

105TH CONGRESS
2D SESSION

S. 2484

To combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1998

Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safe Schools, Safe Streets, and Secure Borders Act of
6 1998”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

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 JUVENILE CRIME

Subtitle A—Assistance to Schools

- Sec. 1001. School resource officers.
 Sec. 1002. Establishment of School Security Technology Center.
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PART 1—REFORM OF FEDERAL JUVENILE SYSTEM

- Sec. 1210. Delinquency proceedings or criminal prosecutions in district courts.
 Sec. 1211. Applicability of statutory minimums to juveniles 16 years and older
 and limitation as to younger juveniles.
 Sec. 1212. Conforming amendment to definitions section.
 Sec. 1213. Custody prior to appearance before judicial officer.
 Sec. 1214. Technical and conforming amendments to section 5034.
 Sec. 1215. Speedy trial for detained juveniles pending delinquency proceedings;
 reinstating dismissed cases.
 Sec. 1216. Disposition; availability of increased detention, fines, and supervised
 release for juvenile offenders.
 Sec. 1217. Access to juvenile records.
 Sec. 1218. Technical amendments of section 5034.
 Sec. 1219. Definitions.

PART 2—INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

- Sec. 1220. Detention of juveniles prior to disposition or sentencing.
 Sec. 1221. Rules governing the commitment of juveniles.

Subtitle C—Assistance to States for Prosecuting and Punishing Juvenile
 Offenders, and Reducing Juvenile Crime

- Sec. 1300. Juvenile and violent offender incarceration grants.
 Sec. 1301. Certain punishment and graduated sanctions for youth offenders.
 Sec. 1302. Pilot program to promote replication of recent successful juvenile
 crime reduction strategies.
 Sec. 1303. Reimbursement of States for costs of incarcerating juvenile alien of-
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- Sec. 1410. Gun ban for dangerous juvenile offenders.
 Sec. 1411. Improving firearms safety.
 Sec. 1412. Enhanced penalties for discharging or possessing a firearm during
 a crime of violence or drug trafficking crime.

- Sec. 1413. Juvenile handgun safety.
- Sec. 1414. Serious juvenile drug offenses as armed career criminal predicates.
- Sec. 1415. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime.
- Sec. 1416. Increased penalty for firearms conspiracy.

PART 2—LOCAL GUN VIOLENCE PREVENTION PROGRAMS

- Sec. 1421. Competitive grants for children’s firearm safety education.
- Sec. 1422. Dissemination of best practices via the Internet.
- Sec. 1423. Amendment to Safe and Drug-Free Schools and Communities Act of 1994 to provide counseling after gun-related violence.
- Sec. 1424. Youth crime gun interdiction initiative.
- Sec. 1425. Grant priority for tracing of guns used in crimes by juveniles.

PART 3—JUVENILE GUN COURTS

- Sec. 1431. Definitions.
- Sec. 1432. Grant program.
- Sec. 1433. Applications.
- Sec. 1434. Grant awards.
- Sec. 1435. Use of grant amounts.
- Sec. 1436. Grant limitations.
- Sec. 1437. Federal share.
- Sec. 1438. Report and evaluation.
- Sec. 1439. Authorization of appropriations.

PART 4—YOUTH VIOLENCE COURTS

- Sec. 1440. Creation of youth violence courts.

