H. R. 3494
AN ACT
To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

SEPTEMBER 17, 1998
Reported with an amendment and an amendment to the title.

105TH CONGRESS
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JUNE 16, 1998

Received; read twice and referred to the Committee on the Judiciary

SEPTEMBER 17, 1998

Reported by Mr. Hatch, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Child Protection and

5 Sexual Predator Punishment Act of 1998”.


TITLE I—PROTECTING CHILDREN FROM SEXUAL PREDATORS AND COMPUTER PORNOGRAPHY

SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

"(c) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States—

"(1) knowingly contacts an individual who has not attained the age of 18 years; or

"(2) knowingly contacts an individual, who has been represented to the person making the contact as not having attained the age of 18 years,

for the purposes of engaging in any sexual activity, with a person who has not attained the age of 18 years, for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both. It is a defense to a prosecution for an offense under this section that the sexual activity is prosecutable only because of the age of the individual contacted, the individual contacted had at-
tained the age of 12 years, and the defendant was not
more than 4 years older than the individual contacted.”.

SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) In General.—Chapter 71 of title 18, United
States Code, is amended by adding at the end the follow-
ing:

``§ 1470. Transfer of obscene material to minors

``Whoever, using the mail or any facility or means
of interstate or foreign commerce—

``(1) knowingly transfers obscene matter to an
individual who has not attained the age of 18 years,
or attempts to do so; or

``(2) knowingly transfers obscene matter to an
individual who has been represented to the trans-
feror as not having attained the age of 18 years,
shall be fined under this title or imprisoned not more than
5 years, or both.”.

(b) Clerical Amendment.—The table of sections
at the beginning of chapter 71 of title 18, United States
Code, is amended by adding at the end the following new
item:

``1470. Transfer of obscene material to minors.’’.

SEC. 103. INCREASED PRISON SENTENCES FOR ENTICE-
MENT OF MINORS.

Section 2422 of title 18, United States Code, is
amended—

HR 3494 RS
(1) in subsection (a), by adding at the end “If the individual had not attained the age of 18 years at the time of the offense, the maximum imprisonment for an offense under this subsection is 10 years.”; and

(2) in subsection (b), by striking “10” and inserting “15”.

SEC. 104. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Subsection (a) of section 2251 of title 18, United States Code, is amended by inserting “if such visual depiction was produced with materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including a computer,” before “or if”.

(b) ALLOWING USE OF A CHILD.—Subsection (b) of section 2251 of title 18, United States Code, is amended by inserting “if such visual depiction was produced with materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including a computer,” before “or if”.
SEC. 105. INCREASED PENALTIES FOR CERTAIN ACTIVITIES

RELATING TO MATERIAL INVOLVING THE
SEXUAL EXPLOITATION OF MINORS OR
CHILD PORNOGRAPHY AND TECHNICAL CORRECTION.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking “or chapter 109A” and inserting “, chapter 109A, or chapter 117”;

and

(2) in paragraph (2), by inserting “the offense consisted of the possession of 50 or more items of the sort described in subsection (a)(4) or” after “if”.

(b) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking “or chapter 109A” each place it appears and inserting “, chapter 109A, or chapter 117”.

(c) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting “the offense consisted of the possession of 50 or more images of the sort described in subsection (a)(4) or” after “if”.

(d) MODIFICATION OF POSSESSION OFFENSE.—Section 2252(a) of title 18, United States Code, is amended so that paragraph (4) reads as follows:
(4) either—

(A) in the special maritime and territorial jurisdiction of the United States; or on any land or building owned by, leased to, or otherwise used by or under the control of the Federal Government, or in the Indian country (as defined in section 1151 of this title), knowingly possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct; or

(B) knowingly possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that—

(i) has been mailed, or has been shipped or transported by any means, including computer, in interstate or foreign commerce, or which was produced using materials which were mailed or so shipped or transported; and

(ii) contains a visual depiction of sexually explicit conduct and the produc-
tion of which involves the use of a minor engaging in that conduct;”.

(c) CHILD PORNOGRAPHY POSSESSION OFFENSE.—

Section 2252A(a)(5) of title 18, United States Code, is amended in each of subparagraphs (A) and (B), by striking “3 or more images of” and inserting “an image of”.

SEC. 106. CRIMINAL FORFEITURE FOR SOLICITATION OF MINORS AND INTERSTATE PROSTITUTION.

Section 2253(a) of title 18, United States Code, is amended by inserting “, or who is convicted of an offense under section 2421, 2422, 2423, 2252A, or 2260 of this title,” after “2252 of this chapter” in the matter preceding paragraph (1).

SEC. 107. PRETRIAL DETENTION OF CHILD SEX OFFENDERS.

Subparagraph (C) of section 3156(a)(4) of title 18, United States Code, is amended to read as follows:

“(C) any felony under chapter 109A, 110, or 117; and”.

SEC. 108. INCREASED PRISON SENTENCES.

Subsection (b) of section 2422 of title 18, United States Code, is amended by adding at the end the following: “If in the course of committing the offense under this subsection, the defendant used a computer to transmit a
communication to the minor, the minimum term of imprison-
ment for the offense under this subsection is 3 years.”

SEC. 109. REPEAT OFFENDERS IN TRANSPORTATION
OFFENSE.

(a) GENERALLY.—Chapter 117 of title 18, United
States Code, is amended by adding at the end the follow-
ing:

“§ 2425. Repeat offenders

“(a) The maximum term of imprisonment for a viola-
tion of this chapter after a prior sex offense conviction
shall be twice the term otherwise provided by this chapter:

“(b) As used in this section, the term ‘prior sex of-
fense conviction’ means a conviction for an offense—

“(1) under this chapter or chapter 109A or
110; or

“(2) under State law for an offense consisting
of conduct that would have been an offense under a
chapter referred to in paragraph (1) if the conduct
had occurred within the special maritime and terri-
torial jurisdiction of the United States or in any
Territory or Possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 117 of title 18, United States
Code, is amended by adding at the end the following new
item:

“§ 2425. Repeat offenders.”

HR 3494 RS
SEC. 110. DEFINITION AND ADDITION OF ATTEMPT
OFFENSE.

(a) Definition.—

(1) In General.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

§ 2426. Definition for chapter

"For the purposes of this chapter, sexual activity for which any person can be charged with a criminal offense includes the production of child pornography, as defined in section 2256(8)."

(2) Clerical Amendment.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

§ 2426. Definition for chapter.

(b) Attempt Offense.—Section 2422(a) of title 18, United States Code, is amended by inserting "or attempts to do so," after "criminal offense,"

SEC. 111. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:
§ 2260A. Use of interstate facilities to transmit information about a minor

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly transmits, prints, publishes, or reproduces, or causes to be transmitted, printed, published, or reproduced, the name, address, telephone number, electronic mail address, or other identifying information of an individual who has not attained the age of 18 years for the purposes of facilitating, encouraging, offering, or soliciting any person to engage in any sexual activity for which any person may be criminally prosecuted, or attempts to do so; shall be fined under this title or imprisoned not more than 5 years, or both."

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2260A. Use of interstate facilities to transmit information about a minor."

SEC. 112. STUDY OF PERSISTENT SEXUAL OFFENDERS.

The National Institute of Justice, either directly or through grant, shall carry out a study of persistent sexual predators. Not later than one year after the date of the enactment of this Act, such Institute shall report to Congress and the President the results of such study. Such report shall include—
(1) a synthesis of current research in psychology, sociology, law, criminal justice, and other fields regarding persistent sexual offenders, including—

(A) common characteristics of such offenders;

(B) recidivism rates for such offenders;

(C) treatment techniques and their effectiveness;

(D) responses of offenders to treatment and deterrence; and

(E) the possibility of early intervention to prevent people from becoming sexual predators; and

(2) an agenda for future research in this area.

SEC. 113. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) In General.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances from which a violation of section 2251, 2251A, 2252, or 2252A of title 18, United States Code, involving child pornography (as defined in section 2256 of such title), is apparent shall, as soon as reason-
ably possible, make a report of such facts or circumstances to an agency or agencies designated by the Attorney General. The Attorney General shall make a designation of the agency or agencies described in the preceding sentence not later than 180 days after the date of the enactment of this subsection. A person who fails to make a report required under this section shall be fined not more than $100,000. A term used in this section has the same meaning given that term when used in section 226(a) of the Crime Control Act of 1990 (42 U.S.C. 13031(a)).

(b) Exception to Prohibition on Disclosure.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

``(6) to a law enforcement agency—

``(A) if such contents—

``(i) were inadvertently obtained by the service provider; and

``(ii) appear to pertain to the commission of a crime; or

``(B) if required by section 113 of the Child Protection and Sexual Predator Punishment Act of 1998,"

(c) Civil Liability.—No provider or user of an electronic communication service or a remote computing serv-
ice to the public shall be held liable on account of any
action taken in good faith to comply with this section.

(d) LIMITATION OF INFORMATION OR MATERIAL RE-
QUIRED IN REPORT.—A report under this section may in-
clude information or material developed by an electronic
communication service or remote computing service, but
the Federal Government may not require an electronic
communication service or remote computing service to in-
clude such information or material in that report.

TITLE II—PUNISHING SEXUAL
PREDATORS

SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423
CASES.

(a) In General.—Pursuant to its authority under
section 994(p) of title 28, United States Code, the United
States Sentencing Commission shall review and amend the
sentencing guidelines to provide a sentencing enhancement
for any offense listed in section 2423 of title 18, United
States Code.

(b) Instruction to Commission.—The Sentencing
Commission shall ensure that the sentences, guidelines,
and policy statements for offenders convicted of offenses
described in subsection (a) are appropriately severe and
reasonably consistent with other relevant directives and
with other guidelines.
SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended to read as follows:

§ 2423. Transportation of minors and assumed minors
(a) Transportation With Intent To Engage in Criminal Sexual Activity.—A person who knowingly—

(1) transports an individual who has not attained the age of 18 years; or

(2) transports an individual who has been represented to the person doing that transportation as not having attained the age of 18 years,

in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than 15 years, or both.

(b) Travel With Intent To Engage in Sexual Act With a Juvenile.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in
the United States who travels in foreign commerce, or con-
spires to do so, for the purpose of engaging in any sexual
activity, with another person who has not attained the age
of 18 years or who has been represented to the traveler
or conspirator as not having attained the age of 18 years,
for which any person can be charged with a criminal of-
fense, shall be fined under this title, imprisoned not more
than 15 years; or both.''.

SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL
CONTACT.

