation of programs established*
9 *under this part.*

10 **“SEC. 2307. DEFINITIONS.**

11 *“For the purposes of this part:*

12 *“(1) The term ‘Director’ means the Director of*
13 *the Bureau of Justice Assistance.*

14 *“(2) The term ‘local educational agency’ means*
15 *a public board of education or other public authority*
16 *legally constituted within a State for either adminis-*
17 *trative control or direction of, or to perform a service*
18 *function for, public elementary and secondary schools*
19 *in a city, county, township, school district, or other*
20 *political subdivision of a State, or such combination*
21 *of school districts of counties as are recognized in a*
22 *State as an administrative agency for its public ele-*
23 *mentary and secondary schools. Such term includes*
24 *any other public institution or agency having admin-*

1 *istrative control and direction of a public elementary*
 2 *or secondary school.”.*

3 (b) *TECHNICAL AMENDMENT.*—*The table of contents of*
 4 *title I of the Omnibus Crime Control and Safe Streets Act*
 5 *of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
 6 *1204(b), is amended by striking the matter relating to part*
 7 *W and inserting the following:*

“PART W—SAFE SCHOOLS ASSISTANCE

“Sec. 2301. Grant authorization.

“Sec. 2302. Use of funds.

“Sec. 2303. Applications.

“Sec. 2304. Allocation of funds; limitations on grants.

“Sec. 2305. Award of grants.

“Sec. 2306. Reports.

“Sec. 2307. Definitions.

“PART X—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2401. Continuation of rules, authorities, and proceedings.”.

8 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
 9 *1001(a) of the Omnibus Crime Control and Safe Streets Act*
 10 *of 1968 (42 U.S.C. 3793), as amended by section 1204(d),*
 11 *is amended—*

12 (1) *in paragraph (3) by striking “and V” and*
 13 *inserting “V, and W”; and*

14 (2) *by adding at the end the following new para-*
 15 *graph:*

16 *“(17) There are authorized to be appropriated to carry*
 17 *out projects under part W \$100,000,000 for each of fiscal*
 18 *years 1994, 1995, and 1996.”.*

1 **SEC. 2803. STATE LEADERSHIP ACTIVITIES TO PROMOTE**
2 **SAFE SCHOOLS PROGRAM.**

3 (a) *SHORT TITLE; DEFINITIONS.*—

4 (1) *SHORT TITLE.*—*This section may be cited as*
5 *the “State Leadership Activities to Promote Safe*
6 *Schools Act”.*

7 (2) *DEFINITIONS.*—*For the purpose of this sec-*
8 *tion—*

9 (A) *the term “local educational agency” has*
10 *the same meaning given such term in section*
11 *1471(12) of the Elementary and Secondary Edu-*
12 *cation Act of 1965 (20 U.S.C. 2891(12));*

13 (B) *the term “Secretary” means the Sec-*
14 *retary of Education;*

15 (C) *the term “State educational agency”*
16 *has the same meaning given such term in section*
17 *1471(23) of the Elementary and Secondary Edu-*
18 *cation Act of 1965 (20 U.S.C. 2891(23)); and*

19 (D) *the term “State” means each of the 50*
20 *States, the District of Columbia and the Com-*
21 *monwealth of Puerto Rico.*

22 (b) *AUTHORITY.*—*The Secretary is authorized to*
23 *award grants to State educational agencies from allocations*
24 *under subsection (c) to enable such agencies to carry out*
25 *the authorized activities described in subsection (e).*

1 (c) *ALLOCATION.*—Each State educational agency hav-
2 ing on application approved under subsection (d) shall be
3 eligible to receive a grant under this section for each fiscal
4 year that bears the same ratio to the amount appropriated
5 pursuant to the authority of subsection (f) for such year
6 as the amount such State educational agency receives pur-
7 suant to section 1006 of the Elementary and Secondary
8 Education Act of 1965 for such year bears to the total
9 amount allocated to all such agencies in all States having
10 applications approved under subsection (d) for such year,
11 except that no State educational agency having an applica-
12 tion approved under subsection (d) in any fiscal year shall
13 receive less than \$100,000 for such year.

14 (d) *APPLICATION.*—Each State educational agency de-
15 siring a grant under this section shall submit an applica-
16 tion to the Secretary at such time, in such manner and
17 containing such information as the Secretary may reason-
18 ably require. Each such application shall—

19 (1) describe the activities and services for which
20 assistance is sought;

21 (2) contain a statement of the State educational
22 agency's goals and objectives for violence prevention
23 and a description of the procedures to be used for as-
24 sessing and publicly reporting progress toward meet-
25 ing those goals and objectives; and

1 (3) contain a description of how the State edu-
2 cational agency will coordinate such agency's activi-
3 ties under this section with the violence prevention ef-
4 forts of other State agencies.

5 (e) *USE OF FUNDS.*—Grant funds awarded under this
6 section shall be used—

7 (1) to support a statewide resource coordinator;

8 (2) to provide technical assistance to both rural
9 and urban local school districts;

10 (3) to disseminate to local educational agencies
11 and schools information on successful school violence
12 prevention programs funded through Federal, State,
13 local and private sources;

14 (4) to make available to local educational agen-
15 cies teacher training and parent and student aware-
16 ness programs, which training and programs may be
17 provided through video or other telecommunications
18 approaches; and

19 (5) for other activities the State educational
20 agency may deem appropriate.

21 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There are
22 authorized to be appropriated \$10,000,000 for each of the
23 fiscal years 1995 and 1996 to carry out this section.

1 **TITLE XXIX—MISCELLANEOUS**
2 **Subtitle A—Increases in Penalties**

3 **SEC. 2901. INCREASED PENALTIES FOR ASSAULT.**

4 (a) *CERTAIN OFFICERS AND EMPLOYEES.*—Section
5 111 of title 18, United States Code, is amended—

6 (1) in subsection (a) by inserting “, where the
7 acts in violation of this section constitute only simple
8 assault, be fined under this title or imprisoned not
9 more than one year, or both, and in all other cases,”
10 after “shall”;

11 (2) in subsection (b) by inserting “or inflicts
12 bodily injury” after “weapon”.

13 (b) *FOREIGN OFFICIALS, OFFICIAL GUESTS, AND*
14 *INTERNATIONALLY PROTECTED PERSONS.*—Section 112(a)
15 of title 18, United States Code, is amended—

16 (1) by striking “not more than \$5,000” and in-
17 serting “under this title”;

18 (2) by inserting “, or inflicts bodily injury,”
19 after “weapon”; and

20 (3) by striking “not more than \$10,000” and in-
21 serting “under this title”.

22 (c) *MARITIME AND TERRITORIAL JURISDICTION.*—Sec-
23 tion 113 of title 18, United States Code, is amended—

24 (1) in subsection (c)—

1 (A) by striking “of not more than \$1,000”
2 and inserting “under this title”; and

3 (B) by striking “five” and inserting “ten”;
4 and

5 (2) in subsection (e)—

6 (A) by striking “of not more than \$300”
7 and inserting “under this title”; and

8 (B) by striking “three” and inserting “six”.

9 (d) CONGRESS, CABINET, OR SUPREME COURT.—Section
10 tion 351(e) of title 18, United States Code, is amended—

11 (1) by striking “not more than \$5,000,” and in-
12 serting “under this title,”;

13 (2) by inserting “the assault involved in the use
14 of a dangerous weapon, or” after “if”;

15 (3) by striking “not more than \$10,000” and in-
16 serting “under this title”; and

17 (4) by striking “for”.

18 (e) PRESIDENT AND PRESIDENT’S STAFF.—Section
19 1751(e) of title 18, United States Code, is amended—

20 (1) by striking “not more than \$10,000,” both
21 places it appears and inserting “under this title,”;

22 (2) by striking “not more than \$5,000,” and in-
23 serting “under this title,”; and

24 (3) by inserting “the assault involved the use of
25 a dangerous weapon, or” after “if”.

1 **SEC. 2902. INCREASED PENALTIES FOR MANSLAUGHTER.**

2 *Section 1112 of title 18, United States Code, is amend-*
3 *ed—*

4 (1) *in subsection (b)—*

5 (A) *by inserting “fined under this title or”*
6 *after “shall be” in the first undesignated para-*
7 *graph; and*

8 (B) *by inserting “, or both” after “years”;*

9 (2) *by striking “not more than \$1,000” and in-*
10 *serting “under this title”; and*

11 (3) *by striking “three” and inserting “six”.*

12 **SEC. 2903. INCREASED PENALTIES FOR CIVIL RIGHTS VI-**
13 **LATIONS.**

14 (a) *CONSPIRACY AGAINST RIGHTS.—Section 241 of*
15 *title 18, United States Code, is amended—*

16 (1) *by striking “not more than \$10,000” and in-*
17 *serting “under this title”;*

18 (2) *by inserting “from the acts committed in vio-*
19 *lation of this section or if such acts include kidnap-*
20 *ping or an attempt to kidnap, aggravated sexual*
21 *abuse or an attempt to commit aggravated sexual*
22 *abuse, or an attempt to kill” after “results”;*

23 (3) *by striking “subject to imprisonment” and*
24 *inserting “fined under this title or imprisoned”; and*

25 (4) *by inserting “, or both” after “life”.*

1 (b) *DEPRIVATION OF RIGHTS.*—Section 242 of title 18,
2 *United States Code*, is amended—

3 (1) by striking “more more than \$1,000” and in-
4 serting “under this title”;

5 (2) by inserting “from the acts committed in vio-
6 lation of this section or if such acts include the use,
7 attempted use, or threatened use of a dangerous weap-
8 on, explosives, or fire,” after “bodily injury results”;

9 (3) by inserting “from the acts committed in vio-
10 lation of this section or if such acts include kidnap-
11 ping or an attempt to kidnap, aggravated sexual
12 abuse, or an attempt to commit aggravated sexual
13 abuse, or an attempt to kill, shall be fined under this
14 title, or” after “death results”;

15 (4) by striking “shall be subject to imprison-
16 ment” and inserting “imprisoned”; and

17 (5) by inserting “, or both” after “life”.

18 (c) *FEDERALLY PROTECTED ACTIVITIES.*—Section
19 *245(b)* of title 18, *United States Code*, is amended in the
20 *matter following paragraph (5)*—

21 (1) by striking “not more than \$1,000” and in-
22 serting “under this title”;

23 (2) by inserting “from the acts committed in vio-
24 lation of this section or if such acts include the use,

1 *attempted use, or threatened use of a dangerous weap-*
2 *on, explosives, or fire” after “bodily injury results;*

3 (3) *by striking “not more than \$10,000” and in-*
4 *serting “under this title”;*

5 (4) *by inserting “from the acts committed in vio-*
6 *lation of this section or if such acts include kidnap-*
7 *ping or an attempt to kidnap, aggravated sexual*
8 *abuse or an attempt to commit aggravated sexual*
9 *abuse, or an attempt to kill,” after “death results”;*

10 (5) *by striking “subject to imprisonment” and*
11 *inserting “fined under this title or imprisoned”;* and

12 (6) *by inserting “, or both” after “life”.*

13 (d) *DAMAGE TO RELIGIOUS PROPERTY.—Section 247*
14 *of title 18, United States Code, is amended—*

15 (1) *in subsection (c)(1) by inserting “from acts*
16 *committed in violation of this section or if such acts*
17 *include kidnapping or an attempt to kidnap, aggra-*
18 *vated sexual abuse or an attempt to commit aggra-*
19 *vated sexual abuse, or an attempt to kill” after “death*
20 *results”;*

21 (2) *in subsection (c)(2)—*

22 (A) *by striking “serious”;* and

23 (B) *by inserting “from the acts committed*
24 *in violation of this section or if such acts include*
25 *the use, attempted use, or threatened use of a*

1 *dangerous weapon, explosives, or fire” after*
2 *“bodily injury results”; and*

3 *(3) by amending subsection (e) to read as fol-*
4 *lows:*

5 *“(e) As used in this section, the term ‘religious prop-*
6 *erty’ means any church, synagogue, mosque, religious ceme-*
7 *tery, or other religious property.”.*

8 *(e) FAIR HOUSING ACT.—Section 901 of the Fair*
9 *Housing Act (42 U.S.C. 3631) is amended—*

10 *(1) in the caption by striking “bodily injury;*
11 *death;”;*

12 *(2) by striking “not more than \$1,000,” and in-*
13 *serting “under this title”;*

14 *(3) by inserting “from the acts committed in vio-*
15 *lation of this section or if such acts include the use,*
16 *attempted use, or threatened use of a dangerous weap-*
17 *on, explosives, or fire” after “bodily injury results”;*

18 *(4) by striking “not more than \$10,000,” and in-*
19 *serting “under this title”;*

20 *(5) by inserting “from the acts committed in vio-*
21 *lation of this section or if such acts include kidnap-*
22 *ping or an attempt to kidnap, aggravated sexual*
23 *abuse or an attempt to commit aggravated sexual*
24 *abuse, or an attempt to kill,” after “death results”;*

1 (6) by striking “subject to imprisonment” and
2 inserting “fined under this title or imprisoned”; and
3 (7) by inserting “, or both” after “life”.

4 **SEC. 2904. PENALTIES FOR TRAFFICKING IN COUNTERFEIT**
5 **GOODS AND SERVICES.**

6 (a) *IN GENERAL.*—Section 2320(a) of title 18, United
7 States Code, is amended—

8 (1) in the first sentence—

9 (A) by striking “Whoever” and inserting “A
10 person who”; and

11 (B) by striking “if an individual, be fined
12 not more than \$250,000 or imprisoned not more
13 than 5 years, or both, and, if a person other than
14 an individual, be fined not more than
15 \$1,000,000” and inserting “be imprisoned not
16 more than 10 years, fined under this title, or
17 both”; and

18 (2) in the second sentence by striking “if an in-
19 dividual, shall be fined not more than \$1,000,000 or
20 imprisoned not more than fifteen years, or both, and,
21 if other than an individual, shall be fined not more
22 than \$5,000,000” and inserting “shall be imprisoned
23 not more than 20 years, fined under this title, or
24 both”.

1 (b) *LAUNDERING MONETARY INSTRUMENTS.*—Section
2 1956(c)(7)(D) of title 18, United States Code, is amended
3 by striking “or section 2319 (relating to copyright infringe-
4 ment),” and inserting “section 2319 (relating to copyright
5 infringement), or section 2320 (relating to trafficking in
6 counterfeit goods and services),”.

7 **SEC. 2905. INCREASED PENALTY FOR CONSPIRACY TO COM-**
8 **MIT MURDER FOR HIRE.**

9 Section 1958(a) of title 18, United States Code, is
10 amended by inserting “or who conspires to do so” before
11 “shall be fined” the first place it appears.

12 **SEC. 2906. INCREASED PENALTIES FOR TRAVEL ACT VIOLA-**
13 **TIONS.**

14 Section 1952(a) of title 18, United States Code, is
15 amended by striking “and thereafter performs or attempts
16 to perform any of the acts specified in subparagraphs (1),
17 (2), and (3), shall be fined not more than \$10,000 or im-
18 prisoned for not more than 5 years, or both” and inserting
19 “and thereafter performs or attempts to perform (A) any
20 of the acts described in paragraphs (1) and (3) shall be
21 fined under this title, imprisoned for not more than 5 years,
22 or both, or (B) any of the acts described in paragraph (2)
23 shall be fined under this title, imprisoned for not more than
24 20 years, or both, and if death results shall be imprisoned
25 for any term of years or for life”.

1 **SEC. 2907. INCREASED PENALTIES FOR ARSON.**

2 *Section 844 of title 18, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (f)—*

5 *(A) by striking “not more than ten years, or*
6 *fined not more than \$10,000” and inserting “not*
7 *less than five years and not more than 20 years,*
8 *fined the greater of \$100,000 or the cost of re-*
9 *pairing or replacing any property that is dam-*
10 *aged or destroyed”; and*

11 *(B) by striking “not more than twenty*
12 *years, or fined not more than \$10,000” and in-*
13 *serting “not less than five years and not more*
14 *than 40 years, fined the greater of \$200,000 or*
15 *the cost of repairing or replacing any property*
16 *that is damaged or destroyed”;*

17 *(2) in subsection (h)—*

18 *(A) in the first sentence by striking “five*
19 *years” and inserting “10 years”; and*

20 *(B) in the second sentence by striking “ten*
21 *years” and inserting “20 years”; and*

22 *(3) in subsection (i)—*

23 *(A) by striking “not more than ten years or*
24 *fined not more than \$10,000” and inserting “not*
25 *less than five years and not more than 20 years,*
26 *fined the greater of \$100,000 or the cost of re-*

1 *pairing or replacing any property that is dam-*
2 *aged or destroyed”*; and

3 (B) by striking “not more than twenty
4 years or fined not more than \$10,000” and in-
5 serting “not less than five years and not more
6 than 40 years, fined the greater of \$200,000 or
7 the cost of repairing or replacing any property
8 that is damaged or destroyed”.

9 ***Subtitle B—Extension of Protection***
10 ***of Civil Rights Statutes***

11 ***SEC. 2911. EXTENSION OF PROTECTION OF CIVIL RIGHTS***
12 ***STATUTES.***

13 (a) *CONSPIRACY AGAINST RIGHTS.*—Section 241 of
14 title 18, United States Code, is amended by striking “inhab-
15 itant of” and inserting “person in”.

16 (b) *DEPRIVATION OF RIGHTS UNDER COLOR OF*
17 *LAW.*—Section 242 of title 18, United States Code, is
18 amended—

19 (1) by striking “inhabitant of” and inserting
20 “person in”; and

21 (2) by striking “such inhabitant” and inserting
22 “such person”.

1 **Subtitle C—Audit and Report**

2 **SEC. 2921. AUDIT REQUIREMENT FOR STATE AND LOCAL**
3 **LAW ENFORCEMENT AGENCIES RECEIVING**
4 **FEDERAL ASSET FORFEITURE FUNDS.**

5 (a) *STATE REQUIREMENT.*—Section 524(c)(7) of title
6 28, United States Code, is amended to read as follows:

7 “(7)(A) The Fund shall be subject to annual
8 audit by the Comptroller General.

9 “(B) The Attorney General shall require that
10 any State or local law enforcement agency receiving
11 funds conduct an annual audit detailing the uses and
12 expenses to which the funds were dedicated and the
13 amount used for each use or expense and report the
14 results of the audit to the Attorney General.”.

15 (b) *INCLUSION IN ATTORNEY GENERAL’S REPORT.*—
16 Section 524(c)(6)(C) of title 28, United States Code, is
17 amended by adding at the end the following flush sentence:
18 “The report should also contain all annual audit reports
19 from State and local law enforcement agencies required to
20 be reported to the Attorney General under subparagraph
21 (B) of paragraph (7).”.

22 **SEC. 2922. REPORT TO CONGRESS ON ADMINISTRATIVE**
23 **AND CONTRACTING EXPENSES.**

24 Section 524(c)(6) of title 28, United States Code, is
25 amended—

1 (1) by striking “and” at the end of subpara-
2 graph (B);

3 (2) by striking the period at the end of subpara-
4 graph (C) and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(D) a report for such fiscal year containing a
8 description of the administrative and contracting ex-
9 penses paid from the Fund under paragraph (1)(A).”.

10 **Subtitle D—Gambling**

11 **SEC. 2931. CRIMINAL HISTORY RECORD INFORMATION FOR** 12 **THE ENFORCEMENT OF LAWS RELATING TO** 13 **GAMING.**

14 A State gaming enforcement office located within a
15 State Attorney General’s office may obtain from the Inter-
16 state Identification Index of the FBI criminal history
17 record information for licensing purposes through an au-
18 thorized criminal justice agency.

19 **SEC. 2932. CLARIFYING AMENDMENT REGARDING SCOPE OF** 20 **PROHIBITION AGAINST GAMBLING ON SHIPS** 21 **IN INTERNATIONAL WATERS.**

22 (a) The first paragraph of section 1081 of title 18,
23 United States Code, is amended by adding at the end the
24 following: “Such term does not include a vessel with respect
25 to gambling aboard such vessel beyond the territorial waters

1 *of the United States during a covered voyage (as defined*
2 *in section 4472 of the Internal Revenue Code of 1986 in*
3 *effect as of September 21, 1993).”.*

4 ***Subtitle E—White Collar Crime***
5 ***Amendments***

6 ***SEC. 2941. RECEIVING THE PROCEEDS OF EXTORTION OR***
7 ***KIDNAPPING.***

8 (a) *PROCEEDS OF EXTORTION.*—Chapter 41 of title
9 18, United States Code, is amended—

10 (1) *by adding at the end the following new sec-*
11 *tion:*

12 ***“§ 880. Receiving the proceeds of extortion***

13 *“A person who receives, possesses, conceals, or disposes*
14 *of any money or other property which was obtained from*
15 *the commission of any offense under this chapter that is*
16 *punishable by imprisonment for more than 1 year, knowing*
17 *the same to have been unlawfully obtained, shall be impris-*
18 *oned not more than 3 years, fined under this title, or both.”;*
19 *and*

20 (2) *in the table of sections, by adding at the end*
21 *the following new item:*

“880. Receiving the proceeds of extortion.”.

22 (b) *RANSOM MONEY.*—Section 1202 of title 18, United
23 *States Code, is amended—*

24 (1) *by designating the existing matter as sub-*
25 *section “(a)”;* and

1 (2) by adding the following new subsections:

2 “(b) A person who transports, transmits, or transfers
3 in interstate or foreign commerce any proceeds of a kidnap-
4 ping punishable under State law by imprisonment for more
5 than 1 year, or receives, possesses, conceals, or disposes of
6 any such proceeds after they have crossed a State or United
7 States boundary, knowing the proceeds to have been unlaw-
8 fully obtained, shall be imprisoned not more than 10 years,
9 fined under this title, or both.

10 “(c) For purposes of this section, the term ‘State’ has
11 the meaning set forth in section 245(d) of this title.”.

12 **SEC. 2942. RECEIVING THE PROCEEDS OF A POSTAL ROB-**
13 **BERY.**

14 Section 2114 of title 18, United States Code, is amend-
15 ed—

16 (1) by designating the existing matter as sub-
17 section (a); and

18 (2) by adding at the end the following new
19 subsection:

20 “(b) A person who receives, possesses, conceals, or dis-
21 poses of any money or other property which has been ob-
22 tained in violation of this section, knowing the same to have
23 been unlawfully obtained, shall be imprisoned not more
24 than 10 years, fined under this title, or both.”.

1 **SEC. 2943. CONFORMING ADDITION TO OBSTRUCTION OF**
2 **CIVIL INVESTIGATIVE DEMAND STATUTE.**

3 *Section 1505 of title 18, United States Code, is amend-*
4 *ed by inserting “section 1968 of this title, section 3733 of*
5 *title 31, United States Code or” before “the Antitrust Civil*
6 *Process Act”.*

7 **SEC. 2944. CONFORMING ADDITION OF PREDICATE OF-**
8 **FENSES TO FINANCIAL INSTITUTIONS RE-**
9 **WARDS STATUTE.**

10 *Section 3059A of title 18, United States Code, is*
11 *amended—*

- 12 *(1) by inserting “225,” after “215”;*
13 *(2) by striking “or” before “1344”; and*
14 *(3) by inserting “, or 1517” after “1344”.*

15 **SEC. 2945. DEFINITION OF SAVINGS AND LOAN ASSOCIA-**
16 **TION IN BANK ROBBERY STATUTE.**

17 *Section 2113 of title 18, United States Code, is amend-*
18 *ed by adding at the end the following:*

19 *“(h) As used in this section, the term ‘savings and loan*
20 *association’ means (1) any Federal savings association or*
21 *State savings association (as defined in section 3(b) of the*
22 *Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having*
23 *accounts insured by the Federal Deposit Insurance Cor-*
24 *poration, and (2) any corporation described in section*
25 *3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C.*

1 1813(b)(1)(C)) which is operating under the laws of the
2 United States.”.

3 **SEC. 2946. CONFORMING DEFINITION OF “1-YEAR PERIOD”**

4 **IN 18 U.S.C. 1516.**

5 Section 1516(b) of title 18, United States Code, is
6 amended—

7 (1) by inserting “(i)” before “the term”; and

8 (2) by inserting before the period the following:

9 “, and (ii) the term ‘in any 1 year period’ has the
10 meaning given to the term ‘in any 1-year period’ in
11 section 666 of this title.”.

12 **Subtitle F—Safer Streets and**
13 **Neighborhoods**

14 **SEC. 2951. SHORT TITLE.**

15 This subtitle may be cited as the “Safer Streets and
16 Neighborhoods Act of 1993”.

17 **SEC. 2952. LIMITATION ON GRANT DISTRIBUTION.**

18 (a) **AMENDMENT.**—Section 510(b) of title I of the Om-
19 nibus Crime Control and Safe Streets Act of 1968 (42
20 U.S.C. 3760(b)) is amended by inserting “non-Federal”
21 after “with”.

22 (b) **EFFECTIVE DATE.**—The amendment made by sub-
23 section (a) shall take effect on October 1, 1993.

1 **Subtitle G—Other Provisions**

2 **SEC. 2961. OPTIONAL VENUE FOR ESPIONAGE AND RELAT-**
3 **ED OFFENSES.**

4 (a) *IN GENERAL.*—Chapter 211 of title 18, United
5 States Code, is amended by inserting after section 3238 the
6 following new section:

7 **“§ 3239. Optional venue for espionage and related of-**
8 **fenses**

9 “The trial for any offense involving a violation, begun
10 or committed upon the high seas or elsewhere out of the ju-
11 risdiction of any particular State or district, of—

12 “(1) section 793, 794, 798, or section 1030(a)(1)
13 of this title;

14 “(2) section 601 of the National Security Act of
15 1947 (50 U.S.C. 421); or

16 “(3) section 4(b) or 4(c) of the Subversive Activi-
17 ties Control Act of 1950 (50 U.S.C. 783 (b) or (c));
18 may be in the District of Columbia or in any other district
19 authorized by law.”.

20 (b) *TECHNICAL AMENDMENT.*—The item relating to
21 section 3239 in the table of sections of chapter 211 of title
22 18, United States Code, is amended to read as follows:

“3239. Optional venue for espionage and related offense.”.

1 **SEC. 2962. UNDERCOVER OPERATIONS.**

2 (a) *IN GENERAL.*—Chapter 1 of title 18, United States
3 Code, is amended by adding at the end the following new
4 section:

5 **“§21. Stolen or counterfeit nature of property for cer-**
6 **tain crimes defined**

7 “(a) *Wherever in this title it is an element of an offense*
8 *that—*

9 “(1) *any property was embezzled, robbed, stolen,*
10 *converted, taken, altered, counterfeited, falsely made,*
11 *forged, or obliterated; and*

12 “(2) *the defendant knew that the property was of*
13 *such character;*

14 *such element may be established by proof that the defendant,*
15 *after or as a result of an official representation as to the*
16 *nature of the property, believed the property to be embezzled,*
17 *robbed, stolen, converted, taken, altered, counterfeited, false-*
18 *ly made, forged, or obliterated.*

19 “(b) *For purposes of this section, the term ‘official rep-*
20 *resentation’ means any representation made by a Federal*
21 *law enforcement officer (as defined in section 115) or by*
22 *another person at the direction or with the approval of such*
23 *an officer.’”*

24 (b) *TECHNICAL AMENDMENT.*—The table of sections of
25 chapter 1 of title 18, United States Code, is amended by
26 adding at the end the following new item:

“21. Stolen or counterfeit nature of property for certain crimes defined.”.

1 **SEC. 2963. UNDERCOVER OPERATIONS—CHURNING.**

2 *Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988*
3 *(relating to effective date) is amended to read as follows:*

4 *“(3) EFFECTIVE DATE.—The amendments made*
5 *by this subsection shall take effect on the date of the*
6 *enactment of this Act and shall cease to apply after*
7 *December 31, 1994.”.*

8 **SEC. 2964. REPORT ON BATTERED WOMEN’S SYNDROME.**

9 *(a) REPORT.—Not less than 1 year after the date of*
10 *enactment of this Act, the Attorney General and the Sec-*
11 *retary of Health and Human Services shall transmit to the*
12 *Congress a report on the medical and psychological basis*
13 *of “battered women’s syndrome” and on the extent to which*
14 *evidence of the syndrome has been held to be admissible as*
15 *evidence of guilt or as a defense in a criminal trial.*

16 *(b) COMPONENTS OF THE REPORT.—The report de-*
17 *scribed in subsection (a) shall include—*

18 *(1) medical and psychological testimony on the*
19 *validity of battered women’s syndrome as a psycho-*
20 *logical condition;*

21 *(2) a compilation of State and Federal court*
22 *cases that have admitted evidence of battered women’s*
23 *syndrome as evidence of guilt as a defense in criminal*
24 *trials; and*

1 (3) *an assessment by State and Federal judges,*
2 *prosecutors, and defense attorneys on the effects that*
3 *evidence of battered women’s syndrome may have in*
4 *criminal trials.*

5 **SEC. 2965. WIRETAPS.**

6 *Section 2511(1) of title 18, United States Code, is*
7 *amended—*

8 (1) *by striking “or” at the end of paragraph (c);*

9 (2) *by inserting “or” at the end of paragraph*
10 *(d); and*

11 (3) *by adding after paragraph (d) the following*
12 *new paragraph:*

13 “(e)(i) *intentionally discloses, or endeavors to*
14 *disclose, to any other person the contents of any wire,*
15 *oral, or electronic communication, intercepted by*
16 *means authorized by sections 2511(2)(A)(ii), 2511(b)–*
17 *(c), 2511(e), 2516, and 2518 of this subchapter, (ii)*
18 *knowing or having reason to know that the informa-*
19 *tion was obtained through the interception of such a*
20 *communication in connection with a criminal inves-*
21 *tigation, (iii) having obtained or received the infor-*
22 *mation in connection with a criminal investigation,*
23 *(iv) with intent to improperly obstruct, impede, or*
24 *interfere with a duly authorized criminal investiga-*
25 *tion.”.*

1 **SEC. 2966. THEFT OF MAJOR ARTWORK.**

2 (a) *OFFENSE.*—Chapter 31 of title 18, United States
3 Code, is amended by adding at the end the following new
4 section:

5 **“§ 668. Theft of major artwork**

6 “(a) *DEFINITIONS.*—In this section—

7 “‘museum’ means an organized and permanent
8 institution, the activities of which affect interstate or
9 foreign commerce, that—

10 “(A) is situated in the United States;

11 “(B) is established for an essentially edu-
12 cational or aesthetic purpose;

13 “(C) has a professional staff; and

14 “(D) owns, utilizes, and cares for tangible
15 objects that are exhibited to the public on a regu-
16 lar schedule.

17 “‘object of cultural heritage’ means an object of
18 art or cultural significance that is registered with the
19 International Foundation for Art Research or an
20 equivalent registry.”.

21 “(b) *OFFENSES.*—A person who—

22 “(1) steals or obtains by fraud from the care,
23 custody, or control of a museum any object of cultural
24 heritage; or

25 “(2) knowing that an object of cultural heritage
26 has been stolen or obtained by fraud, if in fact the ob-

1 *ject was stolen or obtained from the care, custody, or*
2 *control of a museum (whether or not that fact is*
3 *known to the person), receives, conceals, exhibits, or*
4 *disposes of the object,*
5 *shall be fined under this title, imprisoned not more than*
6 *10 years, or both.”.*

7 (b) *FORFEITURE.—*

8 (1) *CIVIL.—Section 981(a)(1)(C) of title 18,*
9 *United States Code, is amended by inserting “668,”*
10 *after “657.”.*

11 (2) *CRIMINAL.—Section 982(a)(2) of title 18,*
12 *United States Code, is amended by inserting “668,”*
13 *after “545”.*

14 (c) *PERIOD OF LIMITATION.—Chapter 213 of title 18,*
15 *United States Code, is amended by adding at the end the*
16 *following new section:*

17 **“§ 3294. Theft of major artwork**

18 *“No person shall be prosecuted, tried, or punished for*
19 *a violation of or conspiracy to violate section 668 unless*
20 *the indictment is returned or the information is filed within*
21 *20 years after the commission of the offense.”.*

22 (d) *TECHNICAL AMENDMENTS.—*

23 (1) *CHAPTER 31.—The chapter analysis for*
24 *chapter 31 of title 18, United States Code, is amended*
25 *by adding at the end the following new item:*

“668. Theft of major artwork.”.

1 (2) *CHAPTER 213.—The chapter analysis for*
2 *chapter 31 of title 18, United States Code, is amended*
3 *by adding at the end the following new item:*

 “3294. *Theft of major artwork.*”.

4 **SEC. 2967. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.**

5 (a) *FINDINGS.—The Congress finds that—*

6 (1) *an adequately supported Federal judiciary is*
7 *essential to the enforcement of law and order in the*
8 *United States,*

9 (2) *section 331 of title 28 provides in pertinent*
10 *part that the Chief Justice shall submit to Congress*
11 *an annual report of the proceedings of the Judicial*
12 *Conference and its recommendations for legislation,*

13 (3) *in 1990, in response to the recommendations*
14 *of the Judicial Conference for additional judgeships,*
15 *Congress enacted legislation creating 85 additional*
16 *judgeships with an effective date of December 1, 1990,*

17 (4) *during the previous administration, it took*
18 *an average of 502 days from the time a judgeship be-*
19 *came vacant until such vacancy was filled,*

20 (5) *the enactment of legislation providing addi-*
21 *tional funding for the investigation and prosecution*
22 *facets of the criminal justice system has a direct and*
23 *positive impact on the needs and workload of the Ju-*
24 *diary, which is already severely overloaded with*
25 *criminal cases,*

1 (6) recommendations by the Judicial Conference
2 for the filling of judicial vacancies are currently made
3 on the basis of historical data alone,

4 (7) the General Accounting Office, pursuant to
5 the 1988 Anti-Drug Abuse Act, has developed a com-
6 puter model that measures the potential effect of fiscal
7 increases on one or more parts of the criminal justice
8 system on the Judiciary,

9 (8) the General Accounting Office has established
10 that an increase in the resources allocated to the in-
11 vestigative and prosecutorial parts of the criminal
12 justice system, brings about an increase in the num-
13 ber of criminal cases filed, which in turn adds to the
14 need for additional judgeships,

15 (9) the allocation of resources to portions of the
16 Federal criminal justice system other than the Judici-
17 ary contributes to the need for additional judgeships
18 that cannot be anticipated by the use of historical
19 data alone, and

20 (10) the use of historical data alone, because of
21 its inability to project the need for additional judge-
22 ships attributable to the increase in criminal caseload
23 adds to the delay in meeting the needs of the Judici-
24 ary.

1 (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
2 *ate that the Judicial Conference should be encouraged to*
3 *make its recommendations to Congress for additional judge-*
4 *ships utilizing historical data and a workload estimate*
5 *model designed to anticipate an increase in criminal filings*
6 *resulting from increased funding in one or more compo-*
7 *nents of the Federal criminal justice system, and to take*
8 *into account the time expended in the appointive and con-*
9 *firmation process.*

10 ***SEC. 2968. MISUSE OF INITIALS "DEA".***

11 (a) *AMENDMENT.*—*Section 709 of title 18, United*
12 *States Code, is amended—*

13 (1) *in the thirteenth unnumbered paragraph by*
14 *striking "words—" and inserting "words; or"; and*

15 (2) *by inserting after the thirteenth unnumbered*
16 *paragraph the following new paragraph:*

17 *"A person who, except with the written permission of*
18 *the Administrator of the Drug Enforcement Administra-*
19 *tion, knowingly uses the words 'Drug Enforcement Admin-*
20 *istration' or the initials 'DEA' or any colorable imitation*
21 *of such words or initials, in connection with any advertise-*
22 *ment, circular, book, pamphlet, software or other publica-*
23 *tion, play, motion picture, broadcast, telecast, or other pro-*
24 *duction, in a manner reasonably calculated to convey the*
25 *impression that such advertisement, circular, book, pam-*

1 *phlet, software or other publication, play, motion picture,*
2 *broadcast, telecast, or other production is approved, en-*
3 *dorsed, or authorized by the Drug Enforcement Administra-*
4 *tion;”.*

5 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
6 *section (a) shall become effective on the date that is 90 days*
7 *after the date of enactment of this Act.*

8 **SEC. 2969. ADDITION OF ATTEMPTED ROBBERY, KIDNAP-**
9 **PING, SMUGGLING, AND PROPERTY DAMAGE**
10 **OFFENSES TO ELIMINATE INCONSISTENCIES**
11 **AND GAPS IN COVERAGE.**

12 (a) *ROBBERY AND BURGLARY.*—(1) *Section 2111 of*
13 *title 18, United States Code, is amended by inserting “or*
14 *attempts to take” after “takes”.*

15 (2) *Section 2112 of title 18, United States Code, is*
16 *amended by inserting “or attempts to rob” after “robs”.*

17 (3) *Section 2114 of title 18, United States Code, is*
18 *amended by inserting “or attempts to rob” after “robs”.*

19 (b) *KIDNAPPING.*—*Section 1201(d) of title 18, United*
20 *States Code, is amended by striking “Whoever attempts to*
21 *violate subsection (a)(4) or (a)(5)” and inserting “Whoever*
22 *attempts to violate subsection (a)”.*

23 (c) *SMUGGLING.*—*Section 545 of title 18, United*
24 *States Code, is amended by inserting “or attempts to smug-*

1 *gle or clandestinely introduce” after “smuggles, or clandes-*
2 *tinely introduces”.*

3 *(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title*
4 *18, United States Code, is amended—*

5 *(A) by inserting “or attempts to commit any of*
6 *the foregoing offenses” before “shall be punished”, and*

7 *(B) by inserting “or attempted damage” after*
8 *“damage” each place it appears.*

9 *(2) Section 1362 of title 18, United States Code, is*
10 *amended by inserting “or attempts willfully or maliciously*
11 *to injure or destroy” after “willfully or maliciously injures*
12 *or destroys”.*

13 *(3) Section 1366 of title 18, United States Code, is*
14 *amended—*

15 *(A) by inserting “or attempts to damage” after*
16 *“damages” each place it appears;*

17 *(B) by inserting “or attempts to cause” after*
18 *“causes”; and*

19 *(C) by inserting “or would if the attempted of-*
20 *fense had been completed have exceeded” after “ex-*
21 *ceeds” each place it appears.*

22 **SEC. 2970. DEFINITION OF LIVESTOCK.**

23 *Section 2311 of title 18, United States Code, is amend-*
24 *ed by inserting after the second paragraph relating to the*
25 *definition of “cattle” the following new paragraph:*

1 “‘Livestock’ means any domestic animals raised for
2 home use, consumption, or profit, such as horses, pigs,
3 goats, fowl, sheep, and cattle, or the carcasses thereof.”

4 **SEC. 2971. EXTENSION OF STATUTE OF LIMITATIONS FOR**
5 **ARSON.**

6 Section 844(i) of title 18, United States Code, is
7 amended by adding at the end the following: “No person
8 shall be prosecuted, tried, or punished for any noncapital
9 offense under this subsection unless the indictment is found
10 or the information is instituted within 10 years after the
11 date on which the offense was committed.”

12 **SEC. 2972. GUN-FREE SCHOOL ZONES.**

13 (a) AMENDMENT OF TITLE 18, UNITED STATES
14 CODE.—Section 922(q) of title 18 , United States Code, is
15 amended—

16 (1) by redesignating paragraphs (1), (2), and (3)
17 as paragraphs (2), (3), and (4), respectively; and

18 (2) by inserting after “(q)” the following new
19 paragraph:

20 “(1) The Congress finds and declares that—

21 “(A) crime, particularly crime involving drugs
22 and guns, is a pervasive, nationwide problem;

23 “(B) crime at the local level is exacerbated by the
24 interstate movement of drugs, guns, and criminal
25 gangs;

1 “(C) firearms and ammunition move easily in
2 interstate commerce and have been found in increas-
3 ing numbers in and around schools, as documented in
4 numerous hearings in both the Judiciary Committee
5 of the House of Representatives and Judiciary Com-
6 mittee of the Senate;

7 “(D) in fact, even before the sale of a firearm,
8 the gun, its component parts, ammunition, and the
9 raw materials from which they are made have consid-
10 erably moved in interstate commerce;

11 “(E) while criminals freely move from State to
12 State, ordinary citizens and foreign visitors may fear
13 to travel to or through certain parts of the country
14 due to concern about violent crime and gun violence,
15 and parents may decline to send their children to
16 school for the same reason;

17 “(F) the occurrence of violent crime in school
18 zones has resulted in a decline in the quality of edu-
19 cation in our country;

20 “(G) this decline in the quality of education has
21 an adverse impact on interstate commerce and the
22 foreign commerce of the United States;

23 “(H) States, localities, and school systems find it
24 almost impossible to handle gun-related crime by
25 themselves; even States, localities, and school systems

1 *that have made strong efforts to prevent, detect, and*
2 *punish gun-related crime find their efforts unavailing*
3 *due in part to the failure or inability of other States*
4 *or localities to take strong measures; and*

5 *“(I) Congress has power, under the interstate*
6 *commerce clause and other provisions of the Constitu-*
7 *tion, to enact measures to ensure the integrity and*
8 *safety of the Nation’s schools by enactment of this*
9 *subsection.”.*

10 ***TITLE XXX—TECHNICAL***
11 ***CORRECTIONS***

12 ***SEC. 3001. AMENDMENTS RELATING TO FEDERAL FINAN-***
13 ***CIAL ASSISTANCE FOR LAW ENFORCEMENT.***

14 *(a) CROSS REFERENCE CORRECTIONS.—(1) Section*
15 *506 of title I of the Omnibus Crime Control and Safe*
16 *Streets Act of 1968 (42 U.S.C. 3756) is amended—*

17 *(1) in subsection (a) by striking “Of” and insert-*
18 *ing “Subject to subsection (f), of”,*

19 *(2) in subsection (c) by striking “subsections (b)*
20 *and (c)” and inserting “subsection (b)”,*

21 *(3) in subsection (e) by striking “or (e)” and in-*
22 *serting “or (f)”,*

23 *(4) in subsection (f)(1)—*

24 *(A) in subparagraph (A)—*

1 (i) by striking “, taking into consider-
2 ation subsection (e) but”, and

3 (ii) by striking “this subsection,” and
4 inserting “this subsection”, and

5 (B) in subparagraph (B) by striking
6 “amount” and inserting “funds”.

7 (b) *CORRECTIONAL OPTIONS GRANTS.*—(1) *Section*
8 *515(b) of title I of the Omnibus Crime Control and Safe*
9 *Streets Act of 1968 is amended—*

10 (A) by striking “subsection (a)(1) and (2)” and
11 inserting “paragraphs (1) and (2) of subsection (a)”,
12 and

13 (B) in paragraph (2) by striking “States” and
14 inserting “public agencies”.

15 (2) *Section 516 of title I of the Omnibus Crime Control*
16 *and Safe Streets Act of 1968 is amended—*

17 (A) in subsection (a) by striking “for section”
18 each place it appears and inserting “shall be used to
19 make grants under section”, and

20 (B) in subsection (b) by striking “section
21 515(a)(1) or (a)(3)” and inserting “paragraph (1) or
22 (3) of section 515(a)”.

23 (c) *DENIAL OR TERMINATION OF GRANT.*—*Section*
24 *802(b) of title I of the Omnibus Crime Control and Safe*

1 *Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by*
2 *striking “M,” and inserting “M,”.*

3 (d) *DEFINITIONS.—Section 901(a)(21) of title I of the*
4 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
5 *U.S.C. 3791(21)) is amended by adding a semicolon at the*
6 *end.*

7 (e) *PUBLIC SAFETY OFFICERS DISABILITY BENE-*
8 *FITS.—Title I of the Omnibus Crime Control and Safe*
9 *Streets Act of 1968 (42 U.S.C. 3796) is amended—*

10 (1) *in section 1201—*

11 (A) *in subsection (a) by striking “subsection*
12 *(g)” and inserting “subsection (h),”, and*

13 (B) *in subsection (b)—*

14 (i) *by striking “subsection (g)” and in-*
15 *serting “subsection (h),”,*

16 (ii) *by striking “personal”, and*

17 (iii) *in the first proviso by striking*
18 *“section” and inserting “subsection”, and*

19 (2) *in section 1204(3) by striking “who was re-*
20 *sponding to a fire, rescue or police emergency”.*

21 (f) *HEADINGS.—(1) The heading for part M of title*
22 *I of the Omnibus Crime Control and Safe Streets Act of*
23 *1968 (42 U.S.C. 3797) is amended to read as follows:*

1 “PART M—REGIONAL INFORMATION SHARING SYSTEMS”.

2 (2) The heading for part O of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
4 3797) is amended to read as follows:

5 “PART O—RURAL DRUG ENFORCEMENT”.

6 (g) TABLE OF CONTENTS.—The table of contents of
7 title I of the Omnibus Crime Control and Safe Streets Act
8 of 1968 is amended—

9 (1) in the item relating to section 501 by strik-
10 ing “Drug Control and System Improvement Grant”
11 and inserting “drug control and system improvement
12 grant”,

13 (2) in the item relating to section 1403 by strik-
14 ing “Application” and inserting “Applications”, and

15 (3) in the items relating to part O by redesignat-
16 ing sections 1401 and 1402 as sections 1501 and
17 1502, respectively.

18 (h) OTHER TECHNICAL AMENDMENTS.—Title I of the
19 Omnibus Crime Control and Safe Streets Act of 1968 is
20 amended—

21 (1) in section 202(c)(2)(E) by striking “crime,,”
22 and inserting “crime,”,

23 (2) in section 302(c)(19) by striking a period at
24 the end and inserting a semicolon,

25 (3) in section 602(a)(1) by striking “chapter
26 315” and inserting “chapter 319”,

1 (4) in section 603(a)(6) by striking “605” and
2 inserting “606”,

3 (5) in section 605 by striking “this section” and
4 inserting “this part”,

5 (6) in section 606(b) by striking “and Statistics”
6 and inserting “Statistics”,

7 (7) in section 801(b)—

8 (A) by striking “parts D,” and inserting
9 “parts”,

10 (B) by striking “part D” each place it ap-
11 pears and inserting “subpart 1 of part E”,

12 (C) by striking “403(a)” and inserting
13 “501”, and

14 (D) by striking “403” and inserting “503”,

15 (8) in the first sentence of section 802(b) by
16 striking “part D,” and inserting “subpart 1 of part
17 E or under part”,

18 (9) in the second sentence of section 804(b) by
19 striking “Prevention or” and inserting “Prevention,
20 or”,

21 (10) in section 808 by striking “408, 1308,” and
22 inserting “507”,

23 (11) in section 809(c)(2)(H) by striking “805”
24 and inserting “804”,

1 (12) in section 811(e) by striking “Law Enforce-
2 ment Assistance Administration” and inserting “Bu-
3 reau of Justice Assistance”;

4 (13) in section 901(a)(3) by striking “and,” and
5 inserting “, and”;

6 (14) in section 1001(c) by striking “parts” and
7 inserting “part”.

8 (i) *CONFORMING AMENDMENT TO OTHER LAW.*—Sec-
9 tion 4351(b) of title 18, United States Code, is amended
10 by striking “Administrator of the Law Enforcement Assist-
11 ance Administration” and inserting “Director of the Bu-
12 reau of Justice Assistance”.

13 **SEC. 3002. GENERAL TITLE 18 CORRECTIONS.**

14 (a) *SECTION 1031.*—Section 1031(g)(2) of title 18,
15 United States Code, is amended by striking “a government”
16 and inserting “a Government”.

17 (b) *SECTION 208.*—Section 208(c)(1) of title 18, Unit-
18 ed States Code, is amended by striking “Banks” and insert-
19 ing “banks”.

20 (c) *SECTION 1007.*—The heading for section 1007 of
21 title 18, United States Code, is amended by striking
22 “Transactions” and inserting “transactions” in lieu there-
23 of.

1 (d) *SECTION 1014.*—Section 1014 of title 18, United
2 States Code, is amended by striking the comma which fol-
3 lows a comma.

4 (e) *ELIMINATION OF OBSOLETE CROSS REFERENCE.*—
5 Section 3293 of title 18, United States Code, is amended
6 by striking “1008,”.

7 (f) *ELIMINATION OF DUPLICATE SUBSECTION DES-*
8 *IGNATION.*—Section 1031 of title 18, United States Code,
9 is amended by redesignating the second subsection (g) as
10 subsection (h).

11 (g) *CLERICAL AMENDMENT TO PART I TABLE OF*
12 *CHAPTERS.*—The item relating to chapter 33 in the table
13 of chapters for part I of title 18, United States Code, is
14 amended by striking “701” and inserting “700”.

15 (h) *AMENDMENT TO SECTION 924(a)(1)(b).*—Section
16 924(a)(1)(B) of title 18, United States Code, is amended
17 by striking “(q)” and inserting “(r)”.

18 (i) *AMENDMENT TO SECTION 3143.*—The last sentence
19 of section 3143(b) of title 18, United States Code, is amend-
20 ed by striking “(b)(2)(D)” and inserting “(1)(B)(iv)”.

21 (j) *AMENDMENT TO TABLE OF CHAPTERS.*—The table
22 of chapters at the beginning of part I of title 18, United
23 States Code, is amended by striking the item relating to
24 the chapter 113A added by section 132 of Public Law 102–
25 27, but subsequently repealed.

1 (k) *PUNCTUATION CORRECTION.*—Section
2 207(c)(2)(A)(ii) of title 18, United States Code, is amended
3 by striking the semicolon at the end and inserting a comma.

4 (l) *TABLE OF CONTENTS CORRECTION.*—The table of
5 contents for chapter 223 of title 18, United States Code,
6 is amended by adding at the end the following:

 “3509. Child Victims’ and child witnesses’ rights.”.

7 (m) *ELIMINATION OF SUPERFLUOUS COMMA.*—Section
8 3742(b) of title 18, United States Code, is amended by strik-
9 ing “Government,” and inserting “Government”.

10 **SEC. 3003. CORRECTIONS OF ERRONEOUS CROSS REF-**
11 **ERENCES AND MISDESIGNATIONS.**

12 (a) *SECTION 1791 OF TITLE 18.*—Section 1791(b) of
13 title 18, United States Code, is amended by striking “(c)”
14 each place it appears and inserting “(d)”.

15 (b) *SECTION 1956 OF TITLE 18.*—Section
16 1956(c)(7)(D) of title 18, United States Code, is amended
17 by striking “section 1822 of the Mail Order Drug Para-
18 phernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)”
19 and inserting “section 422 of the Controlled Substances Act
20 (21 U.S.C. 863)”.

21 (c) *SECTION 2703 OF TITLE 18.*—Section 2703(d) of
22 title 18, United States Code, is amended by striking “sec-
23 tion 3126(2)(A)” and inserting “section 3127(2)(A)”.

24 (d) *SECTION 666 OF TITLE 18.*—Section 666(d) of title
25 18, United States Code, is amended—

1 (1) by redesignating the second paragraph (4) as
2 paragraph (5);

3 (2) by striking “and” at the end of paragraph
4 (3); and

5 (3) by striking the period at the end of para-
6 graph (4) and inserting “; and”.

7 (e) SECTION 4247 OF TITLE 18.—Section 4247(h) of
8 title 18, United States Code, is amended by striking “sub-
9 section (e) of section 4241, 4243, 4244, 4245, or 4246,” and
10 inserting “subsection (e) of section 4241, 4244, 4245, or
11 4246, or subsection (f) of section 4243,”.

12 (f) SECTION 408 OF THE CONTROLLED SUBSTANCE.—
13 Section 408(b)(2)(A) of the Controlled Substances Act (21
14 U.S.C. 848(b)(2)(A)) is amended by striking “subsection
15 (d)(1)” and inserting “subsection (c)(1)”.

16 (g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1)
17 Section 994(h) of title 28, United States Code, is amended
18 by striking “section 1 of the Act of September 15, 1980 (21
19 U.S.C. 955a)” each place it appears and inserting “the
20 Maritime Drug Law Enforcement Act (46 U.S.C. App.
21 1901 et seq.)”.

22 (2) Section 924(e) of title 18, United States Code, is
23 amended by striking “the first section or section 3 of Public
24 Law 96–350 (21 U.S.C. 955a et seq.)” and inserting “the

1 *Maritime Drug Law Enforcement Act (46 U.S.C. App.*
2 *1901 et seq.)*”.

3 (h) *SECTION 2596 OF THE CRIME CONTROL ACT OF*
4 *1990.—Section 2596(d) of the Crime Control Act of 1990*
5 *is amended, effective retroactively to the date of enactment*
6 *of such Act, by striking “951(c)(1)” and inserting*
7 *“951(c)(2)”.*

8 (i) *SECTION 3143 OF TITLE 18.—The last sentence of*
9 *section 3143(b)(1) of title 18, United States Code, is amend-*
10 *ed by striking “(b)(2)(D)” and inserting “(1)(B)(iv)”.*

11 ***SEC. 3004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.***

12 *Title 18, United States Code, is amended—*

13 (1) *in section 212, by striking “or of any Na-*
14 *tional Agricultural Credit Corporation,” and by*
15 *striking “or National Agricultural Credit Corpora-*
16 *tions,”;*

17 (2) *in section 213, by striking “or examiner of*
18 *National Agricultural Credit Corporations”;*

19 (3) *in section 709, by striking the seventh and*
20 *thirteenth paragraphs;*

21 (4) *in section 711, by striking the second para-*
22 *graph;*

23 (5) *by striking section 754, and amending the*
24 *table of sections for chapter 35 by striking the item*
25 *relating to section 754;*

1 (6) in sections 657 and 1006, by striking “Re-
2 construction Finance Corporation,” and by striking
3 “Farmers’ Home Corporation,”;

4 (7) in section 658, by striking “Farmers’ Home
5 Corporation,”;

6 (8) in section 1013, by striking “, or by any Na-
7 tional Agricultural Credit Corporation”;

8 (9) in section 1160, by striking “white person”
9 and inserting “non-Indian”;

10 (10) in section 1698, by striking the second
11 paragraph;

12 (11) by striking sections 1904 and 1908, and
13 amending the table of sections for chapter 93 by strik-
14 ing the items relating to such sections;

15 (12) in section 1909, by inserting “or” before
16 “farm credit examiner” and by striking “or an exam-
17 iner of National Agricultural Credit Corporations,”;

18 (13) by striking sections 2157 and 2391, and
19 amending the table of sections for chapters 105 and
20 115, respectively, by striking the items relating to
21 such sections;

22 (14) in section 2257 by striking the subsections
23 (f) and (g) that were enacted by Public Law 100–690;

24 (15) in section 3113, by striking the third para-
25 graph;

1 (16) in section 3281, by striking “except for of-
2 fenses barred by the provisions of law existing on Au-
3 gust 4, 1939”;

4 (17) in section 443, by striking “or (3) 5 years
5 after 12 o’clock noon of December 31, 1946,”; and

6 (18) in sections 542, 544, and 545, by striking
7 “the Philippine Islands,”.

8 **SEC. 3005. CORRECTION OF DRAFTING ERROR IN THE FOR-**
9 **EIGN CORRUPT PRACTICES ACT.**

10 Section 104 of the Foreign Corrupt Practices Act of
11 1977 (15 U.S.C. 78dd-2) is amended, in subsection (a)(3),
12 by striking “issuer” and inserting in lieu thereof “domestic
13 concern”.

14 **SEC. 3006. ELIMINATION OF REDUNDANT PENALTY PROVI-**
15 **SION IN 18 U.S.C. 1116.**

16 Section 1116(a) of title 18, United States Code, is
17 amended by striking “, and any such person who is found
18 guilty of attempted murder shall be imprisoned for not more
19 than 20 years”.

20 **SEC. 3007. ELIMINATION OF REDUNDANT PENALTY.**

21 Section 1864(c) of title 18, United States Code, is
22 amended by striking “(b) (3), (4), or (5)” and inserting
23 in lieu thereof “(b)(5)”.

1 **SEC. 3008. CORRECTIONS OF MISSPELLINGS AND GRAM-**
2 **MATICAL ERRORS.**

3 *Title 18, United States Code, is amended—*

4 *(1) in section 513(c)(4), by striking “association*
5 *or persons” and inserting in lieu thereof “association*
6 *of persons”;*

7 *(2) in section 1956(e), by striking*
8 *“Evironmental” and inserting in lieu thereof “Envi-*
9 *ronmental”;*

10 *(3) in section 3125, by striking the quotation*
11 *marks in paragraph (a)(2), and by striking “provider*
12 *for” and inserting in lieu thereof “provider of” in*
13 *subsection (d);*

14 *(4) in section 3731, by striking “order of a dis-*
15 *trict courts” and inserting in lieu thereof “order of a*
16 *district court” in the second undesignated paragraph;*

17 *(5) in section 151, by striking “mean” and in-*
18 *serting “means”;*

19 *(6) in section 208(b), by inserting “if” after*
20 *“(4)”;*

21 *(7) in section 209(d), by striking “under the*
22 *terms of the chapter 41” and inserting “under the*
23 *terms of chapter 41”;*

24 *(8) in section 1014, by inserting a comma after*
25 *“National Credit Union Administration Board”; and*

1 (9) in section 3291, by striking “the afore-men-
2 tioned” and inserting “such”.

3 **SEC. 3009. OTHER TECHNICAL AMENDMENTS.**

4 (a) SECTION 419 OF CONTROLLED SUBSTANCES
5 ACT.—Section 419(b) of the Controlled Substances Act (21
6 U.S.C. 860(b)) is amended by striking “years Penalties”
7 and inserting “years. Penalties”.

8 (b) SECTION 667.—Section 667 of title 18, United
9 States Code, is amended by adding at the end the following:
10 “The term ‘livestock’ has the meaning set forth in section
11 2311 of this title.”.

12 (c) SECTION 1114.—Section 1114 of title 18, United
13 States Code, is amended by striking “or any other officer,
14 agency, or employee of the United States” and inserting
15 “or any other officer or employee of the United States or
16 any agency thereof”.

17 (d) SECTION 408 OF CONTROLLED SUBSTANCES
18 ACT.—Section 408(q)(8) of the Controlled Substances Act
19 (21 U.S.C. 848(q)(8)) is amended by striking “applications,
20 for writ” and inserting “applications for writ”.

21 **SEC. 3010. CORRECTIONS OF ERRORS FOUND DURING CODI-**
22 **FICATION.**

23 Title 18, United States Code, is amended—

24 (1) in section 212, by striking “218” and insert-
25 ing “213”;

1 (2) in section 1917—

2 (A) by striking “Civil Service Commission”
3 and inserting “Office of Personnel Management”;
4 and

5 (B) by striking “the Commission” in para-
6 graph (1) and inserting “such Office”;

7 (3) by transferring the table of sections for each
8 subchapter of each of chapters 227 and 229 to follow
9 the heading of that subchapter;

10 (4) so that the heading of section 1170 reads as
11 follows:

12 **“§ 1170. Illegal trafficking in Native American**
13 **human remains and cultural items”;**

14 (5) so that the item relating to section 1170 in
15 the table of sections at the beginning of chapter 53
16 reads as follows:

 “1170. Illegal trafficking in Native American human remains and cultural
 items.”;

17 (6) in section 3509(a), by striking paragraph
18 (11) and redesignating paragraphs (12) and (13) as
19 paragraphs (11) and (12), respectively;

20 (7) in section 3509—

21 (A) by striking out “subdivision” each place
22 it appears and inserting “subsection”; and

23 (B) by striking out “government” each
24 place it appears and inserting “Government”;

1 (8) in section 2252(a)(3)(B), by striking
2 “materails” and inserting “materials”;

3 (9) in section 14, by striking “45,” and “608,
4 611, 612,”;

5 (10) in section 3059A—

6 (A) in subsection (b), by striking “this sub-
7 section” and inserting “subsection”; and

8 (B) in subsection (c), by striking “this sub-
9 section” and inserting “subsection”;

10 (11) in section 1761(c)—

11 (A) by striking “and” at the end of para-
12 graph (1);

13 (B) by inserting “and” at the end of para-
14 graph (3); and

15 (C) by striking the period at the end of
16 paragraph (2)(B) and inserting a semicolon;

17 (12) in the table of sections at the beginning of
18 chapter 11—

19 (A) in the item relating to section 203, by
20 inserting a comma after “officers” and by strik-
21 ing the comma after “others”; and

22 (B) in the item relating to section 204, by
23 inserting “the” before “United States Court of
24 Appeals for the Federal Circuit”;

1 (13) in the table of sections at the beginning of
2 chapter 23, in the item relating to section 437, by
3 striking the period immediately following “Indians”;

4 (14) in the table of sections at the beginning of
5 chapter 25, in the item relating to section 491, by
6 striking the period immediately following “paper used
7 as money”;

8 (15) in section 207(a)(3), by striking “Clarifica-
9 tion of Restrictions” and inserting “Clarification of
10 restrictions”;

11 (16) in section 176, by striking “the govern-
12 ment” and inserting “the Government”;

13 (17) in section 3059A(e)(2)(iii), by striking
14 “backpay” and inserting “back pay”; and

15 (18) by adding a period at the end of the item
16 relating to section 3059A in the table of sections at
17 the beginning of chapter 203.

18 **SEC. 3011. PROBLEMS RELATED TO EXECUTION OF PRIOR**

19 **AMENDMENTS.**

20 (a) *INCORRECT REFERENCE AND PUNCTUATION COR-*
21 *RECTION.*—(1) Section 2587(b) of the Crime Control Act of
22 1990 is repealed, effective on the date such section took ef-
23 fect.

24 (2) Section 2587(b) of Public Law 101–647 is amend-
25 ed, effective the date such section took effect, by striking

1 “The chapter heading for” and inserting “The table of sec-
2 tions at the beginning of”.

3 (3) The item relating to section 3059A in the table of
4 sections at the beginning of chapter 203 of title 18, United
5 States Code, is amended by adding a period at the end.

6 (b) LACK OF PUNCTUATION IN STRICKEN LAN-
7 GUAGE.—Section 46(b) of Public Law 99–646 is amended,
8 effective on the date such section took effect, so that—

9 (A) in paragraph (1), the matter proposed to be
10 stricken from the beginning of section 201(b) of title
11 18, United States Code, reads “(b) Whoever, directly”;
12 and

13 (B) in paragraph (2), a comma, rather than a
14 semicolon, appears after “his lawful duty” in the
15 matter to be stricken from paragraph (3) of section
16 201(b) of such title.

17 (c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Bio-
18 logical Weapons Anti-Terrorism Act of 1989 is amended,
19 effective on the date such section took effect in subsection
20 (b), by striking “2516(c)” and inserting “2516(1)(c)”.

21 (2) The item in the table of chapters for part I of title
22 18, United States Code, that relates to chapter 10 is amend-
23 ed by striking “Weapons” and inserting “weapons”.

24 (d) PLACEMENT OF NEW SECTION.—Section 404(a) of
25 Public Law 101–630 is amended, effective on the date such

1 *section took effect, by striking “adding at the end thereof”*
2 *each place it appears and inserting “inserting after section*
3 *1169”.*

4 (e) *ELIMINATION OF ERRONEOUS CHARACTERIZATION*
5 *OF MATTER INSERTED.*—Section 225(a) of Public Law
6 101–674 is amended, effective on the date such section took
7 effect, by striking “new rule”.

8 (f) *CLARIFICATION OF PLACEMENT OF AMENDMENT.*—
9 Section 1205(c) of Public Law 101–647 is amended, effec-
10 tive the date such section took effect, by inserting “at the
11 end” after “adding”.

12 (g) *ELIMINATION OF DUPLICATE AMENDMENT.*—Sec-
13 tion 1606 of Public Law 101–647 (amending section 1114
14 of title 18, United States Code) is repealed effective the date
15 of the enactment of such section.

16 (h) *ERROR IN AMENDMENT PHRASING.*—Section 3502
17 of Public Law 101–647 is amended, effective the date such
18 section took effect, by striking “10” and inserting “ten”.

19 (i) *CLARIFICATION THAT AMENDMENTS WERE TO*
20 *TITLE 18.*—Sections 3524, 3525, and 3528 of Public Law
21 101–647 are each amended, effective the date such sections
22 took effect, by inserting “of title 18, United States Code”
23 before “is amended”.

24 (j) *CORRECTION OF PARAGRAPH REFERENCE.*—Sec-
25 tion 3527 of Public Law 101–647 is amended, effective the

1 *date such section took effect, by striking “4th” and inserting*
2 *“5th”.*

3 *(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION*
4 *TO SECTION 1345.—Section 3542 of Public Law 101–647*
5 *is repealed, effective the date of enactment of such Public*
6 *Law.*

7 *(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION*
8 *TO SECTION 1956.—Section 3557(2)(E) of Public Law*
9 *101–647 is repealed, effective the date of enactment of such*
10 *Public Law.*

11 *(m) CLARIFICATION OF PLACEMENT OF AMEND-*
12 *MENTS.—Public Law 101–647 is amended, effective the date*
13 *of the enactment of such Public Law—*

14 *(1) in section 3564(1), by inserting “each place*
15 *it appears” after the quotation mark following*
16 *“2251” the first place it appears; and*

17 *(2) in section 3565(3)(A), by inserting “each*
18 *place it appears” after the quotation mark following*
19 *“subchapter”.*

20 *(n) CORRECTION OF WORD QUOTED IN AMEND-*
21 *MENT.—Section 3586(1) of Public Law 101–647 is amend-*
22 *ed, effective the date such section took effect, by striking*
23 *“fines” and inserting “fine”.*

24 *(o) ELIMINATION OF OBSOLETE TECHNICAL AMEND-*
25 *MENT TO SECTION 4013.—Section 3599 of Public Law 101–*

1 647 is repealed, effective the date of the enactment of such
2 Public Law.