TITLE II—COMBATING GANG VIOLENCE

Subtitle A—Enhanced Penalties for Gang-Related Activities

- Sec. 2100. Gang franchising.
- Sec. 2101. Enhanced penalty for use or recruitment of minors in gangs.
- Sec. 2102. Gang franchising as a RICO predicate.
- Sec. 2103. Increase in offense level for participation in crime as gang member.
- Sec. 2104. Enhanced penalty for possession of firearms in relation to counts of violence or drug trafficking crimes.
- Sec. 2105. Punishment of arsons or bombings at facilities receiving Federal financial assistance.
- Sec. 2106. Elimination of statute of limitations for murder.
- Sec. 2107. Extension of statute of limitations for violent and drug trafficking crimes.
- Sec. 2108. Increased penalties under the RICO law for gang and violent crimes.
- Sec. 2109. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.
- Sec. 2110. Facilitating the prosecution of carjacking offenses.
- Sec. 2111. Facilitation of RICO prosecutions.
- Sec. 2112. Forfeiture for crimes of violence, racketeering, and obstruction of justice.
- Sec. 2113. Expansion of definition of “racketeering activity” to affect gangs in Indian country.
- Sec. 2114. Authority to investigate serial killings.
- Sec. 2115. Increased penalties for violence in the course of riot offenses.

- Sec. 2116. Expansion of Federal jurisdiction over crimes occurring in private penal facilities housing Federal prisoners or prisoners from other States.

Subtitle B—Targeting Gang-Related Gun Offenses

- Sec. 2200. Transfer of firearm to commit a crime of violence.
 Sec. 2201. Increased penalty for knowingly receiving firearm with obliterated serial number.
 Sec. 2202. Amendment of the sentencing guidelines for transfers of firearms to prohibited persons.
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- Sec. 2300. Interstate travel to engage in witness intimidation or obstruction of justice.
 Sec. 2301. Expanding pretrial detention eligibility for serious gang and other violent criminals.
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 Sec. 2305. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
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 Sec. 2307. Assaults or other crimes of violence for hire.
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 Sec. 2309. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.
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Subtitle D—Gang Paraphernalia

- Sec. 2400. Streamlining procedures for law enforcement access to clone numeric pagers.
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- Sec. 2510. Authority to make grants to prosecutors to combat gang crime and youth violence.

- Sec. 2511. Recipients.
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- Sec. 2513. Training, technical assistance, research, statistics, and evaluation.

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- Sec. 2520. High intensity interstate gang activity areas.

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- Sec. 3100. More police officers on the beat.
- Sec. 3101. Grants for equipment, technology, and support systems.
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- Sec. 3200. Formula allocations.
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- Sec. 3300. Extension of Violence Against Women Act.
- Sec. 3301. Rural domestic violence and child abuse enforcement assistance.
- Sec. 3302. Punishment of attempts to commit interstate domestic violence offense.
- Sec. 3303. Expansion of interstate domestic violence offense to cover intimidation.
- Sec. 3304. Punishment of interstate travel with intent to kill spouse.

Subtitle D—Assistance to Local Law Enforcement

- Sec. 3400. Extension of law enforcement family support funding.
- Sec. 3401. Extension of rural drug enforcement and training funding.
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Subtitle E—Protecting Federal, State, and Local Law Enforcement Officers and the Judiciary

- Sec. 3500. Expansion of protection of Federal officers and employees from murder due to their status.
- Sec. 3501. Assaulting, resisting, or impeding certain officers or employees.
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- Sec. 3503. Mailing threatening communications.
- Sec. 3504. Amendment of the sentencing guidelines for assaults and threats against Federal judges and certain other Federal officials and employees.
- Sec. 3505. Extension of Bulletproof Vest Partnership Grant Act.
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- Sec. 3507. Killing State correctional officers.

- Sec. 3508. Federal law enforcement officers' good samaritan protection.
 Sec. 3509. Establishment of protective function privilege.

Subtitle F—Extension of Violent Crime Reduction Trust Fund

- Sec. 3600. Extension of Violent Crime Reduction Trust Fund.