Section 2244 of title 18, United States Code, is
amended by adding at the end the following:

``(c) Offenses Involving Young Children.—If
the sexual contact that violates this section is with an indi-
vidual who has not attained the age of 12 years, the maxi-
mum term of imprisonment that may be imposed for the
offense shall be twice that otherwise provided in this sec-
tion.''.

SEC. 204. PUNISHMENT FOR REPEAT OFFENDERS.

Section 2241 of title 18, United States Code, is
amended by inserting after subsection (d) the following:

``(e) Punishment for Repeat Offenders.—(1)
Whoever has twice previously been convicted of a serious
State or Federal sex crime and who—
``(A) violates this section; or
(B) in a circumstance described in paragraph (2) of this subsection, engages in conduct that would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States; shall be imprisoned for life.

(ii) The circumstance referred to in paragraph (1) of this subsection is that—

(A) the person engaging in such conduct traveled in interstate or foreign commerce or used the mail or any facility or means of interstate or foreign commerce in furtherance of the offense; or

(B) such conduct occurs in or affects interstate or foreign commerce and would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States.

(f) SERIOUS STATE OR FEDERAL SEX CRIME.—For the purposes of subsections (e) and (f), the term serious State or Federal sex crime means a State or Federal offense for conduct which—

(1) is an offense under this section or section 2242 of this title; or

(2) would have been an offense under either of such sections if the offense had occurred in the spe-
SEC. 205. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

``§ 2247. Repeat offenders

(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

(b) As used in this section, the term `prior sex offense conviction' has the meaning given that term in section 2425."

SEC. 206. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking "2251 or 2252" and inserting "2241(c), 2243, 2251, 2252, 2421, 2422, or 2423".

SEC. 207. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or".
(b) Making consistent language on age differential.—Section 2241(e) of title 18, United States Code, is amended by striking "younger than that person" and inserting "younger than the person so engaging".

(c) Definition of state.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period and inserting a semicolon; and

(2) by adding a new paragraph as follows:

"(6) the term 'State' means a State of the United States; the District of Columbia; and any commonwealth, possession, or territory of the United States.''.

SEC. 208. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) Death or imprisonment for crimes against children.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (e)) or a violation of section 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense is under 14 years of age, the victim dies as a result of the offense, and the
defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).”.

TITLE III—FEDERAL INVESTIGATIONS OF SEX CRIMES AGAINST CHILDREN AND SERIAL KILLERS

SEC. 301. ADMINISTRATIVE SUBPOENAS.

(a) In General.—Chapter 203 of title 18, United States Code, is amended by adding at the end the following:

§ 3064. Administrative subpoenas

“(a) Authorization of Use.—In an investigation of an alleged violation of section 2241(c), 2243, 2421, 2422, or 2423 of this title where a victim is an individual who has not attained the age of 18 years, the Attorney General may subpoena witnesses, compel the production of any records (including books, papers, documents, electronic data, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing, except that a witness shall not be required to appear at any hearing more than
500 miles distant from the place where the witness was
served with a subpoena. Witnesses summoned under this
section shall be paid the same fees and commissions that
are paid witnesses in the courts of the United States.

"(b) SERVICE.—A subpoena issued under this section
may be served by any person designated in the subpoena
to serve it. Service upon a natural person may be made
by personal delivery of the subpoena to that person or by
certified mail with return receipt requested. Service may
be made upon a domestic or foreign corporation or upon
a partnership or other unincorporated association which
is subject to suit under a common name, by delivering the
subpoena to an officer, to a managing or general agent,
or any other agent authorized by appointment or by law
to receive service of process. The affidavit of the person
serving the subpoena entered on a true copy thereof by
the person serving it shall be proof of service.

"(c) ENFORCEMENT.—In the case of contumacy by
or the refusal to obey a subpoena issued to any person
under this section, the Attorney General may invoke the
aid of any court of the United States within the jurisdic-
tion of which the investigation is carried on, or of which
the person is an inhabitant or in which the person carries
on business or may be found, to compel compliance with
the subpoena. The court may issue an order requiring the
subpoenaed person to appear before the Attorney General
to produce records, if so ordered, or to give testimony re-
garding the matter under investigation. Any failure to
obey the order of the court may be punished by the court
as contempt thereof. All process in any such case may be
served in any judicial district in which such person may
be found."

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 203 of title 18, United States
Code, is amended by adding at the end the following new
item:
``3064. Administrative subpoenas.''

SEC. 302. KIDNAPPING.

(a) 24-HOUR RULE.—Section 1201(b) of title 18,
United States Code, is amended by adding at the end the
following: "However, the fact that the presumption under
this section has not yet taken effect does not preclude a
Federal investigation of a possible violation of this section
before the twenty-four hour period has ended."

(b) JURISDICTIONAL ELEMENTS.—Section 1201(a)
of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph

(4); and

(2) by adding after paragraph (5) the following:
(6) the mail or any facility or means of interstate or foreign commerce is used in furtherance of the offense; or

(7) the offense affects interstate or foreign commerce; or would do so if the offense were consummated;”.

(c) Clarification of Element of Offense.—Section 1201(a) of title 18, United States Code, is amended by inserting “, regardless of whether such person was alive when transported across a State boundary provided the person was alive when the transportation began” before the semicolon at the end of paragraph (1).

SEC. 303. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) In General.—Chapter 33 of title 28, United States Code, is amended by inserting after section 537 the following:

§ 540B. Investigation of serial killings

(a) The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense:

(b) For purposes of this section—
"(1) the term ‘serial killings’ means a series of 3 or more killings, at least one of which was committed within the United States; having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;

"(2) the term ‘killing’ means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed; and

"(3) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by adding at end the following new item:

"540B. Investigation of serial killings.”

SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) Establishment.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish a Child Abduction and Serial Murder Investigative Resources Center to be known as the “Morgan P. Hardiman Child Abduction and Serial Murder In-
vestigative Resources Center” (hereinafter in this section referred to as the “CASMIRC”).

(b) Purpose.—The purpose of this section is to establish a Federal Bureau of Investigation Child Abduction and Serial Murder Investigative Resources Center managed by the FBI’s Critical Incident Response Group’s National Center for the Analysis of Violent Crime (NCAVC) and multidisciplinary resource teams in FBI field offices to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions; mysterious disappearance of children; child homicide; and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) Duties of the CASMIRC.—The CASMIRC shall perform such duties as the Attorney General deems appropriate to carry out the purposes of the CASMIRC, including but not limited to—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious dis-
appearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Fed-
eral, State, and local law enforcement involved in
case of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child
abductions, mysterious disappearances of children, child homicides, and serial murder; including identi-
fication and investigative application of current and
emerging technologies; identification of investigative
searching technologies and methods for physically lo-
cating abducted children; investigative use of of-
fender behavioral assessment and analysis concepts;
gathering statistics and information necessary for
case identification; trend analysis; and case linkages
to advance the investigative effectiveness of out-
standing abducted children cases; develop investiga-
tive systems to identify and track serious serial of-
fenders that repeatedly victimize children for com-
parison to unsolved cases; and other investigative re-
search pertinent to child abduction, mysterious dis-
appearance of a child, child homicide, and serial
murder covered in this section;

(7) working under the Federal Bureau of Invest-
igation’s NCAVC in coordination with the National
Center For Missing and Exploited Children
(NCMEC) and the Office of Juvenile Justice and
Delinquency Prevention (OJJDP) to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services;

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with FBI personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in
child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member’s or individual’s respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except where appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation’s National Center for the Analysis of Violent
Crime and in consultation with the NCMEC, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the NCMEC and OJJDP to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall provide a report to Congress that describes the goals and activities of the CASMIRC. The report shall also contain information regarding the number and qualifications of the members appointed to the CASMIRC, provision for equipment, administrative support, and office space for the CASMIRC, and projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the two succeeding fiscal years.
(g) CONFORMING REPEAL.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE IV—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICE

SEC. 401. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any interactive computer service without the supervision of an official of the Federal Government.

SEC. 402. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a non-profit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet,
(3) Federal law enforcement authorities caught
the prisoner with a computer disk containing 280
pictures of juveniles engaged in sexually explicit con-
duct;

(4) a jury found the prisoner guilty of conspir-
ing to trade in child pornography and possessing
child pornography;

(5) the United States District Court for the
District of Minnesota sentenced the prisoner to 87
months in Federal prison, to be served upon the
completion of his 23-year State prison term; and

(6) there has been an explosion in the use of
the Internet in the United States, further placing
our Nation’s children at risk of harm and exploi-
tation at the hands of predators on the Internet and
increasing the ease of trafficking in child pornog-
raphy.

(b) SENSE OF THE CONGRESS.—Congress strongly
urges State Governors, State legislators, and State prison
administrators to prohibit unsupervised access to the
Internet by State prisoners.

SEC. 403. SURVEY.

(a) SURVEY.—Not later than 6 months after the date
of the enactment of this Act, the Attorney General shall
conduct a survey of the States to determine to what extent
each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) DEFINITION.—For purposes of this section, the term "State" means each of the 50 States and the District of Columbia.

**TITLE V—SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM**

**SEC. 501. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT.**

(a) In General.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by—

(1) redesignating the second subsection (g) as subsection (h); and

(2) adding at the end the following new subsection:

(i) Grants to States to Comply with the Wetterling Act.—
“(1) Program Authorized.—

“(i) In General.—The Director of the Bureau of Justice Assistance shall award a grant to each eligible State to offset costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Such grant program shall be known as the "Sex Offender Management Assistance Program (SOMA)".

“(ii) Uses of Funds.—Grants awarded under this subsection shall be—

“(I) distributed directly to the State for distribution to State and local entities; and

“(II) used for training, salaries, equipment, materials, and other costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

“(2) Eligibility.—

“(i) Application.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis,
submit an application to the Director of the
Bureau of Justice Assistance (in such form and
containing such information as the Director
may reasonably require) assuring that—

“(I) the State complies with (or made
a good faith effort to comply with) the
Jacob Wetterling Crimes Against Children
and Sexually Violent Offender Registration
Act; and

“(II) where applicable, the State has
penalties comparable to or greater than
Federal penalties for crimes listed in such
Act.

The Director of the Bureau of Justice Assist-
ance may waive the requirement of subclause
(II) if a State demonstrates an overriding need
for assistance under this subsection.

“(ii) REGULATIONS.—

“(I) IN GENERAL.—Not later than 90
days after the date of enactment of this
subsection, the Director shall promulgate
regulations to implement this subsection
(including the information that must be in-
cluded and the requirements that the
States must meet) in submitting the appli-
cations required under this subsection. In
allocating funds under this subsection, the
Director may consider the annual number
of sex offenders registered in each eligible
State’s monitoring and notification pro-
grams.