3 (p) *CORRECTION OF DIRECTORY LANGUAGE.*—Section
4 3550 of Public Law 101–647 is amended, effective the date
5 such section took effect, by striking “not more than”.

6 (q) *REPEAL OF DUPLICATE PROVISIONS.*—(1) Section
7 3568 of Public Law 101–647 is repealed, effective the date
8 such section took effect.

9 (2) Section 1213 of Public Law 101–647 is repealed,
10 effective the date such section took effect.

11 (r) *CORRECTION OF WORDS QUOTED IN AMEND-*
12 *MENT.*—Section 2531(3) of Public Law 101–647 is amend-
13 ed, effective the date such section took effect, by striking
14 “1679(c)(2)” and inserting “1679a(c)(2)”.

15 (s) *FORFEITURE.*—(1) Section 1401 of Public Law
16 101–647 is amended, effective the date such section took ef-
17 fect—

18 (A) by inserting a comma after “, 5316”; and

19 (B) by inserting “the first place it appears”
20 after the quotation mark following “5313(a)”.

21 (2) Section 2525(a)(2) of Public Law 101–647 is
22 amended, effective the date such section took effect, by strik-
23 ing “108(3)” and inserting “2508(3)”.

24 (t) *INCORRECT SECTION REFERENCE.*—Section
25 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C.

1 10601(d)(3)) is amended by striking “1404(a)” and insert-
2 ing “1404A”.

3 (u) *MISSING TEXT*.—Section 1403(b)(1) of the Victims
4 of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended
5 by inserting after “domestic violence” the following: “for—

6 “(A) medical expenses attributable to a
7 physical injury resulting from compensable
8 crime, including expenses for mental health
9 counseling and care;

10 “(B) loss of wages attributable to a physical
11 injury resulting from a compensable crime; and

12 “(C) funeral expenses attributable to a
13 death resulting from a compensable crime”.

14 **SEC. 3012. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO**
15 **ELIMINATE DUPLICATE PREDICATE CRIMES.**

16 Section 1956 of title 18, United States Code, is amend-
17 ed—

18 (1) in subsection (c)(7)(D), by striking “section
19 1341 (relating to mail fraud) or section 1343 (relat-
20 ing to wire fraud) affecting a financial institution,
21 section 1344 (relating to bank fraud),”;

22 (2) in subsection (a)(2) and in subsection (b), by
23 striking “transportation” each place it appears and
24 inserting “transportation, transmission, or transfer”;

1 (3) in subsection (a)(3), by striking “represented
2 by a law enforcement officer” and inserting “rep-
3 resented”; and

4 (4) in subsection (c)(7)(E), by striking the period
5 that follows a period.

6 **SEC. 3013. AMENDMENTS TO PART V OF TITLE 18.**

7 Part V of title 18, United States Code, is amended—

8 (1) by inserting after the heading for such part
9 the following:

10 **“CHAPTER 601—IMMUNITY**
11 **OF WITNESSES”;**

12 (2) in section 6001(1)—

13 (A) by striking “Atomic Energy Commis-
14 sion” and inserting “Nuclear Regulatory Com-
15 mission”; and

16 (B) by striking “the Subversive Activities
17 Control Board,”

18 (3) by striking “part” the first place it appears
19 and inserting “chapter”; and

20 (4) by striking “part” each other place it ap-
21 pears and inserting “title”.

1 **TITLE XXXI—DRIVER’S PRIVACY**
 2 **PROTECTION ACT**

3 **SEC. 3101. SHORT TITLE; PURPOSE.**

4 (a) *SHORT TITLE.*—This title may be cited as the
 5 “Driver’s Privacy Protection Act of 1993”.

6 (b) *PURPOSE.*—The purpose of this title is to protect
 7 the personal privacy and safety of licensed drivers consist-
 8 ent with the legitimate needs of business and government.

9 **SEC. 3102. AMENDMENT TO TITLE 18, UNITED STATES CODE.**

10 Title 18 of the United States Code is amended by in-
 11 serting immediately after chapter 121, the following new
 12 chapter:

13 **“CHAPTER 122—PROHIBITION ON RE-**
 14 **LEASE OF CERTAIN PERSONAL INFOR-**
 15 **MATION**

“Sec. 2720. Prohibition on release and use of certain personal information by
 States, organizations and persons.

“Sec. 2721. Definitions.

“Sec. 2722. Penalties.

“Sec. 2723. Effect on State and local laws.

16 **“§ 2720. Prohibition on release and use of certain per-**
 17 **sonal information by States, organiza-**
 18 **tions and persons**

19 “(a) *IN GENERAL.*—(1) Except as provided in para-
 20 graph (2), no department of motor vehicles of any State,
 21 or any officer or employee thereof, shall disclose or otherwise
 22 make available to any person or organization personal in-

1 *formation about any individual obtained by the department*
2 *in connection with a motor vehicle operator's permit, motor*
3 *vehicle title, identification card, or motor vehicle registra-*
4 *tion (issued by the department to that individual), unless*
5 *such disclosure is authorized by that individual.*

6 “(2) *A department of motor vehicles of a State, or offi-*
7 *cer or employee thereof, may disclose or otherwise make*
8 *available personal information referred to in paragraph (1)*
9 *for any of the following routine uses:*

10 “(A) *For the use of any Federal, State or*
11 *local court in carrying out its functions.*

12 “(B) *For the use of any Federal, State or*
13 *local agency in carrying out its functions, in-*
14 *cluding a law enforcement agency.*

15 “(C) *For the use in connection with matters*
16 *of automobile safety, driver safety, and manufac-*
17 *turers of motor vehicles issuing notification for*
18 *purposes of any recall or product alteration.*

19 “(D) *For the use in any civil or criminal*
20 *proceeding in any Federal, State, or local court,*
21 *if the case involves a motor vehicle, or if the re-*
22 *quest is pursuant to an order of a court of com-*
23 *petent jurisdiction.*

24 “(E) *For use in research activities, if such*
25 *information will not be used to contact the indi-*

1 *vidual and the individual is not identified or as-*
2 *sociated with the requested personal information.*

3 *“(F) For use in marketing activities if—*

4 *“(i) the motor vehicle department has*
5 *provided the individual with regard to*
6 *whom the information is requested with the*
7 *opportunity, in a clear and conspicuous*
8 *manner, to prohibit a disclosure of such in-*
9 *formation for marketing activities;*

10 *“(ii) the information will be used,*
11 *rented, or sold solely for a permissible use*
12 *under this chapter, including marketing ac-*
13 *tivities; and*

14 *“(iii) any person obtaining such infor-*
15 *mation from a motor vehicle department for*
16 *marketing purposes keeps complete records*
17 *identifying any person to whom, and the*
18 *permissible purpose for which, they sell or*
19 *rent the information and provides such*
20 *records to the motor vehicle department*
21 *upon request.*

22 *“(G) For use by any insurer or insurance*
23 *support organization, or their employees, agents,*
24 *and contractors, in connection with claims inves-*
25 *tigation activities and antifraud activities.*

1 “(H) For use by any organization, or its
2 agent, in connection with a business transaction,
3 when the purpose is to verify the accuracy of
4 personal information submitted to that business
5 or agent by the person to whom such information
6 pertains, or, if the information submitted is not
7 accurate, to obtain correct information for the
8 purpose of pursuing remedies against a person
9 who presented a check or similar item that was
10 not honored.

11 “(I) For use by any organization, if such
12 organization certifies, upon penalty of perjury,
13 that it has obtained a statement from the person
14 to whom the information pertains authorizing
15 the disclosure of such information under this
16 chapter.

17 “(J) For use by an employer or the agent
18 of an employer to obtain or verify information
19 relating to a holder of a commercial driver’s li-
20 cense that is required under the Commercial
21 Motor Vehicle Safety Act of 1986 (49 U.S.C.
22 App. 2701 et seq.).

23 “(b) UNLAWFUL CONDUCT BY ANY PERSON OR ORGA-
24 NIZATION.—No person or organization shall—

1 “(1) use any personal information, about an in-
2 dividual referred to in subsection (a), obtained from
3 a motor vehicle department of any State, or any offi-
4 cer or employee thereof, or other person for any pur-
5 pose other than the purpose for which such personal
6 information was initially disclosed or otherwise made
7 available by the department of motor vehicles of the
8 affected State, or any officer or employee thereof, or
9 other person, unless authorized by that individual; or

10 “(2) make any false representation to obtain per-
11 sonal information, about an individual referred to in
12 subsection (a), from a department of motor vehicles of
13 any State, or officer or employee thereof, or from any
14 other person.

15 **“§ 2721. Definitions**

16 “As used in this chapter:

17 “(1) The term ‘personal information’ is informa-
18 tion that identifies an individual, including an indi-
19 vidual’s photograph, driver’s identification number,
20 name, address, telephone number, social security
21 number, and medical and disability information.
22 Such term does not include information on vehicular
23 accidents, driving violations, and driver’s status.

24 “(2) The term ‘person’ means any individual.

1 “(3) The term ‘State’ means each of the several
2 States, District of Columbia, Commonwealth of Puer-
3 to Rico, Virgin Islands, Guam, American Samoa, and
4 the Commonwealth of the Northern Mariana Islands.

5 “(4) The term ‘organization’ means any person
6 other than an individual, including but not limited
7 to, a corporation, association, institution, a car rent-
8 al agency, employer, and insurers, insurance support
9 organization, and their employees, agents, or contrac-
10 tors. Such term does not include a Federal, State or
11 local agency or entity thereof.

12 **“§ 2722. Penalties**

13 “(a) WILLFUL VIOLATIONS.—

14 “(1) Any person who willfully violates this chap-
15 ter shall be fined under this title, or imprisoned for
16 a period not exceeding 12 months, or both.

17 “(2) Any organization who willfully violates this
18 chapter shall be fined under this title.

19 “(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR
20 VEHICLES.—Any State department of motor vehicles which
21 willfully violates this chapter shall be subject to a civil pen-
22 alty imposed by the Attorney General in the amount of
23 \$5,000. Each day of continued noncompliance shall con-
24 stitute a separate violation.

1 **“§ 2723. Effect on State and local laws**

2 *“The provisions of this chapter shall supersede only*
3 *those provisions of law of any State or local government*
4 *which would require or permit the disclosure or use of per-*
5 *sonal information which is otherwise prohibited by this*
6 *chapter.”.*

7 **SEC. 3103. EFFECTIVE DATE.**

8 *The amendments made by this title shall take effect*
9 *upon the expiration of the 270-day period following the date*
10 *of its enactment.*

11 **TITLE XXXII—VIOLENCE**
12 **AGAINST WOMEN; SAFE**
13 **STREETS FOR WOMEN**

14 **SEC. 3201. VIOLENCE AGAINST WOMEN; SHORT TITLE.**

15 *Titles XXXII through XXXVII may be cited as the “Vi-*
16 *olence Against Women Act of 1993”.*

17 **SEC. 3202. SAFE STREETS FOR WOMEN; SHORT TITLE.**

18 *This title may be cited as the “Safe Streets for Women*
19 *Act of 1993”.*

20 **Subtitle A—Federal Penalties for**
21 **Sex Crimes**

22 **SEC. 3211. REPEAT OFFENDERS.**

23 *(a) IN GENERAL.—Chapter 109A of title 18, United*
24 *States Code, is amended by adding at the end the following*
25 *new section:*

1 **“§ 2247. Repeat offenders**

2 *“Any person who violates a provision of this chapter,*
3 *after one or more prior convictions for an offense punishable*
4 *under this chapter, or after one or more prior convictions*
5 *under the laws of any State or foreign country relating to*
6 *aggravated sexual abuse, sexual abuse, or abusive sexual*
7 *contact have become final, is punishable by a term of im-*
8 *prisonment up to twice that otherwise authorized.”.*

9 **(b) RECOMMENDATION BY THE SENTENCING COMMIS-**
10 *SION.—The Sentencing Commission shall implement the*
11 *amendment made by subsection (a) by recommending to the*
12 *Congress amendments, if appropriate, in the sentencing*
13 *guidelines applicable to chapter 109A offenses.*

14 **(c) CHAPTER ANALYSIS.—***The chapter analysis for*
15 *chapter 109A of title 18, United States Code, is amended*
16 *by adding at the end the following new item:*

“2247. Repeat offenders.”.

17 **SEC. 3212. FEDERAL PENALTIES.**

18 **(a) AMENDMENT OF SENTENCING GUIDELINES.—***Pur-*
19 *suant to its authority under section 994(p) of title 28,*
20 *United States Code, the United States Sentencing Commis-*
21 *sion shall review and amend, where necessary, its sentenc-*
22 *ing guidelines on aggravated sexual abuse under section*
23 *2241 of title 18, United States Code, or sexual abuse under*
24 *section 2242 of title 18, United States Code, as follows:*

1 (1) *The Commission shall review and recommend*
2 *amendments to the guidelines, if appropriate, to en-*
3 *hance penalties if more than 1 offender is involved in*
4 *the offense.*

5 (2) *The Commission shall review and recommend*
6 *amendments to the guidelines, if appropriate, to re-*
7 *duce unwarranted disparities between the sentences*
8 *for sex offenders who are known to the victim and*
9 *sentences for sex offenders who are not known to the*
10 *victim.*

11 (3) *The Commission shall review and recommend*
12 *amendments to the guidelines to enhance penalties, if*
13 *appropriate, to render Federal penalties on Federal*
14 *territory commensurate with penalties for similar of-*
15 *fenses in the States.*

16 (4) *The Commission shall review and recommend*
17 *amendments to the guidelines, if appropriate, to ac-*
18 *count for the general problem of recidivism in cases*
19 *of sex offenses, the severity of the offense, and its dev-*
20 *astating effects on survivors.*

21 (b) *REPORT.*—*Not later than 180 days after the date*
22 *of enactment of this Act, the United States Sentencing Com-*
23 *mission shall review and submit to Congress a report con-*
24 *taining an analysis of Federal rape sentencing, accom-*

1 panied by comment from independent experts in the field,
2 describing—

3 (1) comparative Federal sentences for cases in
4 which the rape victim is known to the defendant and
5 cases in which the defendant is not known to the de-
6 fendant;

7 (2) comparative Federal sentences for cases on
8 Federal territory and sentences in surrounding
9 States; and

10 (3) an analysis of the effect of rape sentences on
11 populations residing primarily on Federal territory
12 relative to the impact of other Federal offenses in
13 which the existence of Federal jurisdiction depends
14 upon the offense's being committed on Federal terri-
15 tory.

16 **SEC. 3213. MANDATORY RESTITUTION FOR SEX CRIMES.**

17 (a) *SEXUAL ABUSE.*—(1) Chapter 109A of title 18,
18 United States Code, is amended by adding at the end there-
19 of the following:

20 **“§ 2248. Mandatory restitution**

21 “(a) *IN GENERAL.*—Notwithstanding the terms of sec-
22 tion 3663 of this title, and in addition to any other civil
23 or criminal penalty authorized by law, the court shall order
24 restitution for any offense under this chapter.

1 “(b) *SCOPE AND NATURE OF ORDER.*—(1) *The order*
2 *of restitution under this section shall direct that—*

3 “(A) *the defendant pay to the victim (through*
4 *the appropriate court mechanism) the full amount of*
5 *the victim’s losses as determined by the court, pursu-*
6 *ant to paragraph (2); and*

7 “(B) *the United States Attorney enforce the res-*
8 *titution order by all available and reasonable means.*

9 “(2) *For purposes of this subsection, the term ‘full*
10 *amount of the victim’s losses’ includes any costs incurred*
11 *by the victim for—*

12 “(A) *medical services relating to physical, psy-*
13 *chiatric, or psychological care;*

14 “(B) *physical and occupational therapy or reha-*
15 *ilitation;*

16 “(C) *necessary transportation, temporary hous-*
17 *ing, and child care expenses;*

18 “(D) *lost income;*

19 “(E) *attorneys’ fees, expert witness and inves-*
20 *tigators’ fees, interpretive services, and court costs;*
21 *and*

22 “(F) *any other losses suffered by the victim as a*
23 *proximate result of the offense.*

1 “(3) Restitution orders under this section are manda-
2 tory. A court may not decline to issue an order under this
3 section because of—

4 “(A) the economic circumstances of the defend-
5 ant; or

6 “(B) the fact that a victim has, or is entitled to,
7 receive compensation for his or her injuries from the
8 proceeds of insurance or any other source.

9 “(4)(A) Notwithstanding the terms of paragraph (3),
10 the court may take into account the economic circumstances
11 of the defendant in determining the manner in which and
12 the schedule according to which the restitution is to be paid.

13 “(B) For purposes of this paragraph, the term ‘eco-
14 nomic circumstances’ includes—

15 “(i) the financial resources and other assets of
16 the defendant;

17 “(ii) projected earnings, earning capacity, and
18 other income of the defendant; and

19 “(iii) any financial obligations of the defendant,
20 including obligations to dependents.

21 “(C) An order under this section may direct the de-
22 fendant to make a single lump-sum payment or partial
23 payments at specified intervals. The order shall also provide
24 that the defendant’s restitutionary obligation takes priority
25 over any criminal fine ordered.

1 “(D) In the event that the victim has recovered for any
2 amount of loss through the proceeds of insurance or any
3 other source, the order of restitution shall provide that res-
4 titution be paid to the person who provided the compensa-
5 tion, but that restitution shall be paid to the victim for the
6 victim’s other losses before any restitution is paid to any
7 other provider of compensation.

8 “(5) Any amount paid to a victim under this section
9 shall be set off against any amount later recovered as com-
10 pensatory damages by the victim from the defendant in—

11 “(A) any Federal civil proceeding; and

12 “(B) any State civil proceeding, to the extent
13 provided by the law of the State.

14 “(c) *PROOF OF CLAIM.*—(1) Within 60 days after con-
15 viction and, in any event, no later than 10 days prior to
16 sentencing, the United States Attorney (or the United States
17 Attorney’s delegee), after consulting with the victim, shall
18 prepare and file an affidavit with the court listing the
19 amounts subject to restitution under this section. The affi-
20 davit shall be signed by the United States Attorney (or the
21 United States Attorney’s delegee) and the victim. Should
22 the victim object to any of the information included in the
23 affidavit, the United States Attorney (or the United States
24 Attorney’s delegee) shall advise the victim that the victim

1 *may file a separate affidavit and shall provide the victim*
2 *with an affidavit form which may be used to do so.*

3 “(2) *If no objection is raised by the defendant, the*
4 *amounts attested to in the affidavit filed pursuant to sub-*
5 *section (1) shall be entered in the court’s restitution order.*
6 *If objection is raised, the court may require the victim or*
7 *the United States Attorney (or the United States Attorney’s*
8 *delegee) to submit further affidavits or other supporting*
9 *documents, demonstrating the victim’s losses.*

10 “(3) *If the court concludes, after reviewing the support-*
11 *ing documentation and considering the defendant’s objec-*
12 *tions, that there is a substantial reason for doubting the*
13 *authenticity or veracity of the records submitted, the court*
14 *may require additional documentation or hear testimony*
15 *on those questions. Any records filed, or testimony heard,*
16 *pursuant to this section, shall be in camera in the judge’s*
17 *chambers.*

18 “(4) *In the event that the victim’s losses are not ascer-*
19 *tainable 10 days prior to sentencing as provided in sub-*
20 *section (c)(1), the United States Attorney (or the United*
21 *States Attorney’s delegee) shall so inform the court, and the*
22 *court shall set a date for the final determination of the vic-*
23 *tim’s losses, not to exceed 90 days after sentencing. If the*
24 *victim subsequently discovers further losses, the victim shall*
25 *have 60 days after discovery of those losses in which to peti-*

1 *tion the court for an amended restitution order. Such order*
2 *may be granted only upon a showing of good cause for the*
3 *failure to include such losses in the initial claim for*
4 *restitutionary relief.*

5 “(d) *DEFINITIONS.*—*For purposes of this section, the*
6 *term ‘victim’ includes the individual harmed as a result*
7 *of a commission of a crime under this chapter, including,*
8 *in the case of a victim who is under 18 years of age, incom-*
9 *petent, incapacitated, or deceased, the legal guardian of the*
10 *victim or representative of the victim’s estate, another fam-*
11 *ily member, or any other person appointed as suitable by*
12 *the court: Provided, That in no event shall the defendant*
13 *be named as such representative or guardian.”.*

14 (2) *TABLE OF SECTIONS.*—*The table of sections for*
15 *chapter 109A of title 18, United States Code, is amended*
16 *by adding at the end thereof the following:*

“2248. Mandatory restitution.”.

17 (b) *SEXUAL EXPLOITATION AND OTHER ABUSE OF*
18 *CHILDREN.*—(1) *Chapter 110 of title 18, United States*
19 *Code, is amended by adding at the end thereof the following:*
20 **“§ 2259. Mandatory restitution**

21 “(a) *IN GENERAL.*—*Notwithstanding the terms of sec-*
22 *tion 3663 of this title, and in addition to any other civil*
23 *or criminal penalty authorized by law, the court shall order*
24 *restitution for any offense under this chapter.*

1 “(b) *SCOPE AND NATURE OF ORDER.*—(1) *The order*
2 *of restitution under this section shall direct that—*

3 “(A) *the defendant pay to the victim (through*
4 *the appropriate court mechanism) the full amount of*
5 *the victim’s losses as determined by the court, pursu-*
6 *ant to paragraph (2); and*

7 “(B) *the United States Attorney enforce the res-*
8 *titution order by all available and reasonable means.*

9 “(2) *For purposes of this subsection, the term ‘full*
10 *amount of the victim’s losses’ includes any costs incurred*
11 *by the victim for—*

12 “(A) *medical services relating to physical, psy-*
13 *chiatric, or psychological care;*

14 “(B) *physical and occupational therapy or reha-*
15 *ilitation;*

16 “(C) *necessary transportation, temporary hous-*
17 *ing, and child care expenses;*

18 “(D) *lost income;*

19 “(E) *attorneys’ fees, expert witness and inves-*
20 *tigators’ fees, interpretive services, and court costs;*
21 *and*

22 “(F) *any other losses suffered by the victim as a*
23 *proximate result of the offense.*

1 “(3) Restitution orders under this section are manda-
2 tory. A court may not decline to issue an order under this
3 section because of—

4 “(A) the economic circumstances of the defend-
5 ant; or

6 “(B) the fact that a victim has, or is entitled to,
7 receive compensation for his or her injuries from the
8 proceeds of insurance or any other source.

9 “(4)(A) Notwithstanding the terms of paragraph (3),
10 the court may take into account the economic circumstances
11 of the defendant in determining the manner in which and
12 the schedule according to which the restitution is to be paid.

13 “(B) For purposes of this paragraph, the term ‘eco-
14 nomic circumstances’ includes—

15 “(i) the financial resources and other assets of
16 the defendant;

17 “(ii) projected earnings, earning capacity, and
18 other income of the defendant; and

19 “(iii) any financial obligations of the defendant,
20 including obligations to dependents.

21 “(C) An order under this section may direct the de-
22 fendant to make a single lump-sum payment or partial
23 payments at specified intervals. The order shall also provide
24 that the defendant’s restitutionary obligation takes priority
25 over any criminal fine ordered.

1 “(D) In the event that the victim has recovered for any
2 amount of loss through the proceeds of insurance or any
3 other source, the order of restitution shall provide that res-
4 titution be paid to the person who provided the compensa-
5 tion, but that restitution shall be paid to the victim for the
6 victim’s other losses before any restitution is paid to any
7 other provider of compensation.

8 “(5) Any amount paid to a victim under this section
9 shall be set off against any amount later recovered as com-
10 pensatory damages by the victim from the defendant in—

11 “(A) any Federal civil proceeding; and

12 “(B) any State civil proceeding, to the extent
13 provided by the law of the State.

14 “(c) *PROOF OF CLAIM.*—(1) Within 60 days after con-
15 viction and, in any event, no later than 10 days prior to
16 sentencing, the United States Attorney (or the United States
17 Attorney’s delegee), after consulting with the victim, shall
18 prepare and file an affidavit with the court listing the
19 amounts subject to restitution under this section. The affi-
20 davit shall be signed by the United States Attorney (or the
21 United States Attorney’s delegee) and the victim. Should
22 the victim object to any of the information included in the
23 affidavit, the United States Attorney (or the United States
24 Attorney’s delegee) shall advise the victim that the victim

1 *may file a separate affidavit and shall provide the victim*
2 *with an affidavit form which may be used to do so.*

3 “(2) *If no objection is raised by the defendant, the*
4 *amounts attested to in the affidavit filed pursuant to sub-*
5 *section (1) shall be entered in the court’s restitution order.*
6 *If objection is raised, the court may require the victim or*
7 *the United States Attorney (or the United States Attorney’s*
8 *delegee) to submit further affidavits or other supporting*
9 *documents, demonstrating the victim’s losses.*

10 “(3) *If the court concludes, after reviewing the support-*
11 *ing documentation and considering the defendant’s objec-*
12 *tions, that there is a substantial reason for doubting the*
13 *authenticity or veracity of the records submitted, the court*
14 *may require additional documentation or hear testimony*
15 *on those questions. Any records filed, or testimony heard,*
16 *pursuant to this section, shall be in camera in the judge’s*
17 *chambers.*

18 “(4) *In the event that the victim’s losses are not ascer-*
19 *tainable 10 days prior to sentencing as provided in sub-*
20 *section (c)(1), the United States Attorney (or the United*
21 *States Attorney’s delegee) shall so inform the court, and the*
22 *court shall set a date for the final determination of the vic-*
23 *tim’s losses, not to exceed 90 days after sentencing. If the*
24 *victim subsequently discovers further losses, the victim shall*
25 *have 60 days after discovery of those losses in which to peti-*

1 *tion the court for an amended restitution order. Such order*
2 *may be granted only upon a showing of good cause for the*
3 *failure to include such losses in the initial claim for*
4 *restitutionary relief.*

5 “(d) *DEFINITIONS.*—*For purposes of this section, the*
6 *term ‘victim’ includes the individual harmed as a result*
7 *of a commission of a crime under this chapter, including,*
8 *in the case of a victim who is under 18 years of age, incom-*
9 *petent, incapacitated, or deceased, the legal guardian of the*
10 *victim or representative of the victim’s estate, another fam-*
11 *ily member, or any other person appointed as suitable by*
12 *the court: Provided, That in no event shall the defendant*
13 *be named as such representative or guardian.”.*

14 (2) *The table of sections for chapter 110 of title 18,*
15 *United States Code, is amended by adding at the end there-*
16 *of the following:*

“2259. Mandatory restitution.”.

17 ***SEC. 3214. AUTHORIZATION FOR FEDERAL VICTIM’S COUN-***
18 ***SELORS.***

19 *There is authorized to be appropriated for fiscal year*
20 *1994, \$1,500,000 for the United States Attorneys for the*
21 *purpose of appointing Victim/Witness Counselors for the*
22 *prosecution of sex crimes and domestic violence crimes*
23 *where applicable (such as the District of Columbia).*

1 **Subtitle B—Law Enforcement and**
2 **Prosecution Grants to Reduce**
3 **Violent Crimes Against Women**

4 **SEC. 3221. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
5 **WOMEN.**

6 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
8 as amended by section 4 of Public Law 102–521 (106 Stat.
9 3404), is amended by—

10 (1) redesignating part Q as part R;

11 (2) redesignating section 1701 as section 1801;

12 and

13 (3) adding after part P the following new part:

14 “PART Q—GRANTS TO COMBAT VIOLENT CRIMES
15 AGAINST WOMEN

16 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

17 “(a) *GENERAL PROGRAM PURPOSE.*—The purpose of
18 this part is to assist States, Indian tribes, cities, and other
19 localities to develop effective law enforcement and prosecu-
20 tion strategies to combat violent crimes against women and,
21 in particular, to focus efforts on those areas with the highest
22 rates of violent crime against women.

23 “(b) *PURPOSES FOR WHICH GRANTS MAY BE*
24 *USED.*—Grants under this part shall provide additional
25 personnel, training, technical assistance, data collection

1 *and other equipment for the more widespread apprehension,*
2 *prosecution, and adjudication of persons committing vio-*
3 *lent crimes against women and specifically, for the purposes*
4 *of—*

5 “(1) *training law enforcement officers and pros-*
6 *ecutors to more effectively identify and respond to*
7 *violent crimes against women, including the crimes of*
8 *sexual assault and domestic violence;*

9 “(2) *developing, training, or expanding units of*
10 *law enforcement officers and prosecutors specifically*
11 *targeting violent crimes against women, including the*
12 *crimes of sexual assault and domestic violence;*

13 “(3) *developing and implementing police and*
14 *prosecution policies, protocols, or orders specifically*
15 *devoted to identifying and responding to violent*
16 *crimes against women, including the crimes of sexual*
17 *assault and domestic violence;*

18 “(4) *developing, installing, or expanding data*
19 *collection systems, including computerized systems,*
20 *linking police, prosecutors, and courts or for the pur-*
21 *pose of identifying and tracking arrests, prosecutions,*
22 *and convictions for the crimes of sexual assault and*
23 *domestic violence; and*

24 “(5) *developing, enlarging, or strengthening vic-*
25 *tim services programs, including sexual assault and*

1 *domestic violence programs, to increase reporting and*
2 *reduce attrition rates for cases involving violent*
3 *crimes against women, including the crimes of sexual*
4 *assault and domestic violence.*

5 **“Subpart 1—High Intensity Crime Area Grants**

6 **“SEC. 1711. HIGH INTENSITY GRANTS.**

7 *“(a) IN GENERAL.—The Director of the Bureau of Jus-*
8 *tice Assistance (referred to in this part as the ‘Director’)*
9 *shall make grants to areas of ‘high intensity crime’ against*
10 *women.*

11 *“(b) DEFINITION.—For purposes of this part, ‘high in-*
12 *tensity crime area’ means an area with one of the 40 highest*
13 *rates of violent crime against women, as determined by the*
14 *Bureau of Justice Statistics pursuant to section 1712.*

15 **“SEC. 1712. HIGH INTENSITY GRANT APPLICATION.**

16 *“(a) COMPUTATION.—Within 45 days after the date of*
17 *enactment of this part, the Bureau of Justice Statistics shall*
18 *compile a list of the 40 areas with the highest rates of vio-*
19 *lent crime against women based on the combined female vic-*
20 *timization rate per population for assault, sexual assault*
21 *(including, but not limited to, rape), murder, robbery, and*
22 *kidnapping (without regard to the relationship between the*
23 *crime victim and the offenders).*

1 “(b) *USE OF DATA.*—In calculating the combined fe-
2 male victimization rate required by subsection (a), the Bu-
3 reau of Justice Statistics may rely on—

4 “(1) existing data collected by States, munici-
5 palities, Indian reservations or statistical metropoli-
6 tan areas showing the number of police reports of the
7 crimes listed in subsection (a); and

8 “(2) existing data collected by the Federal Bu-
9 reau of Investigation, including data from those gov-
10 ernmental entities already complying with the Na-
11 tional Incident Based Reporting System, showing the
12 number of police reports of crimes listed in subsection
13 (a).

14 “(c) *PUBLICATION.*—After compiling the list set forth
15 in subsection (a), the Bureau of Justice Statistics shall con-
16 vey it to the Director who shall publish it in the Federal
17 Register.

18 “(d) *QUALIFICATION.*—Upon satisfying the terms of
19 subsection (e), any high intensity crime area shall be quali-
20 fied for a grant under this subpart upon application by
21 the chief executive officer of the governmental entities re-
22 sponsible for law enforcement and prosecution of criminal
23 offenses within the area and certification that—

1 “(1) the funds shall be used to reduce the rate of
2 violent crimes against women and for at least 3 of the
3 purposes outlined in section 1701(b);

4 “(2) grantees and subgrantees shall develop a
5 plan for implementation, and otherwise consult and
6 coordinate program grants, with nongovernmental
7 nonprofit victim services programs; and

8 “(3) at least 25 percent of the amount granted
9 shall be allocated, without duplication, to each of the
10 following three areas: prosecution, law enforcement,
11 and victim services.

12 “(e) APPLICATION REQUIREMENTS.—The application
13 requirements provided in section 513 of this title shall
14 apply to grants made under this subpart. In addition, each
15 application must provide the certifications required by sub-
16 section (d) including documentation from nonprofit non-
17 governmental victim services programs showing their par-
18 ticipation in developing the plan required by subsection
19 (d)(2). Applications shall—

20 “(1) include documentation from the prosecution,
21 law enforcement, and victim services programs to be
22 assisted showing—

23 “(A) need for the grant funds;

24 “(B) intended use of the grant funds;

1 “(C) expected results from the use of grant
2 funds; and

3 “(D) demographic characteristics of the
4 population to be served, including age, marital
5 status, disability, race, ethnicity, and language
6 background; and

7 “(2) include proof of compliance with the re-
8 quirements for the payment of forensic medical exams
9 provided in section 162 of this title.

10 “(f) DISBURSEMENT.—

11 “(1) No later than 60 days after the receipt of
12 an application under this subpart, the Director shall
13 either disburse the appropriate sums provided for
14 under this subpart or shall inform the applicant why
15 the application does not conform to the terms of sec-
16 tion 513 of this title or to the requirements of this sec-
17 tion.

18 “(2) In disbursing monies under this subpart,
19 the Director shall issue regulations to ensure that
20 grantees—

21 “(A) equitably distribute funds on a geo-
22 graphic basis;

23 “(B) determine the amount of subgrants
24 based on the population to be served;

1 “(C) give priority to areas with the greatest
2 showing of need; and

3 “(D) recognize and address the needs of un-
4 derserved populations.

5 “(g) *GRANTEE REPORTING.*—(1) Upon completion of
6 the grant period under this subpart, the grantee shall file
7 a performance report with the Director explaining the ac-
8 tivities carried out together with an assessment of the effec-
9 tiveness of those activities in achieving the purposes of this
10 part.

11 “(2) A section of the performance report shall be com-
12 pleted by each grantee or subgrantee performing the services
13 contemplated in the grant application, certifying perform-
14 ance of the services under the grants.

15 “(3) The Director shall suspend funding for an ap-
16 proved application if an applicant fails to submit an an-
17 nual performance report or if funds are expended for pur-
18 poses other than those set forth under this subpart. Federal
19 funds may be used to supplement, not supplant, State
20 funds.

21 **“Subpart 2—Other Grants to States To Combat**

22 **Violent Crimes Against Women**

23 **“SEC. 1721. GENERAL GRANTS TO STATES.**

24 “(a) *GENERAL GRANTS.*—The Director may make
25 grants to States, for use by States, units of local government

1 *in the States, and nonprofit nongovernmental victim serv-*
2 *ices programs in the States, for the purposes outlined in*
3 *section 1701(b), and to reduce the rate of violent crimes*
4 *against women.*

5 “(b) *AMOUNTS.*—*From amounts appropriated, the*
6 *amount of grants under subsection (a) shall be—*

7 “(1) *\$500,000 to each State; and*

8 “(2) *that portion of the then remaining available*
9 *money to each State that results from a distribution*
10 *among the States on the basis of each State’s popu-*
11 *lation in relation to the population of all States.*

12 “(c) *QUALIFICATION.*—*Upon satisfying the terms of*
13 *subsection (d), any State shall be qualified for funds pro-*
14 *vided under this part upon certification that—*

15 “(1) *the funds shall be used to reduce the rate of*
16 *violent crimes against women and for at least 3 of the*
17 *purposes outlined in section 1701(b);*

18 “(2) *grantees and subgrantees shall develop a*
19 *plan for implementation, and otherwise consult and*
20 *coordinate, with nonprofit nongovernmental victim*
21 *services programs, including sexual assault and do-*
22 *mestic violence victim services programs; and*

23 “(3) *at least 25 percent of the amount granted*
24 *shall be allocated, without duplication, to each of the*

1 *following three areas: prosecution, law enforcement,*
2 *and victim services.*

3 “(d) *APPLICATION REQUIREMENTS.*—*The application*
4 *requirements provided in section 513 of this title shall*
5 *apply to grants made under this subpart. In addition, each*
6 *application shall include the certifications of qualification*
7 *required by subsection (c) including documentation from*
8 *nonprofit nongovernmental victim services programs show-*
9 *ing their participation in developing the plan required by*
10 *subsection (c)(2). Applications shall—*

11 “(1) *include documentation from the prosecution,*
12 *law enforcement, and victim services programs to be*
13 *assisted showing—*

14 “(A) *need for the grant funds;*

15 “(B) *intended use of the grant funds;*

16 “(C) *expected results from the use of grant*
17 *funds; and*

18 “(D) *demographic characteristics of the*
19 *populations to be served, including age, marital*
20 *status, disability, race, ethnicity and language*
21 *background; and*

22 “(2) *proof of compliance with the requirements*
23 *for the payment of forensic medical exams provided*
24 *in section 162 of this title.*

1 “(e) *DISBURSEMENT.*—(1) *No later than 60 days after*
2 *the receipt of an application under this subpart, the Direc-*
3 *tor shall either disburse the appropriate sums provided for*
4 *under this subpart or shall inform the applicant why the*
5 *application does not conform to the terms of section 513*
6 *of this title or to the requirements of this section.*

7 “(2) *In disbursing monies under this subpart, the Di-*
8 *rector shall issue regulations to ensure that States will—*

9 “(A) *give priority to areas with the greatest*
10 *showing of need;*

11 “(B) *determine the amount of subgrants based on*
12 *the population and geographic area to be served;*

13 “(C) *equitably distribute monies on a geographic*
14 *basis including nonurban and rural areas, and giving*
15 *priority to localities with populations under 100,000;*
16 *and*

17 “(D) *recognize and address the needs of under-*
18 *served populations.*

19 “(f) *GRANTEE REPORTING.*—*Upon completion of the*
20 *grant period under this subpart, the State grantee shall file*
21 *a performance report with the Director explaining the ac-*
22 *tivities carried out together with an assessment of the effec-*
23 *tiveness of those activities in achieving the purposes of this*
24 *subpart. A section of this performance report shall be com-*
25 *pleted by each grantee and subgrantee that performed the*

1 *direct services contemplated in the application, certifying*
2 *performance of direct services under the grant. The Director*
3 *shall suspend funding for an approved application if an*
4 *applicant fails to submit an annual performance report or*
5 *if funds are expended for purposes other than those set forth*
6 *under this subpart. Federal funds may only be used to sup-*
7 *plement, not supplant, State funds.*

8 ***“SEC. 1722. GENERAL GRANTS TO TRIBES.***

9 “(a) *GENERAL GRANTS.—The Director is authorized*
10 *to make grants to Indian tribes, for use by tribes, tribal*
11 *organizations or nonprofit nongovernmental victim services*
12 *programs on Indian reservations, for the purposes outlined*
13 *in section 1701(b), and to reduce the rate of violent crimes*
14 *against women in Indian country.*

15 “(b) *AMOUNTS.—From amounts appropriated, the*
16 *amount of grants under subsection (a) shall be awarded on*
17 *a competitive basis to tribes, with minimum grants of*
18 *\$35,000 and maximum grants of \$300,000.*

19 “(c) *QUALIFICATION.—Upon satisfying the terms of*
20 *subsection (d), any tribe shall be qualified for funds pro-*
21 *vided under this part upon certification that—*

22 “(1) *the funds shall be used to reduce the rate of*
23 *violent crimes against women and for at least 3 of the*
24 *purposes outlined in section 1701(b);*

1 “(2) grantees and subgrantees shall develop a
2 plan for implementation, and otherwise consult and
3 coordinate with nonprofit; and

4 “(3) at least 25 percent of the grant funds shall
5 be allocated to each of the following three areas: pros-
6 ecution, law enforcement, and victim services.

7 “(d) APPLICATION REQUIREMENTS.—(1) Applications
8 shall be made directly to the Director and shall contain a
9 description of the tribes’ law enforcement responsibilities for
10 the Indian country described in the application and a de-
11 scription of the tribes’ system of courts, including whether
12 the tribal government operates courts of Indian offenses
13 under section 201 of Public Law 90–284 (25 U.S.C. 1301)
14 or part 11 of title 25, Code of Federal Regulations.

15 “(2) Applications shall be in such form as the Director
16 may prescribe and shall specify the nature of the program
17 proposed by the applicant tribe, the data and information
18 on which the program is based, and the extent to which
19 the program plans to use or incorporate existing victim
20 services available in the Indian country where the grant
21 will be used.

22 “(3) The term of any grant shall be for a minimum
23 of 3 years.

24 “(e) GRANTEE REPORTING.—At the end of the first 12
25 months of the grant period and at the end of each year

1 *thereafter, the Indian tribal grantee shall file a performance*
2 *report with the Director explaining the activities carried*
3 *out together with an assessment of the effectiveness of those*
4 *activities in achieving the purposes of this subpart. A sec-*
5 *tion of this performance report shall be completed by each*
6 *grantee or subgrantee that performed the direct services con-*
7 *templated in the application, certifying performance of di-*
8 *rect services under the grant. The Director shall suspend*
9 *funding for an approved application if an applicant fails*
10 *to submit an annual performance report or if funds are*
11 *expended for purposes other than those set forth under this*
12 *subpart. Federal funds may only be used to supplement,*
13 *not supplant, State funds.*

14 “(f) *DEFINITIONS.—(1) The term ‘Indian tribe’ means*
15 *any Indian tribe, band, nation, or other organized group*
16 *or community, including any Alaska Native village or re-*
17 *gional or village corporation (as defined in, or established*
18 *pursuant to, the Alaska Native Claims Settlement Act (43*
19 *U.S.C. 1601 et seq.)), which is recognized as eligible for the*
20 *special services provided by the United States to Indians*
21 *because of their status as Indians.*

22 “(2) *The term ‘Indian country’ has the meaning stated*
23 *in section 1151 of title 18, United States Code.*

1 **“Subpart 3—General Terms and Conditions**

2 **“SEC. 1731. GENERAL DEFINITIONS.**

3 *“As used in this part—*

4 *“(1) the term ‘victim services’ means any non-*
5 *governmental nonprofit organization that assists vic-*
6 *tims, including rape crisis centers, battered women’s*
7 *shelters, or other rape or domestic violence programs,*
8 *including nonprofit nongovernmental organizations*
9 *assisting victims through the legal process;*

10 *“(2) the term ‘prosecution’ means any public*
11 *agency charged with direct responsibility for prosecut-*
12 *ing criminal offenders, including such agency’s com-*
13 *ponent bureaus (such as governmental victim/witness*
14 *programs);*

15 *“(3) the term ‘law enforcement’ means any pub-*
16 *lic agency charged with policing functions, including*
17 *any of its component bureaus (such as governmental*
18 *victim services programs);*

19 *“(4) the term ‘sexual assault’ includes not only*
20 *assaults committed by offenders who are strangers to*
21 *the victim but also assaults committed by offenders*
22 *who are known or related by blood or marriage to the*
23 *victim;*

24 *“(5) the term ‘domestic violence’ includes felony*
25 *or misdemeanor offenses committed by a current or*
26 *former spouse of the victim, a person with whom the*

1 *victim shares a child in common, a person who is co-*
2 *habitating with or has cohabitated with the victim as*
3 *a spouse, a person similarly situated to a spouse of*
4 *the victim under the domestic or family violence laws*
5 *of the jurisdiction receiving grant monies, or commit-*
6 *ted by any other adult person upon a victim who is*
7 *protected from that person's acts under the domestic*
8 *or family violence laws of the jurisdiction receiving*
9 *grant monies; and*

10 *“(6) the term ‘underserved populations’ includes*
11 *populations underserved because of geographic loca-*
12 *tion (such as rural isolation), underserved racial or*
13 *ethnic populations, and populations underserved be-*
14 *cause of special needs, such as language barriers or*
15 *physical disabilities.*

16 **“SEC. 1732. GENERAL TERMS AND CONDITIONS.**

17 *“(a) NONMONETARY ASSISTANCE.—In addition to the*
18 *assistance provided under subparts 1 or 2, the Director may*
19 *direct any Federal agency, with or without reimbursement,*
20 *to use its authorities and the resources granted to it under*
21 *Federal law (including personnel, equipment, supplies, fa-*
22 *cilities, and managerial, technical, and advisory services)*
23 *in support of State and local assistance efforts.*

24 *“(b) BUREAU REPORTING.—No later than 180 days*
25 *after the end of each fiscal year for which grants are made*

1 *under this part, the Director shall submit to the Judiciary*
2 *Committees of the House and the Senate a report that in-*
3 *cludes, for each high intensity crime area (as provided in*
4 *subpart 1) and for each State and for each grantee Indian*
5 *tribe (as provided in subpart 2)—*

6 “(1) *the amount of grants made under this part;*

7 “(2) *a summary of the purposes for which those*
8 *grants were provided and an evaluation of their*
9 *progress;*

10 “(3) *a statistical summary of persons served, de-*
11 *tailing the nature of victimization, and providing*
12 *data on age, sex, relationship of victim to offender,*
13 *geographic distribution, race, ethnicity, language, and*
14 *disability; and*

15 “(4) *a copy of each grantee report filed pursuant*
16 *to sections 1712(g), 1721(f) and 1722(c).*

17 “(c) *REGULATIONS.—No later than 90 days after the*
18 *date of enactment of this part, the Director shall publish*
19 *proposed regulations implementing this part. No later than*
20 *120 days after such date, the Director shall publish final*
21 *regulations implementing this part.*

22 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
23 *are authorized to be appropriated for each of fiscal years*
24 *1994, 1995, and 1996, \$100,000,000 to carry out subpart*

1 1, and \$190,000,000 to carry out subpart 2, and
 2 \$10,000,000 to carry out section 1722 of subpart 2.”

3 (b) *TECHNICAL AMENDMENT.*—The table of contents of
 4 title I of the Omnibus Crime Control and Safe Streets Act
 5 of 1968 (42 U.S.C. 3711 et seq.) is amended by striking
 6 the matter relating to part Q and inserting the following:

“PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“SUBPART 1—HIGH INTENSITY CRIME AREA GRANTS

“Sec. 1711. High intensity grants.

“Sec. 1712. High intensity grant application.

“SUBPART 2—OTHER GRANTS TO STATES TO COMBAT VIOLENT CRIMES AGAINST
 WOMEN

“Sec. 1721. General grants to States.

“Sec. 1722. General grants to tribes.

“SUBPART 3—GENERAL TERMS AND CONDITIONS

“Sec. 1731. General definitions.

“Sec. 1732. General terms and conditions.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”

7 ***Subtitle C—Safety for Women in***
 8 ***Public Transit and Public Parks***

9 ***SEC. 3231. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-***
 10 ***VENT CRIME IN PUBLIC TRANSPORTATION.***

11 Section 24 of the Urban Mass Transportation Act of
 12 1964 (49 U.S.C. App. 1620) is amended to read as follows:

13 “GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

14 “SEC. 24. (a) *GENERAL PURPOSE.*—From funds au-
 15 thorized under section 21, not to exceed \$10,000,000, the
 16 Secretary shall make capital grants for the prevention of

1 *crime and to increase security in existing and future public*
2 *transportation systems. None of the provisions of titles*
3 *XXXI through XXXVII may be construed to prohibit the*
4 *financing of projects under this section where law enforce-*
5 *ment responsibilities are vested in a local public body other*
6 *than the grant applicant.*

7 “(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE,
8 AND SECURITY PHONES.—

9 “(1) From the sums authorized for expenditure
10 under this section for crime prevention, the Secretary
11 is authorized to make grants and loans to States and
12 local public bodies or agencies for the purpose of in-
13 creasing the safety of public transportation by—

14 “(A) increasing lighting within or adjacent
15 to public transportation systems, including bus
16 stops, subway stations, parking lots, or garages;

17 “(B) increasing camera surveillance of
18 areas within and adjacent to public transpor-
19 tation systems, including bus stops, subway sta-
20 tions, parking lots, or garages;

21 “(C) providing emergency phone lines to
22 contact law enforcement or security personnel in
23 areas within or adjacent to public transportation
24 systems, including bus stops, subway stations,
25 parking lots, or garages; or

1 “(D) any other project intended to increase
2 the security and safety of existing or planned
3 public transportation systems.

4 “(2) From the sums authorized under this sec-
5 tion, at least 75 percent shall be expended on projects
6 of the type described in subsection (b)(1) (A) and (B).

7 “(c) REPORTING.—All grants under this section are
8 contingent upon the filing of a report with the Secretary
9 and the Department of Justice, Office of Victims of Crime,
10 showing crime rates in or adjacent to public transportation
11 before, and for a 1-year period after, the capital improve-
12 ment. Statistics shall be broken down by type of crime, sex,
13 race, ethnicity, language, and relationship of victim to the
14 offender.

15 “(d) INCREASED FEDERAL SHARE.—Notwithstanding
16 any other provision of this Act, the Federal share under
17 this section for each capital improvement project which en-
18 hances the safety and security of public transportation sys-
19 tems and which is not required by law (including any other
20 provision of this chapter) shall be 90 percent of the net
21 project cost of such project.

22 “(e) SPECIAL GRANTS FOR PROJECTS TO STUDY IN-
23 CREASING SECURITY FOR WOMEN.—From the sums author-
24 ized under this section, the Secretary shall provide grants
25 and loans for the purpose of studying ways to reduce violent

1 *crimes against women in public transit through better de-*
2 *sign or operation of public transit systems.*

3 “(f) *GENERAL REQUIREMENTS.*—All grants or loans
4 *provided under this section shall be subject to all the terms,*
5 *conditions, requirements, and provisions applicable to*
6 *grants and loans made under section 2(a).*”.

7 **SEC. 3232. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
8 **VENT CRIME IN NATIONAL PARKS.**

9 *Public Law 91–383 (commonly known as the National*
10 *Park System Improvements in Administration Act) (16*
11 *U.S.C. 1a–1 et seq.) is amended by adding at the end the*
12 *following new section:*

13 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
14 **SISTANCE.**

15 “(a) *From the sums authorized pursuant to section 7*
16 *of the Land and Water Conservation Act of 1965, not to*
17 *exceed \$10,000,000, the Secretary of the Interior may pro-*
18 *vide Federal assistance to reduce the incidence of violent*
19 *crime in the National Park System.*

20 “(b) *The Secretary shall direct the chief official respon-*
21 *sible for law enforcement within the National Park Services*
22 *to—*

23 “(1) *compile a list of areas within the National*
24 *Park System with the highest rates of violent crime;*

1 “(2) make recommendations concerning capital
2 improvements, and other measures, needed within the
3 National Park System to reduce the rates of violent
4 crime, including the rate of sexual assault; and

5 “(3) publish the information required by para-
6 graphs (1) and (2) in the Federal Register.

7 “(c) No later than 120 days after the date of enactment
8 of this section, and based on the recommendations and list
9 issued pursuant to subsection (b), the Secretary shall dis-
10 tribute funds throughout the National Park Service. Prior-
11 ity shall be given to those areas with the highest rates of
12 sexual assault.

13 “(d) Funds provided under this section may be used
14 for the following purposes:

15 “(1) To increase lighting within or adjacent to
16 public parks and recreation areas.

17 “(2) To provide emergency phone lines to contact
18 law enforcement or security personnel in areas within
19 or adjacent to public parks and recreation areas.

20 “(3) To increase security or law enforcement per-
21 sonnel within or adjacent to public parks and recre-
22 ation areas.

23 “(4) Any other project intended to increase the
24 security and safety of public parks and recreation
25 areas.”.

1 **SEC. 3233. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
2 **VENT CRIME IN PUBLIC PARKS.**

3 *Section 6 of the Land and Water Conservation Fund*
4 *Act of 1965 (16 U.S.C. 4601–8) is amended by adding at*
5 *the end the following new subsection:*

6 *“(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS*
7 *TO REDUCE CRIME.—In addition to assistance for plan-*
8 *ning projects, and in addition to the projects identified in*
9 *subsection (e), and from amounts appropriated, the Sec-*
10 *retary shall provide financial assistance to the States, not*
11 *to exceed \$15,000,000 in total, for the following types of*
12 *projects or combinations thereof:*

13 *“(1) For the purpose of making capital improve-*
14 *ments and other measures to increase safety in urban*
15 *parks and recreation areas, including funds to—*

16 *“(A) increase lighting within or adjacent to*
17 *public parks and recreation areas;*

18 *“(B) provide emergency phone lines to con-*
19 *tact law enforcement or security personnel in*
20 *areas within or adjacent to public parks and*
21 *recreation areas;*

22 *“(C) increase security personnel within or*
23 *adjacent to public parks and recreation areas;*
24 *and*

1 “(D) fund any other project intended to in-
2 crease the security and safety of public parks
3 and recreation areas.

4 “(2) In addition to the requirements for project
5 approval imposed by this section, eligibility for assist-
6 ance under this subsection is dependent upon a show-
7 ing of need. In providing funds under this subsection,
8 the Secretary shall give priority to those projects pro-
9 posed for urban parks and recreation areas with the
10 highest rates of crime and, in particular, to urban
11 parks and recreation areas with the highest rates of
12 sexual assault.

13 “(3) Notwithstanding subsection (c), the Sec-
14 retary may provide 70 percent improvement grants
15 for projects undertaken by any State for the purposes
16 outlined in this subsection. The remaining share of
17 the cost shall be borne by the State.”.

18 ***Subtitle D—National Commission***
19 ***on Violence Against Women***

20 ***SEC. 3241. ESTABLISHMENT.***

21 *Not later than 30 days after the date of enactment of*
22 *this Act, there shall be established a commission to be known*
23 *as the National Commission on Violence Against Women*
24 *(referred to in this subtitle as the “Commission”).*

1 **SEC. 3242. GENERAL PURPOSES OF COMMISSION.**

2 (a) *GENERAL PURPOSE OF THE COMMISSION.*—The
3 *Commission shall recommend Federal, State, and local*
4 *strategies for preventing and sanctioning violent crime*
5 *against women, including the enhancement and protection*
6 *of the rights of the victims of such crimes.*

7 (b) *FUNCTIONS.*—The purpose of the Commission shall
8 *include—*

9 (1) *evaluating the adequacy of, and make rec-*
10 *ommendations regarding, current law enforcement ef-*
11 *forts at the Federal and State levels to reduce the rate*
12 *of violent crimes against women and to punish those*
13 *responsible for such crime;*

14 (2) *evaluating the adequacy of, and make rec-*
15 *ommendations regarding, the responsiveness of State*
16 *prosecutors and State courts to violent crimes against*
17 *women;*

18 (3) *evaluating the adequacy of rules of evidence,*
19 *practice and procedure to ensure the effective prosecu-*
20 *tion and conviction of violent offenders against*
21 *women and to protect victims from abuse in legal*
22 *proceedings, making recommendations, where nec-*
23 *essary, to improve those rules;*

24 (4) *evaluating the adequacy of pretrial release,*
25 *sentencing, incarceration, and post-conviction release*

1 *for crimes that predominantly affect women, such as*
2 *rape and domestic violence;*

3 *(5) evaluating the adequacy of, and make rec-*
4 *ommendations regarding, the adequacy of State and*
5 *Federal laws on sexual assault and the need for a*
6 *more uniform statutory response to sex offenses, in-*
7 *cluding sexual assaults and other sex offenses commit-*
8 *ted by offenders who are known or related by blood*
9 *or marriage to the victim;*

10 *(6) evaluating the adequacy of, and make rec-*
11 *ommendations regarding, the adequacy of State and*
12 *Federal Laws on domestic violence and the need for*
13 *a more uniform statutory response to domestic vio-*
14 *lence;*

15 *(7) evaluating the adequacy of, and make rec-*
16 *ommendations regarding, the adequacy of current*
17 *education, prevention, and protection services for*
18 *women victims of violent crimes;*

19 *(8) assessing the issuance, formulation, and en-*
20 *forcement of protective orders, whether or not related*
21 *to a criminal proceeding, and making recommenda-*
22 *tions for their more effective use in domestic violence*
23 *and stalking cases;*

1 (9) *assessing the problem of stalking and persist-*
2 *ent menacing and recommending effective means of*
3 *response to the problem; and*

4 (10) *evaluating the adequacy of, and make rec-*
5 *ommendations regarding, the national public aware-*
6 *ness and the public dissemination of information es-*
7 *sential to the prevention of violent crimes against*
8 *women.*

9 **SEC. 3243. MEMBERSHIP.**

10 (a) *IN GENERAL.*—*The Commission shall consist of 12*
11 *members, as follows:*

12 (1) *PRESIDENT.*—*Four individuals, not more*
13 *than two of whom shall be of the same major political*
14 *party.*

15 (2) *SENATE.*—*Four individuals, two appointed*
16 *by the Majority Leader and two by the Minority*
17 *Leader.*

18 (3) *HOUSE OF REPRESENTATIVES.*—*Four indi-*
19 *viduals, two appointed by the Majority Leader and*
20 *two by the Minority Leader.*

21 (b) *REPRESENTATION.*—*The Commission members*
22 *shall be chosen based on their education, training, or experi-*
23 *ence, and shall include representatives of State and local*
24 *law enforcement, judicial administration, prosecution, legal*
25 *experts, persons devoted to the protection of victims' rights,*

1 *persons providing services to the victims of sexual assault*
2 *or domestic violence, and survivors of violence.*

3 (c) *VACANCIES.*—A vacancy on the Commission shall
4 *be filled in the manner in which the original appointment*
5 *was made.*

6 **SEC. 3244. COMMISSION OPERATIONS.**

7 (a) *MEETINGS.*—The Commission shall hold its first
8 *meeting not later than 90 days after the date of enactment*
9 *of this Act. After the initial meeting, the Commission shall*
10 *meet at least 6 times.*

11 (b) *CHAIR.*—Not later than 15 days after the members
12 *of the Commission are appointed, the President shall des-*
13 *ignate a chair from among the members of the Commission.*

14 (c) *PAY.*—Members of the Commission who are officers
15 *or employees or elected officials of a government entity shall*
16 *receive no additional compensation by reason of their serv-*
17 *ice on the Commission.*

18 (d) *PER DIEM.*—Except as provided in subsection (c),
19 *members of the Commission shall be allowed travel and*
20 *other expenses including per diem in lieu of subsistence, at*
21 *rates authorized for employees of agencies under sections*
22 *5702 and 5703 of title 5, United States Code.*

23 **SEC. 3245. REPORTS.**

24 (a) *IN GENERAL.*—Not later than 1 year after the date
25 *on which the Commission is fully constituted under section*

1 3243, the Commission shall prepare and submit a final re-
2 port to the President, the Senate Majority Leader, the Sen-
3 ate Republican Leader, the House Majority Leader, the
4 House Republican Leader, and to the congressional commit-
5 tees that have jurisdiction over legislation addressing vio-
6 lent crimes against women, including the crimes of domestic
7 and sexual assault.

8 (b) *CONTENTS.*—The final report submitted under
9 paragraph (1) shall contain a detailed statement of the ac-
10 tivities of the Commission and of the findings and conclu-
11 sions of the Commission, including such recommendations
12 for legislation and administrative action as the Commission
13 considers appropriate.

14 **SEC. 3246. EXECUTIVE DIRECTOR AND STAFF.**

15 (a) *EXECUTIVE DIRECTOR.*—

16 (1) *APPOINTMENT.*—The Commission shall have
17 an Executive Director who shall be appointed by the
18 Chair, with the approval of the Commission, not later
19 than 30 days after the Chair is selected.

20 (2) *COMPENSATION.*—The Executive Director
21 shall be compensated at a rate not to exceed the maxi-
22 mum rate of the basic pay payable for a position
23 above GS–15 of the General Schedule contained in
24 title 5, United States Code.

1 (b) *STAFF.*—*With the approval of the Commission, the*
2 *Executive Director may appoint and fix the compensation*
3 *of such additional personnel as the Executive Director con-*
4 *siders necessary to carry out the duties of the Commission.*

5 (c) *APPLICABILITY OF CIVIL SERVICE LAWS.*—*The Ex-*
6 *ecutive Director and the additional personnel of the Com-*
7 *mission appointed under subsection (b) may be appointed*
8 *without regard to the provisions of title 5, United States*
9 *Code, governing appointments in the competitive service,*
10 *and may be paid without regard to the provisions of chapter*
11 *51 and subchapter III of chapter 53 of such title relating*
12 *to classification and General Schedule pay rates.*

13 (d) *CONSULTANTS.*—*Subject to such rules as may be*
14 *prescribed by the Commission, the Executive Director may*
15 *procure temporary or intermittent services under section*
16 *3109(b) of title 5, United States Code, at rates for individ-*
17 *uals not to exceed \$200 per day.*

18 **SEC. 3247. POWERS OF COMMISSION.**

19 (a) *HEARINGS.*—*For the purpose of carrying out this*
20 *subtitle, the Commission may conduct such hearings, sit*
21 *and act at such times and places, take such testimony, and*
22 *receive such evidence, as the Commission considers appro-*
23 *priate. The Commission may administer oaths before the*
24 *Commission.*

1 (b) *DELEGATION.*—Any member or employee of the
2 Commission may, if authorized by the Commission, take
3 any action that the Commission is authorized to take under
4 this subtitle.

5 (c) *ACCESS TO INFORMATION.*—The Commission may
6 request directly from any executive department or agency
7 such information as may be necessary to enable the Com-
8 mission to carry out this subtitle, on the request of the Chair
9 of the Commission.

10 (d) *MAILS.*—The Commission may use the United
11 States mails in the same manner and under the same condi-
12 tions as other departments and agencies of the United
13 States.

14 **SEC. 3248. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to carry out
16 this subtitle \$500,000 for fiscal year 1994.

17 **SEC. 3249. TERMINATION.**

18 The Commission shall cease to exist 30 days after the
19 date on which its final report is submitted under section
20 3244.

21 **Subtitle E—New Evidentiary Rules**

22 **SEC. 3251. SEXUAL HISTORY IN ALL CRIMINAL CASES.**

23 (a) *RULE.*—The Federal Rules of Evidence are amend-
24 ed by inserting after rule 412 the following new rule:

1 **“Rule 412A. Evidence of victim’s past behavior in**
2 **other criminal cases**

3 “(a) *REPUTATION AND OPINION EVIDENCE EX-*
4 *CLUDED.*—Notwithstanding any other law, in a criminal
5 case, other than a sex offense case governed by rule 412,
6 reputation or opinion evidence of the past sexual behavior
7 of an alleged victim is not admissible.

8 “(b) *ADMISSIBILITY.*—Notwithstanding any other law,
9 in a criminal case, other than a sex offense case governed
10 by rule 412, evidence of an alleged victim’s past sexual be-
11 havior (other than reputation and opinion evidence) may
12 be admissible if—

13 “(1) the evidence is admitted in accordance with
14 the procedures specified in subdivision (c); and

15 “(2) the probative value of the evidence out-
16 weighs the danger of unfair prejudice.

17 “(c) *PROCEDURES.*—(1) If the defendant intends to
18 offer evidence of specific instances of the alleged victim’s
19 past sexual behavior, the defendant shall make a written
20 motion to offer such evidence not later than 15 days before
21 the date on which the trial in which such evidence is to
22 be offered is scheduled to begin, except that the court may
23 allow the motion to be made at a later date, including dur-
24 ing trial, if the court determines either that the evidence
25 is newly discovered and could not have been obtained earlier
26 through the exercise of due diligence or that the issue to

1 *which such evidence relates has newly arisen in the case.*
2 *Any motion made under this paragraph shall be served on*
3 *all other parties and on the alleged victim.*

4 “(2) *The motion described in paragraph (1) shall be*
5 *accompanied by a written offer of proof. If necessary, the*
6 *court shall order a hearing in chambers to determine if such*
7 *evidence is admissible. At the hearing, the parties may call*
8 *witnesses, including the alleged victim and offer relevant*
9 *evidence. Notwithstanding subdivision (b) of rule 104, if the*
10 *relevancy of the evidence which the defendant seeks to offer*
11 *in the trial depends upon the fulfillment of a condition of*
12 *fact, the court, at the hearing in chambers or at a subse-*
13 *quent hearing in chambers scheduled for such purpose, shall*
14 *accept evidence on the issue of whether such condition of*
15 *fact is fulfilled and shall determine such issue.*

16 “(3) *If the court determines on the basis of the hearing*
17 *described in paragraph (2), that the evidence the defendant*
18 *seeks to offer is relevant, not excluded by any other evi-*
19 *dentiary rule, and that the probative value of such evidence*
20 *outweighs the danger of unfair prejudice, such evidence*
21 *shall be admissible in the trial to the extent an order made*
22 *by the court specifies the evidence which may be offered and*
23 *areas with respect to which the alleged victim may be exam-*
24 *ined or cross-examined. In its order, the court should con-*
25 *sider (A) the chain of reasoning leading to its finding of*

1 *relevance, and (B) why the probative value of the evidence*
 2 *outweighs the danger of unfair prejudice given the potential*
 3 *of the evidence to humiliate and embarrass the alleged vic-*
 4 *tim and to result in unfair or biased jury inferences.”.*

5 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
 6 *for the Federal Rules of Evidence is amended by inserting*
 7 *after the item relating to rule 412 the following new item:*

“412A. Evidence of victim’s past behavior in other criminal cases:

“(a) Reputation and opinion evidence excluded.

“(b) Admissibility.

“(c) Procedures.”.