Subtitle G—Punishing Hate Crimes and Protecting Civil Rights

- Sec. 3700. Punishing hate crimes.
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 Sec. 3803. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage.
 Sec. 3804. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization.
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 Sec. 3922. Corrections to Amber Hagerman Child Protection Act.
 Sec. 3923. Elimination of “bodily harm” element in assault with a dangerous weapon offense.
 Sec. 3924. Appeals from certain dismissals.
 Sec. 3925. Authority for injunction against disposal of ill-gotten gains from violations of fraud statutes.
 Sec. 3926. Expansion of interstate travel fraud statute to cover interstate travel by perpetrator.
 Sec. 3927. Clarification of scope of unauthorized selling of military medals or decorations.
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- Sec. 3929. Expansion of jurisdiction over child buying and selling offenses.
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- Sec. 4002. Grants to national organizations.
- Sec. 4003. Grants to States.
- Sec. 4004. Allocation; grant limitation.
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- Sec. 4201. Short title; definitions.
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- Sec. 4301. Amendments to the Missing Children’s Assistance Act.

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- Sec. 4501. Runaway and Homeless Youth Act.
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- Sec. 4702. Findings.
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- Sec. 4704. Implementation and evaluation grants.
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- Sec. 4803. Grants.

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- Sec. 4901. Short title.

- Sec. 4902. Findings.
- Sec. 4903. Purpose.
- Sec. 4904. Definitions.
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Subtitle D—Development of Medicines for the Treatment of Drug Addiction

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 Sec. 5410. Drug interdiction.
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- Sec. 7204. Pilot programs to establish ombudsman programs for crime victims.
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- Sec. 7302. Findings; purposes.
- Sec. 7303. Definition of developmental disability.
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- Sec. 8004. Access to records in bank secrecy jurisdictions.
- Sec. 8005. Civil money laundering jurisdiction over foreign persons.
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- Sec. 8007. Addition of serious foreign crimes to list of money laundering predicates.
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- Sec. 8013. Charging money laundering as a course of conduct.
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Sec. 9101. Extradition for offenses not covered by a list treaty.

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Subtitle C—Seizing and Forfeiting the Assets of International Criminals

Sec. 9201. Forfeiture of assets in international money laundering and drug crimes.

Sec. 9202. Authority to order convicted criminals to return property located abroad.

Sec. 9203. Enforcement of foreign forfeiture judgments.

Sec. 9204. Criminal and civil penalties under the International Emergency Economic Powers Act.

Sec. 9205. Attempted violations of the Trading with the Enemy Act.

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Sec. 9311. Law enforcement access to stored information on computer networks.

PART 2—ENHANCING ANTITERRORISM LAWS

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Subtitle E—Promoting Global Cooperation in the Fight Against International Crime

Sec. 9401. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies.

Sec. 9402. Streamlined procedures for execution of MLAT requests.

Sec. 9403. Temporary transfer to foreign country of incarcerated witnesses.

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Subtitle F—Streamlining the Investigation and Prosecution of International Crimes in United States Courts

- Sec. 9501. Reimbursement of State and local law enforcement agencies in international crime cases.
- Sec. 9502. Strengthen war crimes offense.
- Sec. 9503. Safe conduct for foreign witnesses testifying in United States courts.
- Sec. 9504. Prohibiting fugitives from benefiting from time served abroad.
- Sec. 9505. Suspension of statute of limitations for collection of evidence located abroad.
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Subtitle A—Violence Committed Along United States Borders

- Sec. 10001. Felony punishment for violence committed along the United States borders.

Subtitle B—Strengthening Maritime Law Enforcement Along United States Borders

- Sec. 11001. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.
- Sec. 11002. Civil penalties to support maritime law enforcement.
- Sec. 11003. Customs orders.

Subtitle C—Smuggling of Contraband and Other Illegal Products

- Sec. 12001. Smuggling contraband and other goods from the United States.
- Sec. 12002. Controlling illicit liquor trafficking.
- Sec. 12003. Strengthening of statute punishing evasion or embezzlement of customs duties.
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Subtitle D—Strengthening Immigration Laws To Exclude International Criminals From the United States

- Sec. 13001. Inadmissibility of persons fleeing prosecution in other countries.
- Sec. 13002. Inadmissibility of persons involved in racketeering and arms trafficking.
- Sec. 13003. Inadmissibility of persons who have benefited from illicit activities of drug traffickers.
- Sec. 13004. Inadmissibility of persons involved in international alien smuggling.