“(II) Certain training pro-
gams.—Prior to implementing this sub-
section, the Director of the Bureau of Jus-
tice Assistance shall study the feasibility of
incorporating into the SOMA program the
activities of any technical assistance or
training program established as a result of
section 40152 of the Violent Crime Control
and Law Enforcement Act of 1994 (Public
Law 103–322). In a case in which incor-
porating such activities into the SOMA
program will eliminate duplication of ef-
forts or administrative costs, the Director
shall take administrative actions, as allow-
able, and make recommendations to Con-
gress to incorporate such activities into the
SOMA program prior to implementing the
SOMA program.”.
(b) STUDY.—The Director of the Bureau of Justice Assistance shall conduct a study to assess the efficacy of the SOMA program and submit recommendations to Congress not later than March 1, 2000.

(c) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (i) of section 170104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211); $25,000,000 for each of fiscal years 1999 and 2000.

TITLE VI—FACILITATING FINGERPRINT CHECKS TO PROTECT CHILDREN FROM SEXUAL PREDATORS AND VIOLENT CRIMINALS

SEC. 601. SHORT TITLE.

This title may be cited as the “Volunteers for Children Act”.

SEC. 602. ACCESS TO CRIMINAL FINGERPRINT BACKGROUND CHECKS.

(a) STATE AGENCY.—Section 3(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is amended by adding at the end the following:

“(3) In the absence of State procedures referred to in paragraph (1), youth-serving volunteer organizations and institutions may contact an authorized agency of the
State to request national criminal fingerprint background checks. Entities requesting background checks under this paragraph shall follow the guidelines in subsection (b) and procedures, if any, for requesting national criminal fingerprint background checks established by the State in which they are located.

(b) Federal Law.—Section 3(b)(5) of such Act (42 U.S.C. 5119a(b)(5)) is amended by inserting before the period at the end the following: “, except that this paragraph does not apply to any request by youth-serving volunteer organizations and institutions for national criminal fingerprint background checks pursuant to subsection (a)(3)”.


TITLE VII—MODEL NOTIFICATION

SEC. 701. FINDINGS AND SENSE OF THE CONGRESS.

(a) Findings.—Congress finds the following:

(1) States are now required to release certain relevant information to protect the public from sexually violent offenders.
(2) Many States have not established guidelines regarding the notification and release of a sexually violent offender.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should enact legislation based on the model notification process described in sections 502 through 514.

SEC. 702. ESTABLISHMENT OF ADVISORY BOARD FOR RISK ASSESSMENT.

(a) ESTABLISHMENT.—The State shall establish an Advisory Board for Risk Assessment (referred to in this title as the “Board”) which consists of not less than five members appointed by the Chief Executive Officer of the State.

(b) DUTIES.—The Board shall comply with the requirements and guidelines established for a State board under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 and the provisions of this title.

(c) MEMBERSHIP.—Each member shall, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, or community relations.
(d) **TERM.**—The term of office of each member of such Board shall be determined by the Chief Executive Officer of the State in guidelines issued pursuant to this section.

(e) **VACANCY.**—Any member chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

(f) **CHAIRPERSON.**—The Chief Executive Officer of the State shall designate one of the members of the Board as chairperson to serve in such capacity at the pleasure of the Officer or until the member’s term of office expires and a successor is designated in accordance with law, whichever occurs first.

(g) **TERMINATION.**—Any member of the Board may be removed by the Chief Executive Officer for cause after an opportunity to be heard.

(h) **QUORUM.**—Except as otherwise provided by law, a majority of the Board shall constitute a quorum for the transaction of all business of the Board.

**SEC. 703. GUIDELINES FOR TIER DETERMINATION.**

(a) **IN GENERAL.**—The Chief Executive Officer of the State or a designee shall develop guidelines and procedures for use by the Board to assess the risk of a repeat offense by such sex offender and the threat posed to the
public safety. Such guidelines shall be based upon the fol-
lowing:

(1) Criminal history factors indicative of high
risk of repeat offense, including—

(A) whether the sex offender has a mental
abnormality;

(B) whether the sex offender's conduct was
found to be characterized by repetitive and
compulsive behavior, associated with drugs or
alcohol;

(C) whether the sex offender served the
maximum term;

(D) whether the sex offender committed
the felony sex offense against a child; and

(E) the age of the sex offender at the time
of the commission of the first sex offense.

(2) Other factors to be considered in determin-
ing risk, including—

(A) the relationship between such sex of-
fender and the victims;

(B) whether the offense involved the use of
a weapon; violence; or infliction of serious bod-
ily injury;

(C) the number, date, and nature of prior
offenses;
(D) conditions of release that minimize risk of another offense, including whether the sex offender is under supervision, receiving counseling, therapy or treatment, or residing in a home situation that provides guidance and supervision;

(E) physical conditions that minimize risk of another offense, including advanced age or debilitating illness;

(F) whether psychological or psychiatric profiles indicate a risk of recidivism;

(G) the sex offender’s response to treatment;

(H) recent behavior, including behavior while confined;

(I) recent threats or gestures against persons or expression of intent to commit additional offenses; and

(J) review of any victim impact statement.

(b) INFORMATION TRANSFER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any State or local correctional facility, hospital, or institution shall forward relevant information pertaining to a sex offender to be discharged, paroled, or released to the Board for review.
prior to the release or discharge for consideration by
the Board in its recommendations. Information shall
include the commitment file, medical file, and treat-
ment file pertaining to such person:

(2) CONFIDENTIALITY.—All confidential
records provided under paragraph (1) shall remain
confidential, unless otherwise ordered by a court, by
the lawful custodians of the records, or by another
person duly authorized to release such information.

SEC. 704. BOARD RECOMMENDATIONS.

The Board shall use the guidelines established pursuant
to section 503(a) to recommend to an appropriate
court of the State one of the following 3 levels of notifica-
tion:

(1) TIER I.—If the risk of a repeat offense is
low, a tier 1 designation shall be given to such sex
offender. In such case the designated law enforce-
ment agency having jurisdiction and the law enforce-
ment agency having had jurisdiction at the time of
his conviction shall be notified in accordance with
section 170101(b)(4) of the Violent Crime Control

(2) TIER II.—If the risk of a repeat offense is
moderate, a tier 2 designation shall be given to such
sex offender. In such case the designated law en-
enforcement agency having jurisdiction and the law enforce-
ment agency having had jurisdiction at the time of conviction shall be notified and may notify any victim of the proposed release of such offender and any agency, organization, or group, serving individuals who have similar characteristics to the previous victim or victims of such offender. The notification may include the approximate address (by ZIP Code), background information relating to the crime, type of victim targeted, conviction, including release of a photograph of the offender, and any special conditions imposed on the offender.

(3) Tier III.—If the risk of a repeat offense is high and there exists a threat to the public safety, a tier 3 designation shall be given to such offender. In such case, the appropriate law enforcement agencies shall be notified of such an offender’s release and may use the notification procedures described in paragraph (2), except that a precise address may be released and any relevant information necessary to protect the public concerning a specific person required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 shall be released.
SEC. 705. JUDICIAL DETERMINATION.

(a) Notification Level—

(1) In general.—An appropriate court of the State also shall make a determination with respect to the level of notification, after receiving a tier recommendation from the Board. In making the determination, the court shall review any statement by a victim or victims and any materials submitted by the sex offender. The court shall also allow the sex offender to appear and be heard, and inform the sex offender of the right to have counsel appointed if necessary.

(2) Appeal.—A sex offender may appeal a determination made by the court made under paragraph (1) in accordance with State law.

(3) Notification and Registration.—The filing of the appeal shall not stay the designated law enforcement agency's notification actions unless the court orders otherwise. Such petition, if granted, shall not relieve the petitioner of the duty to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 upon conviction of an offense requiring registration in the future.
(b) **REVERSAL.**—Upon the reversal of a conviction of a sexual offense, the court shall order the expungement of any records required to be kept pursuant to this title.

**SEC. 706. PENALTY FOR MISUSE OF REGISTRATION INFORMATION.**

(a) **FINE.**—Any person who uses information disclosed pursuant to this title in violation of the law shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

(b) **CIVIL ACTION.**—The State attorney general, a district attorney, or any person aggrieved by information disclosed in violation of the law is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action.

(c) **ADDITIONAL REMEDIES.**—The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

**SEC. 707. JUVENILE OFFENDERS.**

(a) **IN GENERAL.**—A juvenile residing in a State who has been adjudicated delinquent for any sex offense or attempted sex offense, or who has been convicted of any sex
offense or attempted sex offense, or who has been acquitted by reason of insanity for any sex offense or attempted sex offense shall be required to comply with the registration requirements established pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

(b) YOUTH FACILITY.—Any person who is discharged or paroled from a facility in another State that is equivalent to a Department of the Youth Authority to the custody of such a facility because of the commission or attempted commission of specified sex offenses, is required to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 708. OFFICIAL IMMUNITY FROM LIABILITY.

(a) IMMUNITY.—No official, employee, or agency, whether public or private, shall be subject to any civil or criminal liability for damages for any discretionary decision to release relevant and necessary information pursuant to this section, unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

(b) INFORMATION RELEASE.—The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.
(o) Failure To Release Information.—Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee, or agency, whether public or private, for failing to release information as authorized in this title unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

SEC. 709. IDENTITY OF THE VICTIM.

Any information identifying the victim by name, birth date, address, or relation to the registrant shall be excluded from public access or dissemination.

SEC. 710. GENERAL STATE REQUIREMENTS.

The Chief Executive Officer of a State or designee shall establish reasonable notification requirements under this title, including notification to an offender of any procedures for which the offender is required or is permitted to participate, including the hearing process, appeal rights, and submission of information to the Board.

SEC. 711. ADVISORY COUNCIL FOR COMMUNITY EDUCATION.

(a) In General.—The Chief Executive Officer of a State shall appoint a voluntary advisory council to design a policy to assist communities in which a sex offender resides to plan and prepare for such a resident.
(b) COMPOSITION.—Each such advisory council shall include representation from—

(1) law enforcement;
(2) law enforcement organizations;
(3) local corrections agencies;
(4) victims groups; and
(5) other interested members of the public.

(c) DUTIES.—In developing a policy pursuant to subsection (a), an advisory council should make recommendations that include—

(1) the method of distributing community notification information;
(2) methods of educating community residents at public meetings on how they can use such information to enhance their safety and the safety of their family;
(3) procedures for ensuring that community members are educated regarding the right of the sex offender not to be subjected to harassment or criminal acts; and
(4) other matters the council considers necessary to ensure the effective and fair administration of the community notification law.
SEC. 712. EXPUNGEMENT OF OUTDATED INFORMATION.

In accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, the department required to coordinate the sex offender registration program shall compile and update information regarding the offenders. Any offender whose duty to register has expired or who has been relieved of the duty to register shall be removed from any public database.

SEC. 713. EXCEPTIONAL CIRCUMSTANCES.

Nothing in this title shall be construed to prevent law enforcement officers from notifying members of the public of individuals that pose a danger under circumstances that are not described in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 or under this title.

SEC. 714. DEFINITIONS.

For purposes of this title:

(1) The term “criminal offense against a victim who is a minor” means any criminal offense that consists of—

(A) kidnapping of a minor, except by a parent;

(B) false imprisonment of a minor, except by a parent;

(C) criminal sexual conduct toward a minor;
(D) solicitation of a minor to engage in sexual conduct;

(E) use of a minor in a sexual performance;

(F) solicitation of a minor to practice prostitution;

(G) any conduct that by its nature is a sexual offense against a minor; and

(H) an attempt to commit an offense described in any of subparagraphs (A) through (H) if the State—

(i) makes such an attempt a criminal offense; or

(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for purposes of this section.

For purposes of this paragraph, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(2) The term "sexually violent offense" means any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code, or
as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18, United States Code, or as described in the State criminal code).

(3) The term “mental abnormality” means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(4) The term “predatory” means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

Any offense committed in another State, which if committed in the State at issue would be one of the above enumerated offenses, is considered a sexual offense for the purposes of this title.

(5) The term “juvenile” has the meaning given such term under State law.
TITLE VIII—CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRACT JUSTICE

SEC. 801. CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRACT JUSTICE.

(a) In general.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

§ 1205. Child hostage-taking to evade arrest or obstruct justice

(a) In general.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

(1) obstruct, resist, or oppose any officer of the United States; or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

(2) compel any department or agency of the Federal Government to do or to abstain from doing any act,

or attempts to do so, shall be punished in accordance with subsection (b).
(b) SENTENCING.—Any person who violates subsection (a)—

``(1) shall be imprisoned not less than 10 years and not more than 25 years;
``(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and
``(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

(c) DEFINITION.—For purposes of this section, the term ‘child’ means an individual who has not attained the age of 18 years.’’.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

“1205. Child hostage-taking to evade arrest or obstruct justice.”

TITLE IX—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT
Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

SEC. 901. PURPOSE OF THE PROGRAM AND GRANTS.

(a) GENERAL PROGRAM PURPOSE.—The purpose of this subtitle is to assist States, Indian tribal governments,
and units of local government to develop and strengthen
effective law enforcement and prosecution strategies to
combat violent crimes against women.

(b) Purposes for Which Grants May Be Used.—Grants under this subtitle shall provide person-
nel, training, technical assistance, data collection and
other equipment for the more widespread apprehension,
prosecution, and adjudication of persons committing vio-
lent crimes against women, and specifically, for the pur-
poses of—

(1) training law enforcement officers and pros-
cutors to more effectively identify and respond to
violent crimes against women, including the crimes
of sexual assault and domestic violence;

(2) developing, training, or expanding units of
law enforcement officers and prosecutors specifically
targeting violent crimes against women, including
the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective
police and prosecution policies, protocols, orders, and
services specifically devoted to preventing, identify-
ing, and responding to violent crimes against
women, including the crimes of sexual assault and
domestic violence;
(4) developing, installing, or expanding data
collection and communication systems, including
computerized systems, linking police, prosecutors,
and courts or for the purpose of identifying and
tracking arrests, protection orders, violations of pro-
tection orders, prosecutions, and convictions for vio-

cent crimes against women, including the crimes of
sexual assault and domestic violence;

(5) developing, enlarging, or strengthening pro-
grams addressing stalking;

(6) developing, enlarging, or strengthening pro-
grams addressing the needs and circumstances of
Indian tribes in dealing with violent crimes against
women, including the crimes of sexual assault and
domestic violence; and

(7) developing, enlarging, or strengthening
State court programs, including training for State,
local, and tribal judges and court personnel, address-
ing violent crimes against women, including sexual
assault, domestic violence, and stalking.

SEC. 902. STATE GRANTS.

(a) GENERAL GRANTS.—The Attorney General may
make grants to States, for use by States, units of local
government, and Indian tribal governments for the pur-
poses described in section 501(b).
(b) AMOUNTS.—Of the amounts appropriated for the purposes of this subtitle—

(1) 4 percent shall be available for grants to Indian tribal governments;

(2) $500,000 shall be available for grants to applicants in each State; and

(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this subtitle upon certification that—

(1) the funds shall be used for any of the purposes described in section 501(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;
(3) up to 30 percent shall be allocated to law enforcement, up to 30 percent to prosecution grants, and at least 10 percent to State court systems; and

(4) any Federal funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

(d) Application Requirements.—Each application shall include the certifications of qualification required by subsection (c). An application shall include—

(1) documentation from the prosecution and law enforcement programs to be assisted, demonstrating—

(A) need for the grant funds;

(B) intended use of the grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity, and language background;

(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 505; and
(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 506.

(e) Disbursement.—

(1) In general.—Not later than 60 days after the receipt of an application under this subtitle, the Attorney General shall—

(A) disburse the appropriate sums provided for under this subtitle; or

(B) inform the applicant why the application does not conform to the requirements of this section.

(2) Regulations.—In disbursing monies under this subtitle, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;
(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes;

(D) recognize and address the needs of underserved populations; and

(E)(i) if, at the end of the 9th month of any fiscal year for which funds are appropriated under section 507, the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallocated to the current fiscal year recipients in the victim services area pursuant to section 502(c)(3)) proportionate to their original allotment for the current fiscal year; and

(ii) for the first 2 fiscal years following the effective date of this Act, the Attorney General may waive the qualification requirements of section 502(c); at the request of the State and with the support of law enforcement and prosecution grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victims' services, and State court systems mandated by this subtitle adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduc-
tion of funds to programs and services funded under this section in the prior fiscal year.

(f) Federal Share.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

(g) Indian Tribes.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subtitle.

(h) Grantee Reporting.—

(1) In general.—Upon completion of the grant period under this subtitle, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subtitle.

(2) Certification by Grantee and Subgrantees.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in
the application, certifying performance of direct
services under the grant.

(3) Suspension of funding.—The Attorney
General shall suspend funding for an approved ap-
plication if—

(A) an applicant fails to submit an annual
performance report;

(B) funds are expended for purposes other
than those described in this subtitle; or

(C) a report under paragraph (1) or ac-
companying assessments demonstrate to the At-
torney General that the program is ineffective
or financially unsound.

(D) for failure to provide documentation,
including memoranda of understanding, con-
tract, or other document of any collaborative ef-
forts with other agencies or organizations.

SEC. 903. DEFINITIONS.

In this subtitle—

(1) the term “domestic violence” includes felony
or misdemeanor crimes of violence committed by a
current or former spouse of the victim, by a person
with whom the victim shares a child in common, by
a person who is cohabitating with or has cohabitated
with the victim as a spouse, by a person similarly
situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

(2) the term “Indian country” has the meaning stated in section 1151 of title 18, United States Code;

(3) the term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(4) the term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

(5) the term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s
component bureaus (such as governmental victim services programs);

(6) the term "sexual assault" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

(7) the term "underserved populations" includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

SEC. 904. GENERAL TERMS AND CONDITIONS.

(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this subtitle, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.
(b) REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subtitle, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subtitle;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

(4) an evaluation of the effectiveness of programs funded under this subtitle.

(e) REGULATIONS OR GUIDELINES.—Not later than 120 days after the date of enactment of this subtitle, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment, the Attorney General
shall publish final regulations or guidelines implementing
this subtitle.

SEC. 905. RAPE EXAM PAYMENTS.

(a) Restriction of Funds.—

(1) In general.—A State, Indian tribal govern-
ment, or unit of local government, shall not be
titled to funds under this subtitle unless the State,
Indian tribal government, unit of local government,
or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in
subsection (b) for victims of sexual assault.

(2) Redistribution.—Funds withheld from a
State or unit of local government under paragraph
(1) shall be distributed to other States or units of
local government pro rata. Funds withheld from an
Indian tribal government under paragraph (1) shall
be distributed to other Indian tribal governments
pro rata.

(b) Medical Costs.—A State, Indian tribal govern-
ment, or unit of local government shall be deemed to incur
the full out-of-pocket cost of forensic medical exams for
victims of sexual assault if any government entity—

(1) provides such exams to victims free of
charge to the victim;
(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 906. FILING COSTS FOR CRIMINAL CHARGES.

(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled
to funds under this subtitle unless the State, Indian tribal
government, or unit of local government—

(1) certifies that its laws, policies, and practices
do not require, in connection with the prosecution of
any misdemeanor or felony domestic violence off-
fense, that the abused bear the costs associated with
the filing of criminal charges against the domestic
violence offender, or the costs associated with the
issuance or service of a warrant, protection order, or
witness subpoena; or

(2) gives the Attorney General assurances that
its laws, policies and practices will be in compliance
with the requirements of paragraph (1) within the
later of—

(A) the period ending on the date on which
the next session of the State legislature ends; or

(B) two years.

(b) REDISTRIBUTION.—Funds withheld from a State,
unit of local government, or Indian tribal government
under subsection (a) shall be distributed to other States,
units of local government, and Indian tribal government,
respectively, pro rata.
SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $185,000,000 for each of fiscal years 2001, 2002, and 2003.

Subtitle B—Grants to Encourage Arrest Policies

SEC. 911. PROGRAM AUTHORIZED.

(a) PURPOSE.—The purpose of this subtitle is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.
(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

(e) ELIGIBILITY.—Eligible grantees are States, Indian tribal governments, or units of local government that—

(1) certify that their laws or official policies—

(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as ag-
gressors and that neither spouse acted primarily in self-defense; and

(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser; or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 912. APPLICATIONS.

(a) APPLICATION.—An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 511(e) are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) two years of the date of enactment of this Act;

(2) describes plans to further the purposes stated in section 511(a);
(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) PRIORITY.—In awarding grants under this subtitle, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

SEC. 913. REPORTS.

Each grantee receiving funds under this subtitle shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subtitle and containing such additional information as the Attorney General may prescribe.
SEC. 914. REGULATIONS OR GUIDELINES.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

SEC. 915. DEFINITIONS.

For purposes of this subtitle—

(1) the term “domestic violence” includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim; by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; and

(2) the term “protection order” includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including
temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendentive lite order in another proceeding.