8 ***SEC. 3252. SEXUAL HISTORY IN CIVIL CASES.***

9 (a) *RULE.*—*The Federal Rules of Evidence, as amend-*
 10 *ed by section 3251, are amended by adding after rule 412A*
 11 *the following new rule:*

12 ***“Rule 412B. Evidence of past sexual behavior in civil***
 13 ***cases***

14 *“(a) REPUTATION AND OPINION EVIDENCE EX-*
 15 *CLUDED.*—*Notwithstanding any other law, in a civil case*
 16 *in which a defendant is accused of actionable sexual mis-*
 17 *conduct, reputation or opinion evidence of the plaintiff’s*
 18 *past sexual behavior is not admissible.*

19 *“(b) ADMISSIBLE EVIDENCE.*—*Notwithstanding any*
 20 *other law, in a civil case in which a defendant is accused*
 21 *of actionable sexual misconduct, evidence of a plaintiff’s*
 22 *past sexual behavior other than reputation or opinion evi-*
 23 *dence may be admissible if—*

1 “(1) it is admitted in accordance with the proce-
2 dures specified in subdivision (c); and

3 “(2) the probative value of the evidence out-
4 weighs the danger of unfair prejudice.

5 “(c) PROCEDURES.—(1) If the defendant intends to
6 offer evidence of specific instances of the plaintiff’s past sex-
7 ual behavior, the defendant shall make a written motion
8 to offer such evidence not later than 15 days before the date
9 on which the trial in which such evidence is to be offered
10 is scheduled to begin, except that the court may allow the
11 motion to be made at a later date, including during trial,
12 if the court determines either that the evidence is newly dis-
13 covered and could not have been obtained earlier through
14 the exercise of due diligence or that the issue to which such
15 evidence relates has newly arisen in the case. Any motion
16 made under this paragraph shall be served on all other par-
17 ties and on the plaintiff.

18 “(2) The motion described in paragraph (1) shall be
19 accompanied by a written offer of proof. If necessary, the
20 court shall order a hearing in chambers to determine if such
21 evidence is admissible. At the hearing, the parties may call
22 witnesses, including the plaintiff and offer relevant evi-
23 dence. Notwithstanding subdivision (b) of rule 104, if the
24 relevancy of the evidence that the defendant seeks to offer
25 in the trial depends upon the fulfillment of a condition of

1 *fact, the court, at the hearing in chambers or at a subse-*
2 *quent hearing in chambers scheduled for the purpose, shall*
3 *accept evidence on the issue of whether the condition of fact*
4 *is fulfilled and shall determine such issue.*

5 “(3) *If the court determines on the basis of the hearing*
6 *described in paragraph (2) that the evidence the defendant*
7 *seeks to offer is relevant and not excluded by any other evi-*
8 *dentiary rule, and that the probative value of the evidence*
9 *outweighs the danger of unfair prejudice, the evidence shall*
10 *be admissible in the trial to the extent an order made by*
11 *the court specifies evidence that may be offered and areas*
12 *with respect to which the plaintiff may be examined or*
13 *cross-examined. In its order, the court should consider—*

14 “(A) *the chain of reasoning leading to its finding*
15 *of relevance; and*

16 “(B) *why the probative value of the evidence out-*
17 *weighs the danger of unfair prejudice given the poten-*
18 *tial of the evidence to humiliate and embarrass the al-*
19 *leged victim and to result in unfair or biased jury in-*
20 *ferences.*

21 “(d) *DEFINITIONS.—For purposes of this rule, a case*
22 *involving a claim of actionable sexual misconduct, includes*
23 *sexual harassment or sex discrimination claims brought*
24 *pursuant to title VII of the Civil Rights Act of 1964 (42*
25 *U.S.C. 2000(e)) and gender bias claims brought pursuant*

1 *to title XXXIV of the Violence Against Women Act of*
2 *1993.”*

3 (b) *TECHNICAL AMENDMENT.—The table of contents*
4 *for the Federal Rules of Evidence, as amended by section*
5 *3251, is amended by inserting after the item relating to*
6 *rule 412A the following new item:*

“412B. Evidence of past sexual behavior in civil cases:

“(a) Reputation and opinion evidence excluded.

“(b) Admissible evidence.

“(c) Procedures.

“(d) Definitions.”

7 **SEC. 3253. AMENDMENTS TO RAPE SHIELD LAW.**

8 (a) *RULE.—Rule 412 of the Federal Rules of Evidence*
9 *is amended—*

10 (1) *by adding at the end the following new sub-*
11 *divisions:*

12 “(e) *INTERLOCUTORY APPEAL.—Notwithstanding any*
13 *other law, any evidentiary rulings made pursuant to this*
14 *rule are subject to interlocutory appeal by the government*
15 *or by the alleged victim.*

16 “(f) *RULE OF RELEVANCE AND PRIVILEGE.—If the*
17 *prosecution seeks to offer evidence of prior sexual history,*
18 *the provisions of this rule may be waived by the alleged*
19 *victim.”; and*

20 (2) *by adding at the end of subdivision (c)(3) the*
21 *following: “In its order, the court should consider (A)*
22 *the chain of reasoning leading to its finding of rel-*
23 *evance; and (B) why the probative value of the evi-*

1 *dence outweighs the danger of unfair prejudice given*
2 *the potential of the evidence to humiliate and embar-*
3 *rass the alleged victim and to result in unfair or bi-*
4 *ased jury inferences.”.*

5 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
6 *for the Federal Rules of Evidence is amended by adding*
7 *at the end the item relating to rule 412 the following:*

“(e) Interlocutory appeal.

“(f) Rule of relevance and privilege.”.

8 ***SEC. 3254. EVIDENCE OF CLOTHING.***

9 (a) *RULE.*—*The Federal Rules of Evidence, as amend-*
10 *ed by section 3252, are amended by adding after rule 412B*
11 *the following new rule:*

12 ***“Rule 413. Evidence of victim’s clothing as inciting vi-***
13 ***olence***

14 *“Notwithstanding any other law, in a criminal case*
15 *in which a person is accused of an offense under chapter*
16 *109A of title 18, United States Code, evidence of an alleged*
17 *victim’s clothing is not admissible to show that the alleged*
18 *victim incited or invited the offense charged.”.*

19 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
20 *for the Federal Rules of Evidence, as amended by section*
21 *3252, is amended by inserting after the item relating to*
22 *rule 412B the following new item:*

“413. Evidence of victim’s clothing as inciting violence.”.

1 ***Subtitle F—Assistance to Victims of***
2 ***Sexual Assault***

3 ***SEC. 3261. EDUCATION AND PREVENTION GRANTS TO RE-***
4 ***DUCE SEXUAL ASSAULTS AGAINST WOMEN.***

5 *Part A of title XIX of the Public Health and Health*
6 *Services Act (42 U.S.C. 300w et seq.) is amended by adding*
7 *at the end the following new section:*

8 ***“SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION***
9 ***EDUCATION.***

10 *“(a) PERMITTED USE.—Notwithstanding section*
11 *1904(a)(1), amounts transferred by the State for use under*
12 *this part may be used for rape prevention and education*
13 *programs conducted by rape crisis centers or similar non-*
14 *governmental nonprofit entities, which programs may in-*
15 *clude—*

16 *“(1) educational seminars;*

17 *“(2) the operation of hotlines;*

18 *“(3) training programs for professionals;*

19 *“(4) the preparation of informational materials;*

20 *and*

21 *“(5) other efforts to increase awareness of the*
22 *facts about, or to help prevent, sexual assault, includ-*
23 *ing efforts to increase awareness in underserved ra-*
24 *cial, ethnic, and language minority communities.*

1 “(b) *TARGETING OF EDUCATION PROGRAMS.*—States
2 *providing grant monies must ensure that at least 25 percent*
3 *of the monies are devoted to education programs targeted*
4 *for middle school, junior high school, and high school*
5 *students.*

6 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
7 *authorized to be appropriated to carry out this section*
8 *\$65,000,000 for each of fiscal years 1994, 1995, and 1996.*

9 “(d) *LIMITATION.*—Funds authorized under this sec-
10 *tion may only be used for providing rape prevention and*
11 *education programs.*

12 “(e) *DEFINITION.*—For purposes of this section, the
13 *term ‘rape prevention and education’ includes education*
14 *and prevention efforts directed at offenses committed by of-*
15 *fenders who are not known to the victim as well as offenders*
16 *who are known to the victim.*

17 “(f) *TERMS.*—States shall be allotted funds under this
18 *section pursuant to the terms of sections 1902 and 1903,*
19 *and subject to the conditions provided in this section and*
20 *sections 1904 through 1909.’’.*

21 **SEC. 3262. RAPE EXAM PAYMENTS.**

22 (a) *No State or other grantee is entitled to funds under*
23 *title XXXII of the Violence Against Women Act of 1993 un-*
24 *less the State or other grantee incurs the full cost of forensic*
25 *medical exams for victims of sexual assault. A State or*

1 *other grantee does not incur the full medical cost of forensic*
2 *medical exams if it chooses to reimburse the victim after*
3 *the fact unless the reimbursement program waives any min-*
4 *imum loss or deductible requirement, provides victim reim-*
5 *bursement within a reasonable time (90 days), permits ap-*
6 *plications for reimbursement within one year from the date*
7 *of the exam, and provides information to all subjects of fo-*
8 *rensic medical exams about how to obtain reimbursement.*

9 *(b) Within 90 days after the enactment of this Act,*
10 *the Director of the Office of Victims of Crime shall propose*
11 *regulations to implement this section, detailing qualified*
12 *programs. Such regulations shall specify the type and form*
13 *of information to be provided victims, including provisions*
14 *for multilingual information, where appropriate.*

15 **SEC. 3263. EDUCATION AND PREVENTION GRANTS TO RE-**
16 **DUCE SEXUAL ABUSE OF FEMALE RUNAWAY,**
17 **HOMELESS, AND STREET YOUTH.**

18 *Part A of the Runaway and Homeless Youth Act (42*
19 *U.S.C. 5711 et seq.) is amended by—*

20 *(1) redesignating sections 316 and 317 as sec-*
21 *tions 317 and 318, respectively; and*

22 *(2) inserting after section 315 the following new*
23 *section:*

1 **SEC. 3264. VICTIM'S RIGHT OF ALLOCUTION IN SENTENC-**
2 **ING.**

3 *Rule 32 of the Federal Rules of Criminal Procedure*
4 *is amended—*

5 *(1) by striking “and” at the end of subdivision*
6 *(a)(1)(B);*

7 *(2) by striking the period at the end of subdivi-*
8 *sion (a)(1)(C) and inserting “; and”;*

9 *(3) by inserting after subdivision (a)(1)(C) the*
10 *following new subdivision:*

11 *“(D) if sentence is to be imposed for a crime of*
12 *violence or sexual abuse, address the victim personally*
13 *if the victim is present at the sentencing hearing and*
14 *determine if the victim wishes to make a statement*
15 *and to present any information in relation to the sen-*
16 *tence.”;*

17 *(4) in the penultimate sentence of subdivision*
18 *(a)(1), by striking “equivalent opportunity” and in-*
19 *serting “opportunity equivalent to that of the defend-*
20 *ant’s counsel”;*

21 *(5) in the last sentence of subdivision (a)(1) by*
22 *inserting “the victim,” before “or the attorney for the*
23 *Government.”; and*

24 *(6) by adding at the end the following new sub-*
25 *division:*

26 *“(f) DEFINITIONS.—For purposes of this rule—*

1 “(1) the term ‘victim’ means any person against
2 whom an offense for which a sentence is to be imposed
3 has been committed, but the right of allocution under
4 subdivision (a)(1)(D) may be exercised instead by—

5 “(A) a parent or legal guardian in case the
6 victim is below the age of 18 years or incom-
7 petent; or

8 “(B) 1 or more family members or relatives
9 designated by the court in case the victim is de-
10 ceased or incapacitated,

11 if such person or persons are present at the sentencing
12 hearing, regardless of whether the victim is present;
13 and

14 “(2) the term ‘crime of violence or sexual abuse’
15 means a crime that involved the use or attempted or
16 threatened use of physical force against the person or
17 property of another, or a crime under chapter 109A
18 of title 18, United States Code.”.

19 **TITLE XXXIII—SAFE HOMES FOR**
20 **WOMEN**

21 **SEC. 3301. SHORT TITLE.**

22 This title may be cited as the “Safe Homes for Women
23 Act of 1993”.

1 ***Subtitle A—Family Violence Preven-***
2 ***tion and Services Act Amend-***
3 ***ments***

4 ***SEC. 3311. GRANT FOR A NATIONAL DOMESTIC VIOLENCE***
5 ***HOTLINE.***

6 *The Family Violence Prevention and Services Act (42*
7 *U.S.C. 10401 et seq.) is amended by adding at the end the*
8 *following new section:*

9 ***“SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE***
10 ***GRANT.***

11 *“(a) IN GENERAL.—The Secretary may award a grant*
12 *to a private, nonprofit entity to provide for the operation*
13 *of a national, toll-free telephone hotline to provide informa-*
14 *tion and assistance to victims of domestic violence.*

15 *“(b) ACTIVITIES.—Funds received by an entity under*
16 *this section shall be utilized to open and operate a national,*
17 *toll-free domestic violence hotline. Such funds may be used*
18 *for activities including—*

19 *“(1) contracting with a carrier for the use of a*
20 *toll-free telephone line;*

21 *“(2) employing, training and supervising per-*
22 *sonnel to answer incoming calls and provide counsel-*
23 *ing and referral services to callers on a 24-hour-a-day*
24 *basis;*

1 “(3) assembling, maintaining, and continually
2 updating a database of information and resources to
3 which callers may be referred throughout the United
4 States; and

5 “(4) publicizing the hotline to potential users
6 throughout the United States.

7 “(c) APPLICATION.—A grant may not be made under
8 this section unless an application for such grant has been
9 approved by the Secretary. To be approved by the Secretary
10 under this subsection an application shall—

11 “(1) provide such agreements, assurances, and
12 information, be in such form and be submitted in
13 such manner as the Secretary shall prescribe through
14 notice in the Federal Register;

15 “(2) include a complete description of the appli-
16 cant’s plan for the operation of a national domestic
17 violence hotline, including descriptions of—

18 “(A) the training program for hotline per-
19 sonnel;

20 “(B) the hiring criteria for hotline person-
21 nel;

22 “(C) the methods for the creation, mainte-
23 nance and updating of a resource database; and

24 “(D) a plan for publicizing the availability
25 of the hotline;

1 “(3) demonstrate that the applicant has nation-
2 ally recognized expertise in the area of domestic vio-
3 lence and a record of high quality service to victims
4 of domestic violence; and

5 “(4) contain such other information as the Sec-
6 retary may require.

7 “(d) *SPECIAL CONSIDERATIONS.*—In considering an
8 application under subsection (c), the Secretary shall also
9 take into account the applicant’s ability to offer multi-
10 lingual services and services for the hearing impaired.

11 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
12 authorized to be appropriated to carry out this section
13 \$500,000 for each of fiscal years 1994, 1995, and 1996.”.

14 **Subtitle B—Interstate Enforcement**

15 **SEC. 3321. INTERSTATE ENFORCEMENT.**

16 (a) *IN GENERAL.*—Part 1 of title 18, United States
17 Code, is amended by inserting after chapter 110 the follow-
18 ing new chapter:

19 **“CHAPTER 110A—VIOLENCE AGAINST** 20 **SPOUSES**

“Sec. 2261. Traveling to commit spousal abuse.

“Sec. 2262. Interstate violation of protection orders.

“Sec. 2263. Interim protections.

“Sec. 2264. Restitution.

“Sec. 2265. Full faith and credit given to protection orders.

“Sec. 2266. Definitions.

1 **“§ 2261. Traveling to commit spousal abuse**

2 “(a) *IN GENERAL.*—Any person who travels across a
3 State line with the intent to injure, harass, intimidate his
4 or her spouse or intimate partners and who, in the course
5 of or as a result of such travel, commits an act that injures
6 his or her spouse or intimate partner shall be punished as
7 provided in subsection (c).

8 “(b) *CAUSING THE CROSSING OF A STATE LINE.*—Any
9 person who causes a spouse or intimate partner to cross
10 a State line by force, coercion, duress or fraud and, in the
11 course or as a result of that conduct, commits an act that
12 injures his or her spouse or intimate partner shall be pun-
13 ished as provided in subsection (c).

14 “(c) *PENALTIES.*—A person who violates this section
15 shall be punished as follows:

16 “(1) *If permanent disfigurement or life-threaten-*
17 *ing bodily injury results, by imprisonment for not*
18 *more than 20 years; if serious bodily injury results,*
19 *by fine under this title or imprisonment for not more*
20 *than 10 years, or both.*

21 “(2) *If the offense is committed with intent to*
22 *commit another felony, by fine under this title or im-*
23 *prisonment for not more than 10 years, or both.*

24 “(3) *If the offense is committed with a dangerous*
25 *weapon, with intent to do bodily harm, by fine under*

1 *this title or imprisonment for not more than 5 years,*
2 *or both.*

3 “(4) *If the offense constitutes sexual abuse, as*
4 *that conduct is described under chapter 109A of title*
5 *18, United States Code (without regard to whether the*
6 *offense was committed in the maritime, territorial or*
7 *prison jurisdiction of the United States), by fine or*
8 *term of imprisonment as provided for the applicable*
9 *conduct under chapter 109A.*

10 “(5) *In a case not described in paragraph (1),*
11 *(2), (3), or (4), by fine under this title or imprison-*
12 *ment for not more than 5 years, or both.*

13 “(d) *CRIMINAL INTENT.—The criminal intent of the*
14 *offender required to establish an offense under subsection*
15 *(b) does not require a showing of the specific intent to vio-*
16 *late the law of a State.*

17 “(e) *NO PRIOR STATE ACTION NECESSARY.—Nothing*
18 *in this section requires a prior criminal prosecution or con-*
19 *viction or a prior civil protection order issued under State*
20 *law to initiate Federal prosecution.*

21 **“§ 2262. Interstate violation of protection orders**

22 “(a) *IN GENERAL.—Any person against whom a valid*
23 *protection order has been entered who—*

1 “(1) travels across a State line with the intent
2 to injure, harass, intimidate, or contact a spouse or
3 intimate partner; and

4 “(2) commits an act that injures, harasses, or in-
5 timidates a spouse or intimate partner or otherwise
6 violates a valid protection order issued by a State,
7 shall be punished as provided in subsection (c).

8 “(b) CAUSING THE CROSSING OF A STATE LINE.—Any
9 person who causes a spouse or intimate partner to cross
10 a State line by force, coercion, duress, or fraud, and, in
11 the course or as a result of that conduct, commits an act
12 that injures his or her spouse or intimate partner in viola-
13 tion of a valid protection order issued by a State shall be
14 punished as provided in subsection (c).

15 “(c) PENALTIES.—A person who violates this section
16 shall be punished as follows:

17 “(1) If permanent disfigurement or life-threaten-
18 ing bodily injury results, by imprisonment for not
19 more than 20 years; if serious bodily injury results,
20 by fine under this title or imprisonment for not more
21 than 10 years, or both.

22 “(2) If the offense is committed with intent to
23 commit another felony, by fine under this title or im-
24 prisonment for not more than 10 years, or both.

1 “(3) If the offense is committed with a dangerous
2 weapon, with intent to do bodily harm, by fine under
3 this title or imprisonment for not more than 5 years,
4 or both.

5 “(4) If the offender has previously violated any
6 prior protection order issued against that person for
7 the protection of the same victim, by fine under this
8 title or imprisonment for not more than 5 years and
9 not less than 6 months, or both.

10 “(5) If the offense constitutes sexual abuse, as
11 that conduct is described under chapter 109A of title
12 18, United States Code (without regard to whether the
13 conduct was committed in the special maritime, terri-
14 torial or prison jurisdiction of the United States), by
15 fine or term of imprisonment as provided for the ap-
16 plicable offense under chapter 109A.

17 “(6) In a case not described in paragraph (1),
18 (2), (3), (4), or (5), by fine under this title or impris-
19 onment for not more than 5 years, or both.

20 “(d) CRIMINAL INTENT.—The criminal intent required
21 to establish the offense provided in subsection (a) does not
22 require a showing of the specific intent to violate a protec-
23 tion order or the law of any State.

1 “(e) *NO PRIOR STATE ACTION NECESSARY.*—Nothing
2 in this section requires a prior criminal prosecution or con-
3 viction under State law to initiate Federal prosecution.

4 **“§ 2263. Pretrial release of defendant**

5 *“In any proceeding pursuant to section 3142 of this*
6 *title for the purpose of determining whether a defendant*
7 *charged under this section shall be released pending trial,*
8 *or for the purpose of determining conditions of such release,*
9 *the alleged victim shall be given an opportunity to be heard*
10 *regarding the danger posed by the defendant.*

11 **“§ 2264. Restitution**

12 “(a) *IN GENERAL.*—In addition to any fine or term
13 of imprisonment provided under this chapter, and notwith-
14 standing section 3663, the court shall order restitution to
15 the victim of an offense under this chapter.

16 “(b) *SCOPE AND NATURE OF ORDER.*—(1) An order
17 of restitution under this section shall direct that—

18 “(A) the defendant pay to the victim (through
19 the appropriate court mechanism) the full amount of
20 the victim’s losses as determined by the court, pursu-
21 ant to paragraph (2); and

22 “(B) the United States Attorney enforce the res-
23 titution order by all available and reasonable means.

1 “(2) For purposes of this subsection, the term ‘full
2 amount of the victim’s losses’ includes any costs incurred
3 by the victim for—

4 “(A) medical services relating to physical, psy-
5 chiatric, or psychological care;

6 “(B) physical and occupational therapy or reha-
7 bilitation;

8 “(C) lost income;

9 “(D) attorneys’ fees, plus any costs incurred in
10 obtaining a civil protection order; and

11 “(E) any other losses suffered by the victim as
12 a proximate result of the offense.

13 “(3) A restitution order under this section is manda-
14 tory. A court may not decline to issue an order under this
15 section because of—

16 “(A) the economic circumstances of the defend-
17 ant; or

18 “(B) the fact that victim has, or is entitled to,
19 receive compensation for his or her injuries from the
20 proceeds of insurance.

21 “(4)(A) Notwithstanding paragraph (3), the court may
22 take into account the economic circumstances of the defend-
23 ant in determining the manner in which and the schedule
24 according to which the restitution is to be paid, including—

1 “(i) the financial resources and other assets of
2 the defendant;

3 “(ii) projected earnings, earning capacity, and
4 other income of the defendant; and

5 “(iii) any financial obligations of the offender,
6 including obligations to dependents.

7 “(B) An order under this section may direct the de-
8 fendant to make a single lump-sum payment, or partial
9 payments at specified intervals. The order shall provide
10 that the defendant’s restitutionary obligation takes priority
11 over any criminal fine ordered.

12 “(C) If the victim has recovered for any amount of loss
13 through the proceeds of insurance or any other source, the
14 order of restitution shall provide that restitution be paid
15 to the person who provided the compensation, but that res-
16 titution shall be paid to the victim for the victim’s other
17 losses before any restitution is paid to any other provider
18 of compensation.

19 “(5) Any amount paid to a victim under this section
20 shall be set off against any amount later recovered as com-
21 pensatory damages by the victim from the defendant in—

22 “(A) any Federal civil proceeding; and

23 “(B) any State civil proceeding, to the extent
24 provided by the law of the State.

1 “(c) *PROOF OF CLAIM.*—(1) *Within 60 days after con-*
2 *viction and, in any event, no later than 10 days prior to*
3 *sentencing, the United States Attorney (or the United States*
4 *Attorney’s delegee), after consulting with the victim, shall*
5 *prepare and file an affidavit with the court listing the*
6 *amounts subject to restitution under this section. The affi-*
7 *davit shall be signed by the United States Attorney (or the*
8 *United States Attorney’s delegee) and the victim. Should*
9 *the victim object to any of the information included in the*
10 *affidavit, the United States Attorney (or the United States*
11 *Attorney’s delegee) shall advise the victim that the victim*
12 *may file a separate affidavit and shall provide the victim*
13 *with an affidavit form which may be used to do so.*

14 “(2) *If no objection is raised by the defendant, the*
15 *amounts attested to in the affidavit filed pursuant to para-*
16 *graph (1) shall be entered in the court’s restitution order.*
17 *If objection is raised, the court may require the victim or*
18 *the United States Attorney (or the United States Attorney’s*
19 *delegee) to submit further affidavits or other supporting*
20 *documents, demonstrating the victim’s losses.*

21 “(3) *If the court concludes, after reviewing the support-*
22 *ing documentation and considering the defendant’s objec-*
23 *tions, that there is a substantial reason for doubting the*
24 *authenticity or veracity of the records submitted, the court*
25 *may require additional documentation or hear testimony*

1 *on those questions. Any records filed, or testimony heard,*
2 *pursuant to this subsection, shall be in camera in the*
3 *judge's chambers.*

4 “(4) *If the victim's losses are not ascertainable 10 days*
5 *prior to sentencing as provided in subsection (c)(1), the*
6 *United States Attorney (or the United States Attorney's*
7 *delegee) shall so inform the court, and the court shall set*
8 *a date for the final determination of the victim's losses, not*
9 *to exceed 90 days after sentencing. If the victim subse-*
10 *quently discovers further losses, the victim shall have 60*
11 *days after discovery of those losses in which to petition the*
12 *court for an amended restitution order. Such an order may*
13 *be granted only upon a showing of good cause for the failure*
14 *to include such losses in the initial claim for restitutionary*
15 *relief.*

16 “(d) *RESTITUTION AND CRIMINAL PENALTIES.—An*
17 *award of restitution to the victim of an offense under this*
18 *chapter shall not be a substitute for imposition of punish-*
19 *ment under sections 2261 and 2262.*

20 “(e) *DEFINITIONS.—For purposes of this section, the*
21 *term 'victim' includes the person harmed as a result of a*
22 *commission of a crime under this chapter, including, in the*
23 *case of a victim who is under 18 years of age, incompetent,*
24 *incapacitated, or deceased, the legal guardian of the victim*
25 *or representative of the victim's estate, another family mem-*

1 *ber, or any other person appointed as suitable by the court,*
2 *but in no event shall the defendant be named as such a*
3 *representative or guardian.*

4 **“§2265. Full faith and credit given to protection or-**
5 **ders**

6 “(a) *FULL FAITH AND CREDIT.*—Any protection order
7 *issued consistent with subsection (b) by the court of 1 State*
8 *(the issuing State) shall be accorded full faith and credit*
9 *by the court of another State (the enforcing State) and en-*
10 *forced as if it were the order of the enforcing State.*

11 “(b) *PROTECTION ORDER.*—(1) *A protection order is-*
12 *sued by a State court is consistent with this subsection if—*

13 “(A) *the court has jurisdiction over the parties*
14 *and matter under the law of the State; and*

15 “(B) *reasonable notice and opportunity to be*
16 *heard is given to the person against whom the order*
17 *is sought sufficient to protect that person’s right to*
18 *due process.*

19 “(2) *In the case of an order under paragraph (1) that*
20 *is issued ex parte, notice and opportunity to be heard shall*
21 *be provided within the time required by State law, and in*
22 *any event within a reasonable time after the order is issued,*
23 *sufficient to protect the respondent’s due process rights.*

24 “(c) *CROSS- OR COUNTER-PETITION.*—A protection
25 *order issued by a State court against one who has peti-*

1 *tioned, filed a complaint, or otherwise filed a written plead-*
2 *ing for protection against abuse by a spouse or intimate*
3 *partner is not entitled to full faith and credit if—*

4 “(1) *no cross- or counter-petition, complaint, or*
5 *other written pleading was filed seeking such a pro-*
6 *tection order; or*

7 “(2) *if a cross- or counter-petition has been filed,*
8 *if the court did not make specific findings that each*
9 *party was entitled to such an order.*

10 **“§ 2266. Definitions**

11 *“As used in this chapter—*

12 “(1) *the term ‘spouse or intimate partner’ in-*
13 *cludes—*

14 “(A) *a present or former spouse, a person*
15 *who shares a child in common with an abuser,*
16 *and a person who cohabits or has cohabited with*
17 *an abuser as a spouse; and*

18 “(B) *any other person similarly situated to*
19 *a spouse who is protected by the domestic or*
20 *family violence laws of the State in which the in-*
21 *jury occurred or where the victim resides, or any*
22 *other adult person who is protected from an*
23 *abuser’s acts under the domestic or family vio-*
24 *lence laws of the State in which the injury oc-*
25 *curred or where the victim resides;*

1 “(2) the term ‘protection order’ includes an in-
2 junction or other order issued for the purpose of pre-
3 venting violent or threatening acts by 1 spouse
4 against his or her spouse or intimate partner, includ-
5 ing a temporary or final order issued by a civil or
6 criminal court (other than a support or child custody
7 order or provision) whether obtained by filing an
8 independent action or as a pendente lite order in an-
9 other proceeding, so long as, in the case of a civil
10 order, the order was issued in response to a com-
11 plaint, petition, or motion filed by or on behalf of an
12 abused spouse or intimate partner;

13 “(3) the term ‘act that injures’ includes any act,
14 except one done in self-defense, that results in phys-
15 ical injury or sexual abuse;

16 “(4) the term ‘State’ includes a State of the
17 United States, the District of Columbia, and any In-
18 dian tribe, commonwealth, territory, or possession of
19 the United States; and

20 “(5) the term ‘travel across a State line’ includes
21 any travel except travel across a State line by an In-
22 dian tribal member when that member remained at
23 all times on tribal lands.”.

1 (b) *TECHNICAL AMENDMENT.*—*The part analysis for*
 2 *part 1 of title 18, United States Code, is amended by insert-*
 3 *ing after the item for chapter 110 the following new item:*

 “**110A. Violence against spouses** **2261.**”.

4 ***Subtitle C—Arrest in Spousal Abuse***
 5 ***Cases***

6 ***SEC. 3331. ENCOURAGING ARREST POLICIES.***

7 *The Family Violence Prevention and Services Act (42*
 8 *U.S.C. 10401 et seq.), as amended by section 3311, is*
 9 *amended by adding at the end the following new section:*

10 “***SEC. 317. ENCOURAGING ARREST POLICIES.***

11 “(a) *PURPOSE.*—*To encourage States, Indian tribes*
 12 *and localities to treat spousal violence as a serious violation*
 13 *of criminal law, the Secretary may make grants to eligible*
 14 *States, Indian tribes, municipalities, or local government*
 15 *entities for the following purposes:*

16 “(1) *To implement pro-arrest programs and*
 17 *policies in police departments and to improve track-*
 18 *ing of cases involving spousal abuse.*

19 “(2) *To centralize police enforcement, prosecu-*
 20 *tion, or judicial responsibility for, spousal abuse cases*
 21 *in one group or unit of police officers, prosecutors, or*
 22 *judges.*

23 “(3) *To coordinate computer tracking systems to*
 24 *ensure communication between police, prosecutors,*
 25 *and both criminal and family courts.*

1 “(4) To educate judges in criminal and other
2 courts about spousal abuse and to improve judicial
3 handling of such cases.

4 “(b) ELIGIBILITY.—(1) Eligible grantees are those
5 States, Indian tribes, municipalities or other local govern-
6 ment entities that—

7 “(A) demonstrate, through arrest and conviction
8 statistics, that their laws or policies have been effec-
9 tive in significantly increasing the number of arrests
10 made of spouse abusers;

11 “(B) certify that their laws or official policies—

12 “(i) mandate arrest of spouse abusers based
13 on probable cause that violence has been commit-
14 ted; or

15 “(ii) permit warrantless arrests of spouse
16 abusers, encourage the use of that authority, and
17 mandate arrest of spouses violating the terms of
18 a valid and outstanding protection order;

19 “(C) demonstrate that their laws, policies, prac-
20 tices and training programs discourage ‘dual’ arrests
21 of abused and abuser;

22 “(D) certify that their laws, policies, and prac-
23 tices prohibit issuance of mutual protection orders in
24 cases where only one spouse has sought a protection
25 order, and require findings of mutual aggression to

1 *issue mutual protection orders in cases where both*
2 *parties file a claim; and*

3 *“(E) certify that their laws, policies, and prac-*
4 *tices do not require, in connection with the prosecu-*
5 *tion of any misdemeanor or felony spouse abuse of-*
6 *fense, that the abused bear the costs associated with*
7 *the filing of criminal charges or the service of such*
8 *charges on an abuser; or that the abused bear the costs*
9 *associated with the issuance or service of a warrant,*
10 *protection order or witness subpoena.*

11 *“(2) For purposes of this section—*

12 *“(A) the term ‘protection order’ includes any in-*
13 *junction issued for the purpose of preventing violent*
14 *or threatening acts of spouse abuse, including a tem-*
15 *porary or final order issued by civil or criminal*
16 *courts (other than support or child custody orders or*
17 *provisions) whether obtained by filing an independent*
18 *action or as a pendente lite order in another proceed-*
19 *ing; and*

20 *“(B) the term ‘spousal or spouse abuse’ includes*
21 *a felony or misdemeanor offense committed by a cur-*
22 *rent or former spouse of the victim, a person with*
23 *whom the victim shares a child in common, a person*
24 *who is cohabiting with or has cohabited with the vic-*
25 *tim as a spouse, a person similarly situated to a*

1 *spouse of the victim under the domestic or family vio-*
2 *lence laws of the jurisdiction receiving grant monies,*
3 *or committed by any other adult person upon a vic-*
4 *tim who is protected from that person's acts under the*
5 *domestic or family violence laws of the jurisdiction*
6 *receiving grant monies.*

7 *“(3) The eligibility requirements provided in this sec-*
8 *tion shall take effect on the date that is 1 year after the*
9 *date of enactment of this section.*

10 *“(c) DELEGATION AND AUTHORIZATION.—The Sec-*
11 *retary shall delegate to the Attorney General of the United*
12 *States the Secretary's responsibilities for carrying out this*
13 *section. There are authorized to be appropriated not in ex-*
14 *cess of \$25,000,000 for each fiscal year to be used for the*
15 *purpose of making grants under this section.*

16 *“(d) APPLICATION.—An eligible grantee shall submit*
17 *an application to the Secretary. Such an application*
18 *shall—*

19 *“(1) contain a certification by the chief executive*
20 *officer of the State, Indian tribe, municipality, or*
21 *local government entity that the conditions of sub-*
22 *section (b) are met;*

23 *“(2) describe the entity's plans to further the*
24 *purposes listed in subsection (a);*

1 “(3) identify the agency or office or groups of
2 agencies or offices responsible for carrying out the
3 program; and

4 “(4) identify and include documentation show-
5 ing the nonprofit nongovernmental victim services
6 programs that will be consulted in developing, and
7 implementing, the program.

8 “(e) *PRIORITY.*—In awarding grants under this sec-
9 tion, the Secretary shall give priority to a grantee that—

10 “(1) does not currently provide for centralized
11 handling of cases involving spousal or family violence
12 in any one of the areas listed in this subsection—po-
13 lice, prosecutors, and courts; and

14 “(2) demonstrates a commitment to strong en-
15 forcement of laws, and prosecution of cases, involving
16 spousal or family violence.

17 “(f) *REPORTING.*—Each grantee receiving funds under
18 this section shall submit a report to the Secretary evaluat-
19 ing the effectiveness of the plan described in subsection
20 (d)(2) and containing such additional information as the
21 Secretary may prescribe.

22 “(g) *REGULATIONS.*—No later than 45 days after the
23 date of enactment of this section, the Secretary shall publish
24 proposed regulations implementing this section. No later

1 *than 120 days after such date, the Secretary shall publish*
2 *final regulations implementing this section.”.*

3 ***Subtitle D—DOMESTIC VIOLENCE,***
4 ***FAMILY SUPPORT, AND SHEL-***
5 ***TER GRANTS***

6 ***SEC. 3341. DOMESTIC VIOLENCE AND FAMILY SUPPORT***
7 ***GRANT PROGRAM.***

8 (a) *PURPOSE.*—*The purpose of this section is to*
9 *strengthen and improve State and local efforts to prevent*
10 *and punish domestic violence and other criminal and un-*
11 *lawful acts that particularly affect women, and to assist*
12 *and protect the victims of such crimes and acts.*

13 (b) *AUTHORIZATION OF GRANTS.*—*The Secretary of*
14 *Health and Human Services shall make grants to support*
15 *projects and programs relating to domestic violence and*
16 *other criminal and unlawful acts that particularly affect*
17 *women, including support of—*

18 (1) *training and policy development programs*
19 *for law enforcement officers and prosecutors concern-*
20 *ing the investigation and prosecution of domestic vio-*
21 *lence;*

22 (2) *law enforcement and prosecutorial units and*
23 *teams that target domestic violence;*

24 (3) *model, innovative, and demonstration law*
25 *enforcement programs relating to domestic violence*

1 *that involve pro-arrest and aggressive prosecution*
2 *policies;*

3 *(4) model, innovative, and demonstration pro-*
4 *grams for the effective utilization and enforcement of*
5 *protective orders;*

6 *(5) programs addressing stalking and persistent*
7 *menacing;*

8 *(6) victim services programs for victims of do-*
9 *mestic violence;*

10 *(7) educational and informational programs re-*
11 *lating to domestic violence;*

12 *(8) resource centers providing information, tech-*
13 *nical assistance, and training to domestic violence*
14 *service providers, agencies, and programs;*

15 *(9) coalitions of domestic violence service provid-*
16 *ers, agencies, and programs;*

17 *(10) training programs for judges and court per-*
18 *sonnel in relation to cases involving domestic vio-*
19 *lence;*

20 *(11) enforcement of child support obligations, in-*
21 *cluding cooperative efforts and arrangements of States*
22 *to improve enforcement in cases involving interstate*
23 *elements; and*

24 *(12) shelters that provide services for victims of*
25 *domestic violence and related programs.*

1 (c) *FORMULA GRANTS.*—Of the amount appropriated
2 in each fiscal year for grants under this section, other than
3 the amount set aside to carry out subsection (d)—

4 (1) 1 percent shall be set aside for each partici-
5 pating State; and

6 (2) the remainder shall be allocated to the par-
7 ticipating States in proportion to their populations;
8 for the use of State and local governments in the States.

9 (d) *DISCRETIONARY GRANTS.*—Of the amount appro-
10 priated in each fiscal year, 20 percent shall be set aside
11 in a discretionary fund to provide grants to public and pri-
12 vate agencies to further the purposes and objectives set forth
13 in subsections (a) and (b).

14 (e) *APPLICATION FOR FORMULA GRANTS.*—To request
15 a grant under subsection (c), the chief executive officer of
16 a State must, in each fiscal year, submit to the Secretary
17 a plan for addressing domestic violence and other criminal
18 and unlawful acts that particularly affect women in the
19 State, including a specification of the uses to which funds
20 provided under subsection (c) will be put in carrying out
21 the plan. The application must include—

22 (1) certification that the Federal funding pro-
23 vided will be used to supplement and not supplant
24 State and local funds;

1 (2) *certification that any requirement of State*
2 *law for review by the State legislature or a designated*
3 *body, and any requirement of State law for public no-*
4 *tice and comment concerning the proposed plan, have*
5 *been satisfied; and*

6 (3) *provisions for fiscal control, management,*
7 *recordkeeping, and submission of reports in relation*
8 *to funds provided under this section that are consist-*
9 *ent with requirements prescribed for the program.*

10 (f) *CONDITIONS ON GRANTS.—*

11 (1) *MATCHING FUNDS.—Grants under subsection*
12 *(c) may be for up to 50 percent of the overall cost of*
13 *a project or program funded. Discretionary grants*
14 *under subsection (d) may be for up to 100 percent of*
15 *the overall cost of a project or program funded.*

16 (2) *DURATION OF GRANTS.—Grants under sub-*
17 *section (c) may be provided in relation to a particu-*
18 *lar project or program for up to an aggregate maxi-*
19 *mum period of 4 years.*

20 (3) *LIMIT ON ADMINISTRATIVE COSTS.—Not*
21 *more than 5 percent of a grant under subsection (c)*
22 *may be used for costs incurred to administer the*
23 *grant.*

24 (g) *EVALUATION.—The Secretary shall have the au-*
25 *thority to carry out evaluations of programs funded under*

1 *this section. The recipient of any grant under this section*
2 *may be required to include an evaluation component to de-*
3 *termine the effectiveness of the project or program funded*
4 *that is consistent with guidelines issued by the Secretary.*

5 *(h) REPORT.—The Secretary shall submit an annual*
6 *report to Congress concerning the operation and effective-*
7 *ness of the program under this section.*

8 *(i) AUTHORIZATION OF APPROPRIATIONS.—There are*
9 *authorized to be appropriated to carry out this section—*

10 *(1) \$100,000,000 for each of fiscal years 1994,*
11 *1995, and 1996; and*

12 *(2) such sums as are necessary for each fiscal*
13 *year thereafter.*

14 *(j) AUTHORIZATION OF APPROPRIATIONS FOR THE*
15 *FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Sec-*
16 *tion 310(a) of the Family Violence Prevention and Services*
17 *Act (42 U.S.C. 10409(a)) is amended to read as follows:*

18 *“(a) IN GENERAL.—There are authorized to be appro-*
19 *priated to carry out this title \$85,000,000 for fiscal year*
20 *1994, \$100,000,000 for fiscal year 1995, and \$125,000,000*
21 *for fiscal year 1996.”.*

1 ***Subtitle E—Family Violence Preven-***
2 ***tion and Services Act Amend-***
3 ***ments***

4 **SEC. 3351. GRANTEE REPORTING.**

5 (a) *SUBMISSION OF APPLICATION.*—Section
6 303(a)(2)(C) of the Family Violence Prevention and Serv-
7 ices Act (42 U.S.C. 10402(a)(2)(C)) is amended by insert-
8 ing “and a plan to address the needs of underserved popu-
9 lations, including populations underserved because of eth-
10 nic, racial, cultural, language diversity or geographic isola-
11 tion” after “such State”.

12 (b) *APPROVAL OF APPLICATION.*—Section 303(a) of the
13 Family Violence Prevention and Services Act (42 U.S.C.
14 10402(a)) is amended by adding at the end the following
15 new paragraph:

16 “(4) Upon completion of the activities funded by
17 a grant under this subpart, the State grantee shall
18 file a performance report with the Director explaining
19 the activities carried out together with an assessment
20 of the effectiveness of those activities in achieving the
21 purposes of this subpart. A section of this perform-
22 ance report shall be completed by each grantee or
23 subgrantee that performed the direct services con-
24 templated in the application certifying performance
25 of direct services under the grant. The Director shall

1 4 different audiences: primary schools, middle schools, sec-
2 ondary schools, and institutions of higher education. The
3 model programs shall be selected, implemented, and evalu-
4 ated in the light of the comments of educational experts,
5 legal and psychological experts on battering, and victim ad-
6 vocate organizations such as battered women's shelters,
7 State coalitions and resource centers. The participation of
8 each of those groups or individual consultants from such
9 groups is essential to the selection, implementation, and
10 evaluation of programs that meet both the needs of edu-
11 cational institutions and the needs of the domestic violence
12 problem.

13 “(c) *REVIEW AND DISSEMINATION.*—Not later than 2
14 years after the date of enactment of this section, the Sec-
15 retary shall transmit the design and evaluation of the model
16 programs, along with a plan and cost estimate for nation-
17 wide distribution, to the relevant committees of Congress
18 for review.

19 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is
20 authorized to be appropriated to carry out this section
21 \$400,000 for fiscal year 1994.”.

1 ***Subtitle G—Confidentiality for***
2 ***Abused Persons***

3 ***SEC. 3371. CONFIDENTIALITY OF ABUSED PERSON'S AD-***
4 ***DRESS.***

5 *Not later than 90 days after enactment of this Act,*
6 *the United States Postal Service shall promulgate regula-*
7 *tions to secure the confidentiality of domestic violence shel-*
8 *ters and abused persons' addresses consistent with the fol-*
9 *lowing guidelines:*

10 (1) *Confidentiality shall be provided to a person*
11 *upon the presentation to an appropriate postal offi-*
12 *cial of a valid court order or a police report docu-*
13 *menting abuse.*

14 (2) *Confidentiality shall be provided to any do-*
15 *mestic violence shelter upon presentation to an appro-*
16 *priate postal authority of proof from a State domestic*
17 *violence coalition (within the meaning of section 311*
18 *of the Family Violence Prevention and Services Act*
19 *(42 U.S.C. 10410)) verifying that the organization is*
20 *a domestic violence shelter.*

21 (3) *Disclosure of addresses to State or Federal*
22 *agencies for legitimate law enforcement or other gov-*
23 *ernmental purposes shall not be prohibited.*

24 (4) *Compilations of addresses existing at the*
25 *time the order is presented to an appropriate postal*

1 *official shall be excluded from the scope of the pro-*
2 *posed regulations.*

3 ***Subtitle H—Technical Amendments***

4 ***SEC. 3381. DEFINITIONS.***

5 *Section 309(5)(B) of the Family Violence Prevention*
6 *and Services Act (42 U.S.C. 10408(5)(B)) is amended by*
7 *inserting “or other supportive services” before “by peers in-*
8 *dividually or in groups.”.*

9 ***SEC. 3382. SPECIAL ISSUE RESOURCE CENTERS.***

10 *(a) GRANTS.—Section 308(a)(2) of the Family Vio-*
11 *lence Prevention and Services Act (42 U.S.C. 10407(a)(2))*
12 *is amended by striking “six” and inserting “seven”.*

13 *(b) FUNCTIONS.—Section 308(c) of the Family Vio-*
14 *lence Prevention and Services Act (42 U.S.C. 10407(c)) is*
15 *amended—*

16 *(1) by striking the period at the end of para-*
17 *graph (6) and inserting “, including the issuance and*
18 *enforcement of protection orders.”; and*

19 *(2) by adding at the end the following new para-*
20 *graph:*

21 *“(7) Providing technical assistance and training*
22 *to State domestic violence coalitions.”.*

23 ***SEC. 3383. STATE DOMESTIC VIOLENCE COALITIONS.***

24 *Section 311(a) of the Family Violence Prevention and*
25 *Services Act (42 U.S.C. 10410(a)) is amended—*

1 (1) by redesignating paragraphs (1), (2), (3),
2 and (4) as paragraphs (2), (3), (4), and (5);

3 (2) by inserting before paragraph (2), as redesign-
4 ated by paragraph (1), the following new paragraph:

5 “(1) working with local domestic violence pro-
6 grams and providers of direct services to encourage
7 appropriate responses to domestic violence within the
8 State, including—

9 “(A) training and technical assistance for
10 local programs and professionals working with
11 victims of domestic violence;

12 “(B) planning and conducting State needs
13 assessments and planning for comprehensive
14 services;

15 “(C) serving as an information clearing-
16 house and resource center for the State; and

17 “(D) collaborating with other governmental
18 systems which affect battered women;”;

19 (3) in paragraph (2)(K), as redesignated by
20 paragraph (1), by striking “and court officials and
21 other professionals” and inserting “, judges, court of-
22 ficers and other criminal justice professionals,”;

23 (4) in paragraph (3), as redesignated by para-
24 graph (1)—

1 (A) by inserting “, criminal court judges,”
2 after “family law judges,” each place it appears;

3 (B) in subparagraph (F), by inserting “cus-
4 tody” after “temporary”; and

5 (C) in subparagraph (H), by striking “su-
6 pervised visitations that do not endanger victims
7 and their children,” and inserting “supervised
8 visitations or denial of visitation to protect
9 against danger to victims or their children”; and

10 (5) in paragraph (4), as redesignated by para-
11 graph (1), by inserting “, including information
12 aimed at underserved racial, ethnic or language-mi-
13 nority populations” before the semicolon.

14 ***Subtitle I—Data and Research***

15 ***SEC. 3391. RESEARCH AGENDA.***

16 (a) *REQUEST FOR CONTRACT.*—The Director of the
17 National Institute of Justice shall request the National
18 Academy of Sciences, through its National Research Coun-
19 cil, to enter into a contract to develop a research agenda
20 to increase the understanding and control of violence
21 against women, including rape and domestic violence. In
22 furtherance of the contract, the National Academy shall con-
23 vene a panel of nationally recognized experts on violence
24 against women, in the fields of law, medicine, criminal jus-
25 tice and the social sciences. In setting the agenda, the Acad-

1 *emy shall focus primarily upon preventive, educative, so-*
2 *cial, and legal strategies. Nothing in this section shall be*
3 *construed to invoke the terms of the Federal Advisory Com-*
4 *mittee Act.*

5 **(b) DECLINATION OF REQUEST.**—*If the National*
6 *Academy of Sciences declines to conduct the study and de-*
7 *velop a research agenda, it shall recommend a nonprofit*
8 *private entity that is qualified to conduct such a study. In*
9 *that case, the Director of the National Institute of Justice*
10 *shall carry out subsection (a) through the nonprofit private*
11 *entity recommended by the Academy. In either case, wheth-*
12 *er the study is conducted by the National Academy of*
13 *Sciences or by the nonprofit group it recommends, the funds*
14 *for the contract shall be made available from sums appro-*
15 *priated for the conduct of research by the National Institute*
16 *of Justice.*

17 **(c) REPORT.**—*The Director of the National Institute*
18 *of Justice shall ensure that no later than 9 months after*
19 *the date of enactment of this Act, the study required under*
20 *subsection (a) is completed and a report describing the find-*
21 *ings made is submitted to the Committee on the Judiciary*
22 *of the House of Representatives, the Committee on the Judi-*
23 *ciary of the Senate, and the Attorney General’s Task Force*
24 *on Violence Against Women.*

1 **SEC. 3392. STATE DATABASES.**

2 (a) *IN GENERAL.*—The National Institute of Justice,
3 in conjunction with the Bureau of Justice Statistics, shall
4 study and report to the States and to Congress on how the
5 States may collect centralized databases on the incidence
6 of domestic violence offenses within a State.

7 (b) *CONSULTATION.*—In conducting its study, the Na-
8 tional Institute of Justice shall consult persons expert in
9 the collection of criminal justice data, State statistical ad-
10 ministrators, law enforcement personnel, and nonprofit
11 nongovernmental agencies that provide direct services to
12 victims of domestic violence. The Institute's final report
13 shall set forth the views of the persons consulted on the Insti-
14 tute's recommendations.

15 (c) *REPORT.*—The Director of the National Institute
16 of Justice shall ensure that no later than 9 months after
17 the date of enactment of this Act, the study required under
18 subsection (a) is completed and a report describing the find-
19 ings made is submitted to the Committee on the Judiciary
20 of the House of Representatives and the Committee on the
21 Judiciary of the Senate.

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
23 authorized such sums as are necessary to carry out this
24 section.

1 **SEC. 3393. NUMBER AND COST OF INJURIES.**

2 (a) *STUDY.*—The Secretary of Health and Human
3 Services, acting through the Centers for Disease Control In-
4 jury Control Division, shall conduct a study to obtain a
5 national projection of the incidence of injuries resulting
6 from domestic violence, the cost of injuries to health care
7 facilities, and recommend health care strategies for reducing
8 the incidence and cost of such injuries.

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
10 authorized to be appropriated to carry out this section
11 \$100,000 for fiscal year 1994.

12 **TITLE XXXIV—CIVIL RIGHTS**

13 **SEC. 3401. SHORT TITLE.**

14 This title may be cited as the “Civil Rights Remedies
15 for Gender-Motivated Violence Act”.

16 **SEC. 3402. CIVIL RIGHTS.**

17 (a) *FINDINGS.*—The Congress finds that—

18 (1) crimes of violence motivated by gender con-
19 stitute bias crimes in violation of the victim’s right
20 to be free from discrimination on the basis of gender;

21 (2) current law provides a civil rights remedy
22 for gender crimes committed in the workplace, but not
23 for crimes of violence motivated by gender committed
24 on the street or in the home;

25 (3) State and Federal criminal laws do not ade-
26 quately protect against the bias element of crimes of

1 *violence motivated by gender, which separates these*
2 *crimes from acts of random violence, nor do those*
3 *laws adequately provide victims of gender-motivated*
4 *crimes the opportunity to vindicate their interests;*

5 *(4) existing bias and discrimination in the*
6 *criminal justice system often deprives victims of*
7 *crimes of violence motivated by gender of equal pro-*
8 *tection of the laws and the redress to which they are*
9 *entitled;*

10 *(5) crimes of violence motivated by gender have*
11 *a substantial adverse effect on interstate commerce, by*
12 *detering potential victims from traveling interstate,*
13 *from engaging in employment in interstate business,*
14 *and from transacting with business, and in places in-*
15 *volved, in interstate commerce;*

16 *(6) crimes of violence motivated by gender have*
17 *a substantial adverse effect on interstate commerce, by*
18 *diminishing national productivity, increasing medi-*
19 *cal and other costs, and decreasing the supply of and*
20 *the demand for interstate products;*

21 *(7) a Federal civil rights action as specified in*
22 *this section is necessary to guarantee equal protection*
23 *of the laws and to reduce the substantial adverse ef-*
24 *fects on interstate commerce caused by crimes of vio-*
25 *lence motivated by gender; and*

1 (8) *the victims of crimes of violence motivated by*
2 *gender have a right to equal protection of the laws,*
3 *including a system of justice that is unaffected by*
4 *bias or discrimination and that, at every relevant*
5 *stage, treats such crimes as seriously as other violent*
6 *crimes.*

7 (b) *RIGHT TO BE FREE FROM CRIMES OF VIO-*
8 *LENCE.—All persons within the United States shall have*
9 *the right to be free from crimes of violence motivated by*
10 *gender (as defined in subsection (d)).*

11 (c) *CAUSE OF ACTION.—A person (including a person*
12 *who acts under color of any statute, ordinance, regulation,*
13 *custom, or usage of any State) who commits a crime of vio-*
14 *lence motivated by gender and thus deprives another of the*
15 *right declared in subsection (b) shall be liable to the party*
16 *injured, in an action for the recovery of compensatory and*
17 *punitive damages, injunctive and declaratory relief, and*
18 *such other relief as a court may deem appropriate.*

19 (d) *DEFINITIONS.—For purposes of this section—*

20 (1) *the term “crime of violence motivated by gen-*
21 *der” means a crime of violence committed because of*
22 *gender or on the basis of gender; and due, at least in*
23 *part, to an animus based on the victim’s gender;*

24 (2) *the term “crime of violence” means—*

1 (A) *an act or series of acts that would con-*
2 *stitute a felony against the person or that would*
3 *constitute a felony against property if the con-*
4 *duct presents a serious risk of physical injury to*
5 *another, and that would come within the mean-*
6 *ing of State or Federal offenses described in sec-*
7 *tion 16 of title 18, United States Code, whether*
8 *or not those acts have actually resulted in crimi-*
9 *nal charges, prosecution, or conviction and*
10 *whether or not those acts were committed in the*
11 *special maritime, territorial, or prison jurisdic-*
12 *tion of the United States; and*

13 (B) *includes an act or series of acts that*
14 *would constitute a felony described in subpara-*
15 *graph (A) but for the relationship between the*
16 *person who takes such action and the individual*
17 *against whom such action is taken.*

18 (e) *LIMITATION AND PROCEDURES.—*

19 (1) *LIMITATION.—Nothing in this section entitles*
20 *a person to a cause of action under subsection (c) for*
21 *random acts of violence unrelated to gender or for*
22 *acts that cannot be demonstrated, by a preponderance*
23 *of the evidence, to be motivated by gender (within the*
24 *meaning of subsection (d)).*

1 (2) *NO PRIOR CRIMINAL ACTION.*—*Nothing in*
2 *this section requires a prior criminal complaint,*
3 *prosecution, or conviction to establish the elements of*
4 *a cause of action under subsection (c).*

5 (3) *CONCURRENT JURISDICTION.*—*The Federal*
6 *and State courts shall have concurrent jurisdiction*
7 *over actions brought pursuant to this title.*

8 (4) *PENDENT JURISDICTION.*—*Neither section*
9 *1367 of title 28, United States Code, nor subsection*
10 *(c) of this section shall be construed, by reason of a*
11 *claim arising under such subsection, to confer on the*
12 *courts of the United States jurisdiction over any*
13 *State law claim seeking the establishment of a di-*
14 *vorce, alimony, equitable distribution of marital*
15 *property, or child custody decree.*

16 (5) *LIMITATION ON REMOVAL.*—*Section 1445 of*
17 *title 28, United States Code, is amended by adding*
18 *at the end the following new subsection:*

19 “(d) *A civil action in any State court arising under*
20 *section 3402 of the Violence Against Women Act of 1993*
21 *may not be removed to any district court of the United*
22 *States.*”.

23 **SEC. 3403. ATTORNEY'S FEES.**

24 *Section 722 of the Revised Statutes (42 U.S.C. 1988)*
25 *is amended in the last sentence—*

1 (1) by striking “or” after “Public Law 92–318,”;
2 and

3 (2) by inserting “, or title XXXIV of the Violence
4 Against Women Act of 1993,” after “1964”.

5 **SEC. 3404. SENSE OF THE SENATE CONCERNING PROTEC-**
6 **TION OF THE PRIVACY OF RAPE VICTIMS.**

7 (a) *FINDINGS AND DECLARATION.*—The Congress finds
8 and declares that—

9 (1) *there is a need for a strong and clear Federal*
10 *response to violence against women, particularly with*
11 *respect to the crime of rape;*

12 (2) *rape is an abominable and repugnant crime,*
13 *and one that is severely underreported to law enforce-*
14 *ment authorities because of its stigmatizing nature;*

15 (3) *the victims of rape are often further victim-*
16 *ized by a criminal justice system that is insensitive*
17 *to the trauma caused by the crime and are increas-*
18 *ingly victimized by news media that are insensitive*
19 *to the victim’s emotional and psychological needs;*

20 (4) *rape victims’ need for privacy should be*
21 *respected;*

22 (5) *rape victims need to be encouraged to come*
23 *forward and report the crime of rape without fear of*
24 *being revictimized through involuntary public disclo-*
25 *sure of their identities;*

1 (6) rape victims need a reasonable expectation
2 that their physical safety will be protected against re-
3 taliation or harassment by an assailant;

4 (7) the news media should, in the exercise of
5 their discretion, balance the public's interest in know-
6 ing facts reported by free news media against impor-
7 tant privacy interests of a rape victim, and an abso-
8 lutist view of the public interest leads to insensitivity
9 to a victim's privacy interest; and

10 (8) the public's interest in knowing the identity
11 of a rape victim is small compared with the interests
12 of maintaining the privacy of rape victims and en-
13 couraging rape victims to report and assist in the
14 prosecution of the crime of rape.

15 (b) *SENSE OF THE SENATE.*—It is the sense of the Sen-
16 ate that news media, law enforcement officers, and other
17 persons should exercise restraint and respect a rape victim's
18 privacy by not disclosing the victim's identity to the general
19 public or facilitating such disclosure without the consent
20 of the victim.

21 **TITLE XXXV—SAFE CAMPUSES**
22 **FOR WOMEN**

23 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 1541(i) of the Higher Education Amendments
25 of 1992 (20 U.S.C. 1145h(i)) is amended to read as follows:

1 “(i) For the purpose of carrying out this part, there
2 are authorized to be appropriated \$20,000,000 for fiscal
3 year 1994 and such sums as are necessary for fiscal years
4 1995, 1996, and 1997.”.

5 **TITLE XXXVI—EQUAL JUSTICE**
6 **FOR WOMEN IN THE COURTS**
7 **ACT**

8 **SEC. 3601. SHORT TITLE.**

9 This title may be cited as the “Equal Justice for
10 Women in the Courts Act of 1993”.

11 **Subtitle A—Education and Train-**
12 **ing for Judges and Court Per-**
13 **sonnel in State Courts**

14 **SEC. 3611. GRANTS AUTHORIZED.**

15 The State Justice Institute may award grants for the
16 purpose of developing, testing, presenting, and disseminat-
17 ing model programs to be used by States in training judges
18 and court personnel in the laws of the States on rape, sexual
19 assault, domestic violence, and other crimes of violence mo-
20 tivated by the victim’s gender.

21 **SEC. 3612. TRAINING PROVIDED BY GRANTS.**

22 Training provided pursuant to grants made under this
23 subtitle may include current information, existing studies,
24 or current data on—

1 (1) *the nature and incidence of rape and sexual*
2 *assault by strangers and nonstrangers, marital rape,*
3 *and incest;*

4 (2) *the underreporting of rape, sexual assault,*
5 *and child sexual abuse;*

6 (3) *the physical, psychological, and economic im-*
7 *act of rape and sexual assault on the victim, the*
8 *costs to society, and the implications for sentencing;*

9 (4) *the psychology of sex offenders, their high*
10 *rate of recidivism, and the implications for sentenc-*
11 *ing;*

12 (5) *the historical evolution of laws and attitudes*
13 *on rape and sexual assault;*

14 (6) *sex stereotyping of female and male victims*
15 *of rape and sexual assault, racial stereotyping of rape*
16 *victims and defendants, and the impact of such*
17 *stereotypes on credibility of witnesses, sentencing, and*
18 *other aspects of the administration of justice;*

19 (7) *application of rape shield laws and other*
20 *limits on introduction of evidence that may subject*
21 *victims to improper sex stereotyping and harassment*
22 *in both rape and nonrape cases, including the need*
23 *for sua sponte judicial intervention in inappropriate*
24 *cross-examination;*

1 (8) *the use of expert witness testimony on rape*
2 *trauma syndrome, child sexual abuse accommodation*
3 *syndrome, post-traumatic stress syndrome, and simi-*
4 *lar issues;*

5 (9) *the legitimate reasons why victims of rape,*
6 *sexual assault, and incest may refuse to testify*
7 *against a defendant;*

8 (10) *the nature and incidence of domestic vio-*
9 *lence;*

10 (11) *the physical, psychological, and economic*
11 *impact of domestic violence on the victim, the costs to*
12 *society, and the implications for court procedures and*
13 *sentencing;*

14 (12) *the psychology and self-presentation of*
15 *batterers and victims and the implications for court*
16 *proceedings and credibility of witnesses;*

17 (13) *sex stereotyping of female and male victims*
18 *of domestic violence, myths about presence or absence*
19 *of domestic violence in certain racial, ethnic, reli-*
20 *gious, or socioeconomic groups, and their impact on*
21 *the administration of justice;*

22 (14) *historical evolution of laws and attitudes on*
23 *domestic violence;*

24 (15) *proper and improper interpretations of the*
25 *defenses of self-defense and provocation, and the use*

1 *of expert witness testimony on battered woman syn-*
2 *drome;*

3 *(16) the likelihood of retaliation, recidivism, and*
4 *escalation of violence by batterers, and the potential*
5 *impact of incarceration and other meaningful sanc-*
6 *tions for acts of domestic violence including violations*
7 *of orders of protection;*

8 *(17) economic, psychological, social and institu-*
9 *tional reasons for victims' inability to leave the*
10 *batterer, to report domestic violence or to follow*
11 *through on complaints, including the influence of lack*
12 *of support from police, judges, and court personnel,*
13 *and the legitimate reasons why victims of domestic*
14 *violence may refuse to testify against a defendant;*

15 *(18) the need for orders of protection, and the*
16 *implications of mutual orders of protection, dual ar-*
17 *rest policies, and mediation in domestic violence*
18 *cases;*

19 *(19) recognition of and response to gender-moti-*
20 *vated crimes of violence other than rape, sexual as-*
21 *sault and domestic violence, such as mass or serial*
22 *murder motivated by the gender of the victims; and*

23 *(20) current information on the impact of por-*
24 *nography on crimes against women, or data on other*
25 *activities that tend to degrade women.*

1 **SEC. 3613. COOPERATION IN DEVELOPING PROGRAMS IN**
2 **MAKING GRANTS UNDER THIS TITLE.**

3 *The State Justice Institute shall ensure that model*
4 *programs carried out pursuant to grants made under this*
5 *subtitle are developed with the participation of law enforce-*
6 *ment officials, public and private nonprofit victim advo-*
7 *cates, legal experts, prosecutors, defense attorneys, and rec-*
8 *ognized experts on gender bias in the courts.*

9 **SEC. 3614. AUTHORIZATION OF APPROPRIATIONS.**

10 *There is authorized to be appropriated to carry out*
11 *this subtitle \$600,000 for fiscal year 1994. Of amounts ap-*
12 *propriated under this section, the State Justice Institute*
13 *shall expend no less than 40 percent on model programs*
14 *regarding domestic violence and no less than 40 percent on*
15 *model programs regarding rape and sexual assault.*

16 **Subtitle B—Education and Train-**
17 **ing for Judges and Court Per-**
18 **sonnel in Federal Courts**

19 **SEC. 3621. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
20 **CATION AND TRAINING GRANTS.**

21 *(a) STUDY.—In order to gain a better understanding*
22 *of the nature and the extent of gender bias in the Federal*
23 *courts, the circuit judicial councils are encouraged to con-*
24 *duct studies of the instances, if any, of gender bias in their*
25 *respective circuits. The studies may include an examination*
26 *of the effects of gender on—*

1 (1) *the treatment of litigants, witnesses, attor-*
2 *neys, jurors, and judges in the courts, including before*
3 *magistrate and bankruptcy judges;*

4 (2) *the interpretation and application of the law,*
5 *both civil and criminal;*

6 (3) *treatment of defendants in criminal cases;*

7 (4) *treatment of victims of violent crimes;*

8 (5) *sentencing;*

9 (6) *sentencing alternatives, facilities for incar-*
10 *ceration, and the nature of supervision of probation*
11 *and parole;*

12 (7) *appointments to committees of the Judicial*
13 *Conference and the courts;*

14 (8) *case management and court sponsored alter-*
15 *native dispute resolution programs;*

16 (9) *the selection, retention, promotion, and treat-*
17 *ment of employees;*

18 (10) *appointment of arbitrators, experts, and*
19 *special masters; and*

20 (11) *the aspects of the topics listed in section*
21 *3612 that pertain to issues within the jurisdiction of*
22 *the Federal courts.*

23 (b) *CLEARINGHOUSE.*—*The Judicial Conference of the*
24 *United States shall designate an entity within the Judicial*
25 *branch to act as a clearinghouse to disseminate any reports*

1 *and materials issued by the gender bias task forces under*
2 *subsection (a) and to respond to requests for such reports*
3 *and materials. The gender bias task forces shall provide this*
4 *entity with their reports and related material.*

5 (c) *MODEL PROGRAMS.*—*The Federal Judicial Center,*
6 *in carrying out section 620(b)(3) of title 28, United States*
7 *Code, may—*

8 (1) *include in the educational programs it pre-*
9 *sents and prepares, including the training programs*
10 *for newly appointed judges, information on issues re-*
11 *lated to gender bias in the courts including such areas*
12 *as are listed in subsection (a) along with such other*
13 *topics as the Federal Judicial Center deems appro-*
14 *priate;*

15 (2) *prepare materials necessary to implement*
16 *this subsection; and*

17 (3) *take into consideration the findings and rec-*
18 *ommendations of the studies conducted pursuant to*
19 *subsection (a), and to consult with individuals and*
20 *groups with relevant expertise in gender bias issues as*
21 *it prepares or revises such materials.*

22 **SEC. 3622. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) *IN GENERAL.*—*There is authorized to be appro-*
24 *priated—*

1 (1) \$400,000 to the Salaries and Expenses Ac-
2 count of the Courts of Appeals, District Courts, and
3 other Judicial Services, to carry out section 3621(a),
4 to be available until expended through fiscal year
5 1995;

6 (2) \$100,000 to the Federal Judicial Center to
7 carry out section 3621(c) and any activities des-
8 ignated by the Judicial Conference under section
9 3621(b); and

10 (3) such sums as are necessary to the Adminis-
11 trative Office of the United States Courts to carry out
12 any activities designated by the Judicial Conference
13 under section 3621(b).