Subtitle E—Alien Smuggling

- Sec. 14001. Forfeiture for alien smuggling.

Subtitle F—Trafficking in Chemicals Used To Produce Drugs

- Sec. 15001. Import and export of chemicals used to produce illicit drugs.

Subtitle G—Arms Trafficking

- Sec. 16001. Enhanced tools to investigate illicit arms trafficking.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ATTORNEY GENERAL.—The term “Attorney
4 General” means the Attorney General of the United
5 States.

6 (2) INDIAN TRIBE.—The term “Indian tribe”
7 means a tribe, band, pueblo, nation, or other orga-
8 nized group or community of Indians, including an
9 Alaska Native village (as defined in or established
10 under the Alaska Native Claims Settlement Act (43
11 U.S.C. 1601 et seq.)), that is recognized as eligible
12 for the special programs and services provided by
13 the United States to Indians because of their status
14 as Indians.

15 (3) JUVENILE.—The term “juvenile” has the
16 meaning given that term under applicable State law.

17 (4) STATE.—The term “State” means any
18 State of the United States, the District of Columbia,
19 the Commonwealth of Puerto Rico, the Virgin Is-
20 lands, American Samoa, Guam, and the Northern
21 Mariana Islands.

22 (5) UNIT OF LOCAL GOVERNMENT.—The term
23 “unit of local government” means any city, county,
24 township, borough, parish, or other entity exercising
25 governmental power under State law.

1 (6) VIOLENT CRIME REDUCTION TRUST
 2 FUND.—The term “Violent Crime Reduction Trust
 3 Fund” means the fund established under title XXXI
 4 of the Violent Crime Control and Law Enforcement
 5 Act of 1994 (42 U.S.C. 14211 et seq.).

6 (7) YOUTH.—The term “youth” means a per-
 7 son who is not younger than 5 and not older than
 8 18 years of age.

9 **TITLE I—COMBATING VIOLENCE**
 10 **IN SCHOOLS AND PUNISHING**
 11 **JUVENILE CRIME**

12 **Subtitle A—Assistance to Schools**

13 **SEC. 1001. SCHOOL RESOURCE OFFICERS.**

14 Part Q of title I of the Omnibus Crime Control and
 15 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is
 16 amended—

17 (1) in section 1701(d)—

18 (A) by redesignating paragraphs (8)
 19 through (10) as (9) through (11), respectively;
 20 and

21 (B) by inserting after paragraph (7) the
 22 following:

23 “(8) establish school-based partnerships be-
 24 tween local law enforcement agencies and local
 25 school systems by using school resource officers who

1 operate in and around elementary and secondary
2 schools to combat school-related crime and disorder
3 problems, gangs, and drug activities;”); and

4 (2) in section 1709, by adding at the end the
5 following: “‘school resource officer’ means a career
6 law enforcement officer, with sworn authority, de-
7 ployed in community-oriented policing, and assigned
8 by the employing police department or agency to
9 work in collaboration with schools and community-
10 based organizations—

11 “(1) to address crime and disorder problems,
12 gangs, and drug activities affecting or occurring in
13 or around an elementary or secondary school;

14 “(2) to develop or expand crime prevention ef-
15 forts for students;

16 “(3) to educate likely school-age victims in
17 crime prevention and safety;

18 “(4) to develop or expand community justice
19 initiatives for students;

20 “(5) to train students in conflict resolution, re-
21 storative justice, and crime awareness;

22 “(6) to assist in the identification of physical
23 changes in the environment that may reduce crime
24 in or around the school; and

1 “(7) to assist in developing school policy that
2 addresses crime and to recommend procedural
3 changes.”.