SEC. 916. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $63,000,000 for fiscal year 1999;
(2) $67,000,000 for fiscal year 2000;
(3) $70,000,000 for fiscal year 2001;
(4) $70,000,000 for fiscal year 2002; and
(5) $70,000,000 for fiscal year 2003.

TITLE X—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 1001. DEFENSE TO CRIMINAL CUSTODIAL INTERFERENCE OR PARENTAL ABDUCTION CHARGE.

Section 1073 of title 18, United States Code, is amended by striking "Whoever moves" and inserting "(a) Whoever moves" and by adding at the end the following:

"(b) For any charge of parental abduction, of custodial interference, or of felony criminal contempt of court related to an underlying child custody or visitation deter-
mination, that would otherwise provide a basis for prosecu-
ction under this section, it shall be a defense to such
prosecution that the individual against whom this section
is invoked—

     "(1) acted pursuant to the provisions of a court
order valid when and where issued—

     "(A) which granted the defendant legal
custody or visitation rights;

     "(B) which was obtained in compliance
with section 1738A of title 28;

     "(C) which is not inconsistent with such
section or with the Uniform Child Custody Ju-
risdiction Enforcement Act as promulgated by
the Uniform Law Commissioners; and

     "(D) which was in effect at the time the
defendant left the State;

     "(2) was fleeing an incident or pattern of do-
mestic violence or sexual assault of the child, which
had been previously reported to law enforcement au-
thorities; or

     "(3) would otherwise have a defense under the
terms of the International Parental Kidnapping Pre-

     "(c) The Attorney General shall issue guidance to as-
sist the United States Attorneys and the Federal Bureau
of Investigation in determining when to decline to initiate
or to terminate an investigation or prosecution under sub-
section (b) due to the potential availability of any de-
fense.”

SEC. 1002. FULL FAITH AND CREDIT GIVEN TO CHILD CUST- 
ODY DETERMINATIONS.

(a) Section Intent.—Section 1738A(a) of title 28,
United States Code, is amended by adding at the end the
following: “This section is intended to preempt any inco-
sistent State law and to apply to every proceeding in the
United States or its territories that is not governed by
inconsistent aspects of any treaty to which the United
States Government is a signatory or has ratified that in-
volves custody and visitation concerning a minor child.
Any provisions of a protection order regarding the custody
and visitation of a minor child, whether consensual or not,
otherwise consistent with section 2265 of title 18 and with
this section shall be given full faith and credit by the
courts of any State where the party who sought the order
seeks enforcement.”

(b) Definitions.—Section 1738A(b) of such title is
amended—

(1) by inserting after paragraph (3) the follow-
ing:
“(4) ‘domestic violence’ includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim; by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction;

“(5) ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim;”

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (6), (7), and (8), respectively;
(3) by redesignating paragraph (7) as paragraph (9) and by striking "and" after the semicolon;

(4) by inserting after paragraph (9) (as so redesignated) the following:

"(10) 'predominant aggressor' means the individual who has been determined to be the principal perpetrator of violence, by factors including—

"(A) history of domestic violence;

"(B) relative severity of the injuries inflicted on each person;

"(C) the likelihood of future injury to each person;

"(D) whether one of the persons acted in self-defense; and

"(E) the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, or cause severe pain or injury, or fear of harm to the other or a third person"; and

(5) by redesignating paragraph (8) as paragraph (11).

(c) Condition for Custody Determination.—

Section 1738A(c)(2)(C) of such title is amended—

(1) by striking "he" and inserting "the child, or a sibling or parent of the child,"; and
(2) by inserting "including acts of domestic violence by the other parent" after "abuse".

(d) Jurisdiction.—Section 1738A(d) of such title is amended by inserting before the period at the end the following: "; except that after 2 years have passed while a child is living in another State after relocation due to domestic violence or sexual assault of the child, the court of the original State shall decline jurisdiction provided that the courts of the new State would have personal jurisdiction over the other parent under that State’s law".

(e) Child Custody Determinations.—Section 1738A of such title is amended by adding at the end the following:

"(h) A court may decline to exercise jurisdiction on behalf of a parent who has engaged in domestic violence as a predominant aggressor, if a court of another State has emergency jurisdiction under subsection (e)(2)(C)(ii). A court may decline to exercise jurisdiction on behalf of a parent who has wrongfully taken the child from a State without justification, or engaged in similar unjustifiable conduct, unless no other State would have jurisdiction under any provision of subsection (e)."
TITLE XI—SEXUAL ASSAULT PREVENTION
Subtitle A—Standards, Practice, and Training for Sexual Assault Examinations

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Standards, Practice, and Training for Sexual Assault Examinations Act".

SEC. 1102. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT EXAMINATIONS.

(a) IN GENERAL.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate evidence collection; and

(3) review existing national, State, and local protocols on sexual assault for forensic examinations, and based on this review, develop a recommended national protocol, and establish a mechanism for its nationwide dissemination.
(b) Consultation.—The Attorney General shall consult with national, State, and local experts in the area of rape and sexual assault, including but not limited to, rape crisis centers, State sexual assault and domestic violence coalitions and programs, criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, sex crimes in underserved communities as defined in 42 U.S.C. 3796gg-2(7).

(c) Report.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the directives in subsection (a) is submitted to Congress.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $200,000 for fiscal year 1999.

Subtitle B—Prevention of Custodial Sexual Assault by Correctional Staff

Sec. 1111. Short Title.

This subtitle may be cited as the "Prevention of Custodial Sexual Assault by Correctional Staff Act".

Sec. 1112. Findings.

Congress finds the following:

(1) According to an extensive 1996 report by the Women's Rights Project of Human Rights
Watch, sexual abuse of women prisoners by correctional officers is a serious problem in our Nation's prisons, jails, and correctional facilities.

(2) Custodial sexual assault of women by correctional officers includes documented incidents of vaginal, oral, and anal rape.

(3) Because correctional officers wield near absolute power over female prisoners, officers may abuse that power to sexually assault and abuse female prisoners, as well as engage in constant groping, harassment, and other abuse.

SEC. 1113. ESTABLISHMENT OF PREVENTION PROGRAM.

(a) Program Guidelines.—

(1) In general.—The Attorney General shall establish guidelines for States and disseminate such information to the States regarding the prevention of custodial sexual misconduct by correctional staff.

(2) Requirements.—Such guidelines shall include requirements that—

(A) prohibit a State department of corrections from hiring correctional staff who have been convicted on criminal charges, or found liable in civil suits, for custodial sexual misconduct; and
(B) each State department of corrections maintain databases, including the names and identifying information of individuals who have been convicted on criminal charges or found liable in civil suits for custodial sexual misconduct and to check these databases prior to hiring any correctional staff.

(N) NATIONAL DATABASE.—This information shall also be submitted to the Department of Justice where it will be maintained and updated on a national database.

(b) RELEASE OF INFORMATION.—The information collected under subsection (a)(2) shall be treated as private data except that—

(1) such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) such information may be disclosed to government agencies conducting confidential background checks; and

(3) the designated State law enforcement agency and any local law enforcement agency authorized by the State agency may release relevant information that is necessary to protect prisoners concerning a specific person whose name is included in the database, except that the identity of a victim of an
(c) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from criminal or civil liability for good faith conduct in releasing information under this section.

(d) INELIGIBILITY FOR FUNDS.—

(1) IN GENERAL.—A State that fails to implement the program as described under this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701).

(2) REALLOCATION.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

(3) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.
SEC. 1114. DEFINITIONS.

For purposes of this subtitle—

(1) the term "correctional staff" means any employee, contractual employee, volunteer, or agent of a correctional department who is working in any contact position with any prisoners under the jurisdiction of that department; and

(2) the term "custodial sexual misconduct" means any physical contact, directly or through the clothing, with the sexual or intimate parts of a person for the purpose of sexual gratification of either party, when the—

(A) parties involved are a person in custody of a correctional department and a member of the correctional staff; or

(B) contact occurs under circumstances of coercion, duress, or threat of force by a member of the correctional staff.

TITLE XII—FULL FAITH AND CREDIT FOR PROTECTION ORDERS

SEC. 1201. FULL FAITH AND CREDIT FOR PROTECTION ORDERS.

(a) Section 2265 of title 18, United States Code, is amended by adding at the end the following:
**(d) Formula Grant Reduction for Noncompliance.—**

**(1) Reduction.**—The Attorney General shall reduce by 10 percent (for redistribution to other participating States that comply with subsections (a) and (b)) the amount a State would receive under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 if such State fails to comply with the requirements of subsections (a), (b), and (c).

**(2) Effective Date.**—The Attorney General may begin to reduce funds described in paragraph (1) on the first day of each fiscal year succeeding the first fiscal year beginning after the date of the enactment of this subsection.

**(e) Registration.**—Nothing in this section shall require prior filing or registration of a protection order in the enforcing State in order to secure enforcement pursuant to subsection (a). Nothing in this section shall permit a State to notify the party against whom the order has been made that a protection order has been registered and/or filed in that State."

**(f) Notice.**—Nothing in this section shall require notification of the party against whom the order was made.
in order to secure enforcement by a law enforcement officer pursuant to subsection (a)."

(b) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by inserting "issued pursuant to State divorce and child custody codes" after "custody orders"; and

(2) by adding "Custody and visitation provisions in protection orders are subject to the mandates of this chapter." after "seeking protection.".

(b) COMPLIANCE—FULL FAITH AND CREDIT.—

Within 180 days, the Attorney General shall issue regulations to determine whether a State is in compliance with 18 U.S.C. 2265(a), (b), and (c), taking into account the following factors:

(1) The State's documented good faith efforts to ensure compliance by judicial, law enforcement, and other State officials, including the extent and nature of any training programs, outreach, and other activities.

(2) The degree to which any case of noncompliance by a State official represents an isolated incident, rather than a pattern of nonenforcement.

(3) Any barriers to compliance presented by outdated technology, recordkeeping problems, or
similar issues, and the State’s documented good faith efforts to removing those barriers.

SEC. 1202. GRANT PROGRAM.

(a) In General.—The Attorney General may provide grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and recordkeeping strategies to assist States, Indian tribal governments, and units of local government to enforce protective orders issued by other States, Indian tribal governments, or units of local government.

(b) Uses of Funds.—

(1) In General.—Grants under this section shall provide training and enhanced technology compatible with existing law enforcement systems including the National Crime Information Center to enforce protection orders.

(2) Uses of Funds.—Funds received under this section may be used to train law enforcement, prosecutors, court personnel, and others responsible for the enforcement of protection orders, and to develop, install, or expand data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the pur-
pose of identifying and tracking protection orders
and violations of protection orders and training.