14 (b) *THE JUDICIAL CONFERENCE OF THE UNITED*
15 *STATES.*—(1) *The Judicial Conference of the United States*
16 *Courts shall allocate funds to Federal circuit courts under*
17 *this subtitle that—*

18 (A) *undertake studies in their own circuits; or*

19 (B) *implement reforms recommended as a result*
20 *of such studies in their own or other circuits, includ-*
21 *ing education and training.*

22 (2) *Funds shall be allocated to Federal circuits under*
23 *this subtitle on a first come first serve basis in an amount*
24 *not to exceed \$50,000 on the first application. If within*
25 *6 months after the date on which funds authorized under*

1 *this Act become available, funds are still available, circuits*
2 *that have received funds may reapply for additional funds,*
3 *with not more than \$200,000 going to any one circuit.*

4 **TITLE XXXVII—VIOLENCE**
5 **AGAINST WOMEN ACT IM-**
6 **PROVEMENTS**

7 **SEC. 3701. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

8 *Section 3156(a)(4) of title 18, United States Code, is*
9 *amended—*

10 *(1) by striking “or” at the end of subparagraph*

11 *(A);*

12 *(2) by striking the period at the end of subpara-*
13 *graph (B) and inserting “; or”; and*

14 *(3) by adding after subparagraph (B) the follow-*
15 *ing new subparagraph:*

16 *“(C) any felony under chapter 109A or chapter*
17 *110.”.*

18 **SEC. 3702. INCREASED PENALTIES FOR SEX OFFENSES**

19 **AGAINST VICTIMS BELOW THE AGE OF 16.**

20 *Section 2245(2) of title 18, United States Code, is*
21 *amended—*

22 *(1) by striking “or” at the end of subparagraph*
23 *(B);*

24 *(2) by striking “; and” at the end of subpara-*
25 *graph (C) and inserting “; or”; and*

1 (3) by inserting after subparagraph (C) the fol-
2 lowing new subparagraph:

3 “(D) the intentional touching, not through the
4 clothing, of the genitalia of another person who has
5 not attained the age of 16 years with an intent to
6 abuse, humiliate, harass, degrade, or arouse or gratify
7 the sexual desire of any person;”.

8 **SEC. 3703. PAYMENT OF COST OF HIV TESTING.**

9 (a) *FOR VICTIMS IN SEX OFFENSE CASES.*—Section
10 503(c)(7) of the Victims’ Rights and Restitution Act of 1990
11 (42 U.S.C. 10607(c)(7)) is amended by adding at the end
12 the following: “The Attorney General shall authorize the Di-
13 rector of the Office of Victims of Crime to provide for the
14 payment of the cost of up to two tests of the victim for the
15 human immunodeficiency virus during the 12 months fol-
16 lowing a serious assault, and the cost of a counseling session
17 by a medically trained professional on the accuracy of such
18 tests and the risk of transmission of the human
19 immunodeficiency virus to the victim as the result of the
20 assault.”.

21 (b) *TESTING OF CERTAIN INDIVIDUALS CHARGED*
22 *WITH CERTAIN SEXUAL OFFENSES FOR THE PRESENCE OF*
23 *THE ETIOLOGIC AGENT FOR AIDS.*—Victims of any offense
24 of the type described in Chapter 109A of title 18, United

1 *States Code, shall after appropriate counseling, on request,*
2 *be provided with—*

3 (1) *anonymous and confidential testing for the*
4 *presence of the etiologic agent for acquired immune*
5 *deficiency syndrome, and counseling concerning such,*
6 *at no cost by appropriately trained staff operating*
7 *through appropriate service providers, including rape*
8 *crisis centers, community health centers, public health*
9 *clinics, physicians, or other appropriate service pro-*
10 *viders; follow-up tests and counseling will be available*
11 *at no cost on dates that occur three, six and twelve*
12 *months following the initial test; and*

13 (2) *necessary and appropriate medical care.*

14 (c) *LIMITED TESTING OF DEFENDANTS.—*

15 (1) *COURT ORDER.—The victim of an offense of*
16 *the type referred to in subsection (a) may obtain an*
17 *order in the district court of the United States for the*
18 *district in which charges are brought against the de-*
19 *fendant charged with the offense, after notice to the*
20 *defendant and an opportunity to be heard, requiring*
21 *that the defendant be tested for the presence of the*
22 *etiologic agent for acquired immune deficiency syn-*
23 *drome, and that the results of the test be commu-*
24 *nicated to the victim and the defendant. Any test re-*

1 *sult of the defendant given to the victim or the defend-*
2 *ant must be accompanied by appropriate counseling.*

3 (2) *SHOWING REQUIRED.*—*To obtain an order*
4 *under paragraph (1), the victim must demonstrate*
5 *that—*

6 (A) *the defendant has been charged with the*
7 *offense in a State or Federal court, and if the de-*
8 *fendant has been arrested without a warrant, a*
9 *probable cause determination has been made;*

10 (B) *the test for the etiologic agent for ac-*
11 *quired immune deficiency syndrome is requested*
12 *by the victim after appropriate counseling; and*

13 (C) *the test would provide information nec-*
14 *essary for the health of the victim of the alleged*
15 *offense and the court determines that the alleged*
16 *conduct of the defendant created a risk of trans-*
17 *mission, as determined by the Centers for Dis-*
18 *ease Control, of the etiologic agent for acquired*
19 *immune deficiency syndrome to the victim.*

20 (3) *FOLLOW-UP TESTING.*—*The court may order*
21 *follow-up tests and counseling under paragraph (b)(1)*
22 *if the initial test was negative. Such follow-up tests*
23 *and counseling shall be performed at the request of the*
24 *victim on dates that occur six months and twelve*
25 *months following the initial test.*

1 (4) *TERMINATION OF TESTING REQUIRE-*
2 *MENTS.—An order for follow-up testing under para-*
3 *graph (3) shall be terminated if the person obtains an*
4 *acquittal on, or dismissal of, all charges of the type*
5 *referred to in subsection (a).*

6 (d) *CONFIDENTIALITY OF TEST.—The results of any*
7 *test ordered under this section shall be disclosed only to the*
8 *victim or, where the court deems appropriate, to the parent*
9 *or legal guardian of the victim, and to the person tested.*
10 *The victim may disclose the test results only to any personal*
11 *physician or sexual partner(s) she may have had since the*
12 *attack.*

13 (e) *DISCLOSURE OF TEST RESULTS.—The court shall*
14 *issue an order to prohibit the disclosure of the results of*
15 *any test performed under this section to anyone other than*
16 *those mentioned in subsection (c). The contents of the court*
17 *proceedings and test results pursuant to this section shall*
18 *be sealed. The results of such test performed on the defend-*
19 *ant under this section shall not be used as evidence in any*
20 *criminal trial.*

21 (f) *CONTEMPT FOR DISCLOSURE.—Any person who*
22 *discloses the results of a test in violation of this section may*
23 *be held in contempt of court.*

24 (g) *PENALTIES FOR INTENTIONAL TRANSMISSION OF*
25 *HIV.—Not later than 6 months after the date of enactment*

1 of this section, the United States Sentencing Commission
2 shall conduct a study and prepare and submit to the appro-
3 priate committees of congress a report concerning rec-
4 ommendations for the revision of sentencing guidelines that
5 relate to offenses in which an HIV infected individual en-
6 gages in sexual activity if the individual knows that he or
7 she is infected with HIV and intends, through such sexual
8 activity, to expose another to HIV.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated such sums as may be nec-
11 essary to carry out the purposes of this section.

12 **SEC. 3704. EXTENSION AND STRENGTHENING OF RESTITU-**
13 **TION.**

14 Section 3663(b) of title 18, United States Code, is
15 amended—

16 (1) in paragraph (2) by inserting “including an
17 offense under chapter 109A or chapter 110” after “an
18 offense resulting in bodily injury to a victim”;

19 (2) by striking “and” at the end of paragraph
20 (3);

21 (3) by redesignating paragraph (4) as para-
22 graph (5); and

23 (4) by inserting after paragraph (3) the follow-
24 ing new paragraph:

1 “(4) in any case, reimburse the victim for lost
2 income and necessary child care, transportation, and
3 other expenses related to participation in the inves-
4 tigation or prosecution of the offense or attendance at
5 proceedings related to the offense; and”.

6 **SEC. 3705. ENFORCEMENT OF RESTITUTION ORDERS**
7 **THROUGH SUSPENSION OF FEDERAL BENE-**
8 **FITS.**

9 Section 3663 of title 18, United States Code, is amend-
10 ed—

11 (1) by redesignating subsections (g) and (h) as
12 subsections (h) and (i), respectively; and

13 (2) by inserting after subsection (f) the following
14 new subsection:

15 “(g)(1) If the defendant is delinquent in making res-
16 titution in accordance with any schedule of payments or
17 any requirement of immediate payment imposed under this
18 section, the court may, after a hearing, suspend the defend-
19 ant’s eligibility for all Federal benefits until such time as
20 the defendant demonstrates to the court good-faith efforts
21 to return to such schedule.

22 “(2) In this subsection—

23 “(A) ‘Federal benefits’—

24 “(i) means any grant, contract, loan, pro-
25 fessional license, or commercial license provided

1 by an agency of the United States or appro-
2 priated funds of the United States; and

3 “(ii) does not include any retirement, wel-
4 fare, Social Security, health, disability, veterans
5 benefit, public housing, or other similar benefit,
6 or any other benefit for which payments or serv-
7 ices are required for eligibility.

8 “(B) ‘veterans benefit’ means all benefits pro-
9 vided to veterans, their families, or survivors by vir-
10 tue of the service of a veteran in the Armed Forces of
11 the United States.”.

12 **SEC. 3706. INADMISSIBILITY OF EVIDENCE TO SHOW PROV-**
13 **OCATION OR INVITATION BY VICTIM IN SEX**
14 **OFFENSE CASES.**

15 (a) *RULE.*—The Federal Rules of Evidence, as amend-
16 ed by section 3254, are amended by adding after rule 413
17 the following new rule:

18 **“Rule 414. Inadmissibility of Evidence to Show Invitation or**
19 **Provocation by Victim in Sexual Abuse Cases**

20 *“In a criminal case in which a person is accused of*
21 *an offense involving conduct proscribed by chapter 109A of*
22 *title 18, United States Code, evidence is not admissible to*
23 *show that the alleged victim invited or provoked the com-*
24 *mission of the offense. This rule does not limit the admis-*
25 *sion of evidence of consent by the alleged victim if the issue*

1 *of consent is relevant to liability and the evidence is other-*
2 *wise admissible under these rules.”.*

3 (b) *TECHNICAL AMENDMENT.*—*The table of contents*
4 *for the Federal Rules of Evidence, as amended by section*
5 *4, is amended by inserting after the item relating to rule*
6 *413 the following new item:*

“414. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases.”.

7 **SEC. 3707. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL**
8 **ASSAULT.**

9 (a) *STUDY.*—*The Attorney General shall provide for*
10 *a national baseline study to examine the scope of the prob-*
11 *lem of campus sexual assaults and the effectiveness of insti-*
12 *tutional and legal policies in addressing such crimes and*
13 *protecting victims. The Attorney General may utilize the*
14 *Bureau of Justice Statistics, the National Institute of Jus-*
15 *tice, and the Office for Victims of Crime in carrying out*
16 *this section.*

17 (b) *REPORT.*—*Based on the study required by sub-*
18 *section (a), the Attorney General shall prepare a report in-*
19 *cluding an analysis of—*

20 (1) *the number of reported allegations and esti-*
21 *mated number of unreported allegations of campus*
22 *sexual assaults, and to whom the allegations are re-*
23 *ported (including authorities of the educational insti-*

1 *tution, sexual assault victim service entities, and local*
2 *criminal authorities);*

3 *(2) the number of campus sexual assault allega-*
4 *tions reported to authorities of educational institu-*
5 *tions which are reported to criminal authorities;*

6 *(3) the number of campus sexual assault allega-*
7 *tions that result in criminal prosecution in compari-*
8 *son with the number of non-campus sexual assault al-*
9 *legations that result in criminal prosecution;*

10 *(4) Federal and State laws or regulations per-*
11 *taining specifically to campus sexual assaults;*

12 *(5) the adequacy of policies and practices of edu-*
13 *cational institutions in addressing campus sexual as-*
14 *saults and protecting victims, including consideration*
15 *of—*

16 *(A) the security measures in effect at edu-*
17 *cational institutions, such as utilization of cam-*
18 *pus police and security guards, control over ac-*
19 *cess to grounds and buildings, supervision of stu-*
20 *dent activities and student living arrangements,*
21 *control over the consumption of alcohol by stu-*
22 *dents, lighting, and the availability of escort*
23 *services;*

1 (B) the articulation and communication to
2 students of the institution's policies concerning
3 sexual assaults;

4 (C) policies and practices that may prevent
5 or discourage the reporting of campus sexual as-
6 saults to local criminal authorities, or that may
7 otherwise obstruct justice or interfere with the
8 prosecution of perpetrators of campus sexual
9 assaults;

10 (D) the nature and availability of victim
11 services for victims of campus sexual assaults;

12 (E) the ability of educational institutions'
13 disciplinary processes to address allegations of
14 sexual assault adequately and fairly;

15 (F) measures that are taken to ensure that
16 victims are free of unwanted contact with alleged
17 assailants, and disciplinary sanctions that are
18 imposed when a sexual assault is determined to
19 have occurred; and

20 (G) the grounds on which educational insti-
21 tutions are subject to lawsuits based on campus
22 sexual assaults, the resolution of these cases, and
23 measures that can be taken to avoid the likeli-
24 hood of lawsuits and civil liability;

1 (6) *an assessment of the policies and practices of*
2 *educational institutions that are of greatest effective-*
3 *ness in addressing campus sexual assaults and pro-*
4 *tecting victims, including policies and practices relat-*
5 *ing to the particular issues described in paragraph*
6 *(5); and*

7 (7) *any recommendations the Attorney General*
8 *may have for reforms to address campus sexual as-*
9 *saults and protect victims more effectively, and any*
10 *other matters that the Attorney General deems rel-*
11 *evant to the subject of the study and report required*
12 *by this section.*

13 (c) *SUBMISSION OF REPORT.*—*The report required by*
14 *subsection (b) shall be submitted to the Congress no later*
15 *than September 1, 1995.*

16 (d) *DEFINITION.*—*For purposes of this section, “cam-*
17 *pus sexual assaults” includes sexual assaults occurring at*
18 *institutions of postsecondary education and sexual assaults*
19 *committed against or by students or employees of such*
20 *institutions.*

21 (e) *AUTHORIZATION OF APPROPRIATION.*—*There is*
22 *authorized to be appropriated \$200,000 to carry out the*
23 *study required by this section.*

1 **SEC. 3708. REPORT ON BATTERED WOMEN'S SYNDROME.**

2 (a) *REPORT.*—The Attorney General shall prepare and
3 transmit to the Congress a report on the status of battered
4 women's syndrome as a medical and psychological condi-
5 tion and on its effect in criminal trials. The Attorney Gen-
6 eral may utilize the National Institute of Justice to obtain
7 information required for the preparation of the report.

8 (b) *COMPONENTS OF REPORT.*—The report described
9 in subsection (a) shall include—

10 (1) a review of medical and psychological views
11 concerning the existence, nature, and effects of bat-
12 tered women's syndrome as a psychological condition;

13 (2) a compilation of judicial decisions that have
14 admitted or excluded evidence of battered women's
15 syndrome as evidence of guilt or as a defense in
16 criminal trials; and

17 (3) information on the views of judges, prosecu-
18 tors, and defense attorneys concerning the effects that
19 evidence of battered women's syndrome may have in
20 criminal trials.

21 **SEC. 3709. REPORT ON CONFIDENTIALITY OF ADDRESSES**
22 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

23 (a) *REPORT.*—The Attorney General shall conduct a
24 study of the means by which abusive spouses may obtain
25 information concerning the addresses or locations of es-
26 tranged or former spouses, notwithstanding the desire of the

1 *victims to have such information withheld to avoid further*
2 *exposure to abuse. Based on the study, the Attorney General*
3 *shall transmit a report to Congress including—*

4 (1) *the findings of the study concerning the*
5 *means by which information concerning the addresses*
6 *or locations of abused spouses may be obtained by*
7 *abusers; and*

8 (2) *analysis of the feasibility of creating effective*
9 *means of protecting the confidentiality of information*
10 *concerning the addresses and locations of abused*
11 *spouses to protect such persons from exposure to fur-*
12 *ther abuse while preserving access to such information*
13 *for legitimate purposes.*

14 (b) *USE OF COMPONENTS.—The Attorney General*
15 *may use the National Institute of Justice and the Office*
16 *for Victims of Crime in carrying out this section.*

17 **SEC. 3710. REPORT ON RECORDKEEPING RELATING TO DO-**
18 **MESTIC VIOLENCE.**

19 *Not later than 1 year after the date of enactment of*
20 *this Act, the Attorney General shall complete a study of,*
21 *and shall submit to Congress a report and recommendations*
22 *on, problems of recordkeeping of criminal complaints in-*
23 *volving domestic violence. The study and report shall exam-*
24 *ine—*

1 (1) *the efforts that have been made by the De-*
2 *partment of Justice, including the Federal Bureau of*
3 *Investigation, to collect statistics on domestic violence;*
4 *and*

5 (2) *the feasibility of requiring that the relation-*
6 *ship between an offender and victim be reported in*
7 *Federal records of crimes of aggravated assault, rape,*
8 *and other violent crimes.*

9 **SEC. 3711. REPORT ON FAIR TREATMENT IN LEGAL PRO-**
10 **CEEDINGS.**

11 *Not later than 180 days after the date of enactment*
12 *of this Act, the Judicial Conference of the United States*
13 *shall review and make recommendations, and report to*
14 *Congress, regarding the advisability of creating Federal*
15 *rules of professional conduct for lawyers in Federal cases*
16 *involving sexual misconduct that—*

17 (1) *protect litigants from a course of conduct in-*
18 *tended solely for the purpose of distressing, harassing,*
19 *embarrassing, burdening, or inconveniencing liti-*
20 *gants;*

21 (2) *counsel against reliance on generalizations or*
22 *stereotypes that demean, disgrace, or humiliate on the*
23 *basis of gender;*

24 (3) *protect litigants from a course of conduct in-*
25 *tended solely to increase the expense of litigation; and*

1 (4) *prohibit counsel from offering evidence that*
2 *the lawyer knows to be false or from discrediting evi-*
3 *dence the lawyer knows to be true.*

4 **SEC. 3712. REPORT ON FEDERAL RULE OF EVIDENCE 404.**

5 (a) *STUDY.*—*Not later than 180 days after the date*
6 *of enactment of this Act, the Judicial Conference shall com-*
7 *plete a study of, and shall submit to Congress recommenda-*
8 *tions for amending, rule 404 of the Federal Rules of Evi-*
9 *dence as it affects the admission of evidence of a defendant's*
10 *prior sex crimes in cases brought pursuant to chapter 109A*
11 *or other cases involving sexual misconduct.*

12 (b) *SPECIFIC ISSUES.*—*The study described in sub-*
13 *section (a) shall include—*

14 (1) *a survey of existing law on the introduction*
15 *of prior similar sex crimes under State and Federal*
16 *evidentiary rules;*

17 (2) *a recommendation concerning whether rule*
18 *404 should be amended to introduce evidence of prior*
19 *sex crimes and, if so—*

20 (A) *whether such acts could be used to prove*
21 *the defendant's propensity to act therewith; and*

22 (B) *whether evidence of prior similar sex*
23 *crimes should be admitted for purposes other*
24 *than to show character;*

1 (3) a recommendation concerning whether evi-
2 dence of similar acts, if admitted, should meet a
3 threshold of similarity to the crime charged;

4 (4) a recommendation concerning whether evi-
5 dence of similar acts, if admitted, should be limited
6 to a certain time period, (such as 10 years); and

7 (5) the effect, if any, of the adoption of any pro-
8 posed changes on the admissibility of evidence under
9 rule 412 of the Federal Rules of Evidence.

10 **SEC. 3713. SUPPLEMENTARY GRANTS FOR STATES ADOPT-**
11 **ING EFFECTIVE LAWS RELATING TO SEXUAL**
12 **VIOLENCE.**

13 (a) *IN GENERAL.*—The Attorney General may, in each
14 fiscal year, award an aggregate amount of up to \$1,000,000
15 to a State that meets the eligibility requirements of sub-
16 section (b).

17 (b) *ELIGIBILITY.*—The authority to award additional
18 funding under this section is conditional on certification
19 by the Attorney General that the State has laws or policies
20 relating to sexual violence that exceed or are reasonably
21 comparable to the provisions of Federal law (including
22 changes in Federal law made by this Act) in the following
23 areas:

24 (1) Provision of training and policy development
25 programs for law enforcement officers, prosecutors,

1 *and judges concerning the investigation and prosecu-*
2 *tion of sexual offenses.*

3 *(2) Authorization of law enforcement and pros-*
4 *ecutorial units and teams that target sexual violence.*

5 *(3) Funding of victim services programs for vic-*
6 *tims of sexual violence.*

7 *(4) Authorization of educational and informa-*
8 *tional programs relating to sexual violence.*

9 *(5) Authorization of pretrial detention of defend-*
10 *ants in sexual assault cases where provision of flight*
11 *or the safety of others cannot be reasonably assured*
12 *by other means.*

13 *(6) Authorization of serious penalties for*
14 *nonconsensual sexual assault offenses.*

15 *(7) Payment of the cost of medical examinations*
16 *and testing by the victim for sexually transmitted dis-*
17 *eases.*

18 *(8) Provision of rape shield protection to ensure*
19 *that victims of sexual assault are protected from in-*
20 *quiry into unrelated sexual behavior in sexual assault*
21 *cases.*

22 *(9) Provision of rules of professional conduct in-*
23 *tended to protect against a course of conduct intended*
24 *solely for the purpose of distressing, harassing, embar-*

1 *rassing, burdening, or inconveniencing litigants in*
 2 *sexual assault cases.*

3 (10) *Authorization of the presence of the victim*
 4 *in the courtroom at the time of trial and provides for*
 5 *the victim's addressing the court concerning the sen-*
 6 *tence to be imposed.*

7 (11) *Authorization of awards of restitution to*
 8 *victims of sexual assaults as part of a criminal sen-*
 9 *tence.*

10 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 11 *authorized to be appropriated for each fiscal year such sums*
 12 *as are necessary to carry out this section.*

13 ***TITLE XXXVIII—ENHANCED PEN-***
 14 ***ALTIES FOR ANTI-FRAUD EN-***
 15 ***FORCEMENT EFFORTS***

16 ***SEC. 3801. SHORT TITLE.***

17 (a) *SHORT TITLE.—This title may be cited as the “Na-*
 18 *tional Health Care Anti-Fraud and Abuse Act of 1993”.*

19 ***Subtitle A—Amendments to***
 20 ***Criminal Law***

21 ***SEC. 3811. HEALTH CARE FRAUD.***

22 (a) *IN GENERAL.—*

23 (1) *FINES AND IMPRISONMENT FOR HEALTH*
 24 *CARE FRAUD VIOLATIONS.—Chapter 63 of title 18,*

1 *United States Code, is amended by adding at the end*
2 *the following:*

3 **“§ 1347. Health care fraud**

4 *“(a) Whoever knowingly executes, or attempts to exe-*
5 *cute, a scheme or artifice—*

6 *“(1) to defraud any health care plan or other*
7 *person, in connection with the delivery of or payment*
8 *for health care benefits, items, or services; or*

9 *“(2) to obtain, by means of false or fraudulent*
10 *pretenses, representations, or promises, any of the*
11 *money or property owned by, or under the custody or*
12 *control of, any health care plan, or person in connec-*
13 *tion with the delivery of or payment for health care*
14 *benefits, items, or services;*

15 *shall be fined under this title or imprisoned not more than*
16 *10 years, or both. If the violation results in serious bodily*
17 *injury (as defined in section 1365(g)(3) of this title), such*
18 *person shall be imprisoned for life or any term of years.*

19 *“(b) For purposes of this section, the term ‘health care*
20 *plan’ means a federally funded public program or private*
21 *program for the delivery of or payment for health care items*
22 *or services.”.*

23 *(2) CLERICAL AMENDMENT.—The table of sec-*
24 *tions at the beginning of chapter 63 of title 18, Unit-*

1 *ed States Code, is amended by adding at the end the*
2 *following:*

“1347. Health care fraud.”.

3 **SEC. 3812. FORFEITURES FOR FEDERAL HEALTH CARE OF-**
4 **FENSES.**

5 *Section 982(a) of title 18, United States Code, is*
6 *amended by inserting after paragraph (5) the following:*

7 *“(6)(A) If the court determines that a Federal health*
8 *care offense is of a type that poses a serious threat to the*
9 *health of any person or has a significant detrimental im-*
10 *pact on the health care system, the court, in imposing sen-*
11 *tence on a person convicted of that offense, shall order that*
12 *person to forfeit property, real or personal, that—*

13 *“(i)(I) is used in the commission of the offense;*
14 *or*

15 *“(II) constitutes or is derived from proceeds*
16 *traceable to the commission of the offense; and*

17 *“(ii) is of a value proportionate to the serious-*
18 *ness of the offense.”.*

19 *“(B) For purposes of this paragraph, the term ‘Federal*
20 *health care offense’ means a violation of, or a criminal con-*
21 *spiracy to violate—*

22 *“(i) section 1347 of this title;*

23 *“(ii) section 1128B of the Social Security*
24 *Act;*

1 “(iii) sections 287, 371, 664, 666, 1001,
2 1027, 1341, 1343, or 1954 of this title if the vio-
3 lation or conspiracy relates to health care fraud;

4 “(iv) section 501 or 511 of the Employee
5 Retirement Income Security Act of 1974, if the
6 violation or conspiracy relates to health care
7 fraud; and

8 “(v) section 301, 303(a)(2), or 303 (b) or (e)
9 of the Federal Food, Drug and Cosmetic Act, if
10 the violation or conspiracy relates to health care
11 fraud.”.

12 **SEC. 3813. INJUNCTIVE RELIEF RELATING TO FEDERAL**
13 **HEALTH CARE OFFENSES.**

14 Section 1345(a)(1) of title 18, United States Code, is
15 amended—

16 (1) by striking “or” at the end of subparagraph
17 (A);

18 (2) by inserting “or” at the end of subparagraph
19 (B); and

20 (3) by adding at the end the following:

21 “(C) committing or about to commit a Fed-
22 eral health care offense (as defined in section
23 982(a)(6)(B) of this title);”.

1 **SEC. 3814. RACKETEERING ACTIVITY RELATING TO FED-**
2 **ERAL HEALTH CARE OFFENSES.**

3 *Section 1961 of title 18, United States Code, is amend-*
4 *ed by inserting “section 982(a)(6) (relating to Federal*
5 *health care offenses),” after “sections 891–894 (relating to*
6 *extortionate credit transactions),”.*

7 **Subtitle E—Amendments to Civil**
8 **False Claims Act**

9 **SEC. 3821. AMENDMENTS TO CIVIL FALSE CLAIMS ACT.**

10 *Section 3729 of title 31, United States Code, is amend-*
11 *ed—*

12 *(1) in subsection (a)(7), by inserting “or to a*
13 *health care plan,” after “property to the Govern-*
14 *ment,”;*

15 *(2) in the matter following subsection (a)(7), by*
16 *inserting “or health care plan” before “sustains be-*
17 *cause of the act of that person,”;*

18 *(3) at the end of the first sentence of subsection*
19 *(a), by inserting “or health care plan” before “sus-*
20 *tains because of the act of the person.”;*

21 *(4) in subsection (c)—*

22 *(A) by inserting “the term” after “section,”;*
23 *and*

24 *(B) by adding at the end the following:*
25 *“The term also includes any request or demand,*
26 *whether under contract or otherwise, for money*

1 or property which is made or presented to a
2 health care plan.”; and

3 (5) by adding at the end the following:

4 “(f) *HEALTH CARE PLAN DEFINED.*—For purposes of
5 this section, the term ‘health care plan’ means a federally
6 funded public program for the delivery of or payment for
7 health care items or services.”.

8 ***TITLE XXXIX—SENIOR CITIZENS***
9 ***AGAINST MARKETING SCAMS***

10 ***SEC 3901. SHORT TITLE.***

11 This Act may be cited as the “Senior Citizens Against
12 Marketing Scams Act of 1993”.

13 ***SEC. 3902. FINDINGS AND DECLARATION.***

14 The Congress makes the following findings and dec-
15 laration:

16 (1) Unprecedented Federal law enforcement in-
17 vestigations have uncovered a national network of il-
18 licit telemarketing operations.

19 (2) Most of the telemarketing industry is legiti-
20 mate, employing over 3,000,000 people through direct
21 and indirect means.

22 (3) Illicit telemarketers, however, are an increas-
23 ing problem which victimizes our Nation’s senior citi-
24 zens in disproportionate numbers.

1 (4) *Interstate telemarketing fraud has become a*
2 *problem of such magnitude that the resources of the*
3 *Department of Justice are not sufficient to ensure*
4 *that there is adequate investigation of, and protection*
5 *from, such fraud.*

6 (5) *Telemarketing differs from other sales activi-*
7 *ties in that it can be carried out by sellers across*
8 *State lines without direct contact. Telemarketers can*
9 *also be very mobile, easily moving from State to*
10 *State.*

11 (6) *It is estimated that victims lose billions of*
12 *dollars a year as a result of telemarketing fraud.*

13 (7) *Consequently, Congress should enact legisla-*
14 *tion that will—*

15 (A) *enhance Federal law enforcement re-*
16 *sources;*

17 (B) *ensure adequate punishment for*
18 *telemarketing fraud; and*

19 (C) *educate the public.*

20 **SEC. 3903. ENHANCED PENALTIES FOR TELEMARKETING**
21 **FRAUD.**

22 (a) *OFFENSE.—Part I of title 18, United States Code,*
23 *is amended—*

24 (1) *by redesignating chapter 113A as chapter*
25 *113B; and*

1 (2) by inserting after chapter 113 the following
2 new chapter:

3 **“CHAPTER 113A—TELEMARKETING FRAUD**

 “Sec.

 “2325. Definition.

 “2326. Enhanced penalties.

 “2327. Restitution.

4 **“§ 2325. Definition**

5 *“In this chapter, ‘telemarketing’—*

6 *“(1) means a plan, program, promotion, or cam-*
7 *paign that is conducted to induce—*

8 *“(A) purchases of goods or services; or*

9 *“(B) participation in a contest or sweep-*
10 *stakes,*

11 *by use of 1 or more interstate telephone calls initiated*
12 *either by a person who is conducting the plan, pro-*
13 *gram, promotion, or campaign or by a prospective*
14 *purchaser or contest or sweepstakes participant; but*

15 *“(2) does not include the solicitation of sales*
16 *through the mailing of a catalog that—*

17 *“(A) contains a written description or illus-*
18 *tration of the goods or services offered for sale;*

19 *“(B) includes the business address of the*
20 *seller;*

21 *“(C) includes multiple pages of written ma-*
22 *terial or illustration; and*

1 “(D) has been issued not less frequently
2 than once a year,
3 if the person making the solicitation does not solicit
4 customers by telephone but only receives calls initi-
5 ated by customers in response to the catalog and dur-
6 ing those calls take orders without further solicitation.

7 **“§ 2326. Enhanced penalties**

8 “An offender that is convicted of an offense under
9 1028, 1029, 1341, 1342, 1343, or 1344 in connection with
10 the conduct of telemarketing—

11 “(1) may be imprisoned for a term of 5 years in
12 addition to any term of imprisonment imposed under
13 any of those sections, respectively; and

14 “(2) in the case of an offense under any of those
15 sections that—

16 “(A) victimized ten or more persons over the
17 age of 55; or

18 “(B) targeted persons over the age of 55,
19 may be imprisoned for a term of 10 years in addition
20 to any term of imprisonment imposed under any of
21 those sections, respectively.

22 **“§ 2327. Restitution**

23 “In sentencing an offender under section 2326, the
24 court shall order the offender to pay restitution to any vic-
25 tims and may order the offender to pay restitution to others

1 *who sustained losses as a result of the offender's fraudulent*
 2 *activity."*

3 (b) *TECHNICAL AMENDMENTS.—*

4 (1) *PART ANALYSIS.—The part analysis for part*
 5 *I of title 18, United States Code, is amended by strik-*
 6 *ing the item relating to chapter 113A and inserting*
 7 *the following:*

"113A. Telemarketing fraud 2325
"113B. Terrorism 2331".

8 (2) *CHAPTER 113B.—The chapter heading for*
 9 *chapter 113B of title 18, United States Code, as re-*
 10 *designated by subsection (a)(1), is amended to read as*
 11 *follows:*

12 ***"CHAPTER 113B—TERRORISM".***

13 ***SEC. 3904. FORFEITURE OF FRAUD PROCEEDS.***

14 *Section 982(a) of title 18, United States Code, is*
 15 *amended by adding at the end the following new paragraph:*

16 *"(6) The Court, in sentencing an offender under*
 17 *section 2326, shall order that the offender forfeit to the*
 18 *United States any real or personal property con-*
 19 *stituting or derived from proceeds that the offender*
 20 *obtained directly or indirectly as a result of the of-*
 21 *fense."*

1 **SEC. 3905. INCREASED PENALTIES FOR FRAUD AGAINST**
2 **OLDER VICTIMS.**

3 (a) *REVIEW.*—The United States Sentencing Commis-
4 sion shall review and, if necessary, amend the sentencing
5 guidelines to ensure that victim related adjustments for
6 fraud offenses against older victims over the age of 55 are
7 adequate.

8 (b) *REPORT.*—Not later than 180 days after the date
9 of enactment of this Act, the Sentencing Commission shall
10 report to Congress the result of its review under subsection
11 (a).

12 **SEC. 3906. REWARDS FOR INFORMATION LEADING TO PROS-**
13 **ECUTION AND CONVICTION.**

14 Section 3059 of title 18, United States Code, is amend-
15 ed by adding at the end the following new subsection:

16 “(c)(1) In special circumstances and in the Attorney
17 General’s sole discretion, the Attorney General may make
18 a payment of up to \$10,000 to a person who furnishes infor-
19 mation unknown to the Government relating to a possible
20 prosecution under section 2325 which results in a convic-
21 tion.

22 “(2) A person is not eligible for a payment under
23 paragraph (1) if—

24 “(A) the person is a current or former officer or
25 employee of a Federal, State, or local government
26 agency or instrumentality who furnishes information

1 *discovered or gathered in the course of government*
2 *employment;*

3 “(B) *the person knowingly participated in the*
4 *offense;*

5 “(C) *the information furnished by the person*
6 *consists of an allegation or transaction that has been*
7 *disclosed to the public—*

8 “(i) *in a criminal, civil, or administrative*
9 *proceeding;*

10 “(ii) *in a congressional, administrative, or*
11 *General Accounting Office report, hearing, audit,*
12 *or investigation; or*

13 “(iii) *by the news media, unless the person*
14 *is the original source of the information; or*

15 “(D) *when, in the judgment of the Attorney Gen-*
16 *eral, it appears that a person whose illegal activities*
17 *are being prosecuted or investigated could benefit*
18 *from the award.*

19 “(3) *For the purposes of paragraph (2)(C)(iii), the*
20 *term ‘original source’ means a person who has direct and*
21 *independent knowledge of the information that is furnished*
22 *and has voluntarily provided the information to the Gov-*
23 *ernment prior to disclosure by the news media.*

1 “(4) Neither the failure of the Attorney General to au-
2 thorize a payment under paragraph (1) nor the amount au-
3 thorized shall be subject to judicial review.”.

4 **SEC. 3907. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated for fiscal year
6 1994 for the purposes of carrying out this Act and the
7 amendments made by this Act—

8 (1) \$10,000,000 for the Federal Bureau of Inves-
9 tigation to hire, equip, and train no fewer than 100
10 special agents and support staff to investigate
11 telemarketing fraud cases;

12 (2) \$3,500,000 to hire, equip, and train no fewer
13 than 30 Department of Justice attorneys, assistant
14 United States Attorneys, and support staff to pros-
15 ecute telemarketing fraud cases; and

16 (3) \$10,000,000 for the Department of Justice to
17 conduct, in cooperation with State and local law en-
18 forcement agencies and senior citizen advocacy orga-
19 nizations, public awareness and prevention initiatives
20 for senior citizens, such as seminars and training.

21 **SEC. 3908. BROADENING APPLICATION OF MAIL FRAUD**

22 **STATUTE.**

23 Section 1341 of title 18, United States Code, is amend-
24 ed—

1 (1) by inserting “or deposits or causes to be de-
2 posited any matter or thing whatever to be sent or de-
3 livered by any private or commercial interstate car-
4 rier,” after “Postal Service,”; and

5 (2) by inserting “or such carrier” after “causes
6 to be delivered by mail”.

7 **SEC. 3909. FRAUD AND RELATED ACTIVITY IN CONNECTION**
8 **WITH ACCESS DEVICES.**

9 Section 1029 of title 18, United States Code, is amend-
10 ed—

11 (1) in subsection (a)—

12 (A) by striking “or” at the end of para-
13 graph (3); and

14 (B) by inserting after paragraph (4) the fol-
15 lowing new paragraphs:

16 “(5) knowingly and with intent to defraud effects
17 transactions, with 1 or more access devices issued to
18 another person or persons, to receive payment or any
19 other thing of value during any 1-year period the ag-
20 gregate value of which is equal to or greater than
21 \$1,000;

22 “(6) without the authorization of the issuer of
23 the access device, knowingly and with intent to de-
24 fraud solicits a person for the purpose of—

25 “(A) offering an access device; or

1 “(B) selling information regarding or an
2 application to obtain an access device; or

3 “(7) without the authorization of the credit card
4 system member or its agent, knowingly and with in-
5 tent to defraud causes or arranges for another person
6 to present to the member or its agent, for payment,
7 1 or more evidences or records of transactions made
8 by an access device;”;

9 (2) in subsection (c)(1) by striking “(a)(2) or
10 (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”;
11 and

12 (3) in subsection (e)—

13 (A) by striking “and” at the end of para-
14 graph (5);

15 (B) by striking the period at the end of
16 paragraph (6) and inserting “; and”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(7) the term ‘credit card system member’ means
20 a financial institution or other entity that is a mem-
21 ber of a credit card system, including an entity,
22 whether affiliated with or identical to the credit card
23 issuer, that is the sole member of a credit card sys-
24 tem.”.

1 **SEC. 3910. INFORMATION NETWORK.**

2 (a) *HOTLINE.*—The Attorney General shall establish a
3 national toll-free hotline for the purpose of—

4 (1) providing general information on
5 telemarketing fraud to interested persons; and

6 (2) gathering information related to possible vio-
7 lations of this Act.

8 (b) *ACTION ON INFORMATION GATHERED.*—The Attor-
9 ney General shall work in cooperation with the Federal
10 Trade Commission to ensure that information gathered
11 through the hotline shall be acted on in an appropriate
12 manner.

13 **TITLE XL—CHILD SAFETY**

14 **SEC. 4001. SHORT TITLE.**

15 *This title may be cited as the “Child Safety Act”.*

16 **SEC. 4002. FINDINGS.**

17 *Congress finds the following:*

18 (1) *The problem of family violence does not nec-*
19 *essarily cease when the victimized family is legally*
20 *separated, divorced, or otherwise not sharing a house-*
21 *hold. During separation and divorce, family violence*
22 *often escalates, and child custody and visitation be-*
23 *come the new forum for the continuation of abuse.*

24 (2) *Some perpetrators use the children as pawns*
25 *to control the abused party after the couple is sepa-*
26 *rated.*

1 (3) Every year an estimated 1,000 to 5,000 chil-
2 dren are killed by their parents in the United States.

3 (4) In 1988, the Department of Justice reported
4 that 354,100 children were abducted by family mem-
5 bers who violated custody agreements or decrees. Most
6 victims were children from ages 2 to 11 years.

7 (5) Approximately 160,000 children are seriously
8 injured or impaired by abuse or neglect each year.

9 (6) Studies by the American Humane Associa-
10 tion indicate that reports of child abuse and neglect
11 have increased by over 200 percent from 1976 to
12 1986.

13 (7) Approximately 90 percent of children in
14 homes in which their mothers are abused witness the
15 abuse.

16 (8) Data indicates that women and children are
17 at elevated risk for violence during the process of and
18 after separation.

19 (9) Fifty to 70 percent of men who abuse their
20 spouses or partners also abuse their children.

21 (10) Up to 75 percent of all domestic assaults re-
22 ported to law enforcement agencies were inflicted after
23 the separation of the couples.

1 (11) *In one study of spousal homicide, over half*
2 *of the male defendants were separated from their vic-*
3 *tims.*

4 (12) *Seventy-three percent of battered women*
5 *seeking emergency medical services do so after separa-*
6 *tion.*

7 **SEC. 4003. PURPOSE.**

8 *The purpose of this Act is to authorize funding to en-*
9 *able supervised visitation centers to provide the following:*

10 (1) *Supervised visitation in cases where there is*
11 *documented sexual, physical or emotional abuse as de-*
12 *termined by the appropriate court.*

13 (2) *Supervised visitation in cases where there is*
14 *suspected or elevated risk of sexual, physical or emo-*
15 *tional abuse, or where there have been threats of pa-*
16 *rental abduction of the child.*

17 (3) *Supervised visitation for children who have*
18 *been placed in foster homes as a result of abuse.*

19 (4) *An evaluation of visitation between parents*
20 *and children for child protection social services to as-*
21 *sist such service providers in making determinations*
22 *of whether the children should be returned to a pre-*
23 *viously abusive home.*

24 (5) *A safe location for custodial parents to tem-*
25 *porarily transfer custody of their children with non-*

1 *custodial parents, or to provide a protected visitation*
2 *environment, where there has been a history of domes-*
3 *tic violence or an order for protection is involved.*

4 *(6) An additional safeguard against the child*
5 *witnessing abuse or a safeguard against the injury or*
6 *death of a child or parent.*

7 *(7) An environment for families to have healthy*
8 *interaction activities, quality time, non-violent mem-*
9 *ory building experiences during visitation to help*
10 *build the parent/child relationship.*

11 *(8) Parent and child education and support*
12 *groups to help parents heal and learn new skills, and*
13 *to help children heal from past abuse.*

14 **SEC. 4004. DEMONSTRATION GRANTS FOR SUPERVISED VIS-**
15 **ITATION CENTERS.**

16 *(a) IN GENERAL.—The Secretary of Health and*
17 *Human Services (hereafter referred to in this Act as the*
18 *“Secretary”) is authorized to award grants to and enter*
19 *into contracts and cooperative agreements with public or*
20 *nonprofit private entities to assist such entities in the estab-*
21 *lishment and operation of supervised visitation centers.*

22 *(b) CONSIDERATIONS.—In awarding grants, contracts*
23 *and agreements under subsection (a), the Secretary shall*
24 *take into account—*

1 (1) *the number of families to be served by the*
2 *proposed visitation center to be established under the*
3 *grant, contract or agreement;*

4 (2) *the extent to which supervised visitation cen-*
5 *ters are needed locally;*

6 (3) *the relative need of the applicant; and*

7 (4) *the capacity of the applicant to make rapid*
8 *and effective use of assistance provided under the*
9 *grant, contract or agreement.*

10 (c) *USE OF FUNDS.—*

11 (1) *IN GENERAL.—*Amounts provided under a
12 *grant, contract or cooperative agreement awarded*
13 *under this section shall be used to establish supervised*
14 *visitation centers and for the purposes described in*
15 *section 4003. In using such amounts, grantees shall*
16 *target the economically disadvantaged and those indi-*
17 *viduals who could not otherwise afford such visitation*
18 *services. Other individuals may be permitted to uti-*
19 *lize the services provided by the center on a fee basis.*

20 (2) *COSTS.—*To the extent practicable, the Sec-
21 *retary shall ensure that, with respect to recipients of*
22 *grants, contracts or agreements under this section, the*
23 *perpetrators of the family violence, abuse or neglect*
24 *will be responsible for any and all costs associated*

1 with the supervised visitation undertaken at the cen-
2 ter.

3 **SEC. 4005. DEMONSTRATION GRANT APPLICATION.**

4 (a) *IN GENERAL.*—A grant, contract or cooperative
5 agreement may not be made or entered into under this Act
6 unless an application for such grant, contract or coopera-
7 tive agreement has been submitted to and approved by the
8 Secretary.

9 (b) *APPROVAL.*—Grants, contracts and cooperative
10 agreements under this Act shall be awarded in accordance
11 with such regulations as the Secretary may promulgate. At
12 a minimum, to be approved by the Secretary under this
13 section an application shall—

14 (1) demonstrate that the applicant has recog-
15 nized expertise in the area of family violence and a
16 record of high quality service to victims of family vio-
17 lence; and

18 (2) be submitted from an entity located in a
19 State where State law requires the courts to consider
20 evidence of violence in custody decisions.

21 **SEC. 4006. EVALUATION OF DEMONSTRATION PROJECTS.**

22 (a) *IN GENERAL.*—Not later than 30 days after the
23 end of each fiscal year, a recipient of a grant, contract or
24 cooperative agreement under this Act shall prepare and sub-

1 *mit to the Secretary a report that contains information con-*
2 *cerning—*

3 *(1) the number of families served per year;*

4 *(2) the number of families served per year cat-*
5 *egorized by—*

6 *(A) families who require that supervised*
7 *visitation because of child abuse only;*

8 *(B) families who require supervised visita-*
9 *tion because of a combination of child abuse and*
10 *domestic violence; and*

11 *(C) families who require supervised visita-*
12 *tion because of domestic violence only;*

13 *(3) the number of visits per family in the report*
14 *year categorized by—*

15 *(A) supervised visitation required by the*
16 *courts;*

17 *(B) supervised visitation based on suspected*
18 *or elevated risk of sexual, physical, or emotional*
19 *abuse, or threats of parental abduction of the*
20 *child that is not court mandated;*

21 *(C) supervised visitation that is part of a*
22 *foster care arrangement; and*

23 *(D) supervised visitation because of an*
24 *order of protection;*

1 (4) *the number of supervised visitation arrange-*
2 *ments terminated because of violations of visitation*
3 *terms, including violence;*

4 (5) *the number of protective temporary transfers*
5 *of custody during the report year;*

6 (6) *the number of parental abduction cases in a*
7 *judicial district using supervised visitation services,*
8 *both as identified in criminal prosecution and cus-*
9 *tody violations;*

10 (7) *the number of safety and security problems*
11 *that occur during the report year;*

12 (8) *the number of families who are turned away*
13 *because the center cannot accommodate the demand*
14 *for services;*

15 (9) *the process by which children or abused part-*
16 *ners will be protected during visitations, temporary*
17 *custody transfers and other activities for which the*
18 *supervised visitation centers are created; and*

19 (10) *any other information determined appro-*
20 *priate in regulations promulgated by the Secretary.*

21 (b) *EVALUATION.*—*In addition to submitting the re-*
22 *ports required under subsection (a), an entity receiving a*
23 *grant, contract or cooperative agreement under this Act*
24 *shall have a collateral agreement with the court, the child*
25 *protection social services division of the State, and local do-*

1 *mestic violence agencies or State and local domestic violence*
2 *coalitions to evaluate the supervised visitation center oper-*
3 *ated under the grant, contract or agreement. The entities*
4 *conducting such evaluations shall submit a narrative eval-*
5 *uation of the center to both the center and the grantee.*

6 (c) *DEMONSTRATION OF NEED.*—*The recipient of a*
7 *grant, contract or cooperative agreement under this Act*
8 *shall demonstrate, during the first 3 years of the project*
9 *operated under the grant, contract or agreement, the need*
10 *for continued funding.*

11 ***SEC. 4007. SPECIAL GRANTS TO STUDY THE EFFECT OF SU-***
12 ***PERVISED VISITATION ON SEXUALLY ABUSED***
13 ***OR SEVERELY PHYSICALLY ABUSED CHIL-***
14 ***DREN.***

15 (a) *AUTHORIZATION.*—*The Secretary is authorized to*
16 *award special grants to public or nonprofit private entities*
17 *to assist such entities in collecting clinical data for super-*
18 *vised visitation centers established under this Act to deter-*
19 *mine—*

20 (1) *the extent to which supervised visitation*
21 *should be allowed between children who are sexually*
22 *abused or severely physically abused by a parent,*
23 *where the visitation is not predicated on the abusive*
24 *parent having successively completed a specialized*
25 *course of therapy for such abusers;*

1 (2) *the effect of supervised visitation on child*
2 *victims of sexual abuse or severe physical abuse when*
3 *the abusive parent exercising visitation has not com-*
4 *pleted specialized therapy and does not use the visita-*
5 *tion to alleviate the child victim's guilt, fear, or con-*
6 *fusion;*

7 (3) *the relationship between the type of abuse or*
8 *neglect experienced by the child and the use of super-*
9 *vised visitation centers by the maltreating parent;*
10 *and*

11 (4) *in cases of spouse or partner abuse only, the*
12 *extent to which supervised visitation should be predi-*
13 *cated on participation by the abusive spouse in a spe-*
14 *cialized treatment program.*

15 (b) *APPLICATION.*—*To be eligible to receive a grant*
16 *under this section an entity shall prepare and submit to*
17 *the Secretary an application at such time, in such manner*
18 *and containing such information as the Secretary may re-*
19 *quire, including documentary evidence to demonstrate that*
20 *the entity possesses a high level of clinical expertise and*
21 *experience in child abuse treatment and prevention as they*
22 *relate to visitation. The level of clinical expertise and expe-*
23 *rience required will be determined by the Secretary.*

24 (c) *REPORT.*—*Not later than 1 year after the date on*
25 *which a grant is received under this section, and each year*

1 *thereafter for the duration of the grant, the grantee shall*
2 *prepare and submit to the Secretary a report containing*
3 *the clinical data collected under such grant.*

4 **SEC. 4008. REPORTING.**

5 *Not later than 18 months after the date of enactment*
6 *of this Act, and annually thereafter, the Secretary shall pre-*
7 *pare and submit to the appropriate committees of Congress*
8 *a report containing the information collected under the re-*
9 *ports received under sections 4006 and 4007, including rec-*
10 *ommendations made by the Secretary concerning whether*
11 *or not the supervised visitation center demonstration and*
12 *clinical data programs should be reauthorized.*

13 **SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

14 *(a) IN GENERAL.—For the purpose of awarding*
15 *grants, contracts and cooperative agreements under this*
16 *Act, there are authorized to be appropriated \$15,000,000*
17 *for fiscal year 1994, \$20,000,000 for fiscal year 1995, and*
18 *\$25,000,000 for fiscal year 1996.*

19 *(b) DISTRIBUTION.—Of the amounts appropriated*
20 *under subsection (a) for each fiscal year—*

21 *(1) not less than 80 percent shall be used to*
22 *award grants, contracts, or cooperative agreements*
23 *under section 4005; and*

24 *(2) not more than 20 percent shall be used to*
25 *award grants under section 4007.*

1 (c) *DISBURSEMENT.*—Amounts appropriated under
2 this section shall be disbursed as categorical grants through
3 the 10 regional offices of the Department of Health and
4 Human Services.

5 **TITLE XLI—FAMILY UNITY**
6 **DEMONSTRATION PROJECT**

7 **Subtitle A—Family Unity**
8 **Demonstration Project**

9 **SEC. 4101. SHORT TITLE.**

10 This title may be cited as the “Family Unity
11 Demonstration Project Act”.

12 **SEC. 4102. FINDINGS AND PURPOSES.**

13 (a) *FINDINGS.*—The Congress finds that—

14 (1) an increasing number of children are becom-
15 ing separated from their primary caretaker parents
16 due to the incarceration of the parents in prisons and
17 jails;

18 (2) such separation of children from their pri-
19 mary caretaker parents can cause harm to children’s
20 psychological well-being and hinder their growth and
21 development;

22 (3) a significant number of children are born
23 shortly before or during the incarceration of their
24 mothers and are then quickly separated from their
25 mothers, preventing the parent-child bonding that is

1 *crucial to developing in children a sense of security*
2 *and trust;*

3 *(4) maintaining close relationships with their*
4 *children provides a powerful incentive for prisoners to*
5 *participate in and successfully benefit from rehabili-*
6 *tative programs; and*

7 *(5) maintaining strong family ties during im-*
8 *prisonment has been shown to decrease recidivism,*
9 *thereby reducing prison costs.*

10 *(b) PURPOSE.—The purpose of this title is to evaluate*
11 *the effectiveness of certain demonstration projects in helping*
12 *to—*

13 *(1) alleviate the harm to children and primary*
14 *caretaker parents caused by separation due to the in-*
15 *carceration of the parents;*

16 *(2) reduce recidivism rates of prisoners by en-*
17 *couraging strong and supportive family relationships;*
18 *and*

19 *(3) explore the cost effectiveness of community*
20 *correctional facilities.*

21 **SEC. 4103. DEFINITIONS.**

22 *In this title—*

23 *“child” means a person who is less than 6 years*
24 *of age.*

1 *“community correctional facility” means a resi-*
2 *dential facility that—*

3 *(A) is used only for eligible offenders and*
4 *their children under 6 years of age;*

5 *(B) is not within the confines of a jail or*
6 *prison;*

7 *(C) has a maximum capacity of 50 pris-*
8 *oners in addition to their children; and*

9 *(D) provides to inmates and their chil-*
10 *dren—*

11 *(i) a safe, stable, environment for chil-*
12 *dren;*

13 *(ii) pediatric and adult medical care*
14 *consistent with medical standards for cor-*
15 *rectional facilities;*

16 *(iii) programs to improve the stability*
17 *of the parent-child relationship, including*
18 *educating parents regarding—*

19 *(I) child development; and*

20 *(II) household management;*

21 *(iv) alcoholism and drug addiction*
22 *treatment for prisoners; and*

23 *(v) programs and support services to*
24 *help inmates—*

1 (I) to improve and maintain
2 mental and physical health, including
3 access to counseling;

4 (II) to obtain adequate housing
5 upon release from State incarceration;

6 (III) to obtain suitable education,
7 employment, or training for employ-
8 ment; and

9 (IV) to obtain suitable child care.

10 “Director” means the Director of the Federal Bu-
11 reau of Prisons.

12 “eligible offender” means a primary caretaker
13 parent who—

14 (A) is sentenced to a term of imprisonment
15 of not more than 7 years or is awaiting sentenc-
16 ing for a conviction punishable by such a term
17 of imprisonment;

18 (B) except in the case of an offender await-
19 ing sentencing, is incarcerated currently to serve
20 that sentence;

21 (C) is not eligible currently for probation or
22 parole until the expiration of a period exceeding
23 180 days; and

24 (D) has not engaged in conduct which—

1 (i) knowingly resulted in death or seri-
2 ous bodily injury;

3 (ii) is a felony for a crime of violence
4 against the person; or

5 (iii) constitutes child neglect or mental,
6 physical, or sexual abuse of a child.

7 “primary caretaker parent” means—

8 (A) a parent who has consistently assumed
9 responsibility for the housing, health, and safety
10 of a child prior to incarceration; or

11 (B) a woman who has given birth to a child
12 after or while awaiting her sentencing hearing
13 and who expresses a willingness to assume re-
14 sponsibility for the housing, health, and safety of
15 that child,

16 a parent who, in the best interest of a child, has ar-
17 ranged for the temporary care of the child in the
18 home of a relative or other responsible adult shall not
19 for that reason be excluded from the category “pri-
20 mary caretaker”.

21 “State” means 1 of the States or the District of
22 Columbia.

1 **SEC. 4104. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *AUTHORIZATION.*—There is authorized to be ap-
3 propriated to carry out this title \$8,000,000 for each of fis-
4 cal years 1995, 1996, 1997, 1998 and 1999.

5 (b) *AVAILABILITY OF APPROPRIATIONS.*—Of the
6 amount appropriated under subsection (a) for any fiscal
7 year—

8 (1) 90 percent shall be available to carry out
9 title II; and

10 (2) 10 percent shall be available to carry out
11 title III.

12 **Subtitle B—Grants to States**

13 **SEC. 4111. AUTHORITY TO MAKE GRANTS.**

14 (a) *GENERAL AUTHORITY.*—The Director may make
15 grants, on a competitive basis, to States to carry out in
16 accordance with this title family unity demonstration
17 projects that enable eligible offenders to live in community
18 correctional facilities with their children.

19 (b) *PREFERENCES.*—For the purpose of making grants
20 under subsection (a), the Director shall give preference to
21 a State that includes in the application required by section
22 202 assurances that if the State receives a grant—

23 (1) both the State corrections agency and the
24 State health and human services agency will partici-
25 pate substantially in, and cooperate closely in all as-
26 pects of, the development and operation of the family

1 *unity demonstration project for which such a grant is*
2 *requested;*

3 *(2) boards made up of community residents,*
4 *local businesses, corrections officials, former prisoners,*
5 *child development professionals, educators, and mater-*
6 *nal and child health professionals will be established*
7 *to advise the State regarding the operation of such*
8 *project;*

9 *(3) the State has in effect a policy that provides*
10 *for the placement of all prisoners, whenever possible,*
11 *in correctional facilities for which they qualify that*
12 *are located closest to their respective family homes;*

13 *(4) unless the Director determines that a longer*
14 *timeline is appropriate in a particular case and noti-*
15 *fies the Attorney General in writing of the length as*
16 *reason for such extension, the State will implement*
17 *the project not later than 180 days after receiving a*
18 *grant under subsection (a) and will expend all of the*
19 *grant during a 1-year period;*

20 *(5) the State demonstrates that it has the capac-*
21 *ity to continue implementing a community correc-*
22 *tional facility beyond the funding period to ensure the*
23 *continuity of the work;*

24 *(6) for the purpose of selecting eligible offenders*
25 *to participate in the project, the State will—*

1 (A) give written notice to a prisoner, not
2 later than 30 days after the State first receives
3 a grant under subsection (a) or 30 days after the
4 prisoner is sentenced to a term of imprisonment
5 of not more than 7 years (whichever is later), of
6 the proposed or current operation of the project;

7 (B) accept at any time at which the project
8 is in operation an application by a prisoner to
9 participate in the project if, at the time of appli-
10 cation, the remainder of the prisoner's sentence
11 exceeds 180 days;

12 (C) review applications by prisoners in the
13 sequence in which the State receives such appli-
14 cations;

15 (D) not more than 50 days after reviewing
16 such applications approve or disapprove the ap-
17 plication; and

18 (7) for the purposes of selecting eligible offenders
19 to participate in such project, the State authorizes
20 State courts to sentence an eligible offender directly to
21 a correctional facility, provided that the court gives
22 assurances that the offender would have otherwise
23 served a term of imprisonment.

24 (c) *SELECTION OF GRANTEEES.*—The Director shall
25 make grants under subsection (a) on a competitive basis,

1 *based on such criteria as the Director shall issue by rule*
2 *and taking into account the priorities described in sub-*
3 *section (b).*

4 *(d) NUMBER OF GRANTS.—In any fiscal year for*
5 *which funds are available to carry out this title, the Direc-*
6 *tor shall make grants to no fewer than 4 and no greater*
7 *than 8 eligible States geographically dispersed throughout*
8 *the United States.*

9 **SEC. 4112. ELIGIBILITY TO RECEIVE GRANTS.**

10 *To be eligible to receive a grant under section 201(a),*
11 *a State shall submit to the Director an application at such*
12 *time, in such form, and containing such information as the*
13 *Director reasonably may require by rule.*

14 **SEC. 4113. REPORT.**

15 *(a) IN GENERAL.—A State that receives a grant under*
16 *this title shall, not later than 90 days after the 1-year pe-*
17 *riod in which the grant is required to be expended, submit*
18 *a report to the Director regarding the family unity dem-*
19 *onstration project for which the grant was expended.*

20 *(b) CONTENTS.—A report under subsection (a) shall—*

21 *(1) state the number of prisoners who submitted*
22 *applications to participate in the project and the*
23 *number of prisoners who were placed in community*
24 *correctional facilities;*

1 (2) *state, with respect to prisoners placed in the*
2 *project, the number of prisoners who are returned to*
3 *that jurisdiction and custody and the reasons for such*
4 *return;*

5 (3) *describe the nature and scope of educational*
6 *and training activities provided to prisoners partici-*
7 *pating in the project;*

8 (4) *state the number, and describe the scope of,*
9 *contracts made with public and nonprofit private*
10 *community-based organizations to carry out such*
11 *project; and*

12 (5) *evaluate the effectiveness of the project in ac-*
13 *complishing the purposes described in section 102(b).*

14 ***Subtitle C—Family Unity Dem-***
15 ***onstration Project for Federal***
16 ***Prisoners***

17 ***SEC. 4121. AUTHORITY OF THE ATTORNEY GENERAL.***

18 (a) *IN GENERAL.*—*Ten percent of the funds authorized*
19 *under this title shall be used for defendants convicted of*
20 *Federal offenses.*

21 (b) *GENERAL CONTRACTING AUTHORITY.*—*In imple-*
22 *menting this title, the Bureau of Prisons may enter into*
23 *contracts with appropriate public or private agencies to*
24 *provide housing, sustenance, services, and supervision of in-*

1 *mates eligible for placement in community correctional fa-*
2 *ilities under this title.*

3 *(c) USE OF STATE FACILITIES.—At the discretion of*
4 *the Attorney General, Federal participants may be placed*
5 *in State projects, as defined in title II. For such partici-*
6 *pants, the Attorney General shall, with funds available*
7 *under section 104(b)(2), reimburse the State for all project*
8 *costs related to the Federal participant’s placement, includ-*
9 *ing administrative costs.*

10 **SEC. 4122. REQUIREMENTS.**

11 *For the purpose of placing Federal participants in a*
12 *family unity demonstration project under section 301, the*
13 *Attorney General shall—*

14 *(1) consult with the Secretary of Health and*
15 *Human Services regarding the development and oper-*
16 *ation of the project; and*

17 *(2) submit to the Director a report containing*
18 *the information described in section 203(b).*

19 **TITLE XLII—DOMESTIC**
20 **VIOLENCE**

21 **SEC. 4201. SHORT TITLE.**

22 *This title may be cited as the “Domestic Violence Fire-*
23 *arm Prevention Act”.*

24 **SEC. 4202. FINDINGS.**

25 *The Congress finds that—*

1 (1) *domestic violence is the leading cause of in-*
2 *jury to women in the United States between the ages*
3 *of 15 and 44;*

4 (2) *firearms are used by the abuser in 7 percent*
5 *of domestic violence incidents and produces an ad-*
6 *verse effect on interstate commerce; and*

7 (3) *individuals with a history of domestic abuse*
8 *should not have easy access to firearms.*

9 **SEC. 4203. PROHIBITION AGAINST DISPOSAL OF FIREARMS**
10 **TO, OR RECEIPT OF FIREARMS BY, PERSONS**
11 **WHO HAVE COMMITTED DOMESTIC ABUSE.**

12 (a) *PROHIBITION AGAINST DISPOSAL OF FIREARMS.—*
13 *Section 922(d) of title 18, United States Code, is amend-*
14 *ed—*

15 (1) *by striking “or” at the end of paragraph (6);*

16 (2) *by striking the period at the end of para-*
17 *graph (7) and inserting “; or”; and*

18 (3) *by inserting after paragraph (7) the follow-*
19 *ing new paragraph:*

20 “(8)(A) *has been convicted in any court of an of-*
21 *fense that—*

22 “(i) *involves the use, attempted use, or*
23 *threatened use of physical force against a person*
24 *who is a spouse, former spouse, domestic partner,*
25 *child, or former child of the person; or*

1 “(ii) by its nature, involves a substantial
2 risk that physical force against a person who is
3 a spouse, former spouse, domestic partner, child,
4 or former child of the person may be used in the
5 course of committing the offense; or

6 “(B) is required, pursuant to an order issued by
7 any court in a case involving a person described in
8 subparagraph (A), to refrain from any contact with
9 or to maintain a minimum distance from that person
10 or to refrain from abuse, harassment, or stalking of
11 that person.”.