4 **SEC. 1002. ESTABLISHMENT OF SCHOOL SECURITY TECH-**
5 **NOLOGY CENTER.**

6 (a) SCHOOL SECURITY TECHNOLOGY CENTER.—

7 (1) ESTABLISHMENT.—The Attorney General,
8 the Secretary of Education, and the Secretary of
9 Energy shall enter into an agreement for the estab-
10 lishment at the Sandia National Laboratories in
11 partnership with the National Law Enforcement and
12 Corrections Technology Center—Southeast of a cen-
13 ter to be known as the “School Security Technology
14 Center”. The School Security Technology Center
15 shall be administered by the Attorney General.

16 (2) FUNCTIONS.—The School Security Tech-
17 nology Center shall be a resource to local edu-
18 cational agencies for school security assessments, se-
19 curity technology development, technology availabil-
20 ity and implementation, and technical assistance re-
21 lating to improving school security.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this subsection
24 \$2,250,000 for each of fiscal years 1999, 2000, and 2001.

1 **SEC. 1003. GRANTS FOR LOCAL SCHOOL SECURITY PRO-**
2 **GRAMS.**

3 Subpart 1 of part A of title IV of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C. 7111
5 et seq.) is amended by adding at the end the following:

6 **“SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.**

7 “(a) IN GENERAL.—From amounts appropriated
8 under subsection (c), the Secretary of Education shall
9 award grants on a competitive basis to local educational
10 agencies to enable the agencies to acquire security tech-
11 nology, or carry out activities related to improving security
12 at the middle and high schools served by the agencies, in-
13 cluding obtaining school security assessments, and tech-
14 nical assistance for the development of a comprehensive
15 school security plan from the School Security Technology
16 Center. The Secretary shall give priority to local edu-
17 cational agencies showing the highest security needs as re-
18 ported by the agency to the Secretary in application for
19 funding made available under this section.

20 “(b) APPLICABILITY.—The provisions of this part
21 shall not apply to this section.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$10,000,000 for each of fiscal years 1999, 2000, and
25 2001.”

1 **SEC. 1004. SAFE AND SECURE SCHOOL ADVISORY REPORT.**

2 The Attorney General, in consultation with the Sec-
3 retary of Education and the Secretary of Energy, or their
4 designees shall—

5 (1) develop a proposal to further improve school
6 security; and

7 (2) submit that proposal to Congress not later
8 than 1 year after the date of enactment of this Act.

9 **Subtitle B—Federal Prosecution of**
10 **Serious and Violent Juvenile Of-**
11 **fenders**

12 **PART 1—REFORM OF FEDERAL JUVENILE**
13 **SYSTEM**

14 **SEC. 1210. DELINQUENCY PROCEEDINGS OR CRIMINAL**
15 **PROSECUTIONS IN DISTRICT COURTS.**

16 (a) IN GENERAL.—Section 5032 of title 18, United
17 States Code, is amended to read as follows:

18 **“§ 5032. Delinquency proceedings or criminal pros-**
19 **ecutions in district courts**

20 **“(a) JUVENILE DELINQUENCY PROCEEDINGS.—**

21 **“(1) IN GENERAL.—**A juvenile alleged to have
22 committed an offense against the United States or
23 an act of juvenile delinquency may be—

24 **“(A) surrendered to State authorities;**

25 **“(B) proceeded against as a juvenile under**
26 **this subsection; or**

1 “(C) tried as an adult in the circumstances
2 described in subsections (b) and (c).

3 “(2) SURRENDER TO STATE ABSENT CERTIFI-
4 CATION.—

5 “(A) IN GENERAL.—A juvenile referred to
6 in paragraph (1) may be proceeded against as
7 a juvenile in a court of the United States under
8 this subsection—

9 “(i) for offenses committed within the
10 special maritime and territorial jurisdiction
11 of the United States for which the maxi-
12 mum authorized term of imprisonment
13 does not exceed 6 months; or

14 “(ii) if the Attorney General, after in-
15 vestigation, certifies to the appropriate
16 United States district court that—

17 “(I)(aa) the juvenile court or
18 other appropriate court of a State
19 does not have jurisdiction or declines
20 to assume jurisdiction over the juve-
21 nile with respect to such act of alleged
22 juvenile delinquency; or

23 “(bb) the offense charged is de-
24 scribed in subsection (b) (2) or (3) or
25 subsection (e); and

1 “(II) there is a substantial Fed-
2 eral interest in the case or the offense
3 to warrant the exercise of Federal ju-
4 risdiction.