(c) Authorization of Appropriations.—There
are authorized to carry out this section, $5,000,000 for

TITLE XIII—FEDERAL WITNESS
PROTECTION FOR VICTIMS
OF DOMESTIC VIOLENCE

SEC. 1301. WITNESS PROTECTION.

(a) In General.—Section 3521(a)(1) of title 18,
United States Code, is amended by inserting “or of a vic-
tim of an offense set forth in chapter 110A of this title
directed at victims of domestic violence,” after “other seri-
ous offense,”.

(b) Other Actions.—Section 3521(b)(1) of title 18,
United States Code, is amended by inserting “or a victim
domestic violence,” after “potential witness,”.

(c) Guidelines.—Not later than 180 days after the
date of enactment of this section, the Attorney General
shall establish guidelines for determining eligibility for the
Federal witness protection program of persons who are eli-
gible for that program under the amendment made by sub-
section (a):
TITLE XIV—CIVILIAN JURISDICTION FOR CRIMES OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE

SEC. 1401. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

"CHAPTER 212—DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENSES COMMITTED OUTSIDE THE UNITED STATES"

"§ 3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States"
second assault offense, if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in the Federal District Court of the jurisdiction of origin.

"(b) CONCURRENT JURISDICTION.—Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

"(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval shall not be delegated.

§ 3262. Definitions for chapter

"As used in this chapter—

"(1) the term ‘Armed Forces’ has the same meaning as in section 101(a)(4) of title 10,
(2) a person is ‘employed by the Armed Forces outside of the United States’ if the person—

(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

(B) is present or residing outside of the United States in connection with such employment; and

(C) is not a national of the host nation;

and

(3) a person is ‘accompanying the Armed Forces outside of the United States’ if the person—

(A) is a dependent of a member of the Armed Forces;

(B) is a dependent of a civilian employee of the Department of Defense;

(C) is residing with the member or civilian employee outside of the United States; and

(D) is not a national of the host nation.”.

(b) Clerical Amendment.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

“212. Domestic Violence and Sexual Assault Offenses
Committed Outside the United States .......... 3261.”.
TITLE XV—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDER-SERVED COMMUNITIES

SEC. 1501. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) Definitions.—In this section:

(1) In general.—The terms “elder abuse, neglect, and exploitation,” “domestic violence,” and “older individual” have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) Sexual assault.—The term “sexual assault” has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(b) Curricula.—The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

(c) Authorization.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.
TITLE XVI—VIOLENCE AGAINST WOMEN TRAINING FOR HEALTH PROFESSIONS

SEC. 1601. SHORT TITLE.

This title may be cited as the "Violence Against Women Training for Health Professions Act".

SEC. 1602. DOMESTIC VIOLENCE AND SEXUAL ASSAULT FORENSIC EVIDENCE.

(a) In general.—In the case of a health professions, the Attorney General shall award grants and contracts, giving preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training developed in consultation and collaboration with national, State, and local domestic violence and sexual assault coalitions and programs in carrying out the following functions as a provider of health care:

(1) Identifying victims of domestic violence and sexual assault, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.
(2) Examining and treating such victims, within the scope of the health professional’s discipline, training, and practice.

(b) Relevant health professions entities.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing, a program for the training of physician assistants, or a program for the training of allied health professionals.

(c) Report to Congress.—Not later than 2 years after the date of the enactment of the Violence Against Women Training for Health Professions Act, the Attorney General shall submit to the House of Representatives, and the Senate, a report specifying the health professions entities that are receiving grants or contracts under this section; the number of hours of training required by the entities for purposes of such paragraph; the extent of clinical experience so required; and the types of courses through which the training is being provided, including the extent of involvement of nonprofit nongovernmental domestic violence and sexual assault victims services programs in the training.

(d) Definitions.—For purposes of this section—
(1) the term “domestic violence” includes acts of threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; and

(2) the term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.
TITLE XVII—VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH

Subtitle A—Violence Against Women Prevention, Detection and Investigation Research

SEC. 1701. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) According to a Panel on Research on Violence Against Women convened by the National Research Council in response to the mandates by the Violence Against Women Act of 1994—

   (A) significant gaps exist in understanding the extent and causes of violence against women and the impact and the effectiveness of education, prevention, and interventions;

   (B) funding for research on violence against women is spread across numerous Federal agencies with no mechanism through which to coordinate these efforts or to link with other federally sponsored research initiatives; and

   (C) research on violence against women would benefit from an infrastructure that sup-
ports interdisciplinary efforts and aids in integrating these efforts into practice and policy.

(2) Despite the increased funding to prevent and respond to violence against women in underserved populations, few studies have examined incidence and prevalence data from the perspective of racial, ethnic, language, age, disability, and other underserved populations. Moreover, little is known about the types of prevention, detection, and investigation strategies that are most effective in underserved populations.

(3) Most studies currently focus on aspects of domestic violence related to physical abuse. Few studies explore the harm caused by emotional and psychological abuse and the appropriate prevention, detection, and investigation strategies for victims experiencing this form of abuse.

(4) Violence exposure as a risk factor for disease must be examined for a range of diseases and diagnoses to better understand the correlation between violence and disease including intervening variables.

(5) Violence against women occurs within the context of a sociocultural environment that should be studied to assist in a greater understanding of
those factors that promote and maintain violence against women and to provide a framework for developing and assessing education, prevention, and intervention strategies.

SEC. 1702. TASK FORCE.

(a) Purposes.—The Attorney General shall establish a task force to coordinate research on violence against women. The task force shall comprise representation from all Federal agencies that fund such research.

(b) Uses of Funds.—Funds appropriated under this section shall be used to—

(1) develop a coordinated strategy to strengthen research focussed on education, prevention, and intervention strategies on violence against women;

(2) track and report on all Federal research and expenditures on violence against women;

(3) identify gaps in research and develop criteria for all Federal agencies for evaluating research proposals, taking into account the context within which women live their lives, including the broad social and cultural context as well as individual factors; and

(4) set priorities for research efforts that explore factors such as race, social, and economic class, geographic location, age, language, sexual ori-
entation, disability, and other factors that result in violent crimes against women.

(c) Authorization of Appropriation.—There shall be appropriated $500,000 for each of fiscal years 1999, 2000, and 2001 to fulfill the purposes of this section.

SEC. 1703. PREVENTION, DETECTION, AND INVESTIGATION RESEARCH GRANTS.

(a) Purposes.—The Department of Justice shall make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to support research to further the understanding of the causes of violent behavior against women and to evaluate prevention, detection, and investigation programs.

(b) Use of Funds.—The research conducted under this section shall include, but not be limited to the following areas and others that may be identified by the Task Force established under section 1702 of this title—

(1) longitudinal research to study the developmental trajectory of violent behavior against women and the way such violence differs from other violent behaviors;

(2) examination of risk factors for sexual and intimate partner violence for victims and perpetra-
tors, such as poverty, childhood victimization and other traumas;

(3) examination of short- and long-term efforts of programs designed to prevent sexual and intimate partner violence;

(4) outcome evaluations of interventions targeted at children and teenagers;

(5) examination of and documentation of the processes and informal strategies women experience in attempting to manage and end the violence in their lives; and

(6) development and testing of effective methods of screening and providing services at all points of entry to the health care system, including mental health, emergency medicine, and primary care.

(c) Authorization of Appropriations.—There are authorized to be appropriated $6,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

SEC. 1704. ADDRESSING GAPS IN RESEARCH.

(a) Purposes.—The Department of Justice shall make grants to domestic violence and sexual assault organizations, research organizations and academic institutions for the purpose of expanding knowledge about violence against women, with a particular emphasis on ex-
ploring such issues as they affect underserved commu-

nities.

(b) Uses of Funds.—Funds appropriated under
this section shall be used to examine, but not be limited
to, the following areas—

(1) development of national- and community-
level survey studies to measure the incidence and
prevalence of violence against women in underserved
populations and the definitions women use to de-
scribe their experience of violence;

(2) qualitative and quantitative research to un-
derstand how factors such as race, ethnicity, socio-
economic status, age, language, disability, and sex-
ual orientation that result in violent crimes against
women;

(3) study of the availability and accessibility of
State and local legal remedies to victims of intimate
partner violence within the context of a same sex in-
timate relationship;

(4) the use of nonjudicial alternative dispute
resolution (such as mediation, negotiation, concilia-
tion, and restorative justice models) in cases where
domestic violence is a factor, comparing nonjudicial
alternative dispute resolution and traditional judicial
methods based upon the quality of representation of
the victim, training of mediators or other
facilitators, satisfaction of the parties, and outcome
of the proceedings; as well as other factors that may
be identified; and

(5) other such research as may be determined
by the Task Force established under section 1702 in
consultation with domestic violence and sexual ass-
ault advocates; coalitions; national experts; and re-
searchers.

(c) Authorization of Appropriations.—There is
authorized to be appropriated $4,500,000 for each of fis-
scal years 1999, 2000, and 2001 to carry out this section.

SEC. 1705. STUDY.

The United States Sentencing Commission shall
study the following and report to the Congress—

(1) sentences given to persons incarcerated in
Federal and State prison for assault or homicide
crimes in which the relationship to the victim was a
spouse, former spouse, or intimate partner;

(2) the effect of illicit drugs and alcohol on do-

mestic violence and the sentences imposed for of-

fenses involving such illicit drugs and alcohol where
domestic violence occurred;
(3) the extent to which acts of domestic violence committed against the defendant, including coercion, may play a role in the commission of an offense;

(4) analysis delineated by race, gender, type of offense; and any other categories that would be useful for understanding the problem; and

(5) recommendations with respect to the offenses described in this section particularly any basis for a downward adjustment in any applicable guidelines determination.

SEC. 1706. STATUS REPORT ON LAWS REGARDING RAPE AND SEXUAL ASSAULT OFFENSES.

(a) Study.—The Attorney General, in consultation with national, State, and local domestic violence and sexual assault coalitions and programs, including, nationally recognized experts on sexual assault, such as from the judiciary, the legal profession, psychological associations, and sex offender treatment providers, shall conduct a national study to examine the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.
(b) Report.—Based on the study required under subsection (a), the Attorney General shall prepare a report, including an analysis of the uniformity of the rape and sexual assault laws including sex offenses committed against children and sex offenses involving penetration of any kind among the States and their effectiveness in prosecuting crimes of rape and sexual assault offenses as follows:

(1) Definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense.

(2) Element of consent and coercive conduct, including deceit.

(3) Element of physical resistance and affirmative noneconsent as a precondition for conviction.

(4) Element of force, including penetration requirement as aggravating factor and use of coercion.