12 (b) *PROHIBITION AGAINST RECEIPT OF FIREARMS.*—
13 Section 922(g) of title 18, United States Code, is amend-
14 ed—

15 (1) by striking “or” at the end of paragraph (6);

16 (2) by inserting “or” at the end of paragraph
17 (7); and

18 (3) by inserting after paragraph (7) the follow-
19 ing new paragraph:

20 “(8)(A) has been convicted in any court of an of-
21 fense that—

22 “(i) involves the use, attempted use, or
23 threatened use of physical force against a person
24 who is a spouse, former spouse, domestic partner,
25 child, or former child of the person; or

1 “(ii) by its nature, involves a substantial
2 risk that physical force against a person who is
3 a spouse, former spouse, domestic partner, child,
4 or former child of the person may be used in the
5 course of committing the offense; or

6 “(B) is required, pursuant to an order issued by
7 any court in a case involving a person described in
8 subparagraph (A), to refrain from any contact with
9 or to maintain a minimum distance from that per-
10 son, or to refrain from abuse, harassment, or stalking
11 of that person;”.

12 **TITLE XLIII—MISSING AND**
13 **EXPLOITED CHILDREN**

14 **SECTION 4301. SHORT TITLE.**

15 This title may be cited as the “Morgan P. Hardiman
16 Task Force on Missing and Exploited Children Act”.

17 **SEC. 4302. FINDINGS.**

18 The Congress finds that—

19 (1) the victimization of children in our Nation
20 has reached epidemic proportions; recent Department
21 of Justice figures show that—

22 (A) 4,600 children were abducted by non-
23 family members;

24 (B) two-thirds of the abductions of children
25 by non-family members involve sexual assault;

1 (C) more than 354,000 children were ab-
2 ducted by family members; and

3 (D) 451,000 children ran away;

4 (2) while some local law enforcement officials
5 have been successful in the investigation and resolu-
6 tion of such crimes, most local agencies lack the per-
7 sonnel and resources necessary to give this problem
8 the full attention it requires;

9 (3) a majority of the Nation's 17,000 police de-
10 partments have 10 or fewer officers; and

11 (4) locating missing children requires a coordi-
12 nated law enforcement effort; supplementing local law
13 enforcement agencies with a team of assigned active
14 Federal agents will allow Federal agents to pool their
15 resources and expertise in order to assist local agents
16 in the investigation of the Nation's most difficult
17 cases involving missing children.

18 **SEC. 4303. PURPOSE.**

19 The purpose of this title is to establish a task force
20 comprised of law enforcement officers from pertinent Fed-
21 eral agencies to work with the National Center for Missing
22 and Exploited Children (referred to as the "Center") and
23 coordinate the provision of Federal law enforcement re-
24 sources to assist State and local authorities in investigating
25 the most difficult cases of missing and exploited children.

1 **SEC. 4304. ESTABLISHMENT OF TASK FORCE.**

2 *Title IV of the Juvenile Justice and Delinquency Pre-*
3 *vention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—*

4 *(1) by redesignating sections 407 and 408 as sec-*
5 *tions 408 and 409, respectively; and*

6 *(2) by inserting after section 406 the following*
7 *new section:*

8 *“TASK FORCE*

9 *“SEC. 407. (a) ESTABLISHMENT.—There is established*
10 *a Missing and Exploited Children’s Task Force (referred*
11 *to as the “Task Force”).*

12 *“(b) MEMBERSHIP.—*

13 *“(1) IN GENERAL.—The Task Force shall include*
14 *at least 2 members from each of—*

15 *“(A) the Federal Bureau of Investigation;*

16 *“(B) the Secret Service;*

17 *“(C) the Bureau of Alcohol, Tobacco and*
18 *Firearms;*

19 *“(D) the United States Customs Service;*

20 *“(E) the Postal Inspection Service;*

21 *“(F) the United States Marshals Service;*

22 *and*

23 *“(G) the Drug Enforcement Administration.*

24 *“(2) CHIEF.—A representative of the Federal*
25 *Bureau of Investigation (in addition to the members*

1 of the Task Force selected under paragraph (1)(A))
2 shall act as chief of the Task Force.

3 “(3) *SELECTION.*—(A) The Director of the Fed-
4 eral Bureau of Investigation shall select the chief of
5 the Task Force.

6 “(B) The heads of the agencies described in para-
7 graph (1) shall submit to the chief of the Task Force
8 a list of at least 5 prospective Task Force members,
9 and the chief shall select 2, or such greater number as
10 may be agreeable to an agency head, as Task Force
11 members.

12 “(4) *PROFESSIONAL QUALIFICATIONS.*—The
13 members of the Task Force shall be law enforcement
14 personnel selected for their expertise that would enable
15 them to assist in the investigation of cases of missing
16 and exploited children.

17 “(5) *STATUS.*—A member of the Task Force shall
18 remain an employee of his or her respective agency
19 for all purposes (including the purpose of performance
20 review), and his or her service on the Task Force shall
21 be without interruption or loss of civil service privi-
22 lege or status and shall be on a nonreimbursable
23 basis.

24 “(6) *PERIOD OF SERVICE.*—(A) Subject to sub-
25 paragraph (B), 1 member from each agency shall ini-

1 *tially serve a 1-year term, and the other member from*
2 *the same agency shall serve a 1-year term, and may*
3 *be selected to a renewal of service for 1 additional*
4 *year; thereafter, each new member to serve on the*
5 *Task Force shall serve for a 2-year period with the*
6 *member's term of service beginning and ending in al-*
7 *ternate years with the other member from the same*
8 *agency; the period of service for the chief of the Task*
9 *Force shall be 3 years.*

10 *“(B) The chief of the Task Force may at any*
11 *time request the head of an agency described in para-*
12 *graph (1) to submit a list of 5 prospective Task Force*
13 *members to replace a member of the Task Force, for*
14 *the purpose of maintaining a Task Force membership*
15 *that will be able to meet the demands of its caseload.*

16 *“(c) SUPPORT.—*

17 *“(1) IN GENERAL.—The Administrator of the*
18 *General Services Administration, in coordination*
19 *with the heads of the agencies described in subsection*
20 *(b)(1), shall provide the Task Force office space and*
21 *administrative and support services, such office space*
22 *to be in close proximity to the office of the Center, so*
23 *as to enable the Task Force to coordinate its activities*
24 *with that of the Center on a day-to-day basis.*

1 “(2) *LEGAL GUIDANCE.*—The Attorney General
2 shall assign a United States Attorney to provide legal
3 guidance, as needed, to members of the Task Force.

4 “(d) *PURPOSE.*—

5 “(1) *IN GENERAL.*—(A) The purpose of the Task
6 Force shall be to make available the combined re-
7 sources and expertise of the agencies described in
8 paragraph (1) to assist State and local governments
9 in the most difficult missing and exploited child cases
10 nationwide, as identified by the chief of the Task
11 Force from time to time, in consultation with the
12 Center, and as many additional cases as resources
13 permit, including the provision of assistance to State
14 and local investigators on location in the field.

15 “(B) *TECHNICAL ASSISTANCE.*—The role of the
16 Task Force in any investigation shall be to provide
17 advice and technical assistance and to make available
18 the resources of the agencies described in subsection
19 (b)(1); the Task Force shall not take a leadership role
20 in any such investigation.

21 “(e) *TRAINING.*—Members of the Task Force shall re-
22 ceive a course of training, provided by the Center, in mat-
23 ters relating to cases of missing and exploited children.

24 “(f) *CROSS-DESIGNATION OF TASK FORCE MEM-*
25 *BERS.*—The Attorney General shall cross-designate the

1 *members of the Task Force with jurisdiction to enforce Fed-*
2 *eral law related to child abduction to the extent necessary*
3 *to accomplish the purposes of this section.”.*

4 **TITLE XLIV—PUBLIC**
5 **CORRUPTION**

6 **SEC. 4401. SHORT TITLE.**

7 *This title may be cited as the “Anti-Corruption Act*
8 *of 1993”.*

9 **SEC. 4402. PUBLIC CORRUPTION.**

10 *(a) OFFENSES.—Chapter 11 of title 18, United States*
11 *Code, is amended by adding at the end the following new*
12 *section:*

13 **“§ 226. Public corruption**

14 *“(a) STATE AND LOCAL GOVERNMENT.—*

15 *“(1) HONEST SERVICES.—Whoever, in a cir-*
16 *cumstance described in paragraph (3), deprives or de-*
17 *frauds, or endeavors to deprive or to defraud, by any*
18 *scheme or artifice, the inhabitants of a State or polit-*
19 *ical subdivision of a State of the honest services of an*
20 *official or employee of the State or political subdivi-*
21 *sion shall be fined under this title, imprisoned not*
22 *more than 10 years, or both.*

23 *“(2) FAIR AND IMPARTIAL ELECTIONS.—Who-*
24 *ever, in a circumstance described in paragraph (3),*
25 *deprives or defrauds, or endeavors to deprive or to de-*

1 *fraud, by any scheme or artifice, the inhabitants of a*
2 *State or political subdivision of a State of a fair and*
3 *impartially conducted election process in any pri-*
4 *mary, run-off, special, or general election through one*
5 *or more of the following means, or otherwise—*

6 *“(A) through the procurement, casting, or*
7 *tabulation of ballots that are materially false,*
8 *fictitious, or fraudulent or that are invalid,*
9 *under the laws of the State in which the election*
10 *is held;*

11 *“(B) through paying or offering to pay any*
12 *person for voting;*

13 *“(C) through the procurement or submission*
14 *of voter registrations that contain false material*
15 *information, or omit material information; or*

16 *“(D) through the filing of any report re-*
17 *quired to be filed under State law regarding an*
18 *election campaign that contains false material*
19 *information or omits material information,*
20 *shall be fined under this title, imprisoned not more*
21 *than 10 years, or both.*

22 *“(3) CIRCUMSTANCES IN WHICH OFFENSE OC-*
23 *CURS.—The circumstances referred to in paragraphs*
24 *(1) and (2) are that—*

1 “(A) for the purpose of executing or conceal-
2 ing a scheme or artifice described in paragraph
3 (1) or (2) or attempting to do so, a person—

4 “(i) places in any post office or au-
5 thorized depository for mail matter, any
6 matter or thing to be sent or delivered by
7 the Postal Service, or takes or receives there-
8 from any such matter or thing, or know-
9 ingly causes to be delivered by mail accord-
10 ing to the direction thereon, or at the place
11 at which it is directed to be delivered by the
12 person to whom it is addressed, any such
13 matter or thing;

14 “(ii) transmits or causes to be trans-
15 mitted by means of wire, radio, or television
16 communication in interstate or foreign com-
17 merce any writings, signs, signals, pictures,
18 or sounds;

19 “(iii) transports or causes to be trans-
20 ported any person or thing, or induces any
21 person to travel in or to be transported in,
22 interstate or foreign commerce; or

23 “(iv) uses or causes the use of any fa-
24 cility of interstate or foreign commerce;

1 “(B) *the scheme or artifice affects or con-*
2 *stitutes an attempt to affect in any manner or*
3 *degree, or would if executed or concealed affect,*
4 *interstate or foreign commerce; or*

5 “(C) *in the case of an offense described in*
6 *paragraph (2), an objective of the scheme or arti-*
7 *fice is to secure the election of an official who,*
8 *if elected, would have any authority over the ad-*
9 *ministration of funds derived from an Act of*
10 *Congress totaling \$10,000 or more during the 12-*
11 *month period immediately preceding or follow-*
12 *ing the election or date of the offense.*

13 “(b) *FEDERAL GOVERNMENT.—Whoever deprives or*
14 *defrauds, or endeavors to deprive or to defraud, by any*
15 *scheme or artifice, the inhabitants of the United States of*
16 *the honest services of a public official or a person who has*
17 *been selected to be a public official shall be fined under this*
18 *title, imprisoned not more than 10 years, or both.*

19 “(c) *OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE*
20 *OR OFFICIAL.—*

21 “(1) *CRIMINAL OFFENSE.—Whoever, being an of-*
22 *ficial, public official, or person who has been selected*
23 *to be a public official, directly or indirectly dis-*
24 *charges, demotes, suspends, threatens, harasses, or in*
25 *any manner discriminates against an employee or of-*

1 *ficial of the United States or of a State or political*
2 *subdivision of a State, or endeavors to do so, in order*
3 *to carry out or to conceal a scheme or artifice de-*
4 *scribed in subsection (a) or (b), shall be fined under*
5 *this title, imprisoned not more than 5 years, or both.*

6 *“(2) CIVIL ACTION.—(A) Any employee or offi-*
7 *cial of the United States or of a State or political*
8 *subdivision of a State who is discharged, demoted,*
9 *suspended, threatened, harassed, or in any manner*
10 *discriminated against because of lawful acts done by*
11 *the employee or official as a result of a violation of*
12 *this section or because of actions by the employee on*
13 *behalf of himself or herself or others in furtherance of*
14 *a prosecution under this section (including investiga-*
15 *tion for, initiation of, testimony for, or assistance in*
16 *such a prosecution) may bring a civil action and ob-*
17 *tain all relief necessary to make the employee or offi-*
18 *cial whole, including—*

19 *“(i) reinstatement with the same seniority*
20 *status that the employee or official would have*
21 *had but for the violation;*

22 *“(ii) 3 times the amount of backpay;*

23 *“(iii) interest on the backpay; and*

24 *“(iv) compensation for any special damages*
25 *sustained as a result of the violation, including*

1 *reasonable litigation costs and reasonable attor-*
2 *ney's fees.*

3 “(B) *An employee or official shall not be af-*
4 *forded relief under subparagraph (A) if the employee*
5 *or official participated in the violation of this section*
6 *with respect to which relief is sought.*

7 “(C)(i) *A civil action or proceeding authorized*
8 *by this paragraph shall be stayed by a court upon*
9 *certification of an attorney for the Government that*
10 *prosecution of the action or proceeding may adversely*
11 *affect the interests of the Government in a pending*
12 *criminal investigation or proceeding.*

13 “(ii) *The attorney for the Government shall*
14 *promptly notify the court when a stay may be lifted*
15 *without such adverse effects.*

16 “(d) *DEFINITIONS.—As used in this section—*

17 “(1) *the term ‘official’ includes—*

18 “(A) *any person employed by, exercising*
19 *any authority derived from, or holding any posi-*
20 *tion in the government of a State or any sub-*
21 *division of the executive, legislative, judicial, or*
22 *other branch of government thereof, including a*
23 *department, independent establishment, commis-*
24 *sion, administration, authority, board, and bu-*
25 *reau, and a corporation or other legal entity es-*

1 *tablished and subject to control by a government*
2 *or governments for the execution of a govern-*
3 *mental or intergovernmental program;*

4 *“(B) any person acting or pretending to act*
5 *under color of official authority; and*

6 *“(C) any person who has been nominated,*
7 *appointed, or selected to be an official or who*
8 *has been officially informed that he or she will*
9 *be so nominated, appointed, or selected;*

10 *“(2) the term ‘person acting or pretending to act*
11 *under color of official authority’ includes a person*
12 *who represents that he or she controls, is an agent of,*
13 *or otherwise acts on behalf of an official, public offi-*
14 *cial, and person who has been selected to be a public*
15 *official;*

16 *“(3) the terms ‘public official’ and ‘person who*
17 *has been selected to be a public official’ have the*
18 *meanings stated in section 201 and also include any*
19 *person acting or pretending to act under color of offi-*
20 *cial authority;*

21 *“(4) the term ‘State’ means a State of the United*
22 *States, the District of Columbia, Puerto Rico, and*
23 *any other commonwealth, territory, or possession of*
24 *the United States; and*

1 “(5) the term ‘uses any facility of interstate or
2 foreign commerce’ includes the intrastate use of any
3 facility that may also be used in interstate or foreign
4 commerce.”.

5 (b) *TECHNICAL AMENDMENTS.*—(1) The chapter anal-
6 ysis for chapter 11 of title 18, United States Code, is
7 amended by adding at the end the following new item:

 “226. Public corruption.”.

8 (2) Section 1961(1) of title 18, United States Code,
9 is amended by inserting “section 226 (relating to public
10 corruption),” after “section 224 (relating to sports brib-
11 ery),”.

12 (3) Section 2516(1)(c) of title 18, United States Code,
13 is amended by inserting “section 226 (relating to public
14 corruption),” after “section 224 (bribery in sporting con-
15 tests),”.

16 **SEC. 4403. INTERSTATE COMMERCE.**

17 (a) *IN GENERAL.*—Section 1343 of title 18, United
18 States Code, is amended—

19 (1) by striking “transmits or causes to be trans-
20 mitted by means of wire, radio, or television commu-
21 nication in interstate or foreign commerce, any
22 writings, signs, signals, pictures, or sounds” and in-
23 serting “uses or causes to be used any facility of
24 interstate or foreign commerce”; and

1 *portunity for the commission of any offense against*
2 *the United States or any State,*
3 *shall be guilty of a class B felony.*

4 “(b) *OFFENSE BY PERSON OTHER THAN A PUBLIC*
5 *OFFICIAL.—A person who, in a circumstance described in*
6 *subsection (c), directly or indirectly, corruptly gives, offers,*
7 *or promises anything of value to any public official, or of-*
8 *fers or promises any public official to give anything of value*
9 *to any other person, with intent—*

10 “(1) *to influence any official act;*

11 “(2) *to influence the public official to commit or*
12 *aid in committing, or to collude in, or to allow or*
13 *make opportunity for the commission of any offense*
14 *against the United States or any State; or*

15 “(3) *to influence the public official to do or to*
16 *omit to do any act in violation of the official’s lawful*
17 *duty,*

18 *shall be guilty of a class B felony.*

19 “(c) *CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—*
20 *The circumstances referred to in subsections (a) and (b) are*
21 *that the offense involves, is part of, or is intended to further*
22 *or to conceal the illegal possession, importation, manufac-*
23 *ture, transportation, or distribution of any controlled sub-*
24 *stance or controlled substance analogue.*

25 “(d) *DEFINITIONS.—As used in this section—*

1 “(1) the terms ‘controlled substance’ and ‘con-
2 trolled substance analogue’ have the meanings stated
3 in section 102 of the Controlled Substances Act (21
4 U.S.C. 802);

5 “(2) the term ‘official act’ means any decision,
6 action, or conduct regarding any question, matter,
7 proceeding, cause, suit, investigation, or prosecution
8 which may at any time be pending, or which may be
9 brought before any public official, in such official’s of-
10 ficial capacity, or in such official’s place of trust or
11 profit; and

12 “(3) the term ‘public official’ means—

13 “(A) an officer or employee or person acting
14 for or on behalf of the United States, or any de-
15 partment, agency, or branch of Government
16 thereof in any official function, under or by au-
17 thority of any such department, agency, or
18 branch of Government;

19 “(B) a juror;

20 “(C) an officer or employee or person acting
21 for or on behalf of the government of any State,
22 territory, or possession of the United States (in-
23 cluding the District of Columbia), or any politi-
24 cal subdivision thereof, in any official function,

1 under or by the authority of any such State, ter-
2 ritory, possession, or political subdivision; and

3 “(D) any person who has been nominated
4 or appointed to a position described in subpara-
5 graph (A), (B), or (C), or has been officially in-
6 formed that he or she will be so nominated or
7 appointed.”.

8 (b) *TECHNICAL AMENDMENTS.*—(1) Section 1961(1) of
9 title 18, United States Code, is amended by inserting “sec-
10 tion 220 (relating to narcotics and public corruption),”
11 after “Section 201 (relating to bribery),”.

12 (2) Section 2516(1)(c) of title 18, United States Code,
13 is amended by inserting “section 220 (relating to narcotics
14 and public corruption),” after “section 201 (bribery of pub-
15 lic officials and witnesses),”.

16 (3) The chapter analysis for chapter 11 of title 18,
17 United States Code, is amended by inserting after the item
18 for section 219 the following new item:

 “220. Narcotics and public corruption.”.

19 **TITLE XLV—SEMIAUTOMATIC**
20 **ASSAULT WEAPONS**

21 **SEC. 4501. SHORT TITLE.**

22 This title may be cited as the “Public Safety and Rec-
23 reational Firearms Use Protection Act”.

1 **SEC. 4502. RESTRICTION ON MANUFACTURE, TRANSFER,**
2 **AND POSSESSION OF CERTAIN SEMIAUTO-**
3 **MATIC ASSAULT WEAPONS.**

4 (a) *RESTRICTION.*—Section 922 of title 18, United
5 States Code, is amended by adding at the end the following
6 new subsection:

7 “(s) It shall be unlawful for a person to manufacture,
8 transfer, or possess a semiautomatic assault weapon.”.

9 (b) *DEFINITION OF SEMIAUTOMATIC ASSAULT WEAP-*
10 *ON.*—Section 921(a) of title 18, United States Code, is
11 amended by adding at the end the following new paragraph:

12 “(29) The term ‘semiautomatic assault weapon’
13 means—

14 “(A) any of the firearms, or types, replicas, or
15 duplicates in any caliber of the firearms, known as—

16 “(i) Norinco, Mitchell, and Poly Tech-
17 nologies Avtomat Kalashnikovs (all models);

18 “(ii) Action Arms Israeli Military Indus-
19 tries UZI and Galil;

20 “(iii) Beretta AR-70 (SC-70);

21 “(iv) Colt AR-15;

22 “(v) Fabrique Nationale FN/FAL, FN/LAR,
23 and FNC;

24 “(vi) SWD M-10, M-11, M-11/9, and M-
25 12;

26 “(vii) Steyr AUG;

1 “(viii) *INTRATEC TEC-9, TEC-DC9 and*
2 *TEC-22; and*

3 “(ix) *any shotgun which contains its am-*
4 *munition in a revolving cylinder, such as (but*
5 *not limited to) the Street Sweeper and Striker*
6 *12;*

7 “(B) *a semiautomatic rifle that has an ability to*
8 *accept a detachable magazine and has at least 2 of—*

9 “(i) *a folding or telescoping stock;*

10 “(ii) *a pistol grip that protrudes conspicu-*
11 *ously beneath the action of the weapon;*

12 “(iii) *a bayonet mount;*

13 “(iv) *a flash suppressor or barrel having a*
14 *threaded muzzle; and*

15 “(v) *a grenade launcher;*

16 “(C) *a semiautomatic pistol that has an ability*
17 *to accept a detachable magazine and has at least 2*
18 *of—*

19 “(i) *an ammunition magazine that attaches*
20 *to the pistol outside of the pistol grip;*

21 “(ii) *a barrel having a threaded muzzle;*

22 “(iii) *a shroud that is attached to, or par-*
23 *tially or completely encircles, the barrel and that*
24 *permits the shooter to hold the firearm with the*
25 *non-trigger hand without being burned;*

1 “(iv) a manufactured weight of 50 ounces or
2 more when the pistol is unloaded; and

3 “(v) a semiautomatic version of an auto-
4 matic firearm; and

5 “(D) a semiautomatic shotgun that has at least
6 2 of—

7 “(i) a folding or telescoping stock;

8 “(ii) a pistol grip that protrudes conspicu-
9 ously beneath the action of the weapon;

10 “(iii) a fixed magazine capacity in excess of
11 5 rounds; and

12 “(iv) an ability to accept a detachable mag-
13 azine.

14 (c) *PENALTIES.*—

15 (1) *VIOLATION OF SECTION 922(s).*—Section
16 924(a)(1)(B) of title 18, United States Code, is
17 amended by striking “or (q) of section 922” and in-
18 serting “(q), or (s) of section 922”.

19 (2) *USE OR POSSESSION DURING CRIME OF VIO-*
20 *LENCE OR DRUG TRAFFICKING CRIME.*—Section
21 924(c)(1) of title 18, United States Code, is amended
22 in the first sentence by inserting “, or semiautomatic
23 assault weapon” after “short-barreled shotgun,”.

24 (d) *IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC*
25 *ASSAULT WEAPONS.*—Section 923(i) of title 18, United

1 *States Code, is amended by adding at the end the following*
2 *new sentence: “The serial number of any semiautomatic as-*
3 *sault weapon manufactured after the date of enactment of*
4 *this section shall clearly show the date on which the weapon*
5 *was manufactured.”.*

6 **SEC. 4503. EXEMPTION FOR FIREARMS LAWFULLY POS-**
7 **SESSED PRIOR TO DATE OF ENACTMENT.**

8 *Section 922(s) of title 18, United States Code, as added*
9 *by section 4502(a), is amended by adding at the end the*
10 *following paragraph:*

11 *“(2) Paragraph (1) shall not apply to the transfer or*
12 *possession of any firearm that was lawfully possessed before*
13 *the effective date of this subsection.”.*

14 **SEC. 4504. EXEMPTION FOR CERTAIN HUNTING AND SPORT-**
15 **ING FIREARMS.**

16 *Section 922 of title 18, as amended by section 4503,*
17 *is amended by adding at the end the following paragraph:*

18 *“(3) Paragraph (1) shall not apply to—*

19 *“(A) any of the firearms, or replicas or dupli-*
20 *cates of the firearms, specified in Appendix A to this*
21 *section, as such firearms were manufactured on Octo-*
22 *ber 1, 1993;*

23 *“(B) any firearm that—*

24 *“(i) is manually operated by bolt, pump,*
25 *lever, or slide action;*

1 “(ii) is an unserviceable firearm; or

2 “(iii) is an antique firearm;

3 “(C) any semiautomatic rifle that cannot accept
4 a detachable magazine that holds more than 5 rounds
5 of ammunition; or

6 “(D) any semiautomatic shotgun that cannot
7 hold more than 5 rounds of ammunition in a fixed
8 or detachable magazine.”.

9 **SEC. 4505. EXEMPTIONS FOR GOVERNMENTAL AND EXPERI-**
10 **MENTAL USE.**

11 Section 922(s) of title 18, United States Code, as
12 amended by section 4504, is amended by adding the follow-
13 ing paragraph:

14 “(4) Paragraph (1) shall not apply to—

15 “(A) the United States or a department or agen-
16 cy of the United States or a State or a department,
17 agency, or political subdivision of a State; or

18 “(B) the manufacture, transfer, or possession of
19 any firearm by a licensed manufacturer or licensed
20 importer for the purposes of testing or experimen-
21 tation authorized by the Secretary, or for expor-
22 tation.”.

1 **SEC. 4506. RECORDKEEPING REQUIREMENTS AND RELATED**
2 **RESTRICTIONS.**

3 (a) *OFFENSE.*—Section 922 of title 18, United States
4 Code, as amended by section 4505, is amended by adding
5 at the end the following new subsection:

6 “(t)(1) *It shall be unlawful for a person to sell, ship,*
7 *or deliver an assault weapon to a person who does not fill*
8 *out a form 4473 in connection with the purchase of the as-*
9 *sault weapon.*

10 “(2) *It shall be unlawful for a person to purchase, pos-*
11 *sess, or accept delivery of an assault weapon unless the per-*
12 *son has filled out a form 4473 in connection with the pur-*
13 *chase of the assault weapon.*

14 “(3) *If a person purchases an assault weapon from*
15 *anyone other than a licensed dealer, both the purchaser and*
16 *the seller shall maintain a record of the sale on the seller’s*
17 *original copy of form 4473.*

18 “(4) *An owner of an assault weapon on the effective*
19 *date of this subsection who requires retention of form 4473*
20 *under this subsection shall, within 90 days after publication*
21 *of regulations by the Secretary under paragraph (5), re-*
22 *quest a copy of form 4473 from a licensed dealer in accord-*
23 *ance with those regulations.*

24 “(5) *The Secretary shall, within 90 days after the date*
25 *of enactment of this subsection, prescribe regulations for the*
26 *request and delivery of form 4473 under paragraph (4).”.*

1 “(B) the lawful transfer or lawful possession of
2 a large capacity ammunition feeding device that was
3 lawfully possessed before the effective date of this sub-
4 section; or

5 “(C) the transfer or possession of a large capac-
6 ity ammunition feeding device by a licensed manufac-
7 turer or licensed importer for the purposes of testing
8 or experimentation authorized by the Secretary.”.

9 (b) DEFINITION OF LARGE CAPACITY AMMUNITION
10 FEEDING DEVICE.—Section 921(a) of title 18, United
11 States Code, as amended by section 4502(b), is amended
12 by adding at the end the following new paragraph:

13 “(30) The term ‘large capacity ammunition feeding
14 device’—

15 “(A) means—

16 “(i) a magazine, belt, drum, feed strip, or
17 similar device that has a capacity of, or that can
18 be readily restored or converted to accept, more
19 than 10 rounds of ammunition; and

20 “(ii) any combination of parts from which
21 a device described in clause (i) can be assembled;
22 but

23 “(B) does not include an attached tubular device
24 designed to accept, and capable of operating only
25 with, .22 caliber rimfire ammunition.”.

1 (c) *LARGE CAPACITY AMMUNITION FEEDING DEVICES*
2 *TREATED AS FIREARMS.*—Section 921(a)(3) of title 18,
3 *United States Code, is amended in the first sentence—*

4 (1) by striking “or (D) any destructive device.”;
5 and

6 (2) by inserting “(D) any destructive device; or
7 (E) any large capacity ammunition feeding device.”.

8 (d) *PENALTY.*—Section 924(a)(1)(B) of title 18, *Unit-*
9 *ed States Code, as amended by section 4502(c), is amended*
10 *by striking “or (s)” and inserting “(s), or (u)”.*

11 (e) *IDENTIFICATION MARKINGS FOR LARGE CAPACITY*
12 *AMMUNITION FEEDING DEVICES.*—Section 923(i) of title
13 18, *United States Code, as amended by section 4502(d), is*
14 *amended by adding at the end the following new sentence:*
15 *“A large capacity ammunition feeding device manufactured*
16 *after the date of enactment of this sentence shall be identi-*
17 *fied by a serial number that clearly shows that the device*
18 *was manufactured or imported after the effective date of*
19 *this subsection, and such other identification as the Sec-*
20 *retary may by regulation prescribe.”.*

21 **SEC. 4508. STUDY BY ATTORNEY GENERAL.**

22 (a) *STUDY.*—The Attorney General shall investigate
23 and study the effect of this title and the amendments made
24 by this title, and in particular shall determine their impact,
25 if any, on violent and drug trafficking crime. The study

1 *shall be conducted over a period of 18 months, commencing*
 2 *78 months after the date of enactment of this Act.*

3 *(b) REPORT.—Not later than 8 years after the date*
 4 *of enactment of this Act, the Attorney General shall prepare*
 5 *and submit to Congress a report setting forth in detail the*
 6 *findings and determinations made in the study under sub-*
 7 *section (a).*

8 **SEC. 4509. EFFECTIVE DATE.**

9 *This title and the amendments made by this title—*

10 *(1) shall take effect on the date of enactment of*
 11 *this Act; and*

12 *(2) are repealed effective as of the date that is 10*
 13 *years after that date.*

14 **SEC. 4510. APPENDIX A TO SECTION 922 OF TITLE 18.**

15 *Section 922 of title 18, United States code, is amended*
 16 *by adding at the end the following appendix:*

“APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M-1 Carbine
Iver Johnson 50th Anniversary M-1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle
Browning Model 81 Long Action BLR
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions
E.M.F. 1860 Henry Rifle
E.M.F. Model 73 Lever-Action Rifle
Marlin Model 336CS Lever-Action Carbine
Marlin Model 30AS Lever-Action Carbine
Marlin Model 444SS Lever-Action Sporter
Marlin Model 1894S Lever-Action Carbine
Marlin Model 1894CS Carbine
Marlin Model 1894CL Classic
Marlin Model 1895SS Lever-Action Rifle
Mitchell 1858 Henry Replica
Mitchell 1866 Winchester Replica
Mitchell 1873 Winchester Replica
Navy Arms Military Henry Rifle
Navy Arms Henry Trapper
Navy Arms Iron Frame Henry
Navy Arms Henry Carbine
Navy Arms 1866 Yellowboy Rifle
Navy Arms 1873 Winchester-Style Rifle
Navy Arms 1873 Sporting Rifle
Remington 7600 Slide Action
Remington Model 7600 Special Purpose Slide Action
Rossi M92 SRC Saddle-Ring Carbine
Rossi M92 SRS Short Carbine
Savage 99C Lever-Action Rifle
Uberti Henry Rifle
Uberti 1866 Sporting Rifle
Uberti 1873 Sporting Rifle
Winchester Model 94 Side Eject Lever-Action Rifle
Winchester Model 94 Trapper Side Eject
Winchester Model 94 Big Bore Side Eject
Winchester Model 94 Ranger Side Eject Lever-Action Rifle
Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
A-Square Caesar Bolt-Action Rifle
A-Square Hannibal Bolt-Action Rifle
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700D Bavarian Bolt-Action Rifle
Anschutz 1733D Mannlicher Rifle
Barret Model 90 Bolt-Action Rifle

Beeman/HW 60J Bolt-Action Rifle
Blaser R84 Bolt-Action Rifle
BRNO 537 Sporter Bolt-Action Rifle
BRNO ZKB 527 Fox Bolt-Action Rifle
BRNO ZKK 600, 601, 602 Bolt-Action Rifles
Browning A-Bolt Rifle
Browning A-Bolt Stainless Stalker
Browning A-Bolt Left Hand
Browning A-Bolt Short Action
Browning Euro-Bolt Rifle
Browning A-Bolt Gold Medallion
Browning A-Bolt Micro Medallion
Century Centurion 14 Sporter
Century Enfield Sporter #4
Century Swedish Sporter #38
Century Mauser 98 Sporter
Cooper Model 38 Centerfire Sporter
Dakota 22 Sporter Bolt-Action Rifle
Dakota 76 Classic Bolt-Action Rifle
Dakota 76 Short Action Rifles
Dakota 76 Safari Bolt-Action Rifle
Dakota 416 Rigby African
E.A.A./Sabatti Rover 870 Bolt-Action Rifle
Auguste Francotte Bolt-Action Rifles
Carl Gustaf 2000 Bolt-Action Rifle
Heym Magnum Express Series Rifle
Howa Lightning Bolt-Action Rifle
Howa Realtree Camo Rifle
Interarms Mark X Viscount Bolt-Action Rifle
Interarms Mini-Mark X Rifle
Interarms Mark X Whitworth Bolt-Action Rifle
Interarms Whitworth Express Rifle
Iver Johnson Model 5100A1 Long-Range Rifle
KDF K15 American Bolt-Action Rifle
Krico Model 600 Bolt-Action Rifle
Krico Model 700 Bolt-Action Rifles
Mauser Model 66 Bolt-Action Rifle
Mauser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU-33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle

Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG-S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S

Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint
Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM-S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum
Winchester Model 70 Super Grade
Winchester Model 70 Custom Sharpshooter
Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
Brown Model One Single Shot Rifle
Browning Model 1885 Single Shot Rifle
Dakota Single Shot Rifle
Desert Industries G-90 Single Shot Rifle
Harrington & Richardson Ultra Varmint Rifle
Model 1885 High Wall Rifle
Navy Arms Rolling Block Buffalo Rifle
Navy Arms #2 Creedmoor Rifle
Navy Arms Sharps Cavalry Carbine

Navy Arms Sharps Plains Rifle
New England Firearms Handi-Rifle
Red Willow Armory Ballard No. 5 Pacific
Red Willow Armory Ballard No. 1.5 Hunting Rifle
Red Willow Armory Ballard No. 8 Union Hill Rifle
Red Willow Armory Ballard No. 4.5 Target Rifle
Remington-Style Rolling Block Carbine
Ruger No. 1B Single Shot
Ruger No. 1A Light Sporter
Ruger No. 1H Tropical Rifle
Ruger No. 1S Medium Sporter
Ruger No. 1 RSI International
Ruger No. 1V Special Varminter
C. Sharps Arms New Model 1874 Old Reliable
C. Sharps Arms New Model 1875 Rifle
C. Sharps Arms 1875 Classic Sharps
C. Sharps Arms New Model 1875 Target & Long Range
Shiloh Sharps 1874 Long Range Express
Shiloh Sharps 1874 Montana Roughrider
Shiloh Sharps 1874 Military Carbine
Shiloh Sharps 1874 Business Rifle
Shiloh Sharps 1874 Military Rifle
Sharps 1874 Old Reliable
Thompson/Center Contender Carbine
Thompson/Center Stainless Contender Carbine
Thompson/Center Contender Carbine Survival System
Thompson/Center Contender Carbine Youth Model
Thompson/Center TCR '87 Single Shot Rifle
Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Baretta Express SSO O/U Double Rifles
Baretta Model 455 SxS Express Rifle
Chapuis RGExpress Double Rifle
Auguste Francotte Sidelock Double Rifles
Auguste Francotte Boxlock Double Rifle
Heym Model 55B O/U Double Rifle
Heym Model 55FW O/U Combo Gun
Heym Model 88b Side-by-Side Double Rifle
Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F-12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
 AMT Lightning Small-Game Hunting Rifle II
 AMT Magnum Hunter Auto Rifle
 Anschutz 525 Deluxe Auto
 Armscor Model 20P Auto Rifle
 Browning Auto-22 Rifle
 Browning Auto-22 Grade VI
 Krico Model 260 Auto Rifle
 Lakefield Arms Model 64B Auto Rifle
 Marlin Model 60 Self-Loading Rifle
 Marlin Model 60ss Self-Loading Rifle
 Marlin Model 70 HC Auto
 Marlin Model 990I Self-Loading Rifle
 Marlin Model 70P Papoose
 Marlin Model 922 Magnum Self-Loading Rifle
 Marlin Model 995 Self-Loading Rifle
 Norinco Model 22 ATD Rifle
 Remington Model 522 Viper Autoloading Rifle
 Remington 552BDL Speedmaster Rifle
 Ruger 10/22 Autoloading Carbine (w/o folding stock)
 Survival Arms AR-7 Explorer Rifle
 Texas Remington Revolving Carbine
 Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
 Marlin 39TDS Carbine
 Marlin Model 39AS Golden Lever-Action Rifle
 Remington 572BDL Fieldmaster Pump Rifle
 Norinco EM-321 Pump Rifle
 Rossi Model 62 SA Pump Rifle
 Rossi Model 62 SAC Carbine
 Winchester Model 9422 Lever-Action Rifle
 Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
 Anschutz 1416D/1516D Classic Rifles
 Anschutz 1418D/1518D Mannlicher rifles
 Anschutz 1700D Classic Rifles
 Anschutz 1700D Custom Rifles
 Anschutz 1700 FWT Bolt-Action Rifle
 Anschutz 1700D Graphite Custom Rifle
 Anschutz 1700D Bavarian Bolt-Action Rifle
 Armscor Model 14P Bolt-Action Rifle
 Armscor Model 1500 Rifle
 BRNO ZKM-452 Deluxe Bolt-Action Rifle
 BRNO ZKM 452 Deluxe
 Beeman/HW 60-J-ST Bolt-Action Rifle
 Browning A-Bolt 22 Bolt-Action Rifle
 Browning A-Bolt Gold Medallion
 Cabanas Phaser Rifle

Cabanas Master Bolt-Action Rifle
Cabanas Espronceda IV Bolt-Action Rifle
Cabanas Leyre Bolt-Action Rifle
Chipmunk Single Shot Rifle
Cooper Arms Model 36S Sporter Rifle
Dakota 22 Sporter Bolt-Action Rifle
Krico Model 300 Bolt-Action Rifles
Lakefield Arms Mark II Bolt-Action Rifle
Lakefield Arms Mark I Bolt-Action Rifle
Magtech Model MT-22C Bolt-Action Rifle
Marlin Model 880 Bolt-Action Rifle
Marlin Model 881 Bolt-Action Rifle
Marlin Model 882 Bolt-Action Rifle
Marlin Model 883 Bolt-Action Rifle
Marlin Model 883SS Bolt-Action Rifle
Marlin Model 25MN Bolt-Action Rifle
Marlin Model 25N Bolt-Action Repeater
Marlin Model 15YN "Little Buckaroo"
Mauser Model 107 Bolt-Action Rifle
Mauser Model 201 Bolt-Action Rifle
Navy Arms TU-KKW Training Rifle
Navy Arms TU-33/40 Carbine
Navy Arms TU-KKW Sniper Trainer
Norinco JW-27 Bolt-Action Rifle
Norinco JW-15 Bolt-Action Rifle
Remington 541-T
Remington 40-XR Rimfire Custom sporter
Remington 541-T HB Bolt-Action Rifle
Remington 581-S Sportsman Rifle
Ruger 77/22 Rimfire Bolt-Action Rifle
Ruger K77/22 Varmint Rifle
Ultra Light arms Model 20 RF Bolt-Action Rifle
Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
Anschutz 1808D RT Super Match 54 Target
Anschutz 1827B Biathlon Rifle
Anschutz 1903D Match Rifle
Anschutz 1803D Intermediate Match
Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beaman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP-1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle

Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86–SR Specialty Rifle
McMillan M–86 Sniper Rifle
McMillan Combo M–87/M–88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M–89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M–87 Target Rifle
Parker-Hale M–85 Sniper Rifle
Remington 40–XB Rangemaster Target Centerfire
Remington 40–XR KS Rimfire Position Rifle
Remington 40–XBBR KS
Remington 40–XC KS National Match Course Rifle
Sako TRG–21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG–UIT Rifle
Steyr-Mannlicher SSG P–I Rifle
Steyr-Mannlicher SSG P–III Rifle
Steyr-Mannlicher SSG P–IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun
Benelli Black Eagle Competition Auto Shotgun
Beretta A–303 Auto Shotgun
Beretta 390 Field Auto Shotgun
Beretta 390 Super Trap, Super Skeet Shotguns
Beretta Vittoria Auto Shotgun
Beretta Model 1201F Auto Shotgun
Browning BSA 10 Auto Shotgun
Browning Bsa 10 Stalker Auto Shotgun
Browning A–500R Auto Shotgun
Browning A–500G Auto Shotgun
Browning A–500G Sporting Clays
Browning Auto-5 Light 12 and 20
Browning Auto-5 Stalker
Browning Auto-5 Magnum 20

Browning Auto-5 Magnum 12
Churchill Turkey Automatic Shotgun
Cosmi Automatic Shotgun
Maverick Model 60 Auto Shotgun
Mossberg Model 5500 Shotgun
Mossberg Model 9200 Regal Semi-Auto Shotgun
Mossberg Model 9200 USST Auto Shotgun
Mossberg Model 9200 Camo Shotgun
Mossberg Model 6000 Auto Shotgun
Remington Model 1100 Shotgun
Remington 11-87 Premier shotgun
Remington 11-87 Sporting Clays
Remington 11-87 Premier Skeet
Remington 11-87 Premier Trap
Remington 11-87 Special Purpose Magnum
Remington 11-87 SPS-T Camo Auto Shotgun
Remington 11-87 Special Purpose Deer Gun
Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
Remington 11-87 SPS-Deer Shotgun
Remington 11-87 Special Purpose Synthetic Camo
Remington SP-10 Magnum-Camo Auto Shotgun
Remington SP-10 Magnum Auto Shotgun
Remington SP-10 Magnum Turkey Combo
Remington 1100 LT-20 Auto
Remington 1100 Special Field
Remington 1100 20-Gauge Deer Gun
Remington 1100 LT-20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586-VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun

Remington 870 SPS–BG–Camo Deer/Turkey Shotgun
Remington 870 SPS–Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun
Remington 879 SPS Special Purpose Magnum
Remington 870 SPS–T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays

Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A./Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K-80 Sporting Clays O/U
Krieghoff K-80 Skeet Shotgun
Krieghoff K-80 International Skeet
Krieghoff K-80 Four-Barrel Skeet Set
Krieghoff K-80/RT Shotguns
Krieghoff K-80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Unders
Ljutic LM-6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun
Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Unders
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun
San Marco 12-Ga. Wildflower Shotgun
San Marco Field Special O/U Shotgun
San Marco 10-Ga. O/U Shotgun
SKB Model 505 Deluxe Over/Under Shotgun
SKB Model 685 Over/Under Shotgun
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
Stoeger/IGA Condor I O/U Shotgun
Stoeger/IGA ERA 2000 Over/Under Shotgun
Techni-Mec Model 610 Over/Under
Tikka Model 412S Field Grade Over/Under
Weatherby Athena Grade IV O/U Shotguns
Weatherby Athena Grade V Classic Field O/U
Weatherby Orion O/U Shotguns
Weatherby II, III Classic Field O/Us

Weatherby Orion II Classic Sporting Clays O/U
Weatherby Orion II Sporting Clays O/U
Winchester Model 1001 O/U Shotgun
Winchester Model 1001 Sporting Clays O/U
Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
American Arms Gentry Double Shotgun
American Arms Derby Side-by-Side
American Arms Grulla #2 Double Shotgun
American Arms WS/SS 10
American Arms TS/SS 10 Double Shotgun
American Arms TS/SS 12 Side-by-Side
Arrieta Sidelock Double Shotguns
Armsport 1050 Series Double Shotguns
Arizaga Model 31 Double Shotgun
AYA Boxlock Shotguns
AYA Sidelock Double Shotguns
Beretta Model 452 Sidelock Shotgun
Beretta Side-by-Side Field Shotguns
Crucelegui Hermanos Model 150 Double
Chapuis Side-by-Side Shotgun
E.A.A./Sabatti Saba-Mon Double Shotgun
Charles Daly Model Dss Double
Ferlib Model F VII Double Shotgun
Auguste Francotte Boxlock Shotgun
Auguste Francotte Sidelock Shotgun
Garbi Model 100 Double
Garbi Model 101 Side-by-Side
Garbi Model 103A, B Side-by-Side
Garbi Model 200 Side-by-Side
Bill Hanus Birdgun Doubles
Hatfield Uplander Shotgun
Merkell Model 8, 47E Side-by-Side Shotguns
Merkel Model 47LSC Sporting Clays Double
Merkel Model 47S, 147S Side-by-Sides
Parker Reproductions Side-by-Side
Piotti King No. 1 Side-by-Side
Piotti Lunik Side-by-Side
Piotti King Extra Side-by-Side
Piotti Piuma Side-by-Side
Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun

Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun."

1 ***TITLE XLVI—RECREATIONAL***
2 ***HUNTING SAFETY***

3 ***SEC. 4601. SHORT TITLE.***

4 *This title may be cited as the “Recreational Hunting*
5 *Safety and Preservation Act of 1993”.*

6 ***SEC. 4602. FINDINGS.***

7 *Congress finds that—*

8 (1) *recreational hunting, when carried out pur-*
9 *suant to law (as implemented by the regulations of*
10 *Federal and State wildlife management agencies) is a*
11 *necessary and beneficial element in the proper con-*
12 *servation and management of healthy, abundant, and*
13 *biologically diverse wildlife resources;*

1 (2) recreational hunters (because of a generally
2 demonstrated concern with the conservation of wildlife
3 resources and preservation of habitat necessary for the
4 breeding and maintenance of healthy wildlife popu-
5 lations, and through a familiarity with the resources
6 gained from experience in the field) are a valuable
7 asset in ensuring enlightened public input into deci-
8 sions regarding management and maintenance pro-
9 grams for wildlife resources and habitat;

10 (3)(A) recreational hunting supports industries
11 highly significant to the national economy through
12 sales in interstate commerce of sporting goods; and

13 (B) the Federal excise taxes imposed on the sales
14 provide a major source of funding for vital programs
15 of wildlife conservation and management;

16 (4) various persons are engaging in (and have
17 announced an intent to continue to engage in) a vari-
18 ety of disruptive activities with the premeditated pur-
19 pose of preventing and interfering with the conduct of
20 lawful recreational hunting on Federal lands, which
21 activities—

22 (A) place both recreational hunters and the
23 disruptive persons in imminent jeopardy of
24 grave physical injury or death;

1 (B) disrupt the peaceful, lawful, and pru-
2 dent conduct of wildlife population and habitat
3 management programs by Federal and State
4 wildlife management agencies; and

5 (C) ultimately may alter the planned pro-
6 gram objectives, resulting in—

7 (i) undesirable patterns of activity
8 within populations of wildlife;

9 (ii) the endangerment of the future via-
10 bility of wildlife species; and

11 (iii) damage to habitat values;

12 (5) Federal lands comprise important wildlife
13 habitat resources that—

14 (A) support many large, diverse, and vital
15 populations of wildlife; and

16 (B) offer significant opportunities for legal
17 recreational hunting as an important manage-
18 ment tool to ensure the future viability of the
19 wildlife populations;

20 (6) it is the right of citizens of the United States
21 freely to enjoy lawful recreational hunting on Federal
22 lands in accordance with regulations promulgated by
23 Federal and State wildlife management agencies; and

1 (7) *in many instances under current law, vague-*
2 *ness and ambiguity exist regarding the application of*
3 *State laws and enforcement activities relating to—*

4 (A) *the safety of hunters; and*

5 (B) *the legal rights of recreational hunters*
6 *to participate peacefully in lawful hunts on Fed-*
7 *eral lands.*

8 **SEC. 4603. DEFINITIONS.**

9 *As used in this title:*

10 (1) *FEDERAL LANDS.—The term “Federal lands”*
11 *means—*

12 (A) *national forests;*

13 (B) *public lands;*

14 (C) *national parks; and*

15 (D) *wildlife refuges.*

16 (2) *LAWFUL HUNT.—The term “lawful hunt”*
17 *means an occasion when an individual is engaged in*
18 *the taking or harvesting (or attempted taking or har-*
19 *vesting) through a legal means and during a specified*
20 *legal season of a wildlife or fish, on Federal lands,*
21 *which activity—*

22 (A)(i) *is authorized by or licensed under the*
23 *law of the State in which it takes place; or*

24 (ii) *is regulated by game or fishing seasons*
25 *established by the State in which it takes place;*

1 (B) is not prohibited by a law of the United
2 States; and

3 (C) does not infringe upon a right of an
4 owner of private property.

5 (3) NATIONAL FOREST.—The term “national for-
6 est” means lands included in the National Forest
7 System (as defined in section 11(a) of the Forest and
8 Rangeland Renewable Resources Planning Act of
9 1974 (16 U.S.C. 1609(a))).

10 (4) NATIONAL PARK.—The term “national park”
11 means lands and waters included in the national
12 park system (as defined in section 2(a) of the Act en-
13 titled “An Act to facilitate the management of the Na-
14 tional Park System and miscellaneous areas adminis-
15 tered in connection with that system, and for other
16 purposes”, approved August 8, 1953 (16 U.S.C.
17 1c(a))).

18 (5) PUBLIC LANDS.—The term “public lands”
19 has the same meaning as is provided in section 103(e)
20 of the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1702(e)).

22 (6) SECRETARY.—The term “Secretary”
23 means—

24 (A) the Secretary of Agriculture with re-
25 spect to national forests; and

1 (B) *the Secretary of the Interior with re-*
2 *spect to—*

3 (i) *public lands;*

4 (ii) *national parks; and*

5 (iii) *wildlife refuges.*

6 (7) *WILDLIFE REFUGE.—The term “wildlife ref-*
7 *uge” means lands and waters included in the Na-*
8 *tional Wildlife Refuge System (as established by sec-*
9 *tion 4 of the National Wildlife Refuge System Admin-*
10 *istration Act of 1966 (16 U.S.C. 668dd)).*

11 **SEC. 4604. OBSTRUCTION OF A LAWFUL HUNT.**

12 (a) *VIOLATION.—It is unlawful for a person knowingly*
13 *and with the intent of obstructing, impeding, or interfering*
14 *with a lawful hunt by an individual to—*

15 (1) *obstruct, impede, or otherwise interfere with*
16 *a lawful hunt by an individual;*

17 (2) *engage in activities that prevent or impede*
18 *the reasonable and usual means of access by those in-*
19 *dividuals who intend to participate in a lawful hunt,*
20 *whether the activities occur on Federal lands or upon*
21 *a public or private road, highway, path, trail, or*
22 *other normal route of access to Federal lands;*

23 (3) *take or abuse property, equipment, or hunt-*
24 *ing dogs being used in conjunction with a lawful*
25 *hunt; or*

1 (4) enter onto Federal lands or travel in inter-
2 state commerce to further—

3 (A) a scheme or effort to obstruct, impede,
4 or otherwise interfere with a lawful hunt; or

5 (B) the efforts of another person to obstruct,
6 impede, or interfere with a lawful hunt.

7 (b) *MULTIPLE VIOLATIONS.*—The Secretary may con-
8 sider participation by a person in more than one of the
9 activities described in this section to constitute multiple vio-
10 lations.

11 ***SEC. 4605. CIVIL PENALTIES.***

12 (a) *IN GENERAL.*—A person who engages in an activ-
13 ity described in section 4604 shall be assessed a civil pen-
14 alty of not less than \$500, and not more than \$5,000, for
15 each violation.

16 (b) *VIOLATION INVOLVING FORCE OR VIOLENCE.*—
17 Upon a determination by a court that the activity involved
18 the use of force or violence, or the threatened use of force
19 or violence, against the person or property of another per-
20 son, a person who engages in an activity described in sec-
21 tion 4604 shall be assessed a civil penalty of not less than
22 \$1,000, and not more than \$10,000, for each violation.

23 (c) *RELATIONSHIP TO OTHER PENALTIES.*—The pen-
24 alties established by this section shall be in addition to other
25 criminal or civil penalties that may be levied against the

1 *person as a result of an activity in violation of section*
2 *4604.*

3 *(d) PROCEDURE.—*

4 *(1) COMPLAINTS FROM GOVERNMENT AGENTS.—*

5 *Upon receipt of a written complaint from an officer,*
6 *employee, or agent of the Forest Service, Bureau of*
7 *Land Management, National Park Service, United*
8 *States Fish and Wildlife Service, or other Federal*
9 *agency that a person violated section 4604, the Sec-*
10 *retary shall—*

11 *(A) forward the complaint to the United*
12 *States Attorney for the Federal judicial district*
13 *in which the violation is alleged to have oc-*
14 *curred; and*

15 *(B) request the Attorney General of the*
16 *United States to institute a civil action for the*
17 *imposition and collection of the civil penalty*
18 *specified in subsection (a) or (b).*

19 *(2) COMPLAINTS FROM INDIVIDUALS.—Upon re-*
20 *ceipt of a sworn affidavit from an individual and a*
21 *determination by the Secretary that the statement*
22 *contains sufficient factual data to create a reasonable*
23 *belief that a violation of section 4604 has occurred,*
24 *the Secretary shall—*

1 (A) forward a complaint to the United
2 States Attorney for the Federal judicial district
3 in which the violation is alleged to have oc-
4 curred; and

5 (B) request the Attorney General of the
6 United States to institute a civil action for the
7 imposition and collection of the civil penalty
8 specified in subsection (a) or (b).

9 (e) *USE OF PENALTY MONEY COLLECTED.*—After de-
10 duction of costs attributable to collection, money collected
11 from penalties shall be—

12 (1) deposited into the trust fund established pur-
13 suant to the Act entitled “An Act to provide that the
14 United States shall aid the States in wildlife-restora-
15 tion projects, and for other purposes”, approved Sep-
16 tember 2, 1937 (16 U.S.C. 669) (commonly known as
17 the “Pitman-Robertson Wildlife Restoration Act”), to
18 support the activities authorized by such Act and un-
19 dertaken by State wildlife management agencies; or

20 (2) used in such other manner as the Secretary
21 determines will enhance the funding and implementa-
22 tion of—

23 (A) the North American Waterfowl Manage-
24 ment Plan signed by the Secretary of the Inte-

1 *rior and the Minister of Environment for Can-*
2 *ada in May 1986; or*

3 *(B) a similar program that the Secretary*
4 *determines will enhance wildlife management—*

5 *(i) on Federal lands; or*

6 *(ii) on private or State-owned lands*
7 *when the efforts will also provide a benefit*
8 *to wildlife management objectives on Fed-*
9 *eral lands.*

10 **SEC. 4606. OTHER RELIEF.**

11 *(a) INJUNCTIVE RELIEF.—Injunctive relief against a*
12 *violation of section 4604 may be sought by—*

13 *(1) the head of a State agency with jurisdiction*
14 *over fish or wildlife management;*

15 *(2) the Attorney General of the United States; or*

16 *(3) any person who is or would be adversely af-*
17 *ected by the violation, or a hunting or sportsman's*
18 *organization to which the person belongs.*

19 *(b) DAMAGES AND ATTORNEY'S FEES.—Any person*
20 *who is or would be adversely affected by a violation of sec-*
21 *tion 4604, or a hunting or sportsman's organization to*
22 *which the person belongs, may bring a civil action to re-*
23 *cover—*

24 *(1) actual and punitive damages; and*

25 *(2) reasonable attorney's fees.*

1 **SEC. 4607. RELATIONSHIP TO STATE AND LOCAL LAW AND**
2 **CIVIL ACTIONS.**

3 (a) *LAW OR ORDINANCE.*—*This title is not intended*
4 *to preempt a State law or local ordinance that provides*
5 *for civil or criminal penalties for a person who obstructs*
6 *or otherwise interferes with a lawful hunt.*

7 (b) *CIVIL ACTION.*—*The bringing of an action pursu-*
8 *ant to this title shall not prevent an independent action*
9 *against a person under a State law or local ordinance.*

10 **SEC. 4608. REGULATIONS.**

11 *The Secretary may issue such regulations as are nec-*
12 *essary to carry out this title.*

13 **TITLE XLVII—Correctional Job**
14 **Training and Placement**

15 **SEC. 4701. SHORT TITLE.**

16 *This title may be cited as the “Office of Correctional*
17 *Job Training and Placement Act of 1993”.*

18 **SEC. 4702. CORRECTIONAL JOB TRAINING AND PLACEMENT.**

19 (a) *FINDINGS.*—*Congress finds that—*

20 (1) *job training and placement are important to,*
21 *and make a significant contribution to, the readjust-*
22 *ment to society of incarcerated persons and ex-offend-*
23 *ers; and*

24 (2) *there is a growing need for immediate action*
25 *by the Federal Government to assist State and local*
26 *job training programs, and job placement programs,*

1 *that provide services to incarcerated persons or ex-of-*
2 *fenders.*

3 (b) *PURPOSE.*—*It is the purpose of this section to en-*
4 *courage and support job training programs, and job place-*
5 *ment programs, that provide services to incarcerated per-*
6 *sons or ex-offenders.*

7 (c) *DEFINITIONS.*—*As used in this section:*

8 (1) *CORRECTIONAL INSTITUTION.*—*The term*
9 *“correctional institution” means any prison, jail, re-*
10 *formatory, work farm, detention center, or halfway*
11 *house, or any other similar institution designed for*
12 *the confinement or rehabilitation of criminal offend-*
13 *ers.*

14 (2) *CORRECTIONAL JOB TRAINING OR PLACE-*
15 *MENT PROGRAM.*—*The term “correctional job training*
16 *or placement program” means an activity that pro-*
17 *vides job training or job placement services to incar-*
18 *cerated persons or ex-offenders, or that assists incar-*
19 *cerated persons or ex-offenders in obtaining such serv-*
20 *ices.*

21 (3) *EX-OFFENDER.*—*The term “ex-offender”*
22 *means any individual who has been sentenced to a*
23 *term of probation by a Federal or State court, or who*
24 *has been released from a Federal, State, or local cor-*
25 *rectional institution.*

1 (4) *INCARCERATED PERSON.*—The term “incar-
2 cerated person” means any individual incarcerated in
3 a Federal or State correctional institution who is
4 charged with or convicted of any criminal offense.

5 (d) *ESTABLISHMENT OF OFFICE.*—

6 (1) *IN GENERAL.*—The Attorney General shall es-
7 tablish within the Department of Justice an Office of
8 Correctional Job Training and Placement. The Office
9 shall be headed by a Director, who shall be appointed
10 by the Attorney General.

11 (2) *TIMING.*—The Attorney General shall carry
12 out this subsection not later than 6 months after the
13 date of enactment of this section.

14 (e) *FUNCTIONS OF OFFICE.*—The Attorney General,
15 acting through the Director of the Office of Correctional Job
16 Training and Placement, in consultation with the Sec-
17 retary of Labor, shall—

18 (1) assist in coordinating the activities of the
19 Federal Bonding Program of the Department of
20 Labor, the activities of the Department of Labor relat-
21 ed to the determination of targeted jobs credits under
22 section 51 of the Internal Revenue Code of 1986 with
23 respect to ex-offenders, and any other correctional job
24 training or placement program of the Department of
25 Justice or Department of Labor;

1 (2) *provide technical assistance to State and*
2 *local employment and training agencies that—*

3 (A) *receive financial assistance under this*
4 *Act; or*

5 (B) *receive financial assistance through*
6 *other programs carried out by the Department of*
7 *Justice or Department of Labor, for activities re-*
8 *lated to the development of employability;*

9 (3) *prepare and implement the use of special*
10 *staff training materials, and methods, for developing*
11 *the staff competencies needed by State and local agen-*
12 *cies to assist incarcerated persons and ex-offenders in*
13 *gaining marketable occupational skills and job place-*
14 *ment;*

15 (4) *prepare and submit to Congress an annual*
16 *report on the activities of the Office of Correctional*
17 *Job Training and Placement, and the status of cor-*
18 *rectional job training or placement programs in the*
19 *United States;*

20 (5) *cooperate with other Federal agencies carry-*
21 *ing out correctional job training or placement pro-*
22 *grams to ensure coordination of such programs*
23 *throughout the United States;*

24 (6) *consult with, and provide outreach to—*

1 “(A) *State job training coordinating coun-*
2 *cils, administrative entities, and private indus-*
3 *try councils, with respect to programs carried*
4 *out under this Act; and*

5 *(B) other State and local officials, with re-*
6 *spect to other employment or training programs*
7 *carried out by the Department of Justice or De-*
8 *partment of Labor;*

9 *(7) collect from States information on the train-*
10 *ing accomplishments and employment outcomes of a*
11 *sample of incarcerated persons and ex-offenders who*
12 *were served by employment or training programs car-*
13 *ried out, or that receive financial assistance through*
14 *programs carried out, by the Department of Justice*
15 *or Department of Labor; and*

16 *(8)(A) collect from States and local governments*
17 *information on the development and implementation*
18 *of correctional job training or placement programs;*
19 *and*

20 *(B) disseminate such information, as appro-*
21 *priate.*

1 **TITLE XLVIII—POLICE**
2 **PARTNERSHIPS FOR CHILDREN**

3 **SEC. 4801. SHORT TITLE.**

4 *This title may be cited as the “Police Partnerships for*
5 *Children Act of 1993”.*

6 **SEC. 4802. FINDINGS.**

7 *Congress finds the following:*

8 (1) *Homicide is the second leading cause of juve-*
9 *nile injury deaths for all youth 15 to 24 years of age.*

10 (2) *Homicide rates for children and youth have*
11 *more than doubled since 1950.*

12 (3) *Teenagers are more than twice as likely as*
13 *adults to be victims of violent crime, such as rape,*
14 *robbery or assault.*

15 (4) *Physical fighting severe enough to require*
16 *medical treatment for at least one participant occurs*
17 *among high school students in patterns similar to*
18 *those of homicide. The incidence rates of such physical*
19 *fighting are higher for males than females, higher for*
20 *minorities than for nonminorities, and more frequent*
21 *between acquaintances than among strangers.*

22 (5) *Children increasingly live amidst chronic*
23 *community violence and experience trauma as a re-*
24 *sult of such violence. One survey of inner-city chil-*
25 *dren 6 to 10 years of age found that over 90 percent*

1 *had witnessed some type of violence. A Chicago hous-*
2 *ing project survey found that virtually all children in*
3 *such survey had firsthand experiences with shootings*
4 *by the age of 5.*

5 (6) *Children who have been the victims of, or*
6 *who have witnessed violence, are at risk of becoming*
7 *involved in further violence if the trauma such chil-*
8 *dren have experienced is not addressed.*

9 (7) *Police frequently encounter children who*
10 *have been the victims of violence or who have wit-*
11 *nessed violence in the course of the police work, but*
12 *the police often lack the resources necessary to ade-*
13 *quately respond to such children's needs. Child and*
14 *family service agencies have expertise in child devel-*
15 *opment and family issues that could support police*
16 *efforts.*

17 (8) *Community-based police, by their visibility*
18 *at the neighborhood level and their engagement in be-*
19 *nign activities, can provide role models and resources*
20 *to promote the well-being of children and families, as*
21 *well as to identify and refer those at risk for behav-*
22 *ioral problems.*

23 **SEC. 4803. PURPOSES.**

24 *The purposes of this title are to—*

1 (1) *augment law enforcement services and com-*
2 *munity policing efforts by providing accessible crisis*
3 *intervention services for children who are involved in*
4 *violent incidents, and training for law enforcement*
5 *officers in child development, family, and cultural is-*
6 *ssues;*

7 (2) *identify children and families at high risk*
8 *for developing behavioral or emotional problems re-*
9 *sulting from exposure to community violence and pro-*
10 *vide mental health and other support services to such*
11 *children and families, including crisis intervention*
12 *for child witnesses and victims of violence;*

13 (3) *facilitate interaction between law enforce-*
14 *ment agencies, child and family service organizations,*
15 *local educational agencies, and other community*
16 *members for the purpose of building coalitions for the*
17 *prevention of community violence; and*

18 (4) *provide role models for high-risk children*
19 *and youth and promote conflict resolution training*
20 *for children and youth in local educational agencies.*

21 **SEC. 4804. DEFINITIONS.**

22 *For purposes of this title:*

23 (1) *CHILD AND FAMILY SERVICE ORGANIZA-*
24 *TION.—The term “child and family service organiza-*
25 *tion” means a public or private nonprofit entity*

1 *(such as child guidance centers, child psychiatry or*
2 *child psychology departments of hospitals or univer-*
3 *sity medical centers, or community mental health*
4 *centers providing child and family services) that pro-*
5 *vides mental health services to children and families*
6 *and that meets nationally recognized guidelines (such*
7 *as guidelines prescribed for mental health centers and*
8 *for child welfare and family service agencies) with re-*
9 *spect to the services provided to children and families.*

10 (2) *COMMUNITY-BASED POLICING.*—*The term*
11 *“community-based policing” means a commitment*
12 *and an effort (within the confines of budget restric-*
13 *tions) made by a law enforcement agency to establish*
14 *or expand cooperative efforts between the police and*
15 *a community in order to increase police presence in*
16 *the community, including—*

17 (A) *developing innovative neighborhood-ori-*
18 *ented policing programs and community-based*
19 *crime-prevention programs; and*

20 (B) *creating decentralized police substations*
21 *throughout the community to encourage inter-*
22 *action and cooperation between the public and*
23 *law enforcement personnel on a local level, in-*
24 *cluding the permanent assignment of officers to*
25 *a specific neighborhood or substation.*

1 (3) *LAW ENFORCEMENT AGENCY.*—*The term*
2 *“law enforcement agency” means an entity that serves*
3 *a specific community and has the routine responsibil-*
4 *ity of policing the activities of such community.*

5 **SEC. 4805. GRANTS AUTHORIZED.**

6 (a) *IN GENERAL.*—

7 (1) *ESTABLISHMENT GRANTS.*—*The Attorney*
8 *General, in consultation with the Secretary of Health*
9 *and Human Services, and where appropriate the Sec-*
10 *retary of Education, shall, subject to availability of*
11 *appropriations, award grants to law enforcement*
12 *agencies determined to be eligible under section 4806*
13 *for the establishment of law enforcement and child*
14 *and family services partnership programs to carry*
15 *out activities described in section 4806.*

16 (2) *PRIORITY.*—*In awarding grants described in*
17 *paragraph (1), the Attorney General shall give prior-*
18 *ity to a law enforcement agency that—*

19 (A) *is engaged in community-based polic-*
20 *ing; and*

21 (B) *intends to target such agency’s pro-*
22 *grams at disadvantaged communities.*

23 (b) *GRANT AMOUNT.*—

1 (1) *IN GENERAL.*—A grant awarded under this
2 section shall be of sufficient size and scope to ade-
3 quately support all anticipated activities.