5 “(B) SURRENDER TO LEGAL AUTHORI-
6 TIES.—If, where required, the Attorney General
7 does not so certify, such juvenile shall be sur-
8 rendered to the appropriate legal authorities of
9 such State.

10 “(3) PUBLIC PROCEEDINGS; ATTENDANCE BY
11 VICTIMS.—

12 “(A) IN GENERAL.—If a juvenile alleged to
13 have committed an act of juvenile delinquency
14 is not surrendered to the authorities of a State
15 pursuant to this section, any proceedings
16 against the juvenile shall be in an appropriate
17 district court of the United States.

18 “(B) CONVENING OF COURT.—For the
19 purposes specified in subparagraph (A), the
20 court—

21 “(i) may be convened at any time and
22 place within the district; and

23 “(ii) shall be open to the public, ex-
24 cept that the court may exclude all or some

1 members of the public from the proceed-
2 ings if—

3 “(I) required by the interests of
4 justice; or

5 “(II) other good cause is shown.

6 “(C) COURT OPEN TO VICTIMS AND REL-
7 ATIVES.—Even if all or some of the members of
8 the public are excluded from the proceedings,
9 the proceedings shall be open to victims of the
10 alleged offense and their relatives and legal
11 guardians unless—

12 “(i) required by the interests of jus-
13 tice; or

14 “(ii) otherwise good cause is shown.

15 “(D) PROCEDURAL REQUIREMENTS.—The
16 Attorney General shall proceed by information
17 or as authorized by section 3401(g) of this title,
18 and no criminal prosecution shall be instituted
19 except as provided in this chapter.

20 “(b) JUVENILES 16 YEARS AND OLDER PROS-
21 ECUTED AS ADULTS.—A juvenile alleged to have commit-
22 ted an act on or after the day the juvenile attains the age
23 of 16 years may be prosecuted as an adult—

24 “(1) if the juvenile has requested in writing
25 upon advice of counsel to be prosecuted as an adult;

1 “(2) if the act committed by an adult would be
2 a serious violent felony or a serious drug offense as
3 described in section 3559(c) (2) and (3) or a con-
4 spiracy or attempt under section 406 of the Con-
5 trolled Substances Act (21 U.S.C. 846) or under
6 section 1013 of the Controlled Substances Import
7 and Export Act (21 U.S.C. 963) to commit an of-
8 fense described in section 3559(c)(2); or

9 “(3) if the act the juvenile is alleged to have
10 committed is not described in paragraph (2), and if
11 committed by an adult would be—

12 “(A) a crime of violence (as defined in sec-
13 tion 3156(a)(4)) that is a felony;

14 “(B) an offense described in section 844
15 (d), (k), or (l), or paragraph (a)(6) or sub-
16 section (b), (g), (h), (j), (k), or (l), of section
17 924;

18 “(C) a violation of section 922(o) that is
19 an offense under section 924(a)(2);

20 “(D) a violation of section 5861 of the In-
21 ternal Revenue Code of 1986 that is an offense
22 under section 5871 of the Internal Revenue
23 Code of 1986;

1 “(E) a conspiracy to commit an offense de-
2 scribed in any of subparagraphs (A) through
3 (D); or

4 “(F) an offense described in section 401 or
5 408 of the Controlled Substances Act (21
6 U.S.C. 841, 848) or a conspiracy or attempt to
7 commit that offense which is punishable under
8 section 406 of the Controlled Substances Act
9 (21 U.S.C. 846), an offense punishable under
10 section 409 or 419 of the Controlled Substances
11 Act (21 U.S.C. 849, 860), an offense described
12 in section 1002, 1003, 1005, or 1009 of the
13 Controlled Substances Import and Export Act
14 (21 U.S.C. 952, 953, 955, or 959) or a conspir-
15 acy or attempt to commit that offense which is
16 punishable under section 1013 of the Controlled
17 Substances Import and Export Act (21 U.S.C.
18 963).