(5) Evidentiary matters—

(A) inferences—timeliness of complaint under the Model Penal Code;

(B) post traumatic stress disorder (including rape trauma syndrome) relevance of scope and admissibility;

(C) rape shield laws—in camera evidentiary determinations;
(D) prior bad acts; and

(E) corroboration requirement and cautionary jury instructions;

(6) Existence of special rules for rape and sexual assault offenses;

(7) Use of experts;

(8) Sentencing—

(A) plea bargains;

(B) presentence reports;

(C) recidivism and remorse;

(D) adolescents;

(E) psychological injuries;

(F) gravity of crime and trauma to victim;

and

(G) race.

(9) Any personal or professional relationship between the perpetrator and the victim.

(10) Any recommendations of the Attorney General for reforms to foster uniformity among the States in addressing rape and sexual assault offenses in order to protect victims more effectively while safeguarding due process.

(c) DEFINITION.—For purposes of this section, the term "rape and sexual assault offenses" includes carnal knowledge of a child, abduction with intent to defile, inde-
cent liberties, beastiality, forcible sodomy, sexual penetration with an animate or inanimate object, forced sexual intercourse (lalia majora penetration or anus penetration), cunnilingus, fellatio, anallingus, anal intercourse, sexual battery, aggravated sexual battery, and sexual abuse, accomplished by use of force, threats, or intimidation.

(d) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to Congress.

(e) AUTHORIZATION OF APPROPRIATION.—It is authorized that $200,000 be appropriated to carry out the study required by this section.

SEC. 1707. RESEARCH CENTERS.

The Attorney General shall establish 3 research centers to support the development of research and training program to focus on violence against women, to provide mechanisms for collaboration between researchers and practitioners, and to provide technical assistance for integrating research into service provision. Each Center shall be organized around a research area such as epidemiology and measurement of violence against women, causes and risk factors, and prevention and intervention evaluation
research. At least one of the centers shall be established
at an entity other than an academic institution. There are
authorized to be appropriated $3,000,000 for each of the
fiscal years 1999, 2000, and 2001 to carry out this sec-
tion.

**TITLE XVIII—PUBLIC ACCESS TO**
**FBI DATABASE ON SEXUAL**
**OFFENDERS**

**SEC. 1801. ESTABLISHMENT OF TELEPHONE ACCESS FOR**
**THE PUBLIC TO FBI DATABASE ON SEXUAL**
**OFFENDERS.**

Subtitle A of title XVII of the Violent Crime Control
and Law Enforcement Act of 1994 (42 U.S.C. 14071 et
seq.) is amended by adding at the end the following new
section:

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SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI
DATABASE.
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(a) Establishment.—(1) The Attorney General
shall establish, publicize, and operate a national telephone
service by which a person (as defined in subsection (f)(2))
may request the information described in paragraph (2).

(2) The information described in this paragraph is
whether an individual (as defined in subsection (f)(3)),
other than a victim of an offense that requires registration
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under this subtitle, is listed in the database established under section 170102.

(b) Prerequisite for Access to Information.—The Attorney General shall not disclose the information described in subsection (a)(2) unless the person seeking such information provides his or her full name, the full name of the individual, and one or more of the following:

(1) The address of the individual's residence.

(2) The individual's Social Security number.

(3) The individual's driver's license number or the number the identification card issued by State or local authorities in lieu of a driver's license.

(4) The individual's date of birth.

(5) Such other information as the Attorney General determines to be appropriate for purposes of identification of the individual.

(c) Notice to Caller.—Prior to disclosing information described in subsection (a)(2), and without charging a fee for the same, the Attorney General shall provide the following general information in the form of a recorded message:

(1) The requirements described in subsection (b).
109

(2) The fee for the use of the telephone service.

(3) A warning that information received pursuant to such request may not be misused, as described in subsection (e), and notice of the penalties for such misuse of the information.

(4) A warning that the service is not be available to persons under 18 years of age.

(5) Such other information as the Attorney General determines to be appropriate.

(d) Fees for Use of Service.—

(1) Fee for access to information in database.—The Attorney General shall charge a fee for each use of the service for information described in subsection (a) from the service.

(2) Limitation on number of requests.—A person may not make more than two requests for such information per use of the service.

(3) Use of fees to defray expenses of service.—To the extent provided in advance in appropriations Acts, moneys received under paragraph (1) shall be used to pay for the expenses of the operation of the service.

(e) Penalties for Misuse of Information.—
**(1) Prohibitions.** Whoever, having obtained information described in subsection (a)(2) from the service, knowingly uses such information—

**(A)** for any purpose other than to protect a minor at risk; or

**(B)** with respect to insurance, housing, or any other use that the Attorney General may determine—

**(i)** is unnecessary for the protection of a minor at risk or;

**(ii)** which creates a disproportionate prejudicial effect,

shall be punished as provided in paragraph (2).

**(2) Civil Penalty.** Each person who violates the provisions of paragraph (1) shall be subject to a civil penalty imposed by the Attorney General of not more than $1,000 for each violation.

**(f) Definitions.** As used in this section:

**(1) Minor at Risk.** The term ‘minor at risk’ means a minor, as that term is defined in section 2256(1) of title 18, United States Code, who is or may be in danger of becoming a victim of an offense, for which registration is required under this subtitle, by an individual about whom the information described in subsection (a)(2) is sought.
"\((2)\) PERSON.—The term ‘person’ means a person who requests the information described in subsection \((a)(2)\).

"\((3)\) INDIVIDUAL.—The term ‘individual’ means an individual who is required to register under this subtitle.''

**TITLE XIX—LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS**

**SEC. 1901. LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS.**

(a) **In General.**—Not later than 90 days after the date of the enactment of this Act, the Federal Bureau of Investigation and the Attorney General shall begin a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to this problem.

(b) **Contents of Study.**—The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images:
(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy and criminal law and law enforcement options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) The possible constitutional limitations or constraints with respect to any of the matters described in paragraphs (1) through (5).

(c) FINAL REPORT.—Not later than 2 years after the date of the enactment of this section, the Federal Bureau of Investigation shall make a final report of the results of the study to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. The final report of the study shall set forth the findings, conclusions, and recommendations
of the Council and shall be submitted to relevant Government agencies and congressional committees.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Protection of Children From Sexual Predators Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.
Sec. 102. Coercion and enticement.
Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.
Sec. 104. Repeat offenders in transportation offense.
Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.
Sec. 106. Transportation generally.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.
Sec. 202. Increased penalties for child pornography offenses.

TITLE III—SEXUAL ABUSE PREVENTION

Sec. 301. Elimination of redundancy and ambiguities.
Sec. 302. Increased penalties for abusive sexual contact.
Sec. 303. Repeat offenders in sexual abuse cases.

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

Sec. 401. Transfer of obscene material to minors.

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

Sec. 501. Death or life in prison for certain offenses whose victims are children.
Sec. 502. Sentencing enhancement for chapter 117 offenses.
Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.
Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.
Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.
Sec. 506. Clarification of definition of distribution of pornography.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

Sec. 601. Pretrial detention of sexual predators.
Sec. 602. Criminal forfeiture for offenses against minors.
Sec. 603. Civil forfeiture for offenses against minors.
Sec. 604. Reporting of child pornography by electronic communication service providers.
Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.
Sec. 606. Administrative subpoenas.
Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

Sec. 701. Authority to investigate serial killings.
Sec. 702. Kidnapping.
Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

Sec. 801. Prisoner access.
Sec. 802. Recommended prohibition.
Sec. 803. Survey.

TITLE IX—STUDIES

Sec. 901. Study on limiting the availability of pornography on the Internet.
Sec. 902. Study of hotlines.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) In General.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:
§ 2425. Use of interstate facilities to transmit information about a minor

“Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“2425. Use of interstate facilities to transmit information about a minor.”

SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or attempts to do so,” before “shall be fined”; and

(B) by striking “five” and inserting “10”;

and
(2) by striking subsection (b) and inserting the following:

“(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.”.

SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal
offense, or attempts to do so, shall be fined under this title,
imprisoned not more than 15 years, or both.”; and

(2) in subsection (b), by striking “10 years” and
inserting “15 years”.

SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OF-
FENSE.

(a) In General.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“§2426. Repeat offenders

“(a) MAXIMUM TERM OF IMPRISONMENT.—The maxi-
mum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘prior sex offense conviction’ means a conviction for an offense—

“(A) under this chapter, chapter 109A, or chapter 110; or

“(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special mar-
itime and territorial jurisdiction of the United States; and
“(2) STATE.—the term ‘State’ means a State of the United States, the District of Columbia, any commonwealth, possession, or territory of the United States.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“2426. Repeat offenders.”.

SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.

(a) In General.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“§2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

“In this chapter, the term ‘sexual activity for which any person can be charged with a criminal offense’ includes the production of child pornography, as defined in section 2256(8).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:
“2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.”.

SEC. 106. TRANSPORTATION GENERALLY.
Section 2421 of title 18, United States Code, is amended—
(1) by inserting “or attempts to do so,” before “shall be fined”; and
(2) by striking “five years” and inserting “10 years”.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.
(a) USE OF A CHILD.—Section 2251(a) of title 18, United States Code, is amended by inserting “if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,” before “or if”.
(b) ALLOWING USE OF A CHILD.—Section 2251(b) of title 18, United States Code, is amended by inserting “, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or
foreign commerce by any means, including by computer,”
before “or if”.

(c) INCREASED PENALTIES IN SECTION 2251(d).—Sec-
tion 2251(d) of title 18, United States Code, is amended
by striking “or chapter 109A” each place it appears and
inserting “, chapter 109A, or chapter 117”.

SEC. 202. INCREASED PENALTIES FOR CHILD PORNOG-
RAPHY OFFENSES.

(a) INCREASED PENALTIES IN SECTION 2252.—Sec-
tion 2252(b) of title 18, United States Code, is amended—
(1) in each of paragraphs (1) and (2), by strik-
ing “or chapter 109A” and inserting “, chapter 109A,
or chapter 117”; and
(2) in paragraph (2), by striking “the possession
of child pornography” and inserting “aggravated sex-
ual abuse, sexual abuse, or abusive sexual conduct in-
volving a minor or ward, or the production, posses-
sion, receipt, mailing, sale, distribution, shipment, or
transportation of child pornography”.

(b) INCREASED PENALTIES IN SECTION 2252A.—Sec-
tion 2252A(b) of title 18, United States Code, is amended—
(1) in each of paragraphs (1) and (2), by strik-
ing “or chapter 109A” and inserting “, chapter 109A,
or chapter 117”; and
(2) in paragraph (2), by striking “the possession of child pornography” and inserting “aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography”.