4 (2) *ADDITIONAL AMOUNTS.*—

5 (A) *IN GENERAL.*—The Attorney General
6 may award additional grant amounts for the
7 purpose of enabling a law enforcement agency
8 (as described in section 4806(a)(1)) to provide
9 mentoring or conflict resolution services.

10 (B) *SPECIAL RULES.*—

11 (i) *PRIORITY FOR MENTORING SERV-*
12 *ICES.*—In awarding additional grant funds
13 for the provision of mentoring services
14 under subparagraph (A), the Attorney Gen-
15 eral shall give priority to a law enforcement
16 agency (as described in section 4806(a)(1))
17 that demonstrates commitments from a
18 broad spectrum of community groups to
19 participate in mentoring programs.

20 (ii) *CONFLICT RESOLUTION SERV-*
21 *ICES.*—In awarding additional grant funds
22 for the provision of conflict resolution serv-
23 ices under subparagraph (A), the Attorney
24 General may not award grant funds to a
25 law enforcement agency (as described in sec-

1 *tion 4806(a)(1)) unless such agency dem-*
2 *onstrates a commitment from the local edu-*
3 *cational agency to provide conflict resolu-*
4 *tion programs in the schools in participa-*
5 *tion with such agency.*

6 *(c) FEDERAL SHARE.—*

7 *(1) IN GENERAL.—The Federal share of a grant*
8 *made under this section may not exceed—*

9 *(A) with respect to the first fiscal year, 80*
10 *percent of the total costs of the projects described*
11 *in the application submitted under section 4806*
12 *for such fiscal year;*

13 *(B) with respect to the second fiscal year,*
14 *70 percent of the total costs of the projects de-*
15 *scribed in the application submitted under sec-*
16 *tion 4806 for such fiscal year; and*

17 *(C) with respect to the third fiscal year, 60*
18 *percent of the total costs of the projects described*
19 *in the application submitted under section 4806*
20 *for such fiscal year.*

21 *(2) IN-KIND CONTRIBUTIONS.—The Attorney*
22 *General shall accept the value of in-kind contributions*
23 *made by the grant recipient as a part or all of the*
24 *non-Federal share of grants.*

1 (d) *GRANT DURATION.*—A grant awarded under this
2 title shall be for a period of not less than 3 years.

3 **SEC. 4806. APPLICATIONS.**

4 (a) *IN GENERAL.*—To be eligible for a grant under this
5 section an entity shall—

6 (1) be a law enforcement agency that has entered
7 into a partnership with a child and family service or-
8 ganization to carry out a program under this title;
9 and

10 (2) prepare and submit to the Attorney General
11 an application in such form, at such time, and in ac-
12 cordance with such procedures, as the Attorney Gen-
13 eral shall establish.

14 (b) *ASSURANCES.*—Each application submitted under
15 subsection (a) shall provide the following assurances:

16 (1) There is a partnership established between
17 the law enforcement agency and a child and family
18 service organization.

19 (2) The management at the highest level of the
20 law enforcement agency and the child and family
21 service organization agrees to the establishment of
22 such partnership, and ensures that such agency and
23 such organization of such partnership will cooperate
24 in carrying out the program.

1 (3) *In developing the program, the applicant has*
2 *coordinated with other segments of the community to*
3 *ensure that the partnership efforts complement exist-*
4 *ing community anti-violence efforts.*

5 (4) *Programs established from funds received*
6 *under grants awarded under this title will do the fol-*
7 *lowing:*

8 (A) *Be collaborative in nature, with respect*
9 *to organizing and providing the necessary serv-*
10 *ices to children and families.*

11 (B) *Provide response to crisis situations 24*
12 *hours a day.*

13 (C) *Provide confidentiality.*

14 (D) *Be able to provide adequate resources*
15 *for training of law enforcement officers and for*
16 *support of professional consultation services for*
17 *children and families, including professionals li-*
18 *censed to provide child and family evaluations*
19 *and treatment.*

20 (E) *Be able to respond to community needs*
21 *in a manner reflecting sensitivity to the cultural*
22 *diversity of that community.*

23 (5) *The partnership will provide the following*
24 *program components:*

1 (A) 24-hour consultation service that in-
2 cludes a team of child guidance professionals and
3 specially trained law enforcement officers to re-
4 spond to incidents where a child has been a per-
5 petrator, a witness, or a victim of violence. Serv-
6 ices by child guidance professionals may include
7 in-home assessments, expedited referrals for
8 treatment, treatment in a community where re-
9 sources are not already available, consultations
10 with parents and teachers, and on-the-spot crisis
11 intervention.

12 (B) Training for law enforcement officers
13 that includes instruction by child and family
14 service organizations in the basic principles of
15 human behavior, child psychology, and family
16 systems. All training will be interactive and
17 jointly taught by law enforcement officers and
18 child guidance professionals, in order to make
19 use of real-life examples drawn from officers' ex-
20 perience in the field.

21 (C) Weekly case conferences by the team of
22 child guidance professionals and law enforcement
23 officers described in subparagraph (A).

24 (D) Community activities for children and
25 families that are designed jointly by the law en-

1 *forcement and child and family services partner-*
2 *ship, including conflict resolution training pro-*
3 *grams for children and youth, after-school activ-*
4 *ity and neighborhood recreation programs, and*
5 *parent support groups co-led by child guidance*
6 *and law enforcement professionals.*

7 (6) *The partnership will provide local matching*
8 *funds in accordance with the Federal share require-*
9 *ments under section 4805(c).*

10 (7) *The applicant will submit to the Attorney*
11 *General, for each fiscal year for which a grant is re-*
12 *ceived, a report in accordance with uniform stand-*
13 *ards prescribed by the Attorney General.*

14 (c) *ADDITIONAL ASSURANCES FOR MENTORING AND*
15 *CONFLICT RESOLUTION SERVICES.—*

16 (1) *IN GENERAL.—Each application submitted*
17 *under subsection (a) for additional funding for the*
18 *provision of mentoring or conflict resolution services*
19 *under section 4805(b)(2) shall provide assurances de-*
20 *scribed in paragraph (2) or (3), whichever is applica-*
21 *ble.*

22 (2) *MENTORING.—With respect to the provision*
23 *of mentoring services, an applicant shall provide as-*
24 *surances that the partnership of the applicant and the*
25 *child and family service organization will—*

1 (A) provide formal mentoring programs
2 that will include mentors such as police officers,
3 child and family services staff, and community
4 and business leaders provided through a partner-
5 ship with corporations, universities, labor orga-
6 nizations, nonprofit entities (such as professional
7 societies) or government agencies;

8 (B) recruit mentors who are representative
9 of the cultural mix of the community such men-
10 tors serve;

11 (C) provide ongoing support services to
12 mentors through the partnership, including a
13 framework for understanding the issues such
14 mentors may encounter in working with youth
15 from deprived environments and ongoing sup-
16 port groups to provide mentors an opportunity
17 to discuss the problems encountered in working
18 with children;

19 (D) provide practical work experience and,
20 to the extent possible, permanent career opportu-
21 nities to older youth; and

22 (E) collaborate, when possible, with elemen-
23 tary and secondary schools, universities, corpora-
24 tions, labor organizations, or government agen-

1 cies with respect to matters relating to the part-
2 nership's mentoring program.

3 (3) *CONFLICT RESOLUTION.*—With respect to the
4 provision of conflict resolution services, an applicant
5 shall provide an assurance that the child and family
6 service organization and the law enforcement agency
7 partnership, in collaboration with the local edu-
8 cational agency (hereafter referred to in this subpara-
9 graph as the "LEA") will support the LEA in the de-
10 velopment and implementation of conflict resolution
11 programs. The support provided to the LEA in the
12 preceding sentence shall be tailored to the needs and
13 resources of the local school district, and may include
14 providing assistance to an ongoing conflict resolution
15 program operated by such LEA, developing curricula
16 for such a program in cooperation with the LEA, and
17 providing such a program to an LEA.

18 **SEC. 4807. TRAINING AND TECHNICAL ASSISTANCE.**

19 The Attorney General shall provide training and tech-
20 nical assistance to grantees and child and family service
21 organization with which such grantees have formed a part-
22 nership.

1 **SEC. 4808. EVALUATION AND REPORTS.**

2 (a) *EVALUATION.*—*The Attorney General shall conduct*
3 *evaluations to determine the effectiveness of the programs*
4 *funded under this title.*

5 (b) *SUBMISSION OF REPORTS AND EVALUATIONS.*—

6 (1) *INTERIM.*—*Not later than December 31,*
7 *1995, the Attorney General shall prepare and submit*
8 *to the appropriate committees of Congress an interim*
9 *progress report based on information reported by the*
10 *grantees and the results (as of the date of the submis-*
11 *sion of such report) of the evaluation conducted under*
12 *subsection (a).*

13 (2) *FINAL.*—*Not later than December 31, 1998,*
14 *the Attorney General shall prepare and submit to the*
15 *appropriate committees of Congress a review and*
16 *summary of the results of the evaluation conducted*
17 *under subsection (a).*

18 **SEC. 4809. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are authorized to be appropriated to carry out*
20 *this title, \$20,000,000 for fiscal year 1994, and such sums*
21 *as may be necessary for each of the fiscal years 1995*
22 *through 1998, of which not more than 10 percent shall be*
23 *used for the mentoring and conflict resolution activities de-*
24 *scribed in section 4806(c).*

1 **TITLE XLIX—NATIONAL COMMU-**
2 **NITY ECONOMIC PARTNER-**
3 **SHIP**

4 **SEC. 4901. SHORT TITLE.**

5 *This title may be cited as the “National Community*
6 *Economic Partnership Act of 1993”.*

7 **Subtitle A—Community Economic**
8 **Partnership Investment Funds**

9 **SEC. 4911. PURPOSE.**

10 *It is the purpose of this subtitle to increase private*
11 *investment in distressed local communities and to build and*
12 *expand the capacity of local institutions to better serve the*
13 *economic needs of local residents through the provision of*
14 *financial and technical assistance to community develop-*
15 *ment corporations.*

16 **SEC. 4912. PROVISION OF ASSISTANCE.**

17 *(a) AUTHORITY.—The Secretary of Health and*
18 *Human Services (hereafter referred to in this title as the*
19 *“Secretary”) is authorized, in accordance with this subtitle,*
20 *to provide nonrefundable lines of credit to community devel-*
21 *opment corporations for the establishment, maintenance or*
22 *expansion of revolving loan funds to be utilized to finance*
23 *projects intended to provide business and employment op-*
24 *portunities for low-income, unemployed, or underemployed*

1 *individuals and to improve the quality of life in urban and*
2 *rural areas.*

3 *(b) REVOLVING LOAN FUNDS.—*

4 *(1) COMPETITIVE ASSESSMENT OF APPLICA-*
5 *TIONS.—In providing assistance under subsection (a),*
6 *the Secretary shall establish and implement a com-*
7 *petitive process for the solicitation and consideration*
8 *of applications from eligible entities for lines of credit*
9 *for the capitalization of revolving funds.*

10 *(2) ELIGIBLE ENTITIES.—To be eligible to re-*
11 *ceive a line of credit under this subtitle an applicant*
12 *shall—*

13 *(A) be a community development corpora-*
14 *tion;*

15 *(B) prepare and submit an application to*
16 *the Secretary that shall include a strategic in-*
17 *vestment plan that identifies and describes the*
18 *economic characteristics of the target area to be*
19 *served, the types of business to be assisted and*
20 *the impact of such assistance on low-income, un-*
21 *deremployed, and unemployed individuals in the*
22 *target area;*

23 *(C) demonstrate previous experience in the*
24 *development of low-income housing or commu-*
25 *nity or business development projects in a low-*

1 *income community and provide a record of*
2 *achievement with respect to such projects; and*

3 *(D) have secured one or more commitments*
4 *from local sources for contributions (either in*
5 *cash or in kind, letters of credit or letters of com-*
6 *mitment) in an amount that is at least equal to*
7 *the amount requested in the application submit-*
8 *ted under subparagraph (B).*

9 *(3) EXCEPTION.—Notwithstanding the provisions*
10 *of paragraph (2)(D), the Secretary may reduce local*
11 *contributions to not less than 25 percent of the*
12 *amount of the line of credit requested by the commu-*
13 *nity development corporation if the Secretary deter-*
14 *mines such to be appropriate in accordance with sec-*
15 *tion 4916.*

16 **SEC. 4913. APPROVAL OF APPLICATIONS.**

17 *(a) IN GENERAL.—In evaluating applications submit-*
18 *ted under section 4912(b)(2)(B), the Secretary shall ensure*
19 *that—*

20 *(1) the residents of the target area to be served*
21 *(as identified under the strategic development plan)*
22 *would have an income that is less than the median*
23 *income for the area (as determined by the Secretary);*

24 *(2) the applicant community development cor-*
25 *poration possesses the technical and managerial capa-*

1 *bility necessary to administer a revolving loan fund*
2 *and has past experience in the development and man-*
3 *agement of housing, community and economic devel-*
4 *opment programs;*

5 *(3) the applicant community development cor-*
6 *poration has provided sufficient evidence of the exist-*
7 *ence of good working relationships with—*

8 *(A) local businesses and financial institu-*
9 *tions, as well as with the community the cor-*
10 *poration proposes to serve; and*

11 *(B) local and regional job training pro-*
12 *grams;*

13 *(4) the applicant community development cor-*
14 *poration will target job opportunities that arise from*
15 *revolving loan fund investments under this subtitle so*
16 *that 75 percent of the jobs retained or created under*
17 *such investments are provided to—*

18 *(A) individuals with—*

19 *(i) incomes that do not exceed the Fed-*
20 *eral poverty line; or*

21 *(ii) incomes that do not exceed 80 per-*
22 *cent of the median income of the area;*

23 *(B) individuals who are unemployed or un-*
24 *deremployed;*

1 (C) individuals who are participating or
2 have participated in job training programs au-
3 thorized under the Job Training Partnership Act
4 (29 U.S.C. 1501 et seq.) or the Family Support
5 Act of 1988 (Public Law 100-485);

6 (D) individuals whose jobs may be retained
7 as a result of the provision of financing available
8 under this subtitle; or

9 (E) individuals who have historically been
10 underrepresented in the local economy; and

11 (5) a representative cross section of applicants
12 are approved, including large and small community
13 development corporations, urban and rural commu-
14 nity development corporations and community devel-
15 opment corporations representing diverse populations.

16 (b) *PRIORITY*.—In determining which application to
17 approve under this subtitle the Secretary shall give priority
18 to those applicants proposing to serve a target area—

19 (1) with a median income that does not exceed
20 80 percent of the median for the area (as determined
21 by the Secretary); and

22 (2) with a high rate of unemployment, as deter-
23 mined by the Secretary or in which the population
24 loss is at least 7 percent from April 1, 1980, to April
25 1, 1990, as reported by the Bureau of the Census.

1 **SEC. 4914. AVAILABILITY OF LINES OF CREDIT AND USE.**

2 (a) *APPROVAL OF APPLICATION.*—The Secretary shall
3 provide a community development corporation that has an
4 application approved under section 4913 with a line of
5 credit in an amount determined appropriate by the Sec-
6 retary, subject to the limitations contained in subsection
7 (b).

8 (b) *LIMITATIONS ON AVAILABILITY OF AMOUNTS.*—

9 (1) *MAXIMUM AMOUNT.*—The Secretary shall not
10 provide in excess of \$2,000,000 in lines of credit
11 under this subtitle to a single applicant.

12 (2) *PERIOD OF AVAILABILITY.*—A line of credit
13 provided under this subtitle shall remain available
14 over a period of time established by the Secretary, but
15 in no event shall any such period of time be in excess
16 of 3 years from the date on which such line of credit
17 is made available.

18 (3) *EXCEPTION.*—Notwithstanding paragraphs
19 (1) and (2), if a recipient of a line of credit under
20 this subtitle has made full and productive use of such
21 line of credit, can demonstrate the need and demand
22 for additional assistance, and can meet the require-
23 ments of section 4912(b)(2), the amount of such line
24 of credit may be increased by not more than
25 \$1,500,000.

1 (c) *AMOUNTS DRAWN FROM LINE OF CREDIT.*—
2 *Amounts drawn from each line of credit under this subtitle*
3 *shall be used solely for the purposes described in section*
4 *4911 and shall only be drawn down as needed to provide*
5 *loans, investments, or to defray administrative costs related*
6 *to the establishment of a revolving loan fund.*

7 (d) *USE OF REVOLVING LOAN FUNDS.*—*Revolving*
8 *loan funds established with lines of credit provided under*
9 *this subtitle may be used to provide technical assistance to*
10 *private business enterprises and to provide financial assist-*
11 *ance in the form of loans, loan guarantees, interest reduc-*
12 *tion assistance, equity shares, and other such forms of as-*
13 *sistance to business enterprises in target areas and who are*
14 *in compliance with section 4913(a)(4).*

15 **SEC. 4915. LIMITATIONS ON USE OF FUNDS.**

16 (a) *MATCHING REQUIREMENT.*—*Not to exceed 50 per-*
17 *cent of the total amount to be invested by an entity under*
18 *this subtitle may be derived from funds made available from*
19 *a line of credit under this subtitle.*

20 (b) *TECHNICAL ASSISTANCE AND ADMINISTRATION.*—
21 *Not to exceed 10 percent of the amounts available from a*
22 *line of credit under this subtitle shall be used for the provi-*
23 *sion of training or technical assistance and for the plan-*
24 *ning, development, and management of economic develop-*
25 *ment projects. Community development corporations shall*

1 *be encouraged by the Secretary to seek technical assistance*
2 *from other community development corporations, with ex-*
3 *pertise in the planning, development and management of*
4 *economic development projects. The Secretary shall assist*
5 *in the identification and facilitation of such technical as-*
6 *sistance.*

7 (c) *LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.—*
8 *To receive funds available under a line of credit provided*
9 *under this subtitle, an entity, using procedures established*
10 *by the Secretary, shall demonstrate to the community devel-*
11 *opment corporation that such entity agrees to provide local*
12 *and private sector contributions in accordance with section*
13 *4912(b)(2)(D), will participate with such community devel-*
14 *opment corporation in a loan, guarantee or investment pro-*
15 *gram for a designated business enterprise, and that the total*
16 *financial commitment to be provided by such entity is at*
17 *least equal to the amount to be drawn from the line of cred-*
18 *it.*

19 (d) *USE OF PROCEEDS FROM INVESTMENTS.—Pro-*
20 *ceeds derived from investments made using funds made*
21 *available under this subtitle may be used only for the pur-*
22 *poses described in section 4911 and shall be reinvested in*
23 *the community in which they were generated.*

1 **SEC. 4916. PROGRAM PRIORITY FOR SPECIAL EMPHASIS**
2 **PROGRAMS.**

3 (a) *IN GENERAL.*—The Secretary shall give priority
4 in providing lines of credit under this subtitle to commu-
5 nity development corporations that propose to undertake
6 economic development activities in distressed communities
7 that target women, Native Americans, at risk youth, farm-
8 workers, population-losing communities, very low-income
9 communities, single mothers, veterans, and refugees; or that
10 expand employee ownership of private enterprises and
11 small businesses, and to programs providing loans of not
12 more than \$35,000 to very small business enterprises.

13 (b) *RESERVATION OF FUNDS.*—Not less than 5 percent
14 of the amounts made available under section 4932(a)(2)(A)
15 may be reserved to carry out the activities described in sub-
16 section (a).

17 **Subtitle B—Emerging Community**
18 **Development Corporations**

19 **SEC. 4921. COMMUNITY DEVELOPMENT CORPORATION IM-**
20 **PROVEMENT GRANTS.**

21 (a) *PURPOSE.*—It is the purpose of this section to pro-
22 vide assistance to community development corporations to
23 upgrade the management and operating capacity of such
24 corporations and to enhance the resources available to en-
25 able such corporations to increase their community eco-
26 nomic development activities.

1 (b) *SKILL ENHANCEMENT GRANTS.*—

2 (1) *IN GENERAL.*—*The Secretary shall award*
3 *grants to community development corporations to en-*
4 *able such corporations to attain or enhance the busi-*
5 *ness management and development skills of the indi-*
6 *viduals that manage such corporations to enable such*
7 *corporations to seek the public and private resources*
8 *necessary to develop community economic develop-*
9 *ment projects.*

10 (2) *USE OF FUNDS.*—*A recipient of a grant*
11 *under paragraph (1) may use amounts received under*
12 *such grant—*

13 (A) *to acquire training and technical assist-*
14 *ance from agencies or institutions that have ex-*
15 *tensive experience in the development and man-*
16 *agement of low-income community economic de-*
17 *velopment projects; or*

18 (B) *to acquire such assistance from other*
19 *highly successful community development cor-*
20 *porations.*

21 (c) *OPERATING GRANTS.*—

22 (1) *IN GENERAL.*—*The Secretary shall award*
23 *grants to community development corporations to en-*
24 *able such corporations to support an administrative*
25 *capacity for the planning, development, and manage-*

1 *ment of low-income community economic development*
2 *projects.*

3 (2) *USE OF FUNDS.*—A recipient of a grant
4 under paragraph (1) may use amounts received under
5 such grant—

6 (A) *to conduct evaluations of the feasibility*
7 *of potential low-income community economic de-*
8 *velopment projects that address identified needs*
9 *in the low-income community and that conform*
10 *to those projects and activities permitted under*
11 *subtitle A;*

12 (B) *to develop a business plan related to*
13 *such a potential project; or*

14 (C) *to mobilize resources to be contributed*
15 *to a planned low-income community economic*
16 *development project or strategy.*

17 (d) *APPLICATIONS.*—A community development cor-
18 *poration that desires to receive a grant under this section*
19 *shall prepare and submit to the Secretary an application*
20 *at such time, in such manner, and containing such infor-*
21 *mation as the Secretary may require.*

22 (e) *AMOUNT AVAILABLE FOR A COMMUNITY DEVELOP-*
23 *MENT CORPORATION.*—Amounts provided under this section
24 *to a community development corporation shall not exceed*
25 *\$75,000 per year. Such corporations may apply for grants*

1 *under this section for up to 3 consecutive years, except that*
2 *such corporations shall be required to submit a new appli-*
3 *cation for each grant for which such corporation desires to*
4 *receive and compete on the basis of such applications in*
5 *the selection process.*

6 **SEC. 4922. EMERGING COMMUNITY DEVELOPMENT COR-**
7 **PORATION REVOLVING LOAN FUNDS.**

8 (a) *AUTHORITY.*—*The Secretary is authorized to*
9 *award grants to emerging community development corpora-*
10 *tions to enable such corporations to establish, maintain or*
11 *expand revolving loan funds, to make or guarantee loans,*
12 *or to make capital investments in new or expanding local*
13 *businesses.*

14 (b) *ELIGIBILITY.*—*To be eligible to receive a grant*
15 *under subsection (a), an entity shall—*

16 (1) *be a community development corporation;*

17 (2) *have completed not less than one nor more*
18 *than two community economic development projects*
19 *or related projects that improve or provide job and*
20 *employment opportunities to low-income individuals;*

21 (3) *prepare and submit to the Secretary an ap-*
22 *plication at such time, in such manner, and contain-*
23 *ing such information as the Secretary may require,*
24 *including a strategic investment plan that identifies*
25 *and describes the economic characteristics of the tar-*

1 *get area to be served, the types of business to be as-*
2 *sisted using amounts received under the grant and the*
3 *impact of such assistance on low-income individuals;*
4 *and*

5 *(4) have secured one or more commitments from*
6 *local sources for contributions (either in cash or in*
7 *kind, letters of credit, or letters of commitment) in an*
8 *amount that is equal to at least 10 percent of the*
9 *amounts requested in the application submitted under*
10 *paragraph (2).*

11 *(c) USE OF THE REVOLVING LOAN FUND.—*

12 *(1) IN GENERAL.—A revolving loan fund estab-*
13 *lished or maintained with amounts received under*
14 *this section may be utilized to provide financial and*
15 *technical assistance, loans, loan guarantees or invest-*
16 *ments to private business enterprises to—*

17 *(A) finance projects intended to provide*
18 *business and employment opportunities for low-*
19 *income individuals and to improve the quality of*
20 *life in urban and rural areas; and*

21 *(B) build and expand the capacity of*
22 *emerging community development corporations*
23 *and serve the economic needs of local residents.*

24 *(2) TECHNICAL ASSISTANCE.—The Secretary*
25 *shall encourage emerging community development*

1 *corporations that receive grants under this section to*
2 *seek technical assistance from established community*
3 *development corporations, with expertise in the plan-*
4 *ning, development and management of economic de-*
5 *velopment projects and shall facilitate the receipt of*
6 *such assistance.*

7 (3) *LIMITATION.—Not to exceed 10 percent of the*
8 *amounts received under this section by a grantee shall*
9 *be used for training, technical assistance and admin-*
10 *istrative purposes.*

11 (d) *USE OF PROCEEDS FROM INVESTMENTS.—Pro-*
12 *ceeds derived from investments made with amounts pro-*
13 *vided under this section may be utilized only for the pur-*
14 *poses described in this subtitle and shall be reinvested in*
15 *the community in which they were generated.*

16 (e) *AMOUNTS AVAILABLE.—Amounts provided under*
17 *this section to a community development corporation shall*
18 *not exceed \$500,000 per year.*

19 ***Subtitle C—Miscellaneous***
20 ***Provisions***

21 ***SEC. 4931. DEFINITIONS.***

22 *As used in this title:*

23 (1) *COMMUNITY DEVELOPMENT CORPORATION.—*
24 *The term “community development corporation”*
25 *means a private, nonprofit corporation whose board*

1 *of directors is comprised of business, civic and com-*
2 *munity leaders, and whose principal purpose includes*
3 *the provision of low-income housing or community*
4 *economic development projects that primarily benefit*
5 *low-income individuals and communities.*

6 (2) *LOCAL AND PRIVATE SECTOR CONTRIBU-*
7 *TION.—The term “local and private sector contribu-*
8 *tion” means the funds available at the local level (by*
9 *private financial institutions, State and local govern-*
10 *ments) or by any private philanthropic organization*
11 *and private, nonprofit organizations that will be com-*
12 *mitted and used solely for the purpose of financing*
13 *private business enterprises in conjunction with*
14 *amounts provided under this title.*

15 (3) *POPULATION-LOSING COMMUNITY.—The term*
16 *“population-losing community” means any county in*
17 *which the net population loss is at least 7 percent*
18 *from April 1, 1980 to April 1, 1990, as reported by*
19 *the Bureau of the Census.*

20 (4) *PRIVATE BUSINESS ENTERPRISE.—The term*
21 *“private business enterprise” means any business en-*
22 *terprise that is engaged in the manufacture of a prod-*
23 *uct, provision of a service, construction or develop-*
24 *ment of a facility, or that is involved in some other*
25 *commercial, manufacturing or industrial activity,*

1 *and that agrees to target job opportunities stemming*
2 *from investments authorized under this title to cer-*
3 *tain individuals.*

4 (5) *TARGET AREA.*—*The term “target area”*
5 *means any area defined in an application for assist-*
6 *ance under this title that has a population whose in-*
7 *come does not exceed the median for the area within*
8 *which the target area is located.*

9 (6) *VERY LOW-INCOME COMMUNITY.*—*The term*
10 *“very low-income community” means a community*
11 *in which the median income of the residents of such*
12 *community does not exceed 50 percent of the median*
13 *income of the area.*

14 **SEC. 4932. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) *IN GENERAL.*—*There are authorized to be appro-*
16 *priated to carry out subtitles A and B, \$40,000,000 for fis-*
17 *cal year 1994, and such sums as may be necessary for fiscal*
18 *years 1995 and 1996.*

19 (b) *EARMARKS.*—*Of the aggregate amount appro-*
20 *priated under subsection (a) for each fiscal year—*

21 (1) *60 percent shall be available to carry out*
22 *subtitle A; and*

23 (2) *40 percent shall be available to carry out*
24 *subtitle B.*

1 (c) *AMOUNTS.*—Amounts appropriated under sub-
2 section (a) shall remain available for expenditure without
3 fiscal year limitation.

4 **SEC. 4933. PROHIBITION.**

5 None of the funds authorized under this title shall be
6 used to finance the construction of housing.

7 **TITLE L—DEPORTATION OF**
8 **ALIENS CONVICTED OF CRIMES**

9 **SEC. 5001. EXPANSION OF DEFINITION OF AGGRAVATED**
10 **FELONY.**

11 (a) *EXPANSION OF DEFINITION.*—Section 101(a)(43)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(43)) is amended to read as follows:

14 “(43) The term ‘aggravated felony’ means—

15 “(A) murder;

16 “(B) illicit trafficking in a controlled sub-
17 stance (as defined in section 102 of the Con-
18 trolled Substances Act), including a drug traf-
19 ficking crime (as defined in section 924(c) of
20 title 18, United States Code);

21 “(C) illicit trafficking in firearms or de-
22 structive devices (as defined in section 921 of
23 title 18, United States Code) or in explosive ma-
24 terials (as defined in section 841(c) of that title);

1 “(D) an offense described in section 1956 of
2 title 18, United States Code (relating to launder-
3 ing of monetary instruments) or section 1957 of
4 that title (relating to engaging in monetary
5 transactions in property derived from specific
6 unlawful activity) if the amount of the funds ex-
7 ceeded \$100,000;

8 “(E) an offense described in—

9 “(i) section 842 (h) or (i) of title 18,
10 United States Code, or section 844 (d), (e),
11 (f), (g), (h), or (i) of that title (relating to
12 explosive materials offenses);

13 “(ii) section 922(g) (1), (2), (3), (4), or
14 (5), (j), (n), (o), (p), or (r) or 924 (b) or (h)
15 of title 18, United States Code (relating to
16 firearms offenses); or

17 “(iii) section 5861 of the Internal Rev-
18 enue Code of 1986 (relating to firearms of-
19 fenses);

20 “(F) a crime of violence (as defined in sec-
21 tion 16 of title 18, United States Code, but not
22 including a purely political offense) for which
23 the term of imprisonment imposed (regardless of
24 any suspension of imprisonment) is at least 5
25 years;

1 “(G) a theft offense (including receipt of sto-
2 len property) or budgetary offense for which a
3 sentence of 5 years’ imprisonment or more may
4 be imposed;

5 “(H) an offense described in section 875,
6 876, 877, or 1202 of title 18, United States Code
7 (relating to the demand for or receipt of ran-
8 som);

9 “(I) an offense described in section 2251,
10 2251A, or 2252 of title 18, United States Code
11 (relating to child pornography);

12 “(J) an offense described in—

13 “(i) section 1962 of title 18, United
14 States Code (relating to racketeer influenced
15 corrupt organizations); or

16 “(ii) section 1084 (if it is a second or
17 subsequent offense) or 1955 of that title (re-
18 lating to gambling offenses),

19 for which a sentence of 5 years’ imprisonment or
20 more may be imposed;

21 “(K) an offense relating to commercial brib-
22 ery, counterfeiting, forgery, or trafficking in ve-
23 hicles the identification numbers of which have
24 been altered for which a sentence of 5 years’ im-
25 prisonment or more may be imposed;

1 “(L) an offense that—

2 “(i) relates to the owning, controlling,
3 managing or supervising of a prostitution
4 business;

5 “(ii) is described in section 2421, 2422,
6 or 2423 of title 18, United States Code (re-
7 lating to transportation for the purpose of
8 prostitution) for commercial advantage; or

9 “(iii) is described in section 1581,
10 1582, 1583, 1584, 1585, or 1588, of title 18,
11 United States Code (relating to peonage,
12 slavery, and involuntary servitude);

13 “(M) an offense relating to perjury or sub-
14 ornation of perjury for which a sentence of 5
15 years’ imprisonment or more may be imposed;

16 “(N) an offense described in—

17 “(i) section 793 (relating to gathering
18 or transmitting national defense informa-
19 tion), 798 (relating to disclosure of classi-
20 fied information), 2153 (relating to sabo-
21 tage) or 2381 or 2382 (relating to treason)
22 of title 18, United States Code; or

23 “(ii) section 601 of the National Secu-
24 rity Act of 1947 (50 U.S.C. 421) (relating

1 to protecting the identity of undercover in-
2 telligence agents);

3 “(O) an offense that—

4 “(i) involves fraud or deceit in which
5 the loss to the victim or victims exceeds
6 \$200,000; or

7 “(ii) is described in section 7201 of the
8 Internal Revenue Code of 1986 (relating to
9 tax evasion) in which the revenue loss to the
10 Government exceeds \$200,000;

11 “(P) an offense described in section
12 274(a)(1) of title 18, United States Code (relat-
13 ing to alien smuggling) for the purpose of com-
14 mercial advantage;

15 “(Q) an offense described in section 1546(a)
16 of title 18, United States Code (relating to docu-
17 ment fraud), for the purpose of commercial ad-
18 vantage;

19 “(R) an offense relating to a failure to ap-
20 pear before a court pursuant to a court order to
21 answer to or dispose of a charge of a felony for
22 which a sentence of 2 years’ imprisonment or
23 more may be imposed; and

24 “(S) an attempt or conspiracy to commit
25 an offense described in this paragraph.

1 *The term applies to an offense described in this para-*
2 *graph whether in violation of Federal or State law*
3 *and applies to such an offense in violation of the law*
4 *of a foreign country for which the term of imprison-*
5 *ment was completed within the previous 15 years.”.*

6 *(b) EFFECTIVE DATE.—The amendments made by this*
7 *section shall apply to convictions entered on or after the*
8 *date of enactment of this Act.*

9 **SEC. 5002. DEPORTATION PROCEDURES FOR CERTAIN**
10 **CRIMINAL ALIENS WHO ARE NOT PERMANENT**
11 **RESIDENTS.**

12 *(a) ELIMINATION OF ADMINISTRATIVE HEARING FOR*
13 *CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-*
14 *gration and Nationality Act (8 U.S.C. 1252a) is amended*
15 *by adding at the end the following new subsection:*

16 *“(c) DEPORTATION OF ALIENS WHO ARE NOT PERMA-*
17 *NENT RESIDENTS.—*

18 *“(1) Notwithstanding section 242, and subject to*
19 *paragraph (5), the Attorney General may issue a*
20 *final order of deportation against any alien described*
21 *in paragraph (2) whom the Attorney General deter-*
22 *mines to be deportable under section 241(a)(2)(A)(iii)*
23 *(relating to conviction of an aggravated felony).*

24 *“(2) An alien is described in this paragraph if*
25 *the alien—*

1 “(A) was not lawfully admitted for perma-
2 nent residence at the time that proceedings under
3 this section commenced, or

4 “(B) had permanent resident status on a
5 conditional basis (as described in section 216) at
6 the time that proceedings under this section com-
7 menced.

8 “(3) No alien described in this section shall be
9 eligible for any relief from deportation that the Attor-
10 ney General may grant in his discretion.

11 “(4) The Attorney General may not execute any
12 order described in paragraph (1) until 14 calendar
13 days have passed from the date that such order was
14 issued, unless waived by the alien, in order that the
15 alien has an opportunity to apply for judicial review
16 under section 106.”.

17 (b) LIMITED JUDICIAL REVIEW.—Section 106 of the
18 Immigration and Nationality Act (8 U.S.C. 1105a) is
19 amended—

20 (1) in the first sentence of subsection (a), by in-
21 serting “or pursuant to section 242A” after “under
22 section 242(b)”;

23 (2) in subsection (a)(1) and subsection (a)(3), by
24 inserting “(including an alien described in section
25 242A)” after “aggravated felony”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(d) Notwithstanding subsection (c), a petition for re-
4 view or for habeas corpus on behalf of an alien described
5 in section 242A(c) may only challenge whether the alien
6 is in fact an alien described in such section, and no court
7 shall have jurisdiction to review any other issue.”.

8 (c) *TECHNICAL AMENDMENTS.*—Section 242A of the
9 Immigration and Nationality Act (8 U.S.C. 1252a) is
10 amended—

11 (1) in subsection (a)—

12 (A) by striking “(a) *IN GENERAL.*—” and
13 inserting the following:

14 “(b) *DEPORTATION OF PERMANENT RESIDENT*
15 *ALIENS.*—

16 “(1) *IN GENERAL.*—”; and

17 (B) by inserting in the first sentence “per-
18 manent resident” after “correctional facilities
19 for”;

20 (2) in subsection (b)—

21 (A) by striking “(b) *IMPLEMENTATION.*—”
22 and inserting “(2) *IMPLEMENTATION.*—”; and

23 (B) by striking “respect to an” and insert-
24 ing “respect to a permanent resident”;

25 (3) by striking subsection (c);

1 (4) in subsection (d)—

2 (A) by striking “(d) *EXPEDITED PROCEED-*
3 *INGS.—(1)*” and inserting “(3) *EXPEDITED PRO-*
4 *CEEDINGS.—(A)*”;

5 (B) by inserting “*permanent resident*” after
6 “*in the case of any*”; and

7 (C) by striking “(2)” and inserting “(B)”;

8 (5) in subsection (e)—

9 (A) by striking “(e) *REVIEW.—(1)*” and in-
10 serting “(4) *REVIEW.—(A)*”;

11 (B) by striking the second sentence; and

12 (C) by striking “(2)” and inserting “(B)”;

13 (6) by inserting after the section heading the fol-
14 lowing new subsection:

15 “(a) *PRESUMPTION OF DEPORTABILITY.—An alien*
16 *convicted of an aggravated felony shall be conclusively pre-*
17 *sumed to be deportable from the United States.*”; and

18 (7) by amending the heading to read as follows:

“*EXPEDITED DEPORTATION OF ALIENS CONVICTED OF*
COMMITTING AGGRAVATED FELONIES”.

19 (d) *EFFECTIVE DATE.—The amendments made by this*
20 *section shall apply to all aliens against whom deportation*
21 *proceedings are initiated after the date of enactment of this*
22 *Act.*

1 **SEC. 5003. JUDICIAL DEPORTATION.**

2 (a) *JUDICIAL DEPORTATION.*—Section 242A of the Im-
3 migration and Nationality Act (8 U.S.C. 1252a) is amend-
4 ed by adding at the end the following new subsection:

5 “(d) *JUDICIAL DEPORTATION.*—

6 “(1) *AUTHORITY.*—Notwithstanding any other
7 provision of this Act, a United States district court
8 shall have jurisdiction to enter a judicial order of de-
9 portation at the time of sentencing against an alien
10 whose criminal conviction causes such alien to be de-
11 portable under section 241(a)(2)(A)(iii) (relating to
12 conviction of an aggravated felony), if such an order
13 has been requested prior to sentencing by the United
14 States Attorney with the concurrence of the Commis-
15 sioner.

16 “(2) *PROCEDURE.*—

17 “(A) The United States Attorney shall pro-
18 vide notice of intent to request judicial deporta-
19 tion promptly after the entry in the record of an
20 adjudication of guilt or guilty plea. Such notice
21 shall be provided to the court, to the alien, and
22 to the alien’s counsel of record.

23 “(B) Notwithstanding section 242B, the
24 United States Attorney, with the concurrence of
25 the Commissioner, shall file at least 20 days
26 prior to the date set for sentencing a charge con-

1 *taining factual allegations regarding the*
2 *alienage of the defendant and satisfaction by the*
3 *defendant of the definition of aggravated felony.*

4 *“(C) If the court determines that the defend-*
5 *ant has presented substantial evidence to estab-*
6 *lish prima facie eligibility for relief from depor-*
7 *tation under section 212(c), the Commissioner*
8 *shall provide the court with a recommendation*
9 *and report regarding the alien’s eligibility for re-*
10 *lief under such section. The court shall either*
11 *grant or deny the relief sought.*

12 *“(D)(i) The alien shall have a reasonable*
13 *opportunity to examine the evidence against him*
14 *or her, to present evidence on his or her own be-*
15 *half, and to cross-examine witnesses presented by*
16 *the Government.*

17 *“(ii) The court, for the purposes of deter-*
18 *mining whether to enter an order described in*
19 *paragraph (1), shall only consider evidence that*
20 *would be admissible in proceedings conducted*
21 *pursuant to section 242(b).*

22 *“(iii) Nothing in this subsection shall limit*
23 *the information a court of the United States*
24 *may receive or consider for the purposes of im-*
25 *posing an appropriate sentence.*

1 “(iv) *The court may order the alien de-*
2 *ported if the Attorney General demonstrates by*
3 *clear and convincing evidence that the alien is*
4 *deportable under this Act.*

5 “(3) *NOTICE, APPEAL, AND EXECUTION OF JUDI-*
6 *CIAL ORDER OF DEPORTATION.—*

7 “(A)(i) *A judicial order of deportation or*
8 *denial of such order may be appealed by either*
9 *party to the court of appeals for the circuit in*
10 *which the district court is located.*

11 “(ii) *Except as provided in clause (iii),*
12 *such appeal shall be considered consistent with*
13 *the requirements described in section 106.*

14 “(iii) *Upon execution by the defendant of a*
15 *valid waiver of the right to appeal the conviction*
16 *on which the order of deportation is based, the*
17 *expiration of the period described in section*
18 *106(a)(1), or the final dismissal of an appeal*
19 *from such conviction, the order of deportation*
20 *shall become final and shall be executed at the*
21 *end of the prison term in accordance with the*
22 *terms of the order.*

23 “(B) *As soon as is practicable after entry of*
24 *a judicial order of deportation, the Commis-*
25 *sioner shall provide the defendant with written*

1 *nies” and all that follows through the period and inserting*
2 *“has been sentenced for such felony or felonies to a term*
3 *of imprisonment of at least 5 years, if the time for appeal-*
4 *ing such conviction or sentence has expired and the sentence*
5 *has become final.”.*

6 *(b) DEFENSES BASED ON WITHHOLDING OF DEPORTA-*
7 *TION.—Section 243(h)(2) of the Immigration and National-*
8 *ity Act (8 U.S.C. 1253(h)(2)) is amended—*

9 *(1) by striking the final sentence and inserting*
10 *the following new subparagraph:*

11 *“(E) the alien has been convicted of an ag-*
12 *gravated felony.”; and*

13 *(2) by striking “or” at the end of subparagraph*
14 *(C) and inserting “or” at the end of subparagraph*
15 *(D).*

16 **SEC. 5005. ENHANCING PENALTIES FOR FAILING TO DE-**
17 **PART, OR REENTERING, AFTER FINAL ORDER**
18 **OF DEPORTATION.**

19 *(a) FAILURE TO DEPART.—Section 242(e) of the Im-*
20 *migration and Nationality Act (8 U.S.C. 1252(e)) is*
21 *amended—*

22 *(1) by striking “paragraph (2), (3), or 4 of” the*
23 *first time it appears; and*

24 *(2) by striking “shall be imprisoned not more*
25 *than ten years” and inserting “shall be imprisoned*

1 *not more than four years, or shall be imprisoned not*
2 *more than ten years if the alien is a member of any*
3 *of the classes described in paragraph (1)(E), (2), (3),*
4 *or (4) of section 241(a).”.*

5 **(b) REENTRY.**—*Section 276(b) of the Immigration and*
6 *Nationality Act (8 U.S.C. 1326(b)) is amended—*

7 *(1) in paragraph (1)—*

8 *(A) by inserting after “commission of” the*
9 *following: “three or more misdemeanors involving*
10 *drugs, crimes against the person, or both, or”;*
11 *and*

12 *(B) by striking “5” and inserting “10”;*

13 *(2) in paragraph (2), by striking “15” and in-*
14 *serting “20”; and*

15 *(3) by adding at the end the following sentence:*
16 *“For the purposes of this subsection, the term ‘deportation’*
17 *includes any agreement in which an alien stipulates to de-*
18 *portation during a criminal trial under either Federal or*
19 *State law.”.*

20 **(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTA-**
21 **TION ORDER.**—*Section 276 of the Immigration and Nation-*
22 *ality Act (8 U.S.C. 1326) is amended by adding after sub-*
23 *section (b) the following new subsection:*

24 *“(c) In a criminal proceeding under this section, an*
25 *alien may not challenge the validity of the deportation*

1 *order described in subsection (a)(1) or subsection (b) unless*
2 *the alien demonstrates that—*

3 “(1) *the alien exhausted any administrative rem-*
4 *edies that may have been available to seek relief*
5 *against the order;*

6 “(2) *the deportation proceedings at which the*
7 *order was issued improperly deprived the alien of the*
8 *opportunity for judicial review; and*

9 “(3) *the entry of the order was fundamentally*
10 *unfair.”*

11 **SEC. 5006. MISCELLANEOUS AND TECHNICAL CHANGES.**

12 (a) *FORM OF DEPORTATION HEARINGS.—The second*
13 *sentence of section 242(b) of the Immigration and National-*
14 *ity Act (8 U.S.C. 1252(b)) is amended by inserting before*
15 *the period the following: “; except that nothing in this sub-*
16 *section shall preclude the Attorney General from authoriz-*
17 *ing proceedings by electronic or telephonic media (with the*
18 *consent of the alien) or, where waived or agreed to by the*
19 *parties, in the absence of the alien.”*

20 (b) *CONSTRUCTION OF EXPEDITED DEPORTATION RE-*
21 *QUIREMENTS.—No amendment made by this Act and noth-*
22 *ing in section 242(i) of the Immigration and Nationality*
23 *Act (8 U.S.C. 1252(i)) shall be construed to create any sub-*
24 *stantive or procedural right or benefit that is legally en-*

1 *forceable by any party against the United States or its*
2 *agencies or officers or any other person.*

3 **SEC. 5007. CRIMINAL ALIEN TRACKING CENTER.**

4 (a) *OPERATION.*—*The Commissioner of Immigration*
5 *and Naturalization, with the cooperation of the Director of*
6 *the Federal Bureau of Investigation and the heads of other*
7 *agencies, shall, under the authority of section 242(a)(3)(A)*
8 *of the Immigration and Nationality Act (8 U.S.C.*
9 *1252(a)(3)(A)), operate a criminal alien tracking center.*

10 (b) *PURPOSE.*—*The criminal alien tracking center*
11 *shall be used to assist Federal, State, and local law enforce-*
12 *ment agencies in identifying and locating aliens who may*
13 *be subject to deportation by reason of their conviction of*
14 *aggravated felonies.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
16 *authorized to be appropriated to carry out this section*
17 *\$5,000,000 for fiscal year 1994 and \$2,000,000 for each of*
18 *fiscal years 1995, 1996, 1997, and 1998.*

19 **TITLE LI—GENERAL PROVISIONS**

20 **SEC. 5101. CREDITING OF “GOOD TIME”.**

21 *Section 3624 of title 18, United States Code, is amend-*
22 *ed—*

23 (1) *by striking “he” each place it appears and*
24 *inserting “the prisoner”;*

1 (2) by striking “his” each place it appears and
2 inserting “the prisoner’s”;

3 (3) in subsection (d) by striking “him” and in-
4 serting “the prisoner”; and

5 (4) in subsection (b)—

6 (A) in the first sentence by inserting “(other
7 than a prisoner serving a sentence for a crime
8 of violence)” after “A prisoner”; and

9 (B) by inserting after the first sentence the
10 following: “A prisoner who is serving a term of
11 imprisonment of more than 1 year for a crime
12 of violence, other than a term of imprisonment
13 for the duration of the prisoner’s life, may, at the
14 discretion of the Bureau, receive credit toward
15 the service of the prisoner’s sentence, beyond the
16 time served, of up to 54 days at the end of each
17 year of the prisoner’s term of imprisonment, be-
18 ginning at the end of the first year of the term,
19 if the Bureau of Prisons determines that, during
20 that year, the prisoner has displayed exemplary
21 compliance with such institutional disciplinary
22 regulations.”.

1 **SEC. 5102. PROHIBITION ON PAYMENT OF FEDERAL BENE-**
2 **FITS TO ILLEGAL ALIENS.**

3 (a) *DIRECT FINANCIAL BENEFITS.*—Notwithstanding
4 any other law, no direct Federal financial benefit or social
5 insurance benefit may be paid, or otherwise given, to any
6 person not lawfully present within the United States for
7 Aid to Dependent Children (AFDC), Supplemental Secu-
8 rity Income (SSI) for the Aged, Blind, and Disabled; Food
9 Stamps; Medicaid except for emergency conditions; legal
10 services; assistance under the Job Training and Partner-
11 ship Act; unemployment compensation; and postsecondary
12 student financial aid.

13 (b) *UNEMPLOYMENT BENEFITS.*—No alien who has not
14 been granted employment authorization pursuant to Fed-
15 eral law shall be eligible for unemployment compensation
16 under an unemployment compensation law of a State or
17 the United States.

18 (c) *DEFINITION.*—In this section, “persons not law-
19 fully present within the United States” means persons who
20 at the time they applied for, receive, or attempt to receive
21 a Federal benefit are not either a United States citizen, a
22 permanent resident alien, an asylee or asylee applicant, a
23 refugee, a parolee, a nonimmigrant in status under the Im-
24 migration and Nationality Act, or admitted with tem-
25 porary protected status, or temporary residents, or persons
26 granted Family Unity Protection Status under the INA.

1 **SEC. 5103. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS**

2 **ACT.**

3 (a) *EXHAUSTION OF ADMINISTRATIVE REMEDIES.*—

4 *Section 7 of the Civil Rights of Institutionalized Persons*
5 *Act (42 U.S.C. 1997e) is amended—*

6 (1) *in subsection (a)—*

7 (A) *in paragraph (1), by striking “ninety*
8 *days” and inserting “180 days”; and*

9 (B) *in paragraph (2), by inserting before*
10 *the period at the end the following: “or are other-*
11 *wise fair and effective”; and*

12 (2) *in subsection (c)—*

13 (A) *in paragraph (1) by inserting before the*
14 *period at the end the following: “or are otherwise*
15 *fair and effective”; and*

16 (B) *in paragraph (2) by inserting before the*
17 *period at the end the following: “or is no longer*
18 *fair and effective”.*

19 (b) *PROCEEDINGS IN FORMA PAUPERIS.*—*Section*
20 *1915(d) of title 28, United States Code, is amended to read*
21 *as follows:*

22 “(d) *The court may request an attorney to represent*
23 *any such person unable to employ counsel and may dismiss*
24 *the case if the allegation of poverty is untrue, or if satisfied*
25 *that the action fails to state a claim upon which relief can*
26 *be granted or is frivolous or malicious.”.*

1 (c) *EFFECTIVE DATE.*—The amendments made by sub-
2 sections (a) and (b) shall take effect on the date of the enact-
3 ment of this Act.

4 **SEC. 5104. AWARDS OF ATTORNEY'S FEES.**

5 Section 526 of title 28, United States Code, is amended
6 by adding at the end the following new subsection:

7 “(c)(1)(A) A current or former Department of Justice
8 attorney; agent; or employee who supervises an agent who
9 is the subject of a criminal or disciplinary investigation,
10 instituted on or after the date of enactment of this sub-
11 section, arising out of acts performed in the discharge of
12 his or her duties in prosecuting or investigating a criminal
13 matter, who is not provided representation under Depart-
14 ment of Justice regulations, shall be entitled to reimburse-
15 ment of reasonable attorney’s fees incurred during and as
16 a result of the investigation if the investigation does not
17 result in adverse action against the attorney, agent, or em-
18 ployee.

19 “(B) A current or former attorney; agent; or employee
20 who supervises an agent employed as or by a Federal public
21 defender who is the subject of a criminal or disciplinary
22 investigation instituted on or after the date of enactment
23 of this subsection, arising out of acts performed in the dis-
24 charge of his or her duties in defending or investigating
25 a criminal matter in connection with the public defender

1 *program, who is not provided representation by a Federal*
2 *public defender or the Administrative Office of the United*
3 *States Courts is entitled to reimbursement of reasonable at-*
4 *torney's fees incurred during and as a result of the inves-*
5 *tigation if the investigation does not result in adverse ac-*
6 *tion against the attorney, agent, or employee.*

7 “(2) For purposes of paragraph (1), an investigation
8 shall be considered not to result in adverse action against
9 an attorney, agent, or employee if—

10 “(A) in the case of a criminal investigation, the
11 investigation does not result in indictment of, the fil-
12 ing of a criminal complaint against, or the entry of
13 a plea of guilty by the attorney, agent, or supervising
14 employee; and

15 “(B) in the case of a disciplinary investigation,
16 the investigation does not result in discipline or re-
17 sults in only discipline less serious than a formal let-
18 ter of reprimand finding actual and specific wrong-
19 doing.

20 “(3) The Attorney General shall provide notice in writ-
21 ing of the conclusion and result of an investigation de-
22 scribed in paragraph (1).

23 “(4) An attorney, agent, or supervising employee who
24 was the subject of an investigation described in paragraph
25 (1) may waive his or her entitlement to reimbursement of

1 *attorney's fees under paragraph (1) as part of a resolution*
2 *of a criminal or disciplinary investigation.*

3 “(5) *An application for attorney fee reimbursement*
4 *under this subsection shall be made not later than 180 days*
5 *after the attorney, agent, or employee is notified in writing*
6 *of the conclusion and result of the investigation.*

7 “(6) *Upon receipt of a proper application under this*
8 *subsection for reimbursement of attorney's fees, the Attorney*
9 *General and the Director of the Administrative Office of*
10 *the United States Courts shall award reimbursement for the*
11 *amount of attorney's fees that are found to have been rea-*
12 *sonably incurred by the applicant as a result of an inves-*
13 *tigation.*

14 “(7) *The official making an award under this sub-*
15 *section shall make inquiry into the reasonableness of the*
16 *amount requested, and shall consider—*

17 “(A) *the sufficiency of the documentation accom-*
18 *panying the request;*

19 “(B) *the need or justification for the underlying*
20 *item;*

21 “(C) *the reasonableness of the sum requested in*
22 *light of the nature of the investigation; and*

23 “(D) *current rates for equal services in the com-*
24 *munity in which the investigation took place.*

1 “(8)(A) Reimbursements of attorney’s fees ordered
2 under this subsection by the Attorney General shall be paid
3 from the appropriation made by section 1304 of title 31,
4 United States Code.

5 “(B) Reimbursements of attorney’s fees ordered under
6 this Act by the Director of the Administrative Office of the
7 United States Courts shall be paid from appropriations au-
8 thorized by section 3006A(i) of title 18, United States Code.

9 “(9) The Attorney General and the Director of the Ad-
10 ministrative Office of the United States Courts may dele-
11 gate their powers and duties under this subsection to an
12 appropriate subordinate.”.

13 **SEC. 5105. TASK FORCE AND CRIMINAL PENALTIES RELAT-**
14 **ING TO THE INTRODUCTION OF**
15 **NONINDIGENOUS SPECIES.**

16 (a) *TASK FORCE.*—

17 (1) *IN GENERAL.*—The Attorney General is au-
18 thorized to convene a law enforcement task force in
19 Hawaii to facilitate the prosecution of violations of
20 Federal laws, and laws of the State of Hawaii, relat-
21 ing to the wrongful conveyance, sale, or introduction
22 of nonindigenous plant and animal species.

23 (2) *MEMBERSHIP.*—(A) The task force shall be
24 composed of representatives of—

1 (i) the Office of the United States Attorney
2 for the District of Hawaii;

3 (ii) the United States Customs Service;

4 (iii) the Animal and Plant Health Inspec-
5 tion Service;

6 (iv) the Fish and Wildlife Service;

7 (v) the National Park Service;

8 (vi) the United States Forest Service;

9 (vii) the Military Customs Inspection Office
10 of the Department of Defense;

11 (viii) the United States Postal Service;

12 (ix) the office of the Attorney General of the
13 State of Hawaii;

14 (x) the Hawaii Department of Agriculture;

15 (xi) the Hawaii Department of Land and
16 Natural Resources; and

17 (xii) such other individuals as the Attorney
18 General deems appropriate.

19 (B) The Attorney General shall, to the extent
20 practicable, select individuals to serve on the task
21 force who have experience with the enforcement of
22 laws relating to the wrongful conveyance, sale, or in-
23 troduction of nonindigenous species.

24 (3) DUTIES.—The task force shall—

1 (A) *provide mutual assistance to Federal*
2 *and State law enforcement agencies in the pros-*
3 *ecution of violations of laws relating to the con-*
4 *veyance, sale, or introduction of nonindigenous*
5 *species into Hawaii; and*

6 (B) *make recommendations on ways to*
7 *strengthen Federal and State laws and law en-*
8 *forcement strategies designed to prevent the in-*
9 *troduction of nonindigenous species.*

10 (4) *REPORT.—The task force shall report to the*
11 *Attorney General and to the Judiciary Committees of*
12 *the Senate and House of Representatives on—*

13 (A) *the progress of its enforcement efforts;*
14 *and*

15 (B) *the adequacy of existing Federal laws*
16 *and laws of the State of Hawaii which relate to*
17 *the introduction of nonindigenous species.*

18 *Thereafter, the task force shall make such reports as*
19 *the task force deems appropriate.*

20 (5) *CONSULTATION.—The task force shall consult*
21 *with Hawaii agricultural interests and representa-*
22 *tives of Hawaii conservation organizations about*
23 *methods of preventing the wrongful conveyance, sale,*
24 *or introduction of nonindigenous plant and animal*
25 *species into Hawaii.*

1 (b) *CRIMINAL PENALTY.*—

2 (1) *IN GENERAL.*—Chapter 83 of title 18, United
3 States Code, is amended by inserting after section
4 1716C the following new section:

5 **“§ 1716D. Nonmailable injurious animals, plant pests,**
6 **plants, and illegally taken fish, wildlife,**
7 **and plants**

8 “A person who knowingly deposits for mailing or de-
9 livery, or knowingly causes to be delivered by mail, accord-
10 ing to the direction thereon, or at any place at which it
11 is directed to be delivered by the person to whom it is ad-
12 dressed, anything that section 3015 of title 39 declares to
13 be nonmailable matter shall be fined under this title, im-
14 prisoned not more than 1 year, or both.”.

15 (2) *TECHNICAL AMENDMENT.*—The chapter anal-
16 ysis for chapter 83 of title 18, United States Code, is
17 amended by inserting after the item relating to sec-
18 tion 1716C the following new item:

*“1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken
fish, wildlife, and plants.”.*

19 **SEC. 5106. SENSE OF THE SENATE REGARDING THE ROLE**
20 **OF THE UNITED NATIONS IN INTERNATIONAL**
21 **ORGANIZED CRIME CONTROL.**

22 (a) *FINDINGS.*—The Senate finds that—

23 (1) *international criminal activity has increased*
24 *dramatically over the past decade and has been fa-*

1 *cilitated by modern developments in transportation*
2 *and communications, relaxed travel restrictions, and*
3 *the greatly increased volume of international trade;*

4 *(2) the expansion of international criminal ac-*
5 *tivity is reflected in the growth of requests for mutual*
6 *legal assistance and extradition made between the*
7 *United States and other countries, the number of such*
8 *requests having increased from 535 in 1984 to 2,238*
9 *in 1992;*

10 *(3) the global reach of organized crime con-*
11 *stitutes a serious threat to the security and stability*
12 *of sovereign nations;*

13 *(4) the expanding scope of international orga-*
14 *nized crime necessitates greater cooperation among*
15 *nations to prosecute and eliminate organized crimi-*
16 *nal groups;*

17 *(5) there is an urgent need for new approaches*
18 *designed to allow the international law enforcement*
19 *community to pursue international criminals across*
20 *national boundaries;*

21 *(6) the United Nations Convention Against Il-*
22 *licit Traffic in Narcotic Drugs and Psychotropic Sub-*
23 *stances has helped bring about improved inter-*
24 *national cooperation with respect to narcotics;*

1 (7) *the current role of the United Nations with*
2 *respect to international organized crime is limited by*
3 *the lack of a binding international convention dealing*
4 *with the broad range of organized criminal activity*
5 *beyond narcotics;*

6 (8) *the United Nations Commission on Crime*
7 *Prevention and Criminal Justice has successfully fa-*
8 *cilitated the negotiation and implementation of mu-*
9 *tual legal assistance and extradition treaties between*
10 *certain nations, and has helped train nations to effec-*
11 *tively execute the terms of such treaties; and*

12 (9) *the United Nations Commission on Crime*
13 *Prevention and Criminal Justice currently has lim-*
14 *ited authority and resources.*

15 (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
16 *ate that—*

17 (1) *the United States should encourage the devel-*
18 *opment of a United Nations Convention on Organized*
19 *Crime; and*

20 (2) *the United Nations should—*

21 (A) *provide significant additional resources*
22 *to the Commission on Crime Prevention and*
23 *Criminal Justice;*

24 (B) *consider an expansion of the Commis-*
25 *sion's role and authority; and*

1 (C) seek a cohesive approach to the inter-
2 national organized crime problem.

3 **SEC. 5107. TASK FORCE ON PRISON CONSTRUCTION STAND-**
4 **ARDIZATION AND TECHNIQUES.**

5 (a) *TASK FORCE.*—The Director of the National Insti-
6 tute of Corrections shall, subject to availability of appro-
7 priations, establish a task force composed of Federal, State,
8 and local officials expert in prison construction, and of at
9 least an equal number of engineers, architects, and con-
10 struction experts from the private sector with expertise in
11 prison design and construction, including the use of cost-
12 cutting construction standardization techniques and cost-
13 cutting new building materials and technologies.

14 (b) *COOPERATION.*—The task force shall work in close
15 cooperation and communication with other State and local
16 officials responsible for prison construction in their local-
17 ities.

18 (c) *PERFORMANCE REQUIREMENTS.*—The task force
19 shall work to—

20 (1) establish and recommend standardized con-
21 struction plans and techniques for prison and prison
22 component construction; and

23 (2) evaluate and recommend new construction
24 technologies, techniques, and materials,

1 *to reduce prison construction costs at the Federal, State,*
2 *and local levels and make such construction more efficient.*

3 (d) *DISSEMINATION.*—*The task force shall disseminate*
4 *information described in subsection (c) to State and local*
5 *officials involved in prison construction, through written re-*
6 *ports and meetings.*

7 (e) *PROMOTION AND EVALUATION.*—*The task force*
8 *shall—*

9 (1) *work to promote the implementation of cost-*
10 *saving efforts at the Federal, State, and local levels;*

11 (2) *evaluate and advise on the results and effec-*
12 *tiveness of such cost-saving efforts as adopted, broadly*
13 *disseminating information on the results; and*

14 (3) *to the extent feasible, certify the effectiveness*
15 *of the cost-savings efforts.*

16 ***SEC. 5108. REPORT ON SUCCESS OF ROYAL HONG KONG PO-***
17 ***LICE RECRUITMENT.***

18 *Not later than 6 months after the date of enactment*
19 *of this Act, the Attorney General, in concert with the Direc-*
20 *tor of the Federal Bureau of Investigation, the Adminis-*
21 *trator of the Drug Enforcement Agency, the Commissioner*
22 *of the Immigration and Naturalization Service, and the*
23 *Commissioner of the Customs Service, shall report to Con-*
24 *gress and the President on the efforts made, and the success*
25 *of such efforts, to recruit and hire former Royal Hong Kong*

1 *Police officers into Federal law enforcement positions. The*
2 *report shall discuss any legal or administrative barriers*
3 *preventing a program of adequate recruitment of former*
4 *Royal Hong Kong Police officers.*

5 **SEC. 5109. INTERSTATE WAGERING.**

6 *Section 1301 of title 18, United States Code, is amend-*
7 *ed by inserting “or, being engaged in the business of procur-*
8 *ing for a person in 1 State such a ticket, chance, share,*
9 *or interest in a lottery, gift, enterprise or similar scheme*
10 *conducted by another State (unless that business is per-*
11 *mitted under an agreement between the States in question*
12 *or appropriate authorities of those States), knowingly*
13 *transmits in interstate or foreign commerce information to*
14 *be used for the purpose of procuring such a ticket, chance,*
15 *share, or interest;” after “scheme;”.*

16 **SEC. 5110. REMOVAL OF ALIEN TERRORISTS.**

17 *The Immigration and Nationality Act (8 U.S.C. 1101*
18 *et seq.) is amended by inserting the following new section:*

19 *“REMOVAL OF ALIEN TERRORISTS*

20 *“SEC. 242C. (a) DEFINITIONS.—As used in this sec-*
21 *tion—*

22 *“(1) the term ‘alien terrorist’ means any alien*
23 *described in section 241(a)(4)(B);*

24 *“(2) the term ‘classified information’ has the*
25 *same meaning as defined in section 1(a) of the Classi-*
26 *fied Information Procedures Act (18 U.S.C. App. IV);*

1 “(3) the term ‘national security’ has the same
2 meaning as defined in section 1(b) of the Classified
3 Information Procedures Act (18 U.S.C. App. IV);

4 “(4) the term ‘special court’ means the court de-
5 scribed in subsection (c) of this section; and

6 “(5) the ‘special removal hearing’ means the
7 hearing described in subsection (e) of this section.