**TITLE III—SEXUAL ABUSE PREVENTION**

**SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.**

(a) Making Consistent Language on Age Differential.—Section 2241(c) of title 18, United States Code, is amended by striking “younger than that person” and inserting “younger than the person so engaging”.

(b) Redundancy.—Section 2243(a) of title 18, United States Code, is amended by striking “crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or”.

(c) State Defined.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:
“(6) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.”.

SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

“(c) Offenses Involving Young Children.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.”.

SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

“§2247. Repeat offenders

“(a) Maximum Term of Imprisonment.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

“(b) Prior Sex Offense Conviction Defined.—In this section, the term ‘prior sex offense conviction’ has the meaning given that term in section 2426(b).”.
TITLE IV—PROHIBITION ON
TRANSFER OF OBSCENE MATERIAL TO MINORS

SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) In General.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

“§ 1470. Transfer of obscene material to minors

“Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.”.

(b) Technical and Conforming Amendment.—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

“1470. Transfer of obscene material to minors.”.
TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

“(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—

“(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

“(A) the victim of the offense has not attained the age of 14 years;

“(B) the victim dies as a result of the offense; and

“(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).
“(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.”.

SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.
SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the
applicable provision of law referred to in paragraph
(1) to engage in any prohibited sexual activity.

SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRE-
SENTATION IN THE SEXUAL ABUSE OR EX-
PLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title
28, United States Code, the United States Sentencing Com-
mission shall—

(1) review the Federal Sentencing Guidelines on
aggravated sexual abuse under section 2241 of title
18, United States Code, sexual abuse under section
2242 of title 18, United States Code, sexual abuse of
a minor or ward under section 2243 of title 18,
United States Code, coercion and enticement of a
minor under section 2422(b) of title 18, United States
Code, contacting a minor under section 2422(c) of
title 18, United States Code, and transportation of
minors and travel under section 2423 of title 18,
United States Code; and

(2) upon completion of the review under para-
graph (1), promulgate amendments to the Federal
Sentencing Guidelines to provide appropriate en-
hancement if the defendant knowingly misrepresented
the actual identity of the defendant with the intent to
persuade, induce, entice, coerce, or facilitate the
transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of
activity involving the sexual abuse or exploitation of
a minor.

SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term “distribution of pornography” applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, en-
sure reasonable consistency with other guidelines of
the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Fed-
eral Sentencing Guidelines, avoid duplicative punish-
ment under the Federal Sentencing Guidelines for
substantially the same offense.

TITLE VI—CRIMINAL, PROCES-
DURAL, AND ADMINISTRA-
TIVE REFORMS

SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.

Section 3156(a)(4) of title 18, United States Code, is
amended by striking subparagraph (C) and inserting the
following:

“(C) any felony under chapter 109A, 110,
or 117; and”.

SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST
MINORS.

Section 2253 of title 18, United States Code, is amend-
ed by striking “or 2252 of this chapter” and inserting
“2252, 2252A, or 2260 of this chapter, or who is convicted
of an offense under section 2421, 2422, or 2423 of chapter
117,”.
SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or 2252 of this chapter” and inserting “2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,”; and

(2) in paragraph (3), by striking “or 2252 of this chapter” and inserting “2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,”.

SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) IN GENERAL.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

“SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘electronic communication service’ has the meaning given the term in section 2510 of title 18, United States Code; and
“(2) the term ‘remote computing service’ has the meaning given the term in section 2711 of title 18, United States Code.

“(b) REQUIREMENTS.—

“(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances that provide probable cause to believe that a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), has occurred shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

“(2) DESIGNATION OF AGENCIES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

“(3) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly
and willfully fails to make a report under that paragraph shall be fined—

“(A) in the case of an initial failure to make a report, not more than $50,000; and

“(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

“(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

“(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

“(e) MONITORING NOT REQUIRED.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.
“(f) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

“(1) IN GENERAL.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

“(A) to an attorney for the government for use in the performance of the official duties of the attorney;

“(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

“(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

“(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate of-
ficial of a State or subdivision of a State for the purpose of enforcing such State law.

“(2) DEFINITIONS.—In this subsection, the terms ‘attorney for the government’ and ‘State’ have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.”.

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—

Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

“(6) to a law enforcement agency—

“(A) if the contents—

“(i) were inadvertently obtained by the service provider; and

“(ii) appear to pertain to the commission of a crime; or

“(B) if required by section 227 of the Crime Control Act of 1990.”.

SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking “2251 or 2252” and inserting “2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423”.
SEC. 606. ADMINISTRATIVE SUBPOENAS.

(a) In general.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

“§ 3486. Administrative subpoenas in Federal health care investigations”; and

(2) by adding at the end the following:

“§ 3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation

“(a) Authorization.—

“(1) In general.—In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

“(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the
subscriber or customer utilized, which may be
relevant to an authorized law enforcement in-
quiry; or
“(B) requiring a custodian of records to
give testimony concerning the production and
authentication of such records or information.
“(2) ATTENDANCE OF WITNESSES.—Witnesses
summoned under this section shall be paid the same
fees and mileage that are paid witnesses in the courts
of the United States.
“(b) PROCEDURES APPLICABLE.—The same proce-
dures for service and enforcement as are provided with re-
spect to investigative demands in section 3486 apply with
respect to a subpoena issued under this section.”.
(b) TECHNICAL AND CONFORMING AMENDMENT.—The
analysis for chapter 223 of title 18, United States Code,
is amended by striking the item relating to section 3486
and inserting the following:
“3486. Administrative subpoenas in Federal health care investigations.
3486A. Administrative subpoenas in cases involving child abuse and child sexual
exploitation.”.

SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCI-
ATED WITH SEXUALLY VIOLENT OFFENDER
REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—Section 170101 of the Violent
Crime Control and Law Enforcement Act of 1994 (42
U.S.C. 14071) is amended—
(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

“(i) GRANTS TO STATES FOR COSTS OF COMPLIANCE.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—The Director of the Bureau of Justice Assistance (in this subsection referred to as the ‘Director’) shall carry out a program, which shall be known as the ‘Sex Offender Management Assistance Program’ (in this subsection referred to as the ‘SOMA program’), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

“(B) USES OF FUNDS.—Each grant awarded under this subsection shall be—

“(i) distributed directly to the State for distribution to State and local entities; and

“(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

“(2) ELIGIBILITY.—

“(A) APPLICATION.—To be eligible to receive a grant under this subsection, the chief ex-
ecutive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

“(i) the State complies with (or made a good faith effort to comply with) this section; and

“(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

“(B) REGULATIONS.—

“(i) In general.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex of-
fenders registered in each eligible State’s monitoring and notification programs.

“(ii) CERTAIN TRAINING PROGRAMS.—
Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

“(3) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.”.

(b) STUDY.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforce-
ment Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

**TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS**

**SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

(a) In General.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

“§ 540B. Investigation of serial killings

“(a) In General.—The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

“(b) Definitions.—In this section:

“(1) Killing.—The term ‘killing’ means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

“(2) Serial killings.—The term ‘serial killings’ means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.
“(3) [STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) [TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at end the following:

“540B. Investigation of serial killings.”.

SEC. 702. KIDNAPPING.

(a) [CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting “, regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began” before the semicolon.

(b) [TECHNICAL AMENDMENT.—Section 1201(a)(5) of title 18, United States Code, is amended by striking “designated” and inserting “described”.

(c) [24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: “Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.”.
SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the “Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center” (in this section referred to as the “CASMIRC”).

(b) Purpose.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the “NCAVC”), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) Duties of the CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines ap-
appropiate to carry out the purposes of the CASMIRC, in-
cluding—

(1) identifying, developing, researching, acquir-
ing, and refining multidisciplinary information and
specialities to provide for the most current expertise
available to advance investigative knowledge and
practices used in child abduction, mysterious dis-
appearance of children, child homicide, and serial
murder investigations;

(2) providing advice and coordinating the appli-
cation of current and emerging technical, forensic,
and other Federal assistance to Federal, State, and
local authorities in child abduction, mysterious dis-
appearances of children, child homicide, and serial
murder investigations;

(3) providing investigative support, research
findings, and violent crime analysis to Federal, State,
and local authorities in child abduction, mysterious
disappearances of children, child homicide, and serial
murder investigations;

(4) providing, if requested by a Federal, State,
or local law enforcement agency, on site consulta-
tion and advice in child abduction, mysterious disappear-
ances of children, child homicide and serial murder
investigations;
(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to
child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bu-
ureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member’s or individual’s respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will
occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) Training.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation’s National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) Report to Congress.—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and
(2) information regarding—

(A) the number and qualifications of the
members appointed to the CASMIRC;

(B) the provision of equipment, administra-
tive support, and office space for the CASMIRC;

and

(C) the projected resource needs for the
CASMIRC.

(f) Authorization of Appropriations.—There are
authorized to be appropriated to carry out this section such
sums as may be necessary for each of fiscal years 1999,

(g) Conforming Amendment.—Subtitle C of title
XVII of the Violent Crime Control and Law Enforcement
Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

SEC. 801. PRISONER ACCESS.

Notwithstanding any other provision of law, no agen-
cy, officer, or employee of the United States shall imple-
ment, or provide any financial assistance to, any Federal
program or Federal activity in which a Federal prisoner
is allowed access to any electronic communication service
or remote computing service without the supervision of an 
official of the Federal Government.

SEC. 802. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years 
for molesting teenage girls, worked for a nonprofit 
work and education program inside the prison, 
through which the prisoner had unsupervised access to 
the Internet;

(2) the prisoner, through his unsupervised access 
to the Internet, trafficked in child pornography over 
the Internet;

(3) Federal law enforcement authorities caught 
the prisoner with a computer disk containing 280 
pictures of juveniles engaged in sexually explicit con-
duct;

(4) a jury found the prisoner guilty of conspir-
ing to trade in child pornography and possessing 
child pornography;

(5) the United States District Court for the Dis-
trict of Minnesota sentenced the prisoner to 87 
months in Federal prison, to be served upon the com-
pletion of his 23-year State prison term; and

(6) there has been an explosion in the use of the 
Internet in the United States, further placing our Na-
tion’s children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) Sense of Congress.—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

SEC. 803. SURVEY.

(a) Survey.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) Report.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) State Defined.—In this section, the term “State” means each of the 50 States and the District of Columbia.

TITLE IX—STUDIES

SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract
to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) CONTENTS OF STUDY.—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House
of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives and the Senate to relevant Government agencies and committees of Congress.

SEC. 902. STUDY OF HOTLINES.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) Contents of Study.—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigative
Amend the title to read as follows: “To amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.”.