8 “(b) APPLICATION FOR USE OF PROCEDURES.—The
9 provisions of this section shall apply whenever the Attorney
10 General certifies under seal to the special court that—

11 “(1) the Attorney General or Deputy Attorney
12 General has approved of the proceeding under this
13 section;

14 “(2) an alien terrorist is physically present in
15 the United States; and

16 “(3) removal of such alien terrorist by deporta-
17 tion proceedings described in sections 242, 242A, or
18 242B would pose a risk to the national security of the
19 United States because such proceedings would disclose
20 classified information.

21 “(c) SPECIAL COURT.—(1) The Chief Justice of the
22 United States shall publicly designate up to 7 judges from
23 up to 7 United States judicial districts to hear and decide
24 cases arising under this section, in a manner consistent
25 with the designation of judges described in section 103(a)

1 *of the Foreign Intelligence Surveillance Act (50 U.S.C.*
2 *1803(a)).*

3 “(2) *The Chief Justice may, in the Chief Justice’s dis-*
4 *cretion, designate the same judges under this section as are*
5 *designated pursuant to section 1803(a) of title 50, United*
6 *States Code.*

7 “(d) *INVOCATION OF SPECIAL COURT PROCEDURE.—*
8 *(1) When the Attorney General makes the application de-*
9 *scribed in subsection (b), a single judge of the special court*
10 *shall consider the application in camera and ex parte.*

11 “(2) *The judge shall invoke the procedures of subsection*
12 *(e), if the judge determines that there is probable cause to*
13 *believe that—*

14 “(A) *the alien who is the subject of the applica-*
15 *tion has been correctly identified;*

16 “(B) *a deportation proceeding described in sec-*
17 *tion 242, 242A, or 242B would pose a risk to the na-*
18 *tional security of the United States because such pro-*
19 *ceedings would disclose classified information; and*

20 “(C) *the threat posed by the alien’s physical*
21 *presence is immediate and involves the risk of death*
22 *or serious bodily harm.*

23 “(e) *SPECIAL REMOVAL HEARING.—(1) Except as pro-*
24 *vided in paragraph (4), the special removal hearing author-*

1 ized by a showing of probable cause described in subsection
2 (d)(2) shall be open to the public.

3 “(2) The alien shall have a right to be present at such
4 hearing and to be represented by counsel. Any alien finan-
5 cially unable to obtain counsel shall be entitled to have
6 counsel assigned to represent such alien. Counsel may be
7 appointed as described in section 3006A of title 18, United
8 States Code.

9 “(3) The alien shall have a right to introduce evidence
10 on his own behalf, and except as provided in paragraph
11 (4), shall have a right to cross-examine any witness or re-
12 quest that the judge issue a subpoena for the presence of
13 a named witness.

14 “(4) The judge shall authorize the introduction in cam-
15 era and ex parte of any item of evidence for which the judge
16 determines that public disclosure would pose a risk to the
17 national security of the United States because it would dis-
18 close classified information.

19 “(5) With respect to any evidence described in para-
20 graph (4), the judge shall cause to be delivered to the alien
21 either—

22 “(A)(i) the substitution for such evidence of a
23 statement admitting relevant facts that the specific
24 evidence would tend to prove, or (ii) the substitution

1 for such evidence of a summary of the specific evi-
2 dence; or

3 “(B) if disclosure of even the substituted evidence
4 described in subparagraph (A) would create a sub-
5 stantial risk of death or serious bodily harm to any
6 person, a statement informing the alien that no such
7 summary is possible.

8 “(6) If the judge determines—

9 “(A) that the substituted evidence described in
10 paragraph (4)(B) will provide the alien with substan-
11 tially the same ability to make his defense as would
12 disclosure of the specific evidence, or

13 “(B) that disclosure of even the substituted evi-
14 dence described in paragraph (5)(A) would create a
15 substantial risk of death or serious bodily harm to
16 any person,

17 then the determination of deportation (described in sub-
18 section (f)) may be made pursuant to this section.

19 “(f) DETERMINATION OF DEPORTATION.—(1) If the de-
20 termination in subsection (e)(6)(A) has been made, the
21 judge shall, considering the evidence on the record as a
22 whole, require that the alien be deported if the Attorney
23 General proves, by clear and convincing evidence, that the
24 alien is subject to deportation because he is an alien as de-
25 scribed in section 241(a)(4)(B).

1 “(2) If the determination in subsection (e)(6)(B) has
2 been made, the judge shall, considering the evidence received
3 (in camera and otherwise), require that the alien be de-
4 ported if the Attorney General proves, by clear, convincing,
5 and unequivocal evidence, that the alien is subject to depor-
6 tation because he is an alien as described in section
7 241(a)(4)(B).

8 “(g) APPEALS.—(1) The alien may appeal a deter-
9 mination under subsection (f) to the court of appeals for
10 the Federal Circuit, by filing a notice of appeal with such
11 court within 20 days of the determination under such sub-
12 section.

13 “(2) The Attorney General may appeal a determina-
14 tion under subsection (d), (e), or (f) to the court of appeals
15 for the Federal Circuit, by filing a notice of appeal with
16 such court within 20 days of the determination under any
17 one of such subsections.

18 “(3) When requested by the Attorney General, the en-
19 tire record of the proceeding under this section shall be
20 transmitted to the court of appeals under seal. The court
21 of appeals shall consider such appeal in camera and ex
22 parte.”.

1 **SEC. 5111. MANDATORY LIFE IMPRISONMENT OF PERSONS**
2 **CONVICTED OF A THIRD VIOLENT FELONY.**

3 *Section 3581 of title 18, United States Code, is amend-*
4 *ed by adding at the end the following new subsection:*

5 *“(c) IMPRISONMENT OF CERTAIN VIOLENT FELONS.—*

6 *“(1) DEFINITION.—In this section, ‘violent fel-*
7 *ony’ means a crime of violence (as defined in section*
8 *16) under Federal or State law that—*

9 *“(A) involves the threatened use, use, or risk*
10 *of use of physical force against the person of an-*
11 *other;*

12 *“(B) is punishable by a maximum term of*
13 *5 years or more; and*

14 *“(C) is not designated as a misdemeanor by*
15 *the law that defines the offense.*

16 *“(2) MANDATORY LIFE IMPRISONMENT.—Not-*
17 *withstanding any other provision of this title or any*
18 *other law, in the case of a conviction for a Federal*
19 *violent felony, the court shall sentence the defendant*
20 *to prison for life if the defendant has been convicted*
21 *of a violent felony on 2 or more prior occasions.*

22 *“(3) RULE OF CONSTRUCTION.—This subsection*
23 *shall not be construed to preclude imposition of the*
24 *death penalty.”.*

1 **SEC. 5112. EFFICIENCY IN LAW ENFORCEMENT AND COR-**
2 **RECTIONS.**

3 (a) *IN GENERAL.*—*In the administration of each grant*
4 *program funded by appropriations authorized by this Act*
5 *or by an amendment made by this Act, the Attorney Gen-*
6 *eral shall—*

7 (1) *encourage innovative methods for the low-cost*
8 *construction of facilities to be constructed, converted,*
9 *or expanded and the low-cost operation of such facili-*
10 *ties and the reduction of administrative costs and*
11 *overhead expenses; and*

12 (2) *give priority to the use of surplus Federal*
13 *property.*

14 (b) *ASSESSMENT OF CONSTRUCTION COMPONENTS AND*
15 *DESIGNS.*—*Not later than 1 year after the date of enact-*
16 *ment of this Act, the Attorney General shall make an assess-*
17 *ment of the cost efficiency and utility of using modular,*
18 *prefabricated, precast, and pre-engineered construction*
19 *components and designs for housing nonviolent criminals.*

20 (c) *SENSE OF CONGRESS.*—*It is the sense of the Con-*
21 *gress that in providing assistance to State and local govern-*
22 *ments, the Attorney General should emphasize the provision*
23 *of technical assistance in implementing methods to promote*
24 *cost efficiency and realization of savings.*

1 **SEC. 5113. RESTRICTION ON PAYMENT OF BENEFITS TO IN-**
2 **DIVIDUALS CONFINED BY COURT ORDER TO**
3 **PUBLIC INSTITUTIONS PURSUANT TO VER-**
4 **DICTS OF NOT GUILTY BY REASON OF INSAN-**
5 **ITY OR OTHER MENTAL DISORDER.**

6 (a) Section 202(x) of the Social Security Act (42
7 U.S.C. 402(x)) is amended—

8 (1) in the heading, by inserting “and Certain
9 Other Inmates of Public Institutions” after “Pris-
10 oners”;

11 (2) in paragraph (1) add “(A)” after “(1)”;

12 (3) in paragraph (1), by inserting at the end:
13 “(B) Notwithstanding any other provision of this sub-
14 chapter, no monthly benefits shall be paid under this
15 section or under section 423 of this title to any indi-
16 vidual for any month during which such individual
17 is confined in any public institution by a court order
18 pursuant to a verdict that the individual is not guilty
19 of such an offense by reason of insanity (or by reason
20 of a similar finding, such as a mental disease, a men-
21 tal defect, or mental incompetence, unless the pay-
22 ment is made directly to the public institution to
23 compensate the institution for its expenses.”.

24 (4) in paragraph (3), by striking “any individ-
25 ual” and all that follows and inserting “any individ-
26 ual confined as described in paragraph (1) if the jail,

1 *prison, penal institution, correctional facility, or*
2 *other public institution to which such individual is so*
3 *confined is under the jurisdiction of such agency and*
4 *the Secretary requires such information to carry out*
5 *the provisions of this section.”.*

6 **(b) EFFECTIVE DATE.**—*The amendments made by sub-*
7 *section (a) shall apply with respect to benefits for months*
8 *commencing after 90 days after the date of the enactment*
9 *of this Act.*

10 **SEC. 5114. DEFINITION.**

11 *Section 1201 of title 18, United States Code, is amend-*
12 *ed by adding at the end thereof the following:*

13 *“(h) As used in this section, the term ‘parent’ does not*
14 *include any person whose parental rights as to the victim*
15 *of an offense under this section have been terminated by*
16 *a final court order.”.*

17 **SEC. 5115. DRIVING WHILE INTOXICATED PROSECUTION**
18 **PROGRAM.**

19 *Section 501(b) of the Omnibus Crime Control and Safe*
20 *Streets Act of 1968 (42 U.S.C. 3751), as amended by section*
21 *621, is amended—*

22 (1) *by striking “and” at the end of paragraph*
23 (22);

24 (2) *by striking the period at the end of para-*
25 *graph (23) and inserting “; and”; and*

1 *under the circumstances, the parents or legal guardians ex-*
2 *ercised reasonable care, supervision and control of the juve-*
3 *nile and counseled the juvenile that criminal activity is not*
4 *acceptable.*

5 “(c) *AMOUNT OF FINE.*—

6 “(1) *MANDATORY MINIMUM.*—*In no case shall a*
7 *fine imposed under subsection (a) be less than \$100.*

8 “(2) *FINANCIAL HARDSHIP.*—*In no case shall a*
9 *fine imposed under subsection (a) be less than \$500*
10 *unless the court makes a finding that a fine in that*
11 *amount would impose a severe financial hardship on*
12 *the family of the parent or legal guardians.*

13 “(3) *If the court determines that the parents or*
14 *legal guardians are not financially able to pay the*
15 *fine immediately, the court may set a schedule by*
16 *which the fine will be paid over time.*

17 “(d) *COMMUNITY SERVICE OR PARENTING CLASSES IN*
18 *LIEU OF CIVIL PENALTY.*—*A parent or legal guardian or-*
19 *dered to pay a civil penalty under this section may petition*
20 *the court to perform such community service or attend and*
21 *successfully complete parenting classes, as the court deter-*
22 *mines to be appropriate, in lieu of the civil penalty.*

23 “(e) *DEFINITIONS.*—

1 *the admission of such alien or aliens to the United*
2 *States, then such alien and the members of the imme-*
3 *diante family of the alien, if necessary, may be admit-*
4 *ted to the United States without regard to the require-*
5 *ments of the Immigration and Nationality Act (8*
6 *U.S.C. 1101 et seq.) and shall be eligible for perma-*
7 *nent residence as provided in paragraph (4)(A) below.*

8 *“(B) The total number of aliens admitted to the*
9 *United States under subparagraph (A) shall not ex-*
10 *ceed 25 in any fiscal year.*

11 *“(3) CONDITIONS OF ENTRY FOR REWARDS FOR*
12 *PROGRAM PARTICIPANTS.—(A) Any alien admitted*
13 *under subsection (e) who otherwise would be inadmis-*
14 *sible under section 212(a)(2) or 212(a)(3) of the Im-*
15 *migration and Nationality Act (8 U.S.C. 1182) shall*
16 *be admitted and permitted to remain in the United*
17 *States on the condition that the person: (i) shall have*
18 *executed a form that waives the alien’s right to con-*
19 *test, other than on the basis of an application for*
20 *withholding of deportation, any action for deporta-*
21 *tion of the alien instituted before the alien obtains*
22 *lawful permanent resident status, (ii) is not convicted*
23 *of any criminal offense in the United States since the*
24 *date of such admission, and (iii) shall report not less*
25 *often than quarterly to the Commissioner of the Im-*

1 *migration and Naturalization Service such informa-*
2 *tion concerning the alien's whereabouts and activities*
3 *as the Secretary of State and the Attorney General*
4 *may require.*

5 *“(B) The Secretary of State and the Attorney*
6 *General shall submit a report annually to the Com-*
7 *mittees on the Judiciary of the House of Representa-*
8 *tives and of the Senate concerning (i) the number of*
9 *such aliens admitted, (ii) the number of terrorist acts*
10 *prevented, frustrated, or thwarted or prosecutions or*
11 *investigations resulting from cooperation of such*
12 *aliens, and (iii) the number of such aliens who have*
13 *failed to report quarterly (as required under para-*
14 *graph (3)(A)(i)(I) or who have been convicted of*
15 *crimes in the United States after the date of their ad-*
16 *mission.*

17 *“(4) ADJUSTMENT TO PERMANENT RESIDENT*
18 *STATUS.—(A) If, in the opinion of the Attorney Gen-*
19 *eral, in consultation with the Secretary of State, the*
20 *alien admitted into the United States under section*
21 *36(e) of the State Department Basic Authorities Act*
22 *has supplied information that has contributed to the*
23 *prevention, frustration, or favorable resolution of a*
24 *terrorist act or has substantially contributed to an*
25 *authorized investigation or the prosecution of an in-*

1 *dividual described in section 36(a) (1) and (2) of such*
2 *section, the Attorney General may adjust the status of*
3 *the alien (and the alien's immediate relatives if ad-*
4 *mitted under such section) to that of an alien admit-*
5 *ted for permanent residence if the alien is not de-*
6 *scribed in section 212(a)(3)(E) of the Immigration*
7 *and Nationality Act: provided further, That if the*
8 *alien is subject to paragraph (3)(A) above, such ad-*
9 *justment may be made not earlier than 3 years after*
10 *the date of admission and upon a determination by*
11 *the Attorney General in consultation with the Sec-*
12 *retary of State that the conditions of paragraph*
13 *(3)(A) (i) through (iii) have been met.*

14 *“(B) Upon the approval of adjustment of status*
15 *under subparagraph (A), the Attorney General shall*
16 *record the alien's lawful admission for permanent res-*
17 *idence as of the date of such approval and the Sec-*
18 *retary of State shall reduce by one the number of*
19 *visas authorized to be issued under sections 201(d)*
20 *and 203(b)(4) of the Immigration and Nationality*
21 *Act for the fiscal year then current.”.*

22 *(b) EXCLUSIVE MEANS OF ADJUSTMENT.—Section*
23 *245(c) of the Immigration and Nationality Act (8 U.S.C.*
24 *1255(c)), as amended by section 725, is further amended*
25 *by striking “or” before “(5)” and by inserting before the*

1 *period the following: “; or (6) an alien who was admitted*
2 *pursuant to section 36(e) of the State Department Basic*
3 *Authorities Act”.*

4 (c) *EXTENDING PERIOD OF DEPORTATION FOR CON-*
5 *VICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the*
6 *Immigration and Nationality Act (8 U.S.C.*
7 *1251(a)(2)(A)(i)(I)), as amended by section 725, is further*
8 *amended by inserting “or section 36(e)(4)(A) of the State*
9 *Department Basic Authorities Act” after section 245(h) in*
10 *the parenthetical “(or 10 years in the case of an alien pro-*
11 *vided lawful permanent resident status under section*
12 *245(h))”.*

13 **SEC. 5118. VIOLENT CRIME AND DRUG EMERGENCY AREAS.**

14 (a) *DEFINITION.—In this section, “major violent crime*
15 *or drug-related emergency” means an occasion or instance*
16 *in which violent crime, drug smuggling, drug trafficking,*
17 *or drug abuse violence reaches such levels, as determined*
18 *by the President, in consultation with the Attorney General,*
19 *that Federal assistance is needed to supplement State and*
20 *local efforts and capabilities to save lives, and to protect*
21 *property and public health and safety.*

22 (b) *DECLARATION OF VIOLENT CRIME AND DRUG*
23 *EMERGENCY AREAS.—If a major violent crime or drug-re-*
24 *lated emergency exists throughout a State or a part of a*
25 *State, the President, in consultation with the Attorney Gen-*

1 eral and other appropriate officials, may declare the State
2 or part of a State to be a violent crime or drug emergency
3 area and may take any and all necessary actions author-
4 ized by this section and other law. For the purposes of this
5 section, the term “State” shall be deemed to include the Dis-
6 trict of Columbia and any United States territory or posses-
7 sion.

8 (c) PROCEDURE.—

9 (1) IN GENERAL.—A request for a declaration
10 designating an area to be a violent crime or drug
11 emergency area shall be made, in writing, by the chief
12 executive officer of a State or local government, re-
13 spectively (or in the case of the District of Columbia,
14 the mayor), and shall be forwarded to the Attorney
15 General in such form as the Attorney General may by
16 regulation require. One or more cities, counties,
17 States, or the District of Columbia may submit a
18 joint request for designation as a major violent crime
19 or drug emergency area under this subsection.

20 (2) FINDING.—A request made under paragraph
21 (1) shall be based on a written finding that the major
22 violent crime or drug-related emergency is of such se-
23 verity and magnitude that Federal assistance is nec-
24 essary to ensure an effective response to save lives and
25 to protect property and public health and safety.

1 (d) *IRRELEVANCY OF POPULATION DENSITY.*—The
2 *President shall not limit declarations made under this sec-*
3 *tion to highly populated centers of violent crime or drug*
4 *trafficking, drug smuggling, or drug use, but shall also con-*
5 *sider applications from governments of less populated areas*
6 *where the magnitude and severity of such activities is be-*
7 *yond the capability of the State or local government to re-*
8 *spond.*

9 (e) *REQUIREMENTS.*—As part of a request for a dec-
10 *laration under this section, and as a prerequisite to Federal*
11 *violent crime or drug emergency assistance under this sec-*
12 *tion, the chief executive officer of a State or local govern-*
13 *ment shall—*

14 (1) *take appropriate action under State or local*
15 *law and furnish information on the nature and*
16 *amount of State and local resources that have been or*
17 *will be committed to alleviating the major violent*
18 *crime drug-related emergency;*

19 (2) *submit a detailed plan outlining that govern-*
20 *ment's short- and long-term plans to respond to the*
21 *violent crime or drug emergency, specifying the types*
22 *and levels of Federal assistance requested and includ-*
23 *ing explicit goals (including quantitative goals) and*
24 *timetables; and*

1 (3) *specify how Federal assistance provided*
2 *under this section is intended to achieve those goals.*

3 (f) *REVIEW PERIOD.*—*The Attorney General shall re-*
4 *view a request submitted pursuant to this section, and the*
5 *President shall decide whether to declare a violent crime*
6 *or drug emergency area, within 30 days after receiving the*
7 *request.*

8 (g) *FEDERAL ASSISTANCE.*—*The President may—*

9 (1) *direct any Federal agency, with or without*
10 *reimbursement, to utilize its authorities and the re-*
11 *sources granted to it under Federal law (including*
12 *personnel, equipment, supplies, facilities, financial*
13 *assistance, and managerial, technical, and advisory*
14 *services) in support of State and local assistance ef-*
15 *forts; and*

16 (2) *provide technical and advisory assistance,*
17 *including communications support and law enforce-*
18 *ment-related intelligence information; and*

19 (h) *DURATION OF FEDERAL ASSISTANCE.*—

20 (1) *IN GENERAL.*—*Federal assistance under this*
21 *section shall not be provided to a violent crime or*
22 *drug emergency area for more than 1 year.*

23 (2) *EXTENSION.*—*The chief executive officer of a*
24 *jurisdiction may apply to the Attorney General for*
25 *an extension of assistance beyond 1 year. The Presi-*

1 *dent, in consultation with the Attorney General, may*
2 *extend the provision of Federal assistance for not*
3 *more than an additional 180 days.*

4 *(i) REGULATIONS.—Not later than 90 days after the*
5 *date of the enactment of this Act, the Attorney General shall*
6 *issue regulations to implement this section.*

7 *(j) NO EFFECT ON EXISTING AUTHORITY.—Nothing in*
8 *this section shall diminish or detract from existing author-*
9 *ity possessed by the President or Attorney General.*

10 **SEC. 5119. STATE AND LOCAL COOPERATION WITH THE**

11 **UNITED STATES IMMIGRATION AND NATU-**

12 **RALIZATION SERVICE.**

13 *(a) STATE AND LOCAL COOPERATION.—Notwithstand-*
14 *ing any law, ordinance or regulation of any State or sub-*
15 *division thereof to the contrary, officials of any State or*
16 *local government or agency, upon the request of any duly*
17 *authorized official of the United States Immigration and*
18 *Naturalization Service, shall provide information regard-*
19 *ing the identification, location, arrest, prosecution, deten-*
20 *tion, and deportation of an alien or aliens who are not law-*
21 *fully present in the United States.*

22 *(b) REPORT.—Not later than 6 months after the enact-*
23 *ment of this Act, the Attorney General, in concert with the*
24 *Commissioner of the Immigration and Naturalization Serv-*
25 *ice, shall report to the Congress and the President on the*

1 *extent to which State and local governments are not cooper-*
2 *ating with the United States Immigration and Naturaliza-*
3 *tion Service. This report shall identify any State or local*
4 *governments that have adopted laws, policies or practices*
5 *of non-cooperation with the United States Immigration and*
6 *Naturalization Service, the specific nature of those laws,*
7 *policies or practices, and their impact on the enforcement*
8 *of the immigration laws.*

9 (c) *FUNDING BASED ON COOPERATION.*—No State or
10 *local government or agency which has been identified in*
11 *the Attorney General's report required by the preceding*
12 *paragraph, which has a policy or practice of refusing to*
13 *cooperate with the Immigration and Naturalization Service*
14 *regarding the identification, location, arrest, prosecution,*
15 *detention, or deportation of aliens who are not lawfully*
16 *present in the United States, shall be eligible for any Fed-*
17 *eral funds from appropriations made pursuant to a provi-*
18 *sion of this Act or of an amendment made by this Act au-*
19 *thorizing appropriations, as long as such policy or practice*
20 *remains in effect.*

21 **SEC. 5120. AMENDMENTS TO THE DEPARTMENT OF EDU-**
22 **CATION ORGANIZATION ACT AND THE NA-**
23 **TIONAL LITERACY ACT OF 1991.**

24 (a) *TECHNICAL AMENDMENT.*—The matter preceding
25 *paragraph (1) of section 214(d) of the Department of Edu-*

1 *ation Organization Act (20 U.S.C. 3423a(d)) is amended*
2 *by striking “under subsection (a)” and inserting “under*
3 *subsection (c)”.*

4 *(b) ESTABLISHMENT OF A PANEL AND USE OF*
5 *FUNDS.—Section 601 of the National Literacy Act of 1991*
6 *(20 U.S.C. 1211-2) is amended by—*

7 *(1) by redesignating subsection (g) as subsection*
8 *(i); and*

9 *(2) by inserting after subsection (f) the following*
10 *new subsections:*

11 *“(g) PANEL.—The Secretary is authorized to consult*
12 *with and convene a panel of experts in correctional edu-*
13 *cation, including program administrators and field-based*
14 *professionals in adult corrections, juvenile services, jails,*
15 *and community corrections programs, to—*

16 *“(1) develop measures for evaluating the effec-*
17 *tiveness of the programs funded under this section;*
18 *and*

19 *“(2) evaluate the effectiveness of such pro-*
20 *grams.”.*

21 *“(h) USE OF FUNDS.—Notwithstanding any other pro-*
22 *vision of law, the Secretary may use not more than five*
23 *percent of funds appropriated under subsection (i) in any*
24 *fiscal year to carry out grant-related activities such as mon-*

1 *itoring, technical assistance, and replication and dissemi-*
2 *nation.”.*

3 **SEC. 5121. PREVENTION, DIAGNOSIS, AND TREATMENT OF**
4 **TUBERCULOSIS IN CORRECTIONAL INSTITU-**
5 **TIONS.**

6 (a) *GUIDELINES.*—*The Attorney General, in consulta-*
7 *tion with the Secretary of Health and Human Services and*
8 *the Director of the National Institute of Justice, shall de-*
9 *velop and disseminate to appropriate entities, including*
10 *State and local correctional institutions and the Immigra-*
11 *tion and Naturalization Service, guidelines for the preven-*
12 *tion, diagnosis, treatment, and followup care of tuberculosis*
13 *among inmates of correctional institutions and persons held*
14 *in holding facilities operated by or under contract with the*
15 *Immigration and Naturalization Service.*

16 (b) *COMPLIANCE.*—*The Attorney General shall ensure*
17 *that prisons in the Federal prison system and holding fa-*
18 *cilities operated by or under contract with the Immigration*
19 *and Naturalization Service comply with the guidelines de-*
20 *scribed in subsection (a).*

21 (c) *GRANTS.*—

22 (1) *IN GENERAL.*—*The Attorney General shall*
23 *make grants to State and local correction authorities*
24 *and public health authorities to assist in establishing*
25 *and operation programs for the prevention, diagnosis,*

1 *treatment, and followup care of tuberculosis among*
2 *inmates of correctional institutions.*

3 (2) *FEDERAL SHARE.*—*The Federal share of*
4 *funding of a program funded with a grant under*
5 *paragraph (1) shall not exceed 50 percent.*

6 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
7 *There is authorized to be appropriated \$20,000,000 to*
8 *carry out this section.*

9 **SEC. 5122. ESTABLISHMENT OF COMMUNITY PROGRAMS ON**
10 **DOMESTIC VIOLENCE.**

11 *The Family Violence Prevention and Services Act (42*
12 *U.S.C. 10401 et seq.) is amended by adding at the end the*
13 *following new section:*

14 **“SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INI-**
15 **TIATIVES.**

16 “(a) *IN GENERAL.*—*The Secretary shall provide grants*
17 *to nonprofit private organizations to establish projects in*
18 *local communities involving many sectors of each commu-*
19 *nity to coordinate intervention and prevention of domestic*
20 *violence.*

21 “(b) *ELIGIBILITY.*—*To be eligible for a grant under*
22 *this section, an entity—*

23 “(1) *shall be a nonprofit organization organized*
24 *for the purpose of coordinating community projects*

1 *for the intervention in and prevention of domestic vi-*
2 *olence;*

3 “(2) shall include representatives of pertinent
4 *sectors of the local community, which may include the*
5 *following—*

6 “(A) health care providers;

7 “(B) the education community;

8 “(C) the religious community;

9 “(D) the justice system;

10 “(E) domestic violence program advocates;

11 “(F) human service entities such as State
12 *child services divisions;*

13 “(G) business and civic leaders; and

14 “(H) other pertinent sectors.

15 “(c) APPLICATIONS.—*An organization that desires to*
16 *receive a grant under this section shall submit to the Sec-*
17 *retary an application, in such form and in such manner*
18 *as the Secretary shall prescribe through notice in the Fed-*
19 *eral Register, that—*

20 “(1) demonstrates that the applicant will serve a
21 *community leadership function, bringing together*
22 *opinion leaders from each sector of the community to*
23 *develop a coordinated community consensus opposing*
24 *domestic violence;*

1 “(2) demonstrates a community action compo-
2 nent to improve and expand current intervention and
3 prevention strategies through increased communica-
4 tion and coordination among all affected sectors;

5 “(3) includes a complete description of the appli-
6 cant’s plan for the establishment and operation of the
7 community project, including a description of—

8 “(A) the method for identification and selec-
9 tion of an administrative committee made up of
10 persons knowledgeable in domestic violence to
11 oversee the project, hire staff, assure compliance
12 with the project outline, and secure annual eval-
13 uation of the project;

14 “(B) the method for identification and selec-
15 tion of project staff and a project evaluator;

16 “(C) the method for identification and selec-
17 tion of a project council consisting of representa-
18 tives of the community sectors listed in sub-
19 section (b)(2);

20 “(D) the method for identification and se-
21 lection of a steering committee consisting of rep-
22 resentatives of the various community sectors
23 who will chair subcommittees of the project coun-
24 cil focusing on each of the sectors; and

1 “(E) a plan for developing outreach and
2 public education campaigns regarding domestic
3 violence; and

4 “(4) contains such other information, agree-
5 ments, and assurances as the Secretary may require.

6 “(d) *TERM.*—A grant provided under this section may
7 extend over a period of not more than 3 fiscal years.

8 “(e) *CONDITIONS ON PAYMENT.*—Payments under a
9 grant under this section shall be subject to—

10 “(1) annual approval by the Secretary; and

11 “(2) availability of appropriations.

12 “(f) *GEOGRAPHICAL DISPERSION.*—The Secretary
13 shall award grants under this section to organizations in
14 communities geographically dispersed throughout the coun-
15 try.

16 “(g) *USE OF GRANT MONIES.*—

17 “(1) *IN GENERAL.*—A grant made under sub-
18 section (a) shall be used to establish and operate a
19 community project to coordinate intervention and
20 prevention of domestic violence.

21 “(2) *REQUIREMENTS.*—In establishing and oper-
22 ating a project, a nonprofit private organization
23 shall—

1 “(A) establish protocols to improve and ex-
2 pand domestic violence intervention and preven-
3 tion strategies among all affected sectors;

4 “(B) develop action plans to direct re-
5 sponses within each community sector that are
6 in conjunction with development in all other sec-
7 tors; and

8 “(C) provide for periodic evaluation of the
9 project with a written report and analysis to as-
10 sist application of this concept in other commu-
11 nities.

12 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There
13 are authorized to be appropriated to carry out this sec-
14 tion—

15 “(1) \$20,000,000 for fiscal year 1995; and

16 “(2) such sums as are necessary for fiscal years
17 1996, 1997, and 1998,

18 to remain available until expended.

19 **SEC. 5123. HATE CRIMES STATISTICS ACT.**

20 Section 1(b)(1) of the Hate Crime Statistics Act (Pub-
21 lic Law 101–275, 104 Stat. 140) is amended by adding
22 “disability,” after “religion,”.

23 **SEC. 5124. PENALTIES FOR DOCUMENT FRAUD.**

24 (a) *IN GENERAL.*—Section 274C(3) of the Immigra-
25 tion and Nationality Act (8 U.S.C. 1324c(3)) is amended—

1 (1) in subparagraph (A), by striking “not less
2 than \$250 and not more than \$2,000” and inserting
3 “not less than \$1,000 and not more than \$5,000”;
4 and

5 (2) in subparagraph (B), by striking “not less
6 than \$2,000 and not more than \$5,000” and inserting
7 “not less than \$5,000 and not more than \$10,000”.

8 (b) *FRAUD AND MISUSE OF VISAS, PERMITS, AND*
9 *OTHER DOCUMENTS.*—(1) Section 1546 of title 18, United
10 States Code, is amended—

11 (A) in subsection (a), by striking “not more than
12 five years” and inserting “not more than ten years”;
13 and

14 (B) in subsection (b), by striking “not more than
15 two years” and inserting “not more than five years”.

16 (2) Whoever commits an offense under section 1546(a)
17 or 1546(b) of title 18, United States Code, shall be fined,
18 in addition to the fines provided under such section,
19 \$10,000 or \$5,000, respectively.

20 (c) *APPLICABILITY.*—This section, and the amend-
21 ments made by this section, shall apply to offenses commit-
22 ted on or after the date of enactment of this Act.

23 **SEC. 5125. USE OF ANTILOITERING LAWS TO FIGHT CRIME.**

24 The Attorney General shall—

1 (1) *study the ways in which antiloitering laws*
2 *can be used, without violating the constitutional*
3 *rights of citizens as enunciated by the Supreme Court,*
4 *to eradicate open-air drug markets and other blatant*
5 *criminal activity;*

6 (2) *prepare a model antiloitering statute and*
7 *guidelines for enforcing the statute in such a manner*
8 *as to prevent, deter, and punish illegal drug activity*
9 *and other criminal activity; and*

10 (3) *make the results of the study and the model*
11 *statute and guidelines available to Federal, State, and*
12 *local law enforcement authorities.*

13 **SEC. 5126. VICTIMS OF CHILD ABUSE PROGRAMS.**

14 (a) *COURT-APPOINTED SPECIAL ADVOCATE PRO-*
15 *GRAM.—*

16 (1) *REAUTHORIZATION.—Section 218(a) of the*
17 *Victims of Child Abuse Act of 1990 (42 U.S.C.*
18 *13014(a)) is amended to read as follows:*

19 “(a) *AUTHORIZATION.—There are authorized to be ap-*
20 *propriated to carry out this subtitle—*

21 “(1) *\$7,000,000 for fiscal year 1995; and*

22 “(2) *\$10,000,000 for each of fiscal years 1996,*
23 *1997, and 1998.”.*

24 (2) *TECHNICAL AMENDMENT.—Section 216 of the*
25 *Victims of Child Abuse Act of 1990 (42 U.S.C. 13012)*

1 *is amended by striking “this chapter” and inserting*
2 *“this subtitle”.*

3 *(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL*
4 *PERSONNEL AND PRACTITIONERS.—*

5 *(1) REAUTHORIZATION.—Section 224(a) of the*
6 *Victims of Child Abuse Act of 1990 (42 U.S.C.*
7 *13024(a)) is amended to read as follows:*

8 *“(a) AUTHORIZATION.—There are authorized to be ap-*
9 *propriated to carry out this subtitle—*

10 *“(1) \$7,000,000 for fiscal year 1995; and*

11 *“(2) \$10,000,000 for each of fiscal years 1996,*
12 *1997, and 1998.”.*

13 *(2) TECHNICAL AMENDMENT.—Section 221(b) of*
14 *the Victims of Child Abuse Act of 1990 (42 U.S.C.*
15 *13021(b)) is amended by striking “this chapter” and*
16 *inserting “this subtitle”.*

17 *(c) GRANTS FOR TELEVISED TESTIMONY.—Title I of*
18 *the Omnibus Crime Control and Safe Streets Act of 1968*
19 *is amended—*

20 *(1) by amending section 1001(a)(7) (42 U.S.C.*
21 *3793(a)(7)) to read as follows:*

22 *“(7) There are authorized to be appropriated to carry*
23 *out part N—*

24 *“(A) \$3,500,000 for fiscal year 1995; and*

1 “(B) \$5,000,000 for each of fiscal years 1996,
2 1997, and 1998.”;

3 (2) in section 1401 (42 U.S.C. 3796aa) by strik-
4 ing “and units of local government” and inserting “,
5 units of local government, and other public and pri-
6 vate organizations”;

7 (3) in section 1402 (42 U.S.C. 3796aa-1) by
8 striking “to States, for the use of States and units of
9 local government in the States”;

10 (4) in section 1403 (42 U.S.C. 3796aa-2)—

11 (A) by inserting “, unit of local government,
12 or other public or private organization” after “of
13 a State”; and

14 (B) in paragraphs (3) and (4) by inserting
15 “in the case of an application by a State,” before
16 “an assurance”;

17 (5) by striking section 1405 (42 U.S.C. 3796aa-
18 4); and

19 (6) in the table of contents by striking the item
20 for section 1405.

21 **SEC. 5127. LAW DAY U.S.A.**

22 (a) *FINDINGS.*—Congress finds that—

23 (1) the first day of May of each year has been
24 designated as “Law Day U.S.A.” and set aside as a
25 special day to advance equality and justice under

1 *law, to encourage citizen support for law enforcement*
2 *and law observance, and to foster respect for law and*
3 *an understanding of the essential place of law in the*
4 *life of every citizen of the United States;*

5 *(2) each day, police officers and other law en-*
6 *forcement personnel perform their duties unflinch-*
7 *ingly and without hesitation;*

8 *(3) each year tens of thousands of law enforce-*
9 *ment personnel are injured or assaulted in the course*
10 *of duty and many are killed;*

11 *(4) law enforcement personnel are devoted to*
12 *their jobs, are underpaid for their efforts, and are*
13 *tireless in their work; and*

14 *(5) law enforcement personnel perform their du-*
15 *ties without adequate recognition.*

16 *(b) EXPRESSION OF GRATITUDE.—In celebration of*
17 *“Law Day, U.S.A.”, May 1, 1994, the grateful people of*
18 *this Nation give special emphasis to all law enforcement*
19 *personnel of the United States, and acknowledge the un-*
20 *flinching and devoted service law enforcement personnel*
21 *perform as such personnel help preserve domestic tran-*
22 *quillity and guarantee the legal rights of all individuals*
23 *of this Nation.*

1 **SEC. 5128. TREATMENT OF INDIAN TRIBES UNDER TITLE I**
2 **OF THE OMNIBUS CRIME CONTROL AND SAFE**
3 **STREETS ACT OF 1968.**

4 (a) *MATCHING FUND SOURCE.*—

5 (1) *IN GENERAL.*—Section 817 of title I of the
6 *Omnibus Crime Control and Safe Streets Act of 1968*
7 *(42 U.S.C. 3789m)* is amended—

8 (A) by amending the heading to read as fol-

9 lows:

10 “*DISTRICT OF COLUMBIA AND INDIAN TRIBE MATCHING*
11 *FUND SOURCE*”;

12 (B) by inserting “(a) *DISTRICT OF COLUM-*
13 *BIA.*—” before “*Funds*”; and

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

16 “(b) *INDIAN TRIBES.*—*Funds appropriated by the*
17 *Congress for the activities of any agency of an Indian tribal*
18 *government or the United States Government performing*
19 *law enforcement functions on any Indian lands may be*
20 *used to provide the non-Federal share of the cost of pro-*
21 *grams or projects funded under this title.*”.

22 “(2) *TECHNICAL AMENDMENT.*—*The table of con-*
23 *tents of title I of the Omnibus Crime Control and*
24 *Safe Streets Act of 1968 is amended by amending the*
25 *item relating to section 817 to read as follows:*

“*Sec. 817. District of Columbia and Indian tribe matching fund source.*”.

1 (b) *DEFINITION.*—Section 901 of the Omnibus Crime
2 *Control and Safe Streets Act of 1968 (42 U.S.C. 3791)* is
3 *amended—*

4 (1) *by striking “and” at the end of paragraph*
5 *(22);*

6 (2) *by striking the period at the end of para-*
7 *graph (23) and inserting “; and”; and*

8 (3) *by adding at the end the following new para-*
9 *graph:*

10 “(24) ‘Indian tribe’ means a tribe, band, pueblo,
11 *nation, or other organized group or community of In-*
12 *dians, including an Alaska Native village (as defined*
13 *in or established under the Alaska Native Claims Set-*
14 *tlement Act (43 U.S.C. 1601 et seq.), that is recog-*
15 *nized as eligible for the special programs and services*
16 *provided by the United States to Indians because of*
17 *their status as Indians.”.*

18 **SEC. 5129. AGREEMENT TO ASSIST IN LOCATING MISSING**
19 **CHILDREN UNDER THE PARENT LOCATOR**
20 **SERVICE.**

21 (a) *IN GENERAL.*—Section 463 of the Social Security
22 *Act (42 U.S.C. 663)* is amended by adding at the end the
23 *following new subsection:*

24 “(f) *The Secretary shall enter into an agreement with*
25 *the Attorney General of the United States, under which the*

1 *services of the Parent Locator Service established under sec-*
2 *tion 653 of this title shall be made available to the Office*
3 *of Juvenile Justice and Delinquency Prevention upon its*
4 *request for the purpose of locating any parent or child on*
5 *behalf of the Office of Juvenile Justice and Delinquency*
6 *Prevention. The Parent Locator Service shall charge no fees*
7 *for services requested pursuant to this subsection.”.*

8 (b) *CONFORMING AMENDMENT.*—Section 463(c) of
9 such Act (42 U.S.C. 663(c)) is amended by striking “(a),
10 (b) or (e)” and inserting “(a), (b), (e), or (f)”.

11 (c) *EFFECTIVE DATE.*—The amendments made by this
12 section shall become effective on October 1, 1994.

13 ***SEC. 5130. SOLICITATION OF MINOR TO COMMIT CRIME.***

14 (a) *DIRECTIVE TO SENTENCING COMMISSION.*—(1)
15 *The United States Sentencing Commission shall promulgate*
16 *guidelines or amend existing guidelines to provide that a*
17 *defendant 18 years of age or older who has been convicted*
18 *of an offense shall receive an appropriate sentence enhance-*
19 *ment if the defendant involved a minor in the commission*
20 *of the offense.*

21 (2) *The Commission shall provide that the guideline*
22 *enhancement promulgate pursuant to paragraph (1) shall*
23 *apply for any offense in relation to which the defendant*
24 *has solicited, procured, recruited, counseled, encouraged,*
25 *trained, directed, commanded, intimidated, or otherwise*

1 *used or attempted to use any person less than 18 years of*
2 *age with the intent that the minor would commit a Federal*
3 *offense.*

4 (b) *RELEVANT CONSIDERATIONS.*—*In implementing*
5 *the directive in subsection (a), the Sentencing Commission*
6 *shall consider—*

7 (1) *the severity of the crime that the defendant*
8 *intended the minor to commit;*

9 (2) *the number of minors that the defendant used*
10 *or attempted to use in relation to the offense;*

11 (3) *the fact that involving a minor in a crime*
12 *of violence is frequently of even greater seriousness*
13 *than involving a minor in a drug trafficking offense,*
14 *for which the guidelines already provide a two-level*
15 *enhancement; and*

16 (4) *the possible relevance of the proximity in age*
17 *between the offender and the minor(s) involved in the*
18 *offense.*

19 **SEC. 5131. ASYLUM.**

20 (a) *FINDINGS.*—*The Congress finds that—*

21 (1) *in the last decade applications for asylum*
22 *have greatly exceeded the original 5,000 annual limit*
23 *provided in the Refugee Act of 1980, with more than*
24 *150,000 asylum applications filed in fiscal year 1993,*
25 *and the backlog of cases growing to 340,000;*

1 (2) *this flood of asylum claims has swamped the*
2 *system, creating delays in the processing of applica-*
3 *tions of up to several years;*

4 (3) *the delay in processing asylum claims due to*
5 *the overwhelming numbers has contributed to numer-*
6 *ous problems, including—*

7 (A) *an abuse of the asylum laws by fraudu-*
8 *lent applicants whose primary interest is obtain-*
9 *ing work authority in the United States while*
10 *their claim languishes in the backlogged asylum*
11 *processing system;*

12 (B) *the growth of alien smuggling oper-*
13 *ations, often involving organized crime;*

14 (C) *a drain on limited resources resulting*
15 *from the high cost of processing frivolous asylum*
16 *claims through our multi-layered system; and*

17 (D) *an erosion of public support for asy-*
18 *lum, which is a treaty obligation.*

19 (4) *asylum, a safe haven protection for aliens*
20 *abroad who cannot return home, has been perverted*
21 *by some aliens who use asylum claims to circumvent*
22 *our immigration and refugee laws and procedures;*
23 *and*

24 (5) *a comprehensive revision of our asylum law*
25 *and procedures is required to address these problems.*

1 **(b) POLICY.**—*It is the sense of the Congress that—*

2 *(1) asylum is a process intended to protect aliens*
3 *in the United States who, because of events occurring*
4 *after their arrival here, cannot safely return home;*

5 *(2) persons outside their country of nationality*
6 *who have a well-founded fear of persecution if they re-*
7 *turn should apply for refugee status at one of our ref-*
8 *ugee processing offices abroad;*

9 *(3) the immigration, refugee and asylum laws of*
10 *the United States should be reformed to provide—*

11 *(A) a procedure for the expeditious exclu-*
12 *sion of any asylum applicant who arrives at a*
13 *port-of-entry with fraudulent documents, or no*
14 *documents, and makes a non-credible claim of*
15 *asylum; and*

16 *(B) the immigration, refugee and asylum*
17 *laws of the United States should be reformed to*
18 *provide for a streamlined affirmative asylum*
19 *processing system for asylum applicants who*
20 *make their application after they have entered*
21 *the United States.*

22 **SEC. 5132. FEDERAL JUDICIARY.**

23 **(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**
24 **FOR THE FEDERAL JUDICIARY.**—*There is authorized to be*
25 *appropriated for the activities of the Federal Judiciary not*

1 *to exceed \$20,000,000 for fiscal year 1994, and not to exceed*
2 *\$70,000,000 for each of the fiscal years 1995, 1996, 1997,*
3 *and 1998 to help meet the increased demands for judicial*
4 *activities which will result from enactment into law of this*
5 *Act.*

6 **(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**
7 *FOR THE DEPARTMENT OF JUSTICE.—There is authorized*
8 *to be appropriated for the activities and agencies of the De-*
9 *partment of Justice, in addition to sums authorized else-*
10 *where in this section, not to exceed \$25,000,000 for fiscal*
11 *year 1994, not to exceed \$125,000,000 for fiscal year 1995,*
12 *and not to exceed \$150,000,000 for each of the fiscal years*
13 *1996, 1997, and 1998 to help meet the increased demands*
14 *for Department of Justice activities which will result from*
15 *enactment into law of this Act.*

16 **(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**
17 *FOR THE FEDERAL BUREAU OF INVESTIGATION.—There is*
18 *authorized to be appropriated for the activities of the Fed-*
19 *eral Bureau of Investigation not to exceed \$20,000,000 for*
20 *fiscal year 1994, not to exceed \$50,000,000 for fiscal year*
21 *1995, and not to exceed \$60,000,000 for each of the fiscal*
22 *years 1996, 1997, and 1998 to help meet the increased de-*
23 *mands for Federal Bureau of Investigation activities which*
24 *will result from enactment into law of this Act.*

1 (d) *AUTHORIZATION OF ADDITIONAL APPROPRIATIONS*
2 *FOR UNITED STATES ATTORNEYS.*—*There is authorized to*
3 *be appropriated for the account Department of Justice,*
4 *Legal Activities, “Salaries and expenses, United States At-*
5 *torneys” not to exceed \$10,000,000 for fiscal year 1994, and*
6 *not to exceed \$35,000,000 for each of the fiscal years 1995,*
7 *1996, 1997, and 1998 to help meet the increased demands*
8 *for litigation and related activities which will result from*
9 *enactment into law of this Act.*

10 (e) *Funds appropriated pursuant to this section are*
11 *authorized to remain available for obligation until ex-*
12 *pended.*

13 (f) *Funds authorized under this section may be appro-*
14 *priated from the Trust Fund established by section 1321C*
15 *of this Act.*

16 **SEC. 5133. CONTROL AND PREVENTION OF CRIME IN IN-**
17 **DIAN COUNTRY.**

18 (a) *DEFINITION.*—*As used in this Act, the term “In-*
19 *dian tribal government” means the governing body of a*
20 *tribe, band, pueblo, nation, or other organized group or*
21 *community of Indians, including an Alaska Native village*
22 *(as defined in or established under the Alaska Native*
23 *Claims Settlement Act (43 U.S.C. 1601 35 et seq.), that is*
24 *recognized as eligible for the special programs and services*

1 *provided by the United States to Indians because of their*
2 *status as Indians.*

3 (b) *CONFORMING DEFINITION.*—*As used in this Act,*
4 *the term “State” means a State of the United States, the*
5 *District of Columbia, the Commonwealth of Puerto Rico,*
6 *the Virgin Islands of the United States, American Samoa,*
7 *Guam, the Commonwealth of the Northern Mariana Islands*
8 *and Indian tribal governments.*

9 (c) *MATCHING REQUIREMENTS.*—*Funds appropriated*
10 *by the Congress for the activities of any agency of an Indian*
11 *tribal government or the United States Government per-*
12 *forming law enforcement functions on any Indian lands*
13 *may be used to provide the non-Federal share of the cost*
14 *of programs or projects funded under this title.*

15 (d) *NONSUPPLANTING REQUIREMENT.*—*Funds made*
16 *available to Indian tribal governments shall not be used to*
17 *supplant funds supplied by the Department of the Interior,*
18 *but shall be used to increase the amount of funds that*
19 *would, in the absence of Federal funds received under this*
20 *Act, be made available from funds supplied by the Depart-*
21 *ment of the Interior.*

1 **SEC. 5134. CIVIL STATUTE OF LIMITATIONS FOR TORT AC-**
2 **TIONS BROUGHT BY THE RTC.**

3 (a) *RESOLUTION TRUST CORPORATION.*—Section
4 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C.
5 1821(d)(14)) is amended—

6 (1) in subparagraph (A)(ii), by inserting “except
7 as provided in subparagraph (B),” before “in the case
8 of”;

9 (2) by redesignating subparagraph (B) as sub-
10 paragraph (C);

11 (3) by inserting after subparagraph (A) the fol-
12 lowing new subparagraph:

13 “(B) *TORT ACTIONS BROUGHT BY THE RESOLU-*
14 *TION TRUST CORPORATION.*—The applicable statute of
15 limitations with regard to any action in tort brought
16 by the Resolution Trust Corporation in its capacity
17 as conservator or receiver of a failed savings associa-
18 tion shall be the longer of—

19 “(i) the 5-year period beginning on the date
20 the claim accrues; or

21 “(ii) the period applicable under State
22 law.”; and

23 (4) in subparagraph (C), as redesignated—

24 (A) by striking “subparagraph (A)” and in-
25 serting “subparagraphs (A) and (B)”;

1 (B) by striking “such subparagraph” and
2 inserting “such subparagraphs”.

3 (b) *EFFECTIVE DATE; TERMINATION; FDIC AS SUC-*
4 *CESSOR.*—

5 (1) *EFFECTIVE DATE.*—*The amendments made*
6 *by subsection (a) shall be construed to have the same*
7 *effective date as section 212 of the Financial Institu-*
8 *tions Reform, Recovery, and Enforcement Act of 1989.*

9 (2) *TERMINATION.*—*The amendments made by*
10 *subsection (a) shall remain in effect only until the*
11 *termination of the Resolution Trust Corporation.*

12 (3) *FDIC AS SUCCESSOR TO THE RTC.*—*The*
13 *Federal Deposit Insurance Corporation, as successor*
14 *to the Resolution Trust Corporation, shall have the*
15 *right to pursue any tort action that was properly*
16 *brought by the Resolution Trust Corporation prior to*
17 *the termination of the Resolution Trust Corporation.*

18 **SEC. 5135. AWARDS OF PELL GRANTS TO PRISONERS PRO-**
19 **HIBITED.**

20 (a) *IN GENERAL.*—*Section 401(b)(8) the Higher Edu-*
21 *cation Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to*
22 *read as follows:*

23 “(8) No basic grant shall be awarded under this sub-
24 *part to any individual who is incarcerated in any Federal,*
25 *State or local penal institution.”*

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *COST OF ATTENDANCE.*—Section 472 of such
3 Act (20 U.S.C. 1087ll) is amended—

4 (A) by striking paragraph (6); and

5 (B) by redesignating paragraphs (7), (8),
6 (9), (10) and (11) as paragraphs (6), (7), (8),
7 (9) and (10), respectively.

8 (2) *TECHNICAL AMENDMENTS.*—Section
9 401(b)(3)(B) of such Act (20 U.S.C. 1070a(b)(3)(B))
10 is amended—

11 (A) by striking “472(8)” and inserting
12 “472(7)”; and

13 (B) by striking “472(9)” and inserting
14 “472(8)”.

15 (c) *EFFECTIVE DATE.*—The amendments made by this
16 section shall apply with respect to periods of enrollment be-
17 ginning on or after the date of enactment of this Act.

18 **SEC. 5136. TRANSFER OF CERTAIN ALIEN CRIMINALS TO**
19 **FEDERAL FACILITIES.**

20 (a) *DEFINITION.*—In this section, “criminal alien who
21 has been convicted of a felony and is incarcerated in a State
22 or local correctional facility” means an alien who—

23 (1)(A) is in the United States in violation of the
24 immigration laws; or

1 (B) is deportable or excludable under the provi-
2 sions of the Immigration and Nationality Act, as
3 amended (8 U.S.C. 1101 et seq.); and

4 (2) has been convicted of a felony under State or
5 local law and incarcerated in a correctional facility
6 of the State or a subdivision of the State.

7 (b) FEDERAL CUSTODY.—Subject to the availability of
8 appropriations, at the request of a State or political sub-
9 division of a State, the Attorney General may—

10 (1)(A) take custody of a criminal alien who has
11 been convicted of a felony and is incarcerated in a
12 State or local correctional facility; and

13 (B) provide for the imprisonment of the criminal
14 alien in a Federal prison in accordance with the sen-
15 tence of the State court; or

16 (2) enter into a contractual arrangement with
17 the State or local government to compensate the State
18 or local government for incarcerating alien criminals
19 for the duration of their sentences.

20 **SEC. 5137. FEDERAL ASSISTANCE TO EASE THE INCREASED**

21 **BURDENS ON STATE COURT SYSTEMS RE-**

22 **SULTING FROM ENACTMENT OF THIS ACT.**

23 (a) IN GENERAL.—The Attorney General, acting
24 through the Director of the Bureau of Justice Assistance (the
25 Director), shall, subject to the availability of appropriation,

1 *make grants for States and units of local government to*
2 *pay the costs of providing increased resources for courts,*
3 *prosecutors, public defenders, and other criminal justice*
4 *participants as necessary to meet the increased demands for*
5 *judicial activities resulting from the provisions of this Act*
6 *and amendments made by this Act.*

7 **(b) APPLICATIONS.**—*In carrying out this section, the*
8 *Director is authorized to make grants to, or enter into con-*
9 *tracts with public or private agencies, institutions, or orga-*
10 *nizations or individuals to carry out any purpose specified*
11 *in this section. The Director shall have final authority over*
12 *all funds awarded under this section.*

13 **(c) RECORDS.**—*Each recipient that receives a grant*
14 *under this section shall keep such records as the Director*
15 *may require to facilitate an effective audit.*

16 **(d) AUTHORIZATION OF APPROPRIATIONS.**—

17 **(1) IN GENERAL.**—*There is authorized to be ap-*
18 *propriated to carry out this section \$100,000,000 for*
19 *each of fiscal years 1994, 1995, 1996, 1997, and 1998,*
20 *to remain available for obligation until expended.*

21 **(2) USE OF TRUST FUND.**—*Funds authorized to*
22 *be appropriated under paragraph (1) may be appro-*
23 *priated from the trust fund established by section*
24 *1321C.*

1 **SEC. 5138. TO IMPROVE FEDERAL AND STATE AUTOMATED**
2 **FINGERPRINT SYSTEMS TO IDENTIFY MORE**
3 **CRIMINAL SUSPECTS.**

4 *The FBI shall report by June 1994 to the Congress*
5 *regarding how it can accelerate and improve automatic fin-*
6 *gerprint systems at the State and Federal level in order*
7 *to use fingerprints found at the scene of a crime to identify*
8 *more criminal suspects more quickly and effectively.*

9 **SEC. 5139. APPROPRIATE REMEDIES FOR PRISON OVER-**
10 **CROWDING.**

11 *(a) AMENDMENT OF TITLE 18, UNITED STATES*
12 *CODE.—Subchapter C of chapter 229 of part 2 of title 18,*
13 *United States Code, is amended by adding at the end the*
14 *following new section:*

15 **“§ 3626. Appropriate remedies with respect to prison**
16 **crowding**

17 *“(a) REQUIREMENT OF SHOWING WITH RESPECT TO*
18 *THE PLAINTIFF IN PARTICULAR.—*

19 *“(1) HOLDING.—A Federal court shall not hold*
20 *prison or jail crowding unconstitutional under the*
21 *eighth amendment except to the extent that an indi-*
22 *vidual plaintiff inmate proves that the crowding*
23 *causes the infliction of cruel and unusual punishment*
24 *of that inmate.*

25 *“(2) RELIEF.—The relief in a case described in*
26 *paragraph (1) shall extend no further than necessary*

1 to remove the conditions that are causing the cruel
2 and unusual punishment of the plaintiff inmate.

3 “(b) *INMATE POPULATION CEILINGS.*—

4 “(1) *REQUIREMENT OF SHOWING WITH RESPECT*
5 *TO PARTICULAR PRISONERS.*—A Federal court shall
6 not place a ceiling on the inmate population of any
7 Federal, State, or local detention facility as an equi-
8 table remedial measure for conditions that violate the
9 eighth amendment unless crowding is inflicting cruel
10 and unusual punishment on particular identified
11 prisoners.

12 “(2) *RULE OF CONSTRUCTION.*—Paragraph (1)
13 shall not be construed to have any effect on Federal
14 judicial power to issue equitable relief other than that
15 described in paragraph (1), including the requirement
16 of improved medical or health care and the imposi-
17 tion of civil contempt fines or damages, where such
18 relief is appropriate.

19 “(c) *PERIODIC REOPENING.*—Each Federal court
20 order or consent decree seeking to remedy an eighth amend-
21 ment violation shall be reopened at the behest of a defendant
22 for recommended modification at a minimum of 2-year in-
23 tervals.”.

24 “(b) *APPLICATION OF AMENDMENT.*—Section 3626 of
25 title 18, United States Code, as added by paragraph (1),

1 *shall apply to all outstanding court orders on the date of*
2 *enactment of this Act. Any State or municipality shall be*
3 *entitled to seek modification of any outstanding eighth*
4 *amendment decree pursuant to that section.*

5 (c) *TECHNICAL AMENDMENT.*—*The subchapter analy-*
6 *sis for subchapter C of chapter 229 of title 18, United States*
7 *Code, is amended by adding at the end the following new*
8 *item:*

“3626. Appropriate remedies with respect to prison crowding.”.

9 (d) *SUNSET PROVISION.*—*This section and the amend-*
10 *ments made by this section are repealed effective as of the*
11 *date that is 5 years after the date of enactment of this Act.*

12 **SEC. 5140. ESTABLISHMENT OF COMMUNITY PROGRAMS ON**
13 **DOMESTIC VIOLENCE.**

14 *The Family Violence Prevention and Services Act (42*
15 *U.S.C. 10401 et seq.) is amended by adding at the end the*
16 *following new section:*

17 **“SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INI-**
18 **TIATIVES.**

19 *“(a) IN GENERAL.*—*The Secretary shall provide grants*
20 *to nonprofit private organizations to establish projects in*
21 *local communities involving many sectors of each commu-*
22 *nity to coordinate intervention and prevention of domestic*
23 *violence.*

24 *“(b) ELIGIBILITY.*—*To be eligible for a grant under*
25 *this section, an entity—*

1 “(1) shall be a nonprofit organization organized
2 for the purpose of coordinating community projects
3 for the intervention in and prevention of domestic vi-
4 olence;

5 “(2) shall include representatives of pertinent
6 sectors of the local community, which may include the
7 following—

8 “(A) health care providers;

9 “(B) the education community;

10 “(C) the religious community;

11 “(D) the justice system;

12 “(E) domestic violence program advocates;

13 “(F) human service entities such as State
14 child services divisions;

15 “(G) business and civic leaders; and

16 “(H) other pertinent sectors.

17 “(c) APPLICATIONS.—An organization that desires to
18 receive a grant under this section shall submit to the Sec-
19 retary an application, in such form and in such manner
20 as the Secretary shall prescribe through notice in the Fed-
21 eral Register, that—

22 “(1) demonstrates that the applicant will serve a
23 community leadership function, bringing together
24 opinion leaders from each sector of the community to

1 *develop a coordinated community consensus opposing*
2 *domestic violence;*

3 “(2) demonstrates a community action compo-
4 *nent to improve and expand current intervention and*
5 *prevention strategies through increased communica-*
6 *tion and coordination among all affected sectors;*

7 “(3) includes a complete description of the appli-
8 *cant’s plan for the establishment and operation of the*
9 *community project, including a description of—*

10 “(A) the method for identification and selec-
11 *tion of an administrative committee made up of*
12 *persons knowledgeable in domestic violence to*
13 *oversee the project, hire staff, assure compliance*
14 *with the project outline, and secure annual eval-*
15 *uation of the project;*

16 “(B) the method for identification and selec-
17 *tion of project staff and a project evaluator;*

18 “(C) the method for identification and selec-
19 *tion of a project council consisting of representa-*
20 *tives of the community sectors listed in sub-*
21 *section (b)(2);*

22 “(D) the method for identification and se-
23 *lection of a steering committee consisting of rep-*
24 *resentatives of the various community sectors*

1 *who will chair subcommittees of the project coun-*
2 *cil focusing on each of the sectors; and*

3 *“(E) a plan for developing outreach and*
4 *public education campaigns regarding domestic*
5 *violence; and*

6 *“(4) contains such other information, agree-*
7 *ments, and assurances as the Secretary may require.*

8 *“(d) TERM.—A grant provided under this section may*
9 *extend over a period of not more than 3 fiscal years.*

10 *“(e) CONDITIONS ON PAYMENT.—Payments under a*
11 *grant under this section shall be subject to—*

12 *“(1) annual approval by the Secretary; and*

13 *“(2) availability of appropriations.*

14 *“(f) GEOGRAPHICAL DISPERSION.—The Secretary*
15 *shall award grants under this section to organizations in*
16 *communities geographically dispersed throughout the coun-*
17 *try.*

18 *“(g) USE OF GRANT MONIES.—*

19 *“(1) IN GENERAL.—A grant made under sub-*
20 *section (a) shall be used to establish and operate a*
21 *community project to coordinate intervention and*
22 *prevention of domestic violence.*

23 *“(2) REQUIREMENTS.—In establishing and oper-*
24 *ating a project, a nonprofit private organization*
25 *shall—*

1 “(A) establish protocols to improve and ex-
2 pand domestic violence intervention and preven-
3 tion strategies among all affected sectors;

4 “(B) develop action plans to direct re-
5 sponses within each community sector that are
6 in conjunction with development in all other sec-
7 tors; and

8 “(C) provide for periodic evaluation of the
9 project with a written report and analysis to as-
10 sist application of this concept in other commu-
11 nities.

12 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There
13 are authorized to be appropriated to carry out this sec-
14 tion—

15 “(1) \$20,000,000 for fiscal year 1995; and

16 “(2) such sums as are necessary for fiscal years
17 1996, 1997, and 1998,
18 to remain available until expended.

19 “(i) *REGULATIONS.*—Not later than 60 days after the
20 date of enactment of this section, the Secretary shall publish
21 proposed regulations implementing this section. Not later
22 than 120 days after the date of enactment, the Secretary
23 shall publish final regulations implementing this section.”.

24 **SEC. 5141. SENSE OF THE SENATE.**

25 (a) *DECLARATIONS.*—The Congress declares that—

1 (1) *it is the stated purpose of this Act, in part,*
2 *to rehire law enforcement officers who have been laid*
3 *off as a result of State and local budget reductions in*
4 *community-oriented policing and to hire new, addi-*
5 *tional career law enforcement officers for deployment*
6 *in community-oriented policing across the Nation;*

7 (2) *this affirms that local law enforcement must*
8 *remain the sole prerogative of local government under*
9 *their respective jurisdictions and authorities;*

10 (3) *a key element to fighting crime in America*
11 *is to put more police officers on the street, and the*
12 *Senate, in an effort to help the States and localities*
13 *hire additional police officers in the short term, will,*
14 *through the trust fund established by this Act, make*
15 *funds available to local units of government for this*
16 *purpose;*

17 (4) *The Senate should not add to the financial*
18 *burden on local communities is reduced so that essen-*
19 *tial local services can be paid for by local government;*

20 (5) *the United States Conference of Mayors, on*
21 *October 27, 1993, issued a study outlining the cost of*
22 *just 10 unfunded Federal mandates on the reporting*
23 *cities, and found the cost to those cities to be*
24 *\$54,000,000,000.*

1 (b) *SENSE OF SENATE.*—*It is the sense of the Senate*
2 *that—*

3 (1) *local law enforcement must remain the sole*
4 *prerogative of local government under their respective*
5 *jurisdictions and authorities; and*

6 (2) *one way of providing more funds to units of*
7 *local government for law enforcement is to aggres-*
8 *sively address the issue of unfunded Federal man-*
9 *dates.*

10 ***SEC. 5142. CHILD-CENTERED ACTIVITIES.***

11 (a) *SHORT TITLE.*—*This section may be cited as the*
12 *“Community Schools Youth Services and Supervision*
13 *Grant Program Act of 1993”.*

14 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
15 *that—*

16 (1) *public-private partnerships between govern-*
17 *ment and community-based organizations offer an op-*
18 *portunity to—*

19 (A) *empower distressed and disconnected*
20 *communities to develop their resources and abili-*
21 *ties in order to meet the needs of children;*

22 (B) *forge innovative solutions to the chal-*
23 *lenges confronting the development of the chil-*
24 *dren in such communities; and*

1 (C) create environments where children
2 grow up learning a healthy respect for them-
3 selves, for neighbors, and for their communities;

4 (2) increased resources should be invested in pub-
5 lic-private partnerships; and

6 (3) community-based organizations, acting
7 through such public-private partnerships—

8 (A) should provide year-round supervised
9 sports programs, and extracurricular and aca-
10 ademic programs, for children in the commu-
11 nities; and

12 (B) in providing such extracurricular and
13 academic programs, should promote the positive
14 character development of such children through
15 programs such as curriculum-based supervised
16 educational, work force preparation, entrepre-
17 neurship, cultural, and health programs, social
18 activities, arts and crafts programs, dance pro-
19 grams, tutorial and mentoring programs, and
20 other related activities.

21 (c) FINDINGS.—The Congress finds that—

22 (1) parents are devoting less time than in pre-
23 vious generations to the supervision, education, and
24 nurturing of their children;

1 (2) *the lack of supervision and meaningful activ-*
2 *ity after school contributes to the spread of violent ju-*
3 *venile delinquency in the form of youth and gang vio-*
4 *lence, drug trafficking, dangerous and self-destructive*
5 *behavior, and lack of hope among children in our Na-*
6 *tion;*

7 (3) *every child has the capacity to be productive*
8 *and law abiding and deserves to grow in a safe and*
9 *protected environment;*

10 (4) *communities have a responsibility to develop*
11 *the children of our Nation into productive adults;*

12 (5) *because of their centrality, public schools are*
13 *among the best facilities that communities can use to*
14 *provide needed space and support services for pro-*
15 *grams for children;*

16 (6) *schools are most effective at serving a com-*
17 *munity when the people of the community are in-*
18 *involved in activities designed to fulfill the needs of*
19 *children in the community; and*

20 (7) *activities provided in community centers,*
21 *recreational facilities, and other places where children*
22 *gather, have a significant impact and influence on*
23 *the behavior and attitudes of children.*

24 (d) *DEFINITIONS.—As used in this section:*

1 (1) *COUNCIL.*—The term “Council” means the
2 Ounce of Prevention Council.

3 (2) *CHILD.*—The term “child” means an indi-
4 vidual who is not younger than 5 and not older than
5 18.

6 (3) *COMMUNITY-BASED ORGANIZATION.*—The
7 term “community-based organization” means a pri-
8 vate, locally initiated community-based organization
9 that—

10 (A) is a nonprofit organization, as defined
11 in section 103(23) of the Juvenile Justice and
12 Delinquency Prevention Act of 1974 (42 U.S.C.
13 5603(23)); and

14 (B) is operated by a consortium of service
15 providers, consisting of representatives of 5 or
16 more of the following categories of persons:

17 (i) Residents of the community.

18 (ii) Business and civic leaders actively
19 involved in providing employment and
20 business development opportunities in the
21 community.

22 (iii) Educators.

23 (iv) Religious organizations.

24 (v) Law enforcement agencies.

25 (vi) Public housing agencies.

1 (vii) *State government.*

2 (viii) *Other public agencies.*

3 (ix) *Other interested parties.*

4 (4) *ELIGIBLE COMMUNITY.*—*The term “eligible*
5 *community” means an area identified pursuant to*
6 *subsection (g).*

7 (5) *POVERTY LINE.*—*The term “poverty line”*
8 *means the income official poverty line (as defined by*
9 *the Office of Management and Budget, and revised*
10 *annually in accordance with section 673(2) of the*
11 *Community Services Block Grant Act (42 U.S.C.*
12 *9902(2)) applicable to a family of the size involved.*

13 (6) *PUBLIC SCHOOL.*—*The term “public school”*
14 *means a public elementary school, as defined in sec-*
15 *tion 1201(i) of the Higher Education Act of 1965 (20*
16 *U.S.C. 1141(i)), and a public secondary school, as de-*
17 *defined in section 1201(d) of such Act.*

18 (7) *STATE.*—*The term “State” means each of the*
19 *several States of the United States, the District of Co-*
20 *lumbia, the Commonwealth of Puerto Rico, the Com-*
21 *monwealth of the Northern Mariana Islands, Amer-*
22 *ican Samoa, Guam, and the United States Virgin Is-*
23 *lands.*

24 (e) *PROGRAM AUTHORITY.*—

25 (1) *IN GENERAL.*—

1 (A) *ALLOCATIONS FOR STATES.*—For any
2 fiscal year in which the sums appropriated to
3 carry out this section equal or exceed
4 \$20,000,000, from the sums appropriated to
5 carry out this subsection, the Council shall allo-
6 cate, for grants under subparagraph (B) to com-
7 munity-based organizations in each State, an
8 amount bearing the same ratio to such sums as
9 the number of children in the State who are from
10 families with incomes below the poverty line
11 bears to the number of children in all States who
12 are from families with incomes below the poverty
13 line.

14 (B) *GRANTS TO COMMUNITY-BASED ORGANI-*
15 *ZATIONS FROM ALLOCATIONS.*—For such a fiscal
16 year, the Council may award grants from the
17 appropriate State allocation determined under
18 subparagraph (A) to eligible community-based
19 organizations to pay for the Federal share of as-
20 sisting eligible communities to develop and carry
21 out programs in accordance with this section.

22 (C) *REALLOCATION.*—If, at the end of such
23 a fiscal year, the Council determines that funds
24 allocated for community-based organizations in
25 a State under subparagraph (B) remain unobli-

1 gated, the Council may use such funds to award
2 grants to eligible community-based organizations
3 in another State to pay for such Federal share.
4 In awarding such grants, the Council shall con-
5 sider the need to maintain geographic diversity
6 among the recipients of such grants. Amounts
7 made available through such grants shall remain
8 available until expended.

9 (2) *OTHER FISCAL YEARS.*—For any fiscal year
10 in which the sums appropriated to carry out this sec-
11 tion are less than \$20,000,000, the Council may
12 award grants on a competitive basis to eligible com-
13 munity-based organizations to pay for the Federal
14 share of assisting eligible communities to develop and
15 carry out programs in accordance with this section.

16 (f) *PROGRAM REQUIREMENTS.*—

17 (1) *LOCATION.*—A community-based organiza-
18 tion that receives a grant under this section to assist
19 in carrying out such a program shall ensure that the
20 program is carried out—

21 (A) where appropriate, in the facilities of a
22 public school during nonschool hours; or

23 (B) in another appropriate local facility in
24 a State, such as a college or university, a local

1 or State park or recreation center, church, or
2 military base, that is—

3 (i) in a location that is easily acces-
4 sible to children in the community; and

5 (ii) in compliance with all applicable
6 local ordinances.

7 (2) *USE OF FUNDS.*—Such community-based or-
8 ganization—

9 (A) shall use funds made available through
10 the grant to provide, to children in the eligible
11 community, services and activities that—

12 (i) shall include supervised sports pro-
13 grams, and extracurricular and academic
14 programs, that are offered—

15 (I) after school and on weekends
16 and holidays, during the school year;
17 and

18 (II) as daily full-day programs
19 (to the extent available resources per-
20 mit) or as part-day programs, during
21 the summer months; and

22 (B) in providing such extracurricular and
23 academic programs, shall provide programs such
24 as curriculum-based supervised educational,
25 work force preparation, entrepreneurship, cul-

1 *tural, and health programs, social activities, arts*
2 *and crafts programs, dance programs, tutorial*
3 *and mentoring programs, and other related ac-*
4 *tivities;*

5 (C) may use—

6 (i) such funds for the renovation of fa-
7 cilities that are in existence prior to the op-
8 eration of the program for which the orga-
9 nization receives the grant, purchase of
10 *sporting and recreational equipment and*
11 *supplies, purchase (or lease) and repair of*
12 *vehicles for transporting participants in the*
13 *program, hiring of instructors and other*
14 *staff, provision of meals for such partici-*
15 *pants, provision of health services consisting*
16 *of an initial basic physical examination,*
17 *provision of first aid and nutrition guid-*
18 *ance, and substance abuse treatment where*
19 *appropriate; and*

20 (ii) not more than 10 percent of such
21 funds to pay for the administrative costs of
22 the program; and

23 (D) may not use such funds to provide sec-
24 tarian worship or instruction.

25 (g) *ELIGIBLE COMMUNITY IDENTIFICATION.*—

1 (1) *IDENTIFICATION.*—*To be eligible to receive a*
2 *grant under this section, a community-based organi-*
3 *zation shall identify an eligible community to be as-*
4 *sisted under this section.*

5 (2) *CRITERIA.*—*Such eligible community shall be*
6 *an area that meets such criteria with respect to sig-*
7 *nificant poverty and significant juvenile delinquency,*
8 *and such additional criteria, as the Council may by*
9 *regulation require.*

10 (h) *APPLICATIONS.*—

11 (1) *APPLICATION REQUIRED.*—*To be eligible to*
12 *receive a grant under this section, a community-based*
13 *organization shall submit an application to the Coun-*
14 *cil at such time, in such manner, and accompanied*
15 *by such information, as the Council may reasonably*
16 *require, and obtain approval of such application.*

17 (2) *CONTENTS OF APPLICATION.*—*Each applica-*
18 *tion submitted pursuant to paragraph (1) shall—*

19 (A) *describe the activities and services to be*
20 *provided through the program for which the*
21 *grant is sought;*

22 (B) *contain an assurance that the commu-*
23 *nity-based organization will spend grant funds*
24 *received under this section in a manner that the*

1 *community-based organization determines will*
2 *best accomplish the objectives of this section;*

3 (C) *contain a comprehensive plan for the*
4 *program that is designed to achieve identifiable*
5 *goals for children in the eligible community;*

6 (D) *set forth measurable goals and outcomes*
7 *for the program that—*

8 (i) *will—*

9 (I) *where appropriate, make a*
10 *public school the focal point of the eli-*
11 *gible community; or*

12 (II) *make a local facility de-*
13 *scribed in subsection (f)(1)(B) such a*
14 *focal point; and*

15 (ii) *may include reducing the percent-*
16 *age of children in the eligible community*
17 *that enter the juvenile justice system, in-*
18 *creasing the graduation rates, school attend-*
19 *ance, and academic success of children in*
20 *the eligible community, and improving the*
21 *skills of program participants;*

22 (E) *provide evidence of support for accom-*
23 *plishing such goals and outcomes from—*

24 (i) *community leaders;*

25 (ii) *businesses;*

1 (iii) a school district;

2 (iv) local officials;

3 (v) State officials; and

4 (vi) other organizations that the com-
5 munity-based organization determines to be
6 appropriate;

7 (F) contain an assurance that the commu-
8 nity-based organization will use grant funds re-
9 ceived under this section to provide children in
10 the eligible community with activities and serv-
11 ices that shall include supervised sports pro-
12 grams, and extracurricular and academic pro-
13 grams, in accordance with subparagraphs (A)
14 and (B) of subsection (f)(2);

15 (G) contain a list of the activities and serv-
16 ices that will be offered through the program for
17 which the grant is sought and sponsored by pri-
18 vate nonprofit organizations, individuals, and
19 groups serving the eligible community, includ-
20 ing—

21 (i) extracurricular and academic pro-
22 grams, such as programs described in sub-
23 section (f)(2)(B); and

24 (ii) activities that address specific
25 needs in the community;

1 (H) demonstrate the manner in which the
2 community-based organization will make use of
3 the resources, expertise, and commitment of pri-
4 vate entities in carrying out the program for
5 which the grant is sought;

6 (I) include an estimate of the number of
7 children in the eligible community expected to be
8 served pursuant to the program;

9 (J) include a description of charitable pri-
10 vate resources, and all other resources, that will
11 be made available to achieve the goals of the pro-
12 gram;

13 (K) contain an assurance that the commu-
14 nity-based organization will use competitive pro-
15 cedures when purchasing, contracting, or other-
16 wise providing for goods, activities, or services to
17 carry out programs under this section;

18 (L) contain an assurance that the program
19 will maintain a ratio of at least 1 staff member
20 (including volunteers) for each 20 participants
21 in the program;

22 (M) contain an assurance that the program
23 will maintain an average attendance rate of not
24 less than 75 percent of the participants enrolled

1 *in the program, or will enroll additional partici-*
2 *pants in the program;*

3 *(N) contain an assurance that the commu-*
4 *nity-based organization will comply with any*
5 *evaluation under subsection (m), any research ef-*
6 *fort authorized under Federal law, and any in-*
7 *vestigation by the Council;*

8 *(O) contain an assurance that the commu-*
9 *nity-based organization shall prepare and sub-*
10 *mit to the Council an annual report regarding*
11 *any program conducted under this section;*

12 *(P) contain an assurance that the program*
13 *for which the grant is sought will, to the maxi-*
14 *imum extent possible, incorporate services that*
15 *are—*

16 *(i) provided by program volunteers,*
17 *parents, adult mentors, drug and alcohol*
18 *abuse counselors, teachers, clergy, or other*
19 *persons providing tutoring and college or*
20 *vocational preparation; and*

21 *(ii) provided solely through non-Fed-*
22 *eral private or nonprofit sources; and*

23 *(Q) contain an assurance that the commu-*
24 *nity-based organization will maintain separate*
25 *accounting records for the program.*

1 (3) *PRIORITY.*—*In awarding grants to carry out*
2 *programs under this section, the Council shall give*
3 *priority to community-based organizations who sub-*
4 *mit applications that demonstrate the greatest effort*
5 *in generating local support for the programs.*

6 (i) *ELIGIBILITY OF PARTICIPANTS.*—

7 (1) *IN GENERAL.*—*To the extent possible, each*
8 *child who resides in an eligible community shall be*
9 *eligible to participate in a program carried out in*
10 *such community that receives assistance under this*
11 *section.*

12 (2) *EXCLUSION.*—

13 (A) *NONDISCRIMINATION.*—*Except as pro-*
14 *vided in subparagraph (B), in selecting children*
15 *to participate in a program that receives assist-*
16 *ance under this section, a community-based or-*
17 *ganization shall not discriminate on the basis of*
18 *race, color, religion, sex, national origin, or dis-*
19 *ability.*

20 (B) *EXCEPTION.*—*In selecting children to so*
21 *participate, a community-based organization*
22 *may exclude a child from participation in such*
23 *a program if the organization determines that*
24 *the child has behavior problems that pose an un-*
25 *acceptable risk of injury or illness to other par-*

1 *participants or has a physical or mental disability*
2 *so serious that the child would be unable to par-*
3 *ticipate in the program with reasonable accom-*
4 *modation.*

5 *(C) PARENTAL APPROVAL.—To be eligible to*
6 *participate in a program that receives assistance*
7 *under this section, a child shall provide the ex-*
8 *press written approval of a parent or guardian,*
9 *and shall submit an official application and*
10 *agree to the terms and conditions of participa-*
11 *tion in the program.*

12 *(j) PEER REVIEW PANEL.—*

13 *(1) ESTABLISHMENT.—The Council shall estab-*
14 *lish a peer review panel that shall be comprised of in-*
15 *dividuals with demonstrated experience in designing*
16 *and implementing community-based programs.*

17 *(2) COMPOSITION.—Such panel shall include at*
18 *least 1 representative from each of the following:*

19 *(A) A community-based organization.*

20 *(B) A local government.*

21 *(C) A school district.*

22 *(D) The private sector.*

23 *(E) A charitable organization.*

1 (F) A representative of the United States
2 Olympic Committee, at the option of such Com-
3 mittee.

4 (3) *FUNCTIONS.*—Such panel shall conduct the
5 initial review of all grant applications received by the
6 Council under subsection (h), make recommendations
7 to the Council regarding—

8 (A) grant funding under this section;

9 (B) a design for the evaluation of programs
10 assisted under this section; and

11 (C) methods for achieving effective coordina-
12 tion between programs carried out under this
13 section and programs carried out through Olym-
14 pic Youth Development Centers under section
15 5143.

16 (k) *INVESTIGATIONS AND INSPECTIONS.*—The Council
17 may conduct such investigations and inspections as may
18 be necessary to ensure compliance with the provisions of
19 this section.

20 (l) *FEDERAL SHARE.*—

21 (1) *PAYMENTS; FEDERAL SHARE; NON-FEDERAL*
22 *SHARE.*—

23 (A) *PAYMENTS.*—The Council shall, subject
24 to the availability of appropriations, pay to each
25 community-based organization having an appli-

1 *cation approved under subsection (h) the Federal*
2 *share of the costs of developing and carrying out*
3 *programs referred to in subsection (e).*

4 *(B) FEDERAL SHARE.—The Federal share*
5 *of such costs shall be—*

6 *(i) 75 percent for each of the fiscal*
7 *years 1994 and 1995;*

8 *(ii) 70 percent for fiscal year 1996;*
9 *and*

10 *(iii) 60 percent for fiscal year 1997.*

11 *(2) NON-FEDERAL SHARE.—*

12 *(A) IN GENERAL.—The non-Federal share of*
13 *such costs may be in cash or in kind, fairly eval-*
14 *uated, including plant, equipment, and services*
15 *(including the services described in subsection*
16 *(h)(2)(P)).*

17 *(B) SPECIAL RULE.—At least 15 percent of*
18 *the non-Federal share of such costs shall be pro-*
19 *vided from private or nonprofit sources.*

20 *(m) EVALUATION.—The Council shall conduct a thor-*
21 *ough evaluation of the programs assisted under this section,*
22 *which shall include an assessment of—*

23 *(1) the number of children participating in each*
24 *program assisted under this section;*

25 *(2) the academic achievement of such children;*

1 (3) *school attendance and graduation rates of*
2 *such children; and*

3 (4) *the number of such children being processed*
4 *by the juvenile justice system.*

5 (n) *AUTHORIZATION OF APPROPRIATIONS.—There are*
6 *authorized to be appropriated, from the amounts in the Vio-*
7 *lent Crime Reduction Trust Fund established under section*
8 *1115 of title 31, United States Code, \$100,000,000 for each*
9 *of the fiscal years 1994, 1995, 1996, and 1997 to carry out*
10 *this section.*

11 **SEC. 5143. OLYMPIC YOUTH DEVELOPMENT CENTERS.**

12 (a) *DEFINITIONS.—As used in this section:*

13 (1) *COUNCIL.—The term “Council” means the*
14 *Ounce of Prevention Council.*

15 (2) *CHILD.—The term “child” means an indi-*
16 *vidual who is not younger than 8 and not older than*
17 *18.*

18 (3) *COMMITTEE.—The term “Committee” means*
19 *the United States Olympic Committee.*

20 (b) *GRANT.—The Council may make a grant to United*
21 *States Olympic Committee for the purpose of establishing*
22 *Olympic Youth Development Centers and carrying out pro-*
23 *grams through such centers.*

24 (c) *PROGRAM REQUIREMENTS.—*

1 (1) *LOCATION.*—*The Committee, on receiving a*
2 *grant under this section to establish such a center*
3 *shall ensure that the center is established in an ap-*
4 *propriate facility in a State, such as a college or uni-*
5 *versity, a local or State park or recreation center,*
6 *church, or military base, that is—*

7 (A) *in a location that is easily accessible to*
8 *children in the community; and*

9 (B) *in compliance with all applicable local*
10 *ordinances.*

11 (2) *CENTERS.*—*The Committee shall, subject to*
12 *the availability of appropriations, not later than 1*
13 *year after the date of enactment of this Act, establish*
14 *not fewer than 6 such centers, and shall, subject to the*
15 *availability of appropriations, to the extent possible,*
16 *establish not less than 1 such center in each State by*
17 *fiscal year 1997. In selecting locations for such cen-*
18 *ters, the Committee shall consider the need to main-*
19 *tain geographic diversity, and to maintain a balance*
20 *of urban and rural locations for such centers.*

21 (3) *USE OF FUNDS.*—*The Committee—*

22 (A) *may use funds made available through*
23 *the grant to provide supervised sports and recre-*
24 *ation programs that are offered—*

1 (i) after school and on weekends and
2 holidays, during the school year; and

3 (ii) as daily (or weeklong) full-day
4 programs (to the extent available resources
5 permit) or as part-day programs, during
6 the summer months;

7 (B) may use—

8 (i) such funds for the renovation of fa-
9 cilities that are in existence prior to the op-
10 eration of the program for which the Com-
11 mittee receives the grant, purchase of sport-
12 ing and recreational equipment and sup-
13 plies, purchase (or lease) and repair of vehi-
14 cles for transporting participants in the
15 program, hiring of instructors and other
16 staff, provision of meals for such partici-
17 pants, provision of health services consisting
18 of an initial basic physical examination,
19 and provision of first aid and nutrition
20 guidance; and

21 (ii) not more than 10 percent of such
22 funds to pay for the administrative costs of
23 the program; and

24 (C) may not use such funds to provide sec-
25 tarian worship or instruction.

1 (4) *DESIGNATION.*—*The Committee may, at the*
2 *discretion of the Committee, designate facilities*
3 *through which programs are carried out under the*
4 *Community Schools Youth Services and Supervision*
5 *Grant Program Act of 1993 as Olympic Youth Devel-*
6 *opment Centers. Such designation shall not entitle the*
7 *programs to receive assistance under this section.*

8 (5) *EXECUTIVE DIRECTOR.*—*The Committee*
9 *shall appoint an Executive Director to coordinate the*
10 *centers and programs described in subsection (b), and*
11 *shall appoint a Director for each such center to carry*
12 *out such programs at the center.*

13 (d) *APPLICATION.*—

14 (1) *IN GENERAL.*—*To be eligible to receive a*
15 *grant under this section, the Committee shall submit*
16 *an application to the Council at such time, in such*
17 *manner, and accompanied by such information, as*
18 *the Council may reasonably require, and obtain ap-*
19 *proval of such application.*

20 (2) *CONTENTS OF APPLICATION.*—*The applica-*
21 *tion submitted pursuant to paragraph (1) shall—*

22 (A) *contain an assurance that the program*
23 *to be carried out through the center for which the*
24 *grant is sought will maintain an average attend-*
25 *ance rate of not less than 75 percent of the par-*

1 *participants enrolled in the program, or will enroll*
2 *additional participants in the program;*

3 *(B) contain an assurance that the Commit-*
4 *tee will comply with any evaluation under sub-*
5 *section (i), any research effort authorized under*
6 *Federal law, and any investigation by the Ad-*
7 *ministrator;*

8 *(C) contain an assurance that the Commit-*
9 *tee shall prepare and submit to the Adminis-*
10 *trator an annual report regarding any program*
11 *conducted under this section;*

12 *(D) contain an assurance that the program*
13 *for which the grant is sought will, to the maxi-*
14 *imum extent possible, incorporate services that*
15 *are—*

16 *(i) provided by program volunteers,*
17 *parents, adult mentors, drug and alcohol*
18 *abuse counselors, teachers, clergy, or other*
19 *persons providing tutoring and college or*
20 *vocational preparation; and*

21 *(ii) provided solely through non-Fed-*
22 *eral private or nonprofit sources;*

23 *(E) contain an assurance that the Commit-*
24 *tee will maintain separate accounting records for*
25 *the program; and*

1 (F) contain an assurance that the program
2 will include outreach efforts in order to encour-
3 age participation in the program.

4 (e) *ELIGIBILITY OF PARTICIPANTS.*—

5 (1) *IN GENERAL.*—The Committee shall select
6 children to participate in programs that receive as-
7 sistance under this section without regard to the ath-
8 letic ability of the children. In selecting children to
9 participate in programs that receive assistance under
10 this section, the Committee shall give priority to chil-
11 dren from low-income communities and high-crime
12 areas with demonstrated gang activity, as determined
13 in accordance with regulations issued by the Council.

14 (2) *EXCLUSION.*—

15 (A) *NONDISCRIMINATION.*—Except as pro-
16 vided in subparagraph (B), in selecting children
17 to participate in a program that receives assist-
18 ance under this section, the Committee shall not
19 discriminate on the basis of race, color, religion,
20 sex, national origin, or disability.

21 (B) *EXCEPTION.*—In selecting children to so
22 participate, the Committee may exclude a child
23 from participation in such a program if the
24 Committee determines that the child has behavior
25 problems that pose an unacceptable risk of in-

1 *jury or illness to other participants or has a*
2 *physical or mental disability so serious that the*
3 *child would be unable to participate in the pro-*
4 *gram with reasonable accommodation.*

5 *(C) PARENTAL APPROVAL.—To be eligible to*
6 *participate in a program that receives assistance*
7 *under this section, a child shall provide the ex-*
8 *press written approval of a parent or guardian,*
9 *and shall submit an official application and*
10 *agree to the terms and conditions of participa-*
11 *tion in the program.*

12 *(f) INVESTIGATIONS AND INSPECTIONS.—The Council*
13 *may conduct such investigations and inspections as may*
14 *be necessary to ensure compliance with the provisions of*
15 *this section.*

16 *(g) FEDERAL SHARE.—*

17 *(1) PAYMENTS; FEDERAL SHARE; NON-FEDERAL*
18 *SHARE.—*

19 *(A) PAYMENTS.—On approval of an appli-*
20 *cation under subsection (d), the Council shall,*
21 *subject to the availability of appropriations pay*
22 *to the Committee the Federal share of the costs*
23 *of establishing the centers and carrying out the*
24 *programs described in subsection (b).*

1 (B) *FEDERAL SHARE.*—*The Federal share*
2 *of such costs shall be—*

3 (i) *75 percent for fiscal years 1994 and*
4 *1995;*

5 (ii) *70 percent for fiscal year 1996;*
6 *and*

7 (iii) *60 percent for fiscal year 1997.*

8 (2) *NON-FEDERAL SHARE.*—

9 (A) *IN GENERAL.*—*The non-Federal share of*
10 *such costs may be in cash or in kind, fairly eval-*
11 *uated, including plant, equipment, and services*
12 *(including the services described in subsection*
13 *(d)(2)(D)).*

14 (B) *SPECIAL RULE.*—*The Committee may*
15 *not charge fees for the participation of children*
16 *in programs carried out under this section.*

17 (h) *REPORTS.*—*At the end of each fiscal year, the*
18 *Council shall submit to Congress a report on the activities*
19 *conducted under this section, including a summary of the*
20 *information in the report submitted under subsection*
21 *(d)(2)(C).*

22 (i) *EVALUATION.*—*The Council shall conduct a thor-*
23 *ough evaluation of the programs assisted under this section,*
24 *which shall include an assessment of—*

1 (1) *the number of children participating in each*
2 *program assisted under this section;*

3 (2) *the academic achievement of such children;*

4 (3) *school attendance and graduation rates of*
5 *such children; and*

6 (4) *the number of such children being processed*
7 *by the juvenile justice system.*

8 (j) *AUTHORIZATION OF APPROPRIATIONS.—*

9 (1) *IN GENERAL.—There are authorized to be ap-*
10 *propriated, from the amounts in the Violent Crime*
11 *Reduction Trust Fund established under section 1115*
12 *of title 31, United States Code, \$50,000,000 for fiscal*
13 *year 1994 and \$25,000,000 for each of fiscal years*
14 *1995, 1996, and 1997, to carry out this section.*

15 (2) *AVAILABILITY.—Amounts appropriated to*
16 *carry out this section shall remain available until ex-*
17 *pended.*

18 **SEC. 5144. AUTHORITY TO RELEASE CERTAIN CONFIDEN-**
19 **TIAL INFORMATION RELATING TO ALIENS.**

20 *Section 245A(c)(5)(C) of the Immigration and Nation-*
21 *ality Act (8 U.S.C. 1255a(c)(5)(C)) is amended by striking*
22 *out “except that the Attorney General” and all that follows*
23 *through “section 8 of title 13, United States Code.” and*
24 *inserting in lieu thereof “except that the Attorney Gen-*
25 *eral—*

1 “(i) may authorize an application to a
2 Federal court of competent jurisdiction for,
3 and a judge of such court may grant, an
4 order authorizing disclosure of information
5 contained in the application of the alien (as
6 a result of an investigation of the alien by
7 an investigative officer or law enforcement
8 officer) that is necessary to locate and iden-
9 tify the alien if (I) such disclosure may re-
10 sult in the discovery of information leading
11 the location and identity of the alien, and
12 (II) such disclosure (and the information
13 discovered as a result of such disclosure)
14 will be used only for criminal law enforce-
15 ment purposes as against the alien whose
16 file is being accessed;

17 “(ii) may furnish information under
18 this section with respect to an alien to an
19 official coroner (upon the written request of
20 the coroner) for the purposes of permitting
21 the coroner to identify a deceased individ-
22 ual; and

23 “(iii) may provide, in the Attorney
24 General’s discretion, for the furnishing of
25 information furnished under this section in

1 *the same manner and circumstances as cen-*
2 *sus information may be disclosed to the Sec-*
3 *retary of Commerce under section 8 of title*
4 *13, United States Code.”.*

5 **SEC. 5145. CHILDREN AND YOUTH UTILIZING FEDERAL**
6 **LAND.**

7 *(a)(1) Various Federal land, especially environ-*
8 *mentally sensitive Federal land, should be made available*
9 *to the States and territories for certain programs for chil-*
10 *dren and youth;*

11 *(2) Federally owned land, such as national parks, fish*
12 *and wildlife refuges, Bureau of Land Management land,*
13 *and National Forest Service land, offer an excellent option*
14 *to solve the problems of siting and zoning commonly faced*
15 *by programs for neglected, abused, runaway, homeless, dis-*
16 *turbed, “at-risk”, and delinquent children and teenagers;*

17 *(3) Federal land and personnel administering it offer*
18 *great educational and personal development opportunities*
19 *for our young people, who offer in return significant work*
20 *on the ecology and the promise of a planet-sensitive next*
21 *generation;*

22 *(4) Wilderness settings provide the public security*
23 *from seriously delinquent, violent teenagers for whom con-*
24 *structive discipline and a challenging environment are*
25 *proven, effective correctional tools;*

1 (5) *Programs for youngsters who pose no threat to the*
2 *public or themselves may be placed in less remote sites, even*
3 *within communities.*

4 (b) *It is the sense of the Senate that—*

5 (1) *the Departments of Justice, Interior, Defense,*
6 *Agriculture, Commerce, Labor, Education, Health*
7 *and Human Services, and any other executive branch*
8 *agencies having properties or resources to devote to a*
9 *project to make such properties and resources avail-*
10 *able to programs for children and youth are urged to*
11 *act cooperatively in the establishment and ongoing*
12 *support of such programs; and*

13 (2) *a nationwide network of small, specialized,*
14 *residential or nonresidential programs, principally*
15 *operated by the private sector, under State or local*
16 *control, and Federal approval and supervision should*
17 *be established and supported.*

18 **SEC. 5146. BANKRUPTCY FRAUD.**

19 (a) *IN GENERAL.*—

20 (1) *OFFENSES.*—*Chapter 9 of title 18, United*
21 *States Code, is amended—*

22 (A) *by amending sections 152, 153, and 154*
23 *to read as follows:*

1 “(6) knowingly and fraudulently gives, offers, re-
2 ceives, or attempts to obtain any money or property,
3 remuneration, compensation, reward, advantage, or
4 promise thereof for acting or forbearing to act in any
5 case under title 11;

6 “(7) in a personal capacity or as an agent or of-
7 ficer of any person or corporation, in contemplation
8 of a case under title 11 by or against the person or
9 any other person or corporation, or with intent to de-
10 feat the provisions of title 11, knowingly and fraudu-
11 lently transfers or conceals any of his property or the
12 property of such other person or corporation;

13 “(8) after the filing of a case under title 11 or
14 in contemplation thereof, knowingly and fraudulently
15 conceals, destroys, mutilates, falsifies, or makes a false
16 entry in any recorded information (including books,
17 documents, records, and papers) relating to the prop-
18 erty or financial affairs of a debtor; or

19 “(9) after the filing of a case under title 11,
20 knowingly and fraudulently withholds from a custo-
21 dian, trustee, marshal, or other officer of the court or
22 a United States Trustee entitled to its possession, any
23 recorded information (including books, documents,
24 records, and papers) relating to the property or fi-
25 nancial affairs of a debtor,

1 *shall be fined not more than \$5,000, imprisoned not more*
2 *than 5 years, or both.*

3 **“§ 153. Embezzlement against estate**

4 “(a) *OFFENSE.*—A person described in subsection (b)
5 *who knowingly and fraudulently appropriates to the per-*
6 *son’s own use, embezzles, spends, or transfers any property*
7 *or secretes or destroys any document belonging to the estate*
8 *of a debtor shall be fined not more than \$5,000, imprisoned*
9 *not more than 5 years, or both.*

10 “(b) *PERSON TO WHOM SECTION APPLIES.*—A person
11 *described in this subsection is one who has access to prop-*
12 *erty or documents belonging to an estate by virtue of the*
13 *person’s participation in the administration of the estate*
14 *as a trustee, custodian, marshal, attorney, or other officer*
15 *of the court or as an agent, employee, or other person en-*
16 *gaged by such an officer to perform a service with respect*
17 *to the estate.*

18 **“§ 154. Adverse interest and conduct of officers**

19 “A person who, being a custodian, trustee, marshal,
20 *or other officer of the court—*

21 “(1) *knowingly purchases, directly or indirectly,*
22 *any property of the estate of which the person is such*
23 *an officer in a case under title 11;*

24 “(2) *knowingly refuses to permit a reasonable*
25 *opportunity for the inspection by parties in interest*

1 of the documents and accounts relating to the affairs
2 of estates in the person's charge by parties when di-
3 rected by the court to do so; or

4 “(3) knowingly refuses to permit a reasonable
5 opportunity for the inspection by the United States
6 Trustee of the documents and accounts relating to the
7 affairs of an estate in the person's charge,

8 shall be fined not more than \$5000 and shall forfeit the
9 person's office, which shall thereupon become vacant.”; and

10 (B) by adding at the end the following new
11 sections:

12 **“§ 156. Knowing disregard of bankruptcy law or rule**

13 “(a) *DEFINITIONS.*—In this section—

14 “‘bankruptcy petition preparer’ means a person,
15 other than the debtor's attorney or an employee of
16 such an attorney, who prepares for compensation a
17 document for filing.

18 “‘document for filing’ means a petition or any
19 other document prepared for filing by a debtor in a
20 United States bankruptcy court or a United States
21 district court in connection with a case under this
22 title.

23 “(b) *OFFENSE.*—If a bankruptcy case or related pro-
24 ceeding is dismissed because of a knowing attempt by a
25 bankruptcy petition preparer in any manner to disregard

1 *the requirements of title 11, United States Code, or the*
2 *Bankruptcy Rules, the bankruptcy petition preparer shall*
3 *be fined under this title, imprisoned not more than 1 year,*
4 *or both.*

5 **“§ 157. Bankruptcy fraud**

6 “(a) *OFFENSE.*—A person who, having devised or in-
7 *tending to devise a scheme or artifice to defraud, or for ob-*
8 *taining money or property by means of a false or fraudu-*
9 *lent pretense, representation, or promise, for the purpose of*
10 *executing or concealing such a scheme or artifice or at-*
11 *tempting to do so—*

12 “(1) *files a petition under title 11;*

13 “(2) *files a document in a proceeding under title*
14 *11; or*

15 “(3) *makes a false or fraudulent representation,*
16 *claim, or promise concerning or in relation to a pro-*
17 *ceeding under title 11, at any time before or after the*
18 *filing of the petition, or in relation to a proceeding*
19 *falsely asserted to be pending under that title,*

20 *shall be fined under this title, imprisoned not more than*
21 *5 years, or both.*

22 “(b) *REQUIREMENT OF INTENT.*—

23 “(1) *IN GENERAL.*—*The degree of intent required*
24 *to be shown in the case of an offense described in sub-*

1 *section (a) is that which is generally required to be*
2 *shown in cases of fraud.*

3 *“(2) VIOLATION NOT ESTABLISHED.—A violation*
4 *of subsection (a) is not established if the defendant*
5 *committed the act that is alleged to constitute fraud*
6 *for a lawful purpose.*

7 *“(3) VIOLATION ESTABLISHED.—A violation of*
8 *subsection (a) may be established if the defendant*
9 *committed the act that is alleged to constitute fraud*
10 *with a purpose of—*

11 *“(A) preventing the proper application of*
12 *title 11 in a particular case; or*

13 *“(B) using a proceeding under title 11 in a*
14 *manner that, while on its face may appear to be*
15 *legitimate, is in fact part of a scheme to de-*
16 *fraud.”.*

17 *(2) TECHNICAL AMENDMENTS.—The chapter*
18 *analysis for chapter 9 of title 18, United States Code,*
19 *is amended—*

20 *(A) by amending the item relating to sec-*
21 *tion 153 to read as follows:*

“Sec. 153. Embezzlement against estate.”;

22 *and*

23 *(B) by adding at the end the following new*
24 *item:*

“Sec. 156. Knowing disregard of bankruptcy law or rule.

“Sec. 157. Bankruptcy fraud.”

1 **(b) RICO.**—Section 1961(1)(D) of title 18, United
2 States Code, is amended by inserting “(except a case under
3 section 157 of that title)” after “title 11”.

4 **SEC. 5147. HANDGUNS IN SCHOOLS.**

5 *HANDGUNS IN SCHOOLS.*—

6 **(1) IN GENERAL.**—In any year after the first
7 day of the first fiscal year after the expiration of the
8 next regular session of the State legislature following
9 the date of enactment of this subpart, the Adminis-
10 trator may award to a State that meets the require-
11 ment of paragraph (2) additional grant funds, from
12 the funds reserved for the special discretionary fund
13 established under subsection (e), in an amount equal
14 to 25 percent of the amount of the grant that would
15 be made without regard to this subsection.

16 **(2) STATE LAW.**—A State meets the requirement
17 of this paragraph if the law of the State provides
18 that—

19 **(A)** on receipt of notification from the prin-
20 cipal (or equivalent official) of an elementary
21 school or a secondary school in the State that a
22 person was found in possession of a handgun on
23 the premises of the school, the head of the State
24 entity responsible for issuing driver’s licenses
25 shall, pursuant to such procedures as the State

1 legislature and the head (or appropriate State
2 entity) establishes—

3 (i) in the case of a person who holds a
4 driver's license issued by the State, revoke
5 the person's driver's license for a period of
6 5 years, during which period the license
7 may not be reissued except as provided
8 under paragraph (3); and

9 (ii) in the case of a person who does
10 not hold a driver's license issued by the
11 State, except as provided under paragraph
12 (3), withhold for a period of 5 years or
13 until the date on which the person attains
14 the age of 18 years, whichever is longer, the
15 issuance of a driver's license for which ap-
16 plication may subsequently be made;

17 (B) on receipt of notification from the prin-
18 cipal (or equivalent official) of an elementary
19 school or a secondary school in the State that a
20 person was found in possession of a handgun on
21 the premises of the school during a period of rev-
22 ocation or withholding of the issuance of a per-
23 son's driver's license under subparagraph (A),
24 the head of the State entity responsible for issu-
25 ing driver's licenses shall, pursuant to such pro-

1 *cedures as the State legislature and the head (or*
2 *appropriate State entity) establishes, extend the*
3 *period of revocation or withholding for an addi-*
4 *tional 10 years, during which period the license*
5 *may not be reissued except as provided in para-*
6 *graph (3); and*

7 *(C) subparagraphs (A) and (B) do not*
8 *apply to the possession of a handgun—*

9 *(i) on private property that is not part*
10 *of the premises of a school;*

11 *(ii) if—*

12 *(I) the person possessing the handgun*
13 *is licensed to possess the handgun by the*
14 *State in which the elementary school or sec-*
15 *ondary school is located or by a political*
16 *subdivision of the State; and*

17 *(II) the State or political subdivision*
18 *of the State requires that, as a condition of*
19 *the issuance of a driver's license, an appro-*
20 *priate law enforcement authority of the*
21 *State or political subdivision of the State*
22 *verify that the person is qualified under ap-*
23 *plicable law to hold the firearm license;*

24 *(iii) that is—*

25 *(I) not loaded; and*

1 (ii) in a locked container or in a
2 locked firearm rack that is on a motor
3 vehicle;

4 (iv) by a person for use in a program
5 approved by the appropriate official of an
6 elementary school or secondary school (or
7 entity of the State or political subdivision
8 of the State responsible for the administra-
9 tion of the elementary school or secondary
10 school);

11 (v) by a person in accordance with a
12 contract that the appropriate official of the
13 elementary school or secondary school (or
14 entity of the State or political subdivision
15 of the State responsible for the administra-
16 tion of the elementary school or secondary
17 school) has entered into with the person or
18 employer of the person;

19 (vi) by a law enforcement officer acting
20 in an official capacity; or

21 (vii) that is unloaded and possessed by
22 a person while traversing the premises of
23 the elementary or secondary school for the
24 purpose of gaining access to public or pri-
25 vate lands open to hunting, if the entry on

1 *the premises of the elementary school or sec-*
2 *ondary school is authorized by the appro-*
3 *priate official of the school (or entity of the*
4 *State or political subdivision of the State*
5 *responsible for the administration of the ele-*
6 *mentary school or secondary school).*

7 (3) *WAIVER.—A State law described in para-*
8 *graph (2) may provide for a procedure under which*
9 *the application of a portion of a revocation or with-*
10 *holding period under paragraph (2)(A) or (B) may be*
11 *waived if—*

12 (A) *at least 50 percent of the withholding or*
13 *revocation period has expired; and*

14 (B) *the person subject to the revocation or*
15 *withholding period establishes, in a manner sat-*
16 *isfactory to the head the State entity described in*
17 *paragraph (2), that—*

18 (i) *the person is not the subject of any*
19 *criminal charge (other than a charge related*
20 *to the possession of a handgun that resulted*
21 *in the revocation or withholding);*

22 (ii) *the person has not been the subject*
23 *of a criminal conviction for engaging in a*
24 *criminal activity during the withholding or*
25 *revocation period (other than a conviction*

1 *directly related to the possession of a hand-*
2 *gun that resulted in the revocation or with-*
3 *holding); and*

4 *(iii) there is a compelling reason to*
5 *waive the remainder of the revocation or*
6 *withholding period.*

7 (4) *DUE PROCESS.*—*A State, in implementing a*
8 *law described in paragraph (2), shall follow such pro-*
9 *cedures (including procedures to ensure that affected*
10 *persons are afforded due process of law) as the Con-*
11 *stitution may require.*

12 (5) *DEFINITIONS.*—*In this subsection—*

13 *“elementary school” has the meaning stated*
14 *in 1471(8) of the Elementary and Secondary*
15 *Education Act of 1965 (20 U.S.C. 2891(8)).*

16 *“handgun” means—*

17 *(i) a firearm that has a short stock*
18 *and is designed to be held and fired by the*
19 *use of a single hand; or*

20 *(ii) any combination of parts from*
21 *which a firearm described in subparagraph*
22 *(A) can be assembled.*

23 *“premises”, in reference to an elementary*
24 *school or secondary school, includes the school*
25 *building and the grounds of the school.*

1 “secondary school” has the meaning stated
2 in section 1471(21) of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C.
4 2891(21)).

5 (6) *RULE OF CONSTRUCTION.*—Nothing in this
6 subsection shall be construed to limit the authority of
7 the government of a State or political subdivision of
8 a State to enact and enforce a law that imposes a
9 penalty that exceeds or supplements the penalties au-
10 thorized under this subsection.

11 **SEC. 5148. SENSE OF THE SENATE REGARDING A STUDY ON**
12 **OUT-OF-WEDLOCK BIRTHS.**

13 (a) *FINDINGS.*—The Senate finds the following:

14 (1) *The National Center for Health Statistics*
15 *has just reported that the out-of-wedlock birth rate*
16 *reached 29.5 percent in 1991 (66.3 percent in Wash-*
17 *ington, D.C., 71.0 percent in Detroit).*

18 (2) *The out-of-wedlock birth rate has increased*
19 *without interruption since 1970, and, as pointed out*
20 *recently by George Will, “the rate of increase is not*
21 *slowing even at extraordinarily high levels”.*

22 (3) *Dr. Lee Rainwater of Harvard University*
23 *predicts that the rate will reach 40 percent within 7*
24 *years.*

1 (4) *Professor James Q. Wilson has described the*
2 *erosion of the family structure in the United States*
3 *and many Western nations as “a major cultural con-*
4 *vulsion” that is inextricably associated with the rise*
5 *of violent urban crime.*

6 (5) *President Clinton has stated on the national*
7 *television program “Meet the Press” that there is “ab-*
8 *solutely” a correlation between crime and drugs and*
9 *the breakdown of the family.*

10 (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
11 *ate that—*

12 (1) *the Secretary of Health and Human Serv-*
13 *ices, in consultation with the National Center for*
14 *Health Statistics, should prepare an analysis of the*
15 *causes of the increase in out-of-wedlock births, and de-*
16 *termine whether there is any historical precedent for*
17 *such increase, as well as any equivalent among for-*
18 *ign nations, and*

19 (2) *the Secretary of Health and Human Services*
20 *should report to Congress within 12 months after the*
21 *date of the enactment of this Act on the Secretary’s*
22 *analysis of the out-of-wedlock problem and its causes,*
23 *as well as possible remedial measures that could be*
24 *taken.*

1 **SEC. 5149. CONGRESSIONAL APPROVAL OF ANY EXPANSION**
2 **AT LORTON AND CONGRESSIONAL HEARINGS**
3 **ON FUTURE NEEDS.**

4 (a) *CONGRESSIONAL APPROVAL.*—Notwithstanding
5 any other provision of law, the existing prison facilities and
6 complex at the District of Columbia Corrections Facility
7 at Lorton in Virginia shall not be expanded unless such
8 expansion has been approved by the Congress under the au-
9 thority provided to Congress in section 446 of the District
10 of Columbia Self-Government and Governmental Reorga-
11 nization Act.

12 (b) *CONGRESSIONAL HEARINGS.*—The Subcommittee
13 on the District of Columbia of the Committee on Appropria-
14 tions of the Senate shall conduct hearings regarding expan-
15 sion of the prison complex in Lorton, Virginia, prior to any
16 approval granted pursuant to subsection (a). The sub-
17 committee shall permit interested parties, including appro-
18 priate officials from the County of Fairfax, Virginia, to tes-
19 tify at such hearings.

20 (c) *DEFINITION.*—For purposes of this section, the
21 terms “expanded” and “expansion” mean any alteration
22 of the physical structure of the prison complex that is made
23 to increase the number of inmates incarcerated at the pris-
24 on.

1 **SEC. 5150. NATIONAL NARCOTICS LEADERSHIP ACT.**

2 (a) *Section 1009 of the National Narcotics Leadership*
3 *Act of 1988 (21 U.S.C. 1506) is amended by striking “the*
4 *date which is 5 years after the date of the enactment of*
5 *this subtitle” and inserting “September 30, 1994”.*

6 (b) *Section 1008(d)(1) of the National Narcotics Lead-*
7 *ership Act of 1988 (21 U.S.C. 1502(d)(1)) is amended by*
8 *striking “of such”, and inserting, “subject to the availabil-*
9 *ity of appropriations, of not less than 75 and such addi-*
10 *tional”*

11 **SEC. 5151. SUPREME COURT MARSHALS AND POLICE.**

12 *Section 9(c) of the Act entitled “An Act relating to*
13 *the policing of the building and grounds of the Supreme*
14 *Court of the United States,” approved August 18, 1949 (40*
15 *U.S.C. 13n(c)), is amended in the first sentence by striking*
16 *out “1993” and inserting in lieu thereof “1996”.*

17 **SEC. 5152. EXTENSION OF FULL-TIME STATUS OF MEMBERS**
18 **OF THE UNITED STATES SENTENCING COM-**
19 **MISSION.**

20 *Section 992(c) of title 28, United States Code, is*
21 *amended in the second sentence by striking “six years” and*
22 *inserting “seven years”.*

23 **SEC. 5153. SENSE OF THE SENATE THAT ABLE-BODIED CON-**
24 **VICTED FELONS IN THE FEDERAL PRISON**
25 **SYSTEM WORK.**

26 (a) *FINDINGS.—The Senate finds that—*

1 (1) *Federal Prison Industries was created by*
2 *Congress in 1934 as a wholly owned, nonprofit gov-*
3 *ernment corporation directed to train and employ*
4 *Federal prisoners;*

5 (2) *traditionally, one-half of the Federal prison*
6 *inmates had meaningful prison jobs; now, with the*
7 *increasing prison population, less than one-quarter*
8 *are employed in prison industry positions; and*

9 (3) *expansion of the product lines and services of*
10 *Federal Prison Industries beyond its traditional lines*
11 *of business will enable more Federal prison inmates*
12 *to work, and such expansion must occur so as to min-*
13 *imize any adverse impact on the private sector and*
14 *labor.*

15 (b) *SENSE OF SENATE.—It is the sense of the Senate*
16 *that—*

17 (1) *all able-bodied Federal prison inmates should*
18 *work;*

19 (2) *in an effort to achieve the goal of full Federal*
20 *prison inmate employment, the Attorney General, in*
21 *consultation with the Director of the Bureau of Pris-*
22 *ons, the Secretary of Labor, the Secretary of Defense,*
23 *the Administrator of the General Services Adminis-*
24 *tration, and the private sector and labor, shall submit*
25 *a report to Congress not later than March 31, 1994,*

1 *that describes a strategy for employing more Federal*
2 *prison inmates;*

3 (3) *the report shall—*

4 (A) *contain a review of existing lines of*
5 *business of Federal Prison Industries;*

6 (B) *consider the findings and recommenda-*
7 *tions of the final report of the Summit on Fed-*
8 *eral Prison Industries (June 1992–July 1993);*
9 *and*

10 (C) *make recommendations for legislation*
11 *and changes in existing law that may be nec-*
12 *essary for the Federal Prison Industries to em-*
13 *ploy more Federal prison inmates; and*

14 (4) *the report shall focus on—*

15 (A) *the creation of new job opportunities for*
16 *Federal prison inmates;*

17 (B) *the degree to which any expansion of*
18 *lines of business of Federal Prison Industries*
19 *may adversely affect the private sector or dis-*
20 *place domestic labor; and*

21 (C) *the degree to which opportunities for*
22 *partnership between Federal Prison Industries*
23 *and small business can be fostered.*

1 **SEC. 5154. FIRST TIME DOMESTIC VIOLENCE OFFENDER RE-**
2 **HABILITATION PROGRAM.**

3 (a) Section 3561 of title 18, United States Code, is
4 amended by—

5 (1) redesignating subsection (b) as subsection (c);

6 (2) inserting the following new subsection after
7 subsection (a):

8 “(b) DOMESTIC VIOLENCE OFFENDERS.—A defendant
9 who has been convicted for the first time of a domestic vio-
10 lence crime shall be sentenced to a term of probation if not
11 sentenced to a term of imprisonment. The term ‘domestic
12 violence crime’ means a crime of violence for which the de-
13 fendant may be prosecuted in a court of the United States
14 in which the victim or intended victim is the spouse, former
15 spouse, intimate partner, former intimate partner, child,
16 or former child of the defendant, or any relative defendant,
17 child, or former child of the defendant, or any other relative
18 of the defendant.”

19 (b) Section 3563(a) of title 18, United States Code, is
20 amended by—

21 (1) striking “and” at the end of paragraph (2);

22 (2) striking the period at the end of paragraph

23 (3) and inserting “; and” in lieu thereof; and

24 (3) by inserting the following new paragraph:

25 “(4) for a domestic violence crime as defined in
26 section 3561(b) by a defendant convicted of such an

1 *offense for the first time that the defendant attend a*
2 *court-approved public, private, or private non-profit*
3 *program, that has been authorized by that State Coa-*
4 *alition Against Domestic Violence, and which is de-*
5 *signed to rehabilitate such a defendant if an approved*
6 *program is readily available within a 50-mile radius*
7 *of the legal residence of the defendant.”.*

8 *(c) Section 3583 of title 18, United States Code, is*
9 *amended—*

10 *(1) in subsection (a) by inserting “or if the de-*
11 *fendant has been convicted for the first time of a do-*
12 *mestic violence crime as defined in section 3561(b)”*
13 *after “statute”; and*

14 *(2) in subsection (d) by inserting the following*
15 *after the first sentence: “The court shall order as an*
16 *explicit condition of supervised release for a defendant*
17 *convicted for the first time of a domestic violence*
18 *crime as defined in section 3561(b) that the defendant*
19 *attend a court-approved public, private, or private*
20 *non-profit program, that has been authorized by that*
21 *State Coalition Against Domestic Violence, and which*
22 *is designed to rehabilitate such a defendant if an ap-*
23 *proved program is readily available within a 50-mile*
24 *radius of the legal residence of the defendant.”.*

1 **SEC. 5155. ASSET FORFEITURE.**

2 (a) Section 524 of title 28, United States Code, is
3 amended—

4 (1) by redesignating subsection (c)(1)(H) to be
5 subsection (c)(1)(I); and

6 (2) by inserting a new subsection (c)(1)(H) as
7 follows:

8 “(H) the payment of State and local property taxes
9 on forfeited real property that accrued between the date of
10 the violation giving rise to the forfeiture and the date of
11 the forfeiture order; and”.

12 (b) The provisions of this section shall apply to all
13 claims pending at the time of or commenced subsequent to
14 the date of the enactment of this Act.

15 **SEC. 5156. CLARIFICATION OF DEFINITION OF A “COURT OF**
16 **THE UNITED STATES” TO INCLUDE THE DIS-**
17 **TRICT COURTS FOR GUAM, THE NORTHERN**
18 **MARIANA ISLANDS, AND THE VIRGIN IS-**
19 **LANDS.**

20 (a) Chapter 1 of title 18, United States Code, is
21 amended by adding at the end thereof the following new
22 section:

23 **“§23. Court of the United States defined**

24 As used in this title, except where otherwise expressly
25 provided the term ‘court of the United States’ includes the
26 District Court of Guam, the District Court for the Northern

1 *Mariana Islands, and the District Court of the Virgin Is-*
2 *lands.”.*

3 **(b)** *The analysis for chapter 1 of title 18, United States*
4 *Code, is amended by inserting at the end the following:*

“23. Court of the United States Defined.”.

5 **SEC. 5157. EXTRADITION.**

6 **(a)** *SCOPE.*—*Section 3181 of title 18, United States*
7 *Code, is amended by—*

8 **(1)** *inserting “(a)” before “The provisions of this*
9 *chapter”;* and

10 **(2)** *adding at the end thereof the following new*
11 *subsections:*

12 **“(b)** *The provisions of this chapter shall be construed*
13 *to permit, in the exercise of comity, the surrender of persons*
14 *who have committed crimes of violence against nationals*
15 *of the United States in foreign countries without regard to*
16 *the existence of any treaty of extradition with such foreign*
17 *government if the Attorney General certifies, in writing,*
18 *that—*

19 **“(1)** *evidence has been presented by the foreign*
20 *government which indicates that had the offenses been*
21 *committed in the United States, they would constitute*
22 *crimes of violence as defined under section 16 of this*
23 *title; and*

24 **“(2)** *the offenses charged are not of a political*
25 *nature.*

1 “(c) As used in this section, the term ‘national of the
2 United States’ shall have the meaning given such term in
3 section 101(a)(22) of the Immigration and Nationality Act
4 (8 U.S.C. 1101(a)(22)).”.

5 (b) FUGITIVES.—Section 3184 of title 18, United
6 States Code, is amended—

7 (1) in the first sentence by inserting after “Unit-
8 ed States and any foreign government,” the following:
9 “or in cases arising under section 3181(b),”;

10 (2) in the first sentence by inserting after “trea-
11 ty or convention,” the following: “or provided for
12 under section 3181(b),”; and

13 (3) in the third sentence by inserting after “trea-
14 ty or convention,” the following: “or under section
15 3181(b),”.

16 **SEC. 5158. EXPEDITED DEPORTATION FOR DENIED ASYLUM**
17 **APPLICANTS.**

18 (a) Section 208(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1158) is amended by adding at the end there-
20 of the following: “An applicant for asylum is not entitled
21 to engage in employment in the United States. The Attorney
22 General may authorize an alien who has filed an applica-
23 tion for asylum to engage in employment in the United
24 States, in the discretion of the Attorney General. The Attor-
25 ney General may provide for the expedited deportation of

1 *asylum applicants whose applications have been finally de-*
2 *nied, unless the applicant remains in an otherwise valid*
3 *nonimmigrant status.”.*

4 *(b) There are authorized to be appropriated to carry*
5 *out this section such sums as are necessary for each of fiscal*
6 *years 1994, 1995, 1996, 1997, and 1998.*

7 **SEC. 5159. IMPROVING BORDER CONTROLS.**

8 *There are authorized to be appropriated such sums as*
9 *are necessary to increase INS’s resources for the Border Pa-*
10 *trol and the Inspections Program to apprehend illegal*
11 *aliens who attempt clandestine entry into the United States*
12 *or entry into the United States with fraudulent documents.*

13 **SEC. 5160. EXPANDED SPECIAL DEPORTATION PROCEED-**
14 **INGS.**

15 *(1) Subject to the availability of appropriations, the*
16 *Attorney General may expand the program authorized by*
17 *section 242A(d) of the Immigration and Nationality Act*
18 *to ensure that such aliens are immediately deportable upon*
19 *their release from incarceration.*

20 *(2) AUTHORIZATION OF APPROPRIATIONS.—There are*
21 *authorized to be appropriated such sums as necessary to*
22 *carry out this section for each of fiscal years 1995 through*
23 *1998.*

1 **SEC. 5161. CONSTRUCTION OF INS SERVICE PROCESSING**
2 **CENTERS TO DETAIN CRIMINAL ALIENS.**

3 *AUTHORIZATION OF APPROPRIATIONS.—There are au-*
4 *thorized to be appropriated such sums as are necessary in*
5 *fiscal year 1995 to construct or contract for the construction*
6 *of two INS Service Processing Centers to detain criminal*
7 *aliens and such sums as are necessary in fiscal year 1996*
8 *to construct or contract for the construction of two addi-*
9 *tional Service Processing Centers.*

10 **SEC. 5162. ASSISTANT UNITED STATES ATTORNEY RESI-**
11 **DENCY.**

12 *Section 545(a) of title 28, United States Code, is*
13 *amended—*

14 *(1) by striking “and assistant United States at-*
15 *torney”; and*

16 *(2) by inserting the following after the first sen-*
17 *tence: “Each assistant United States attorney shall*
18 *reside in the district for which he or she is appointed*
19 *or within 50 miles thereof.”.*

20 **SEC. 5163. GANG RESISTANCE EDUCATION AND TRAINING**
21 **PROJECTS**

22 *(a) Authorization of appropriations for the Depart-*
23 *ment of the Treasury for each of the fiscal years 1994, 1995,*
24 *1996, 1997, and 1998.*

25 *(b)(1) The Secretary of the Treasury shall establish no*
26 *less than 50 Gang Resistance Education and Training*

1 *(GREAT) projects to be located in communities across the*
2 *country. Such amount shall be in addition to the number*
3 *of projects currently funded.*

4 *(2) Communities identified for such GREAT projects*
5 *shall be selected by the Director of the Bureau of Alcohol,*
6 *Tobacco and Firearms, acting through the Secretary of the*
7 *Treasury, on the basis of gang-related activity in that par-*
8 *ticular community.*

9 *(3) The Secretary of the Treasury shall make available*
10 *no less than \$800,000 per project, subject to appropriation,*
11 *and such funds shall be allocated fifty percent to the affected*
12 *State and local law enforcement and prevention organiza-*
13 *tions participating in such projects, and fifty percent to*
14 *the Bureau of Alcohol, Tobacco and Firearms for salaries,*
15 *expenses, and associated administrative costs for operating*
16 *and overseeing such projects.*

17 *(c) There are authorized to be appropriated*
18 *\$30,000,000 for salaries and expenses of the Bureau of Alco-*
19 *hol, Tobacco and Firearms for the hiring, training, and*
20 *equipping of no less than 200 full-time equivalent agent po-*
21 *sitions for the investigation of the trafficking of guns to ju-*
22 *veniles and gangs, and the tracing of firearms used in the*
23 *commission of violent crimes, and no less than 100 full-*
24 *time equivalent inspector positions for the Firearms Com-*
25 *pliance program and dealer policing activities.*

1 (d) *There are authorized to be appropriated \$6,000,000*
2 *for the salaries and expenses of the United States Secret*
3 *Service for the hiring, training and equipping of additional*
4 *full-time equivalent positions to supplement current inves-*
5 *tigative authorities.*

6 **SEC. 5164. LAW ENFORCEMENT PERSONNEL.**

7 (a)(1) *Since we are losing control of our streets and*
8 *our neighborhoods to gangs, drugs and violent crime;*

9 (2) *Since Americans tolerate a level of violence 5 times*
10 *that of Canada and 10 times that of England;*

11 (3) *Since the Senate is about to adopt the Comprehen-*
12 *sive Crime Control and Law Enforcement Act which estab-*
13 *lishes a \$22,268,000,000 Violent Crime Reduction Trust*
14 *Fund to combat the violent crime epidemic in this country;*

15 (4) *Since the Comprehensive Crime Control and Law*
16 *Enforcement Act authorizes the revenues to fund the Trust*
17 *Fund be derived from savings resulting from a reduction*
18 *in Federal personnel; and*

19 (5) *Since the Federal law enforcement agencies charged*
20 *with carrying out the provisions of the Comprehensive*
21 *Crime Control and Law Enforcement Act will require sub-*
22 *stantial manpower to implement the Act.*

23 (b) *It is the sense of the Senate that law enforcement*
24 *personnel should not be reduced and calls upon the Presi-*
25 *dent of the United States to exempt Federal law enforcement*

1 *positions from Executive Order 12839 and other Executive*
2 *memoranda mandating reductions in the Federal workforce.*

3 **SEC. 5165. REVIEW BY THE ATTORNEY GENERAL OF FED-**
4 **ERAL PRISON CAPACITY AND CONSTRUCTION**
5 **AND OPERATIONAL STANDARDS FOR STATE**
6 **AND LOCAL CORRECTIONS FACILITIES.**

7 (a) *REVIEW OF FEDERAL PRISON CAPACITY.*—The At-
8 *torney General shall conduct a review of—*

9 (1) *the capacity of the facilities of the Federal*
10 *Bureau of Prisons;*

11 (2) *the number of inmates in those facilities; and*

12 (3) *the characteristics of those inmates relative to*
13 *their likelihood of criminal behavior, and especially*
14 *violent criminal behavior, if released from custody*
15 *under supervision.*

16 (b) *REVIEW OF STANDARDS.*—The Attorney General
17 *shall review the standards for construction and operation*
18 *of State and local corrections facilities contained in the*
19 *publications entitled “Standards for Small Jail Facilities”*
20 *and “Standards for Adult and Local Detention Facilities”*
21 *(3d ed.)*

22 (c) *REPORT TO CONGRESS.*—

23 (1) *IN GENERAL.*—Not later than 180 days after
24 *the date of enactment of this Act, the Attorney Gen-*

1 **SEC. 5167. JUVENILE ANTI-DRUG AND ANTI-GANG GRANTS**
2 **IN FEDERALLY ASSISTED LOW-INCOME HOUS-**
3 **ING.**

4 *Grants authorized in this Act to reduce or prevent ju-*
5 *venile drug and gang-related activity in “public housing”*
6 *may be used for such purposes in federally assisted, low-*
7 *income housing.*

8 **SEC. 5168. DEFINITIONS.**

9 *Section 921(a)(17) of title 18, United States Code, is*
10 *amended by revising subparagraph (B) and adding a new*
11 *subparagraph (C) to read as follows:*

12 *“(B) The term ‘armor piercing ammunition’*
13 *means—*

14 *(i) a projectile or projectile core which may*
15 *be used in a handgun and which is constructed*
16 *entirely (excluding the presence of traces of other*
17 *substances) from one or a combination of tung-*
18 *sten alloys, steel, iron, brass, bronze, beryllium*
19 *copper, or depleted uranium; or*

20 *“(ii) a jacketed projectile larger than .22*
21 *caliber designed and intended for use in a hand-*
22 *gun and whose jacket has a weight of more than*
23 *25 percent of the total weight of the projectile.*

24 *“(C) The term ‘armor piercing ammunition’*
25 *does not include shotgun shot required by Federal or*
26 *State environmental or game regulations for hunting*

1 *purposes, a frangible projectile designed for target*
2 *shooting, a projectile which the Secretary finds is pri-*
3 *marily intended to be used for sporting purposes, or*
4 *any other projectile or projectile core which the Sec-*
5 *retary finds is intended to be used for industrial pur-*
6 *poses, including a charge used in an oil and gas well*
7 *perforating device.”.*

Attest:

Secretary.

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