19 “(c) JUVENILES UNDER 16 YEARS PROSECUTED AS
20 ADULTS.—

21 “(1) IN GENERAL.—A juvenile, alleged to have
22 committed an act on or after the day on which the
23 juvenile has attained the age of 13 years but before
24 the juvenile has attained the age of 16 years, may
25 be prosecuted as an adult if the act, if committed by

1 an adult, would be an offense described in paragraph
2 (2) or (3) of subsection (b), upon approval of the
3 Attorney General or the designee of the Attorney
4 General, who shall not be at a level lower than a
5 Deputy Assistant Attorney General.

6 “(2) LIMITATION.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), approval shall not be grant-
9 ed under paragraph (1), with respect to a juve-
10 nile described in that paragraph who is subject
11 to the criminal jurisdiction of an Indian tribal
12 government and who is alleged to have commit-
13 ted an act over which, if committed by an adult,
14 there would be Federal jurisdiction based solely
15 on the commission of that act in Indian country
16 (as defined in section 1151).

17 “(B) EXCEPTION.—Subparagraph (A)
18 shall not apply if, before that alleged act was
19 committed, the governing body of the Indian
20 tribe having jurisdiction over the place in which
21 the alleged act was committed notified the At-
22 torney General in writing of its election that
23 prosecution may take place under this sub-
24 section.

25 “(d) LIMITATIONS ON JUDICIAL REVIEW.—

1 “(1) IN GENERAL.—Except as provided in this
2 subsection, a determination to approve or not to ap-
3 prove, or to institute or not to institute, a prosecu-
4 tion under subsection (b) or (c) shall not be review-
5 able in any court.

6 “(2) DETERMINATION BY COURT.—In any pros-
7 ecution of a juvenile under subsection (b)(3) or
8 (c)(1), upon motion of the defendant and after a
9 hearing, the court in which criminal charges have
10 been filed shall determine whether to issue an order
11 to provide for the transfer of the defendant to juve-
12 nile status for the purposes of proceeding against
13 the defendant under subsection (a).

14 “(3) TIME REQUIREMENTS.—A motion by a de-
15 fendant under paragraph (2) shall not be considered
16 unless that motion is filed not later than 20 days
17 after the date on which the defendant—

18 “(A) initially appears through counsel; or

19 “(B) expressly waives the right to counsel
20 and elects to proceed pro se.

21 “(4) PROHIBITION.—The court shall not order
22 the transfer of a defendant to juvenile status under
23 this paragraph unless the defendant establishes by
24 clear and convincing evidence or information that re-
25 moval to juvenile status would be in the interest of

1 justice. In making a determination under paragraph
2 (2), the court shall consider—

3 “(A) the nature of the alleged offense, in-
4 cluding the extent to which the juvenile played
5 a leadership role in an organization, or other-
6 wise influenced other persons to take part in
7 criminal activities, involving the use or distribu-
8 tion of controlled substances or firearms;

9 “(B) whether prosecution of the juvenile as
10 an adult is necessary to protect public safety;

11 “(C) the age and social background of the
12 juvenile;

13 “(D) the extent and nature of the prior de-
14 linquency record of the juvenile;

15 “(E) the intellectual development and psy-
16 chological maturity of the juvenile;

17 “(F) the nature of any treatment efforts
18 and the response of the juvenile to those efforts;
19 and

20 “(G) the availability of programs designed
21 to treat the behavioral problems of the juvenile.

22 “(5) STATUS OF ORDERS.—

23 “(A) IN GENERAL.—An order of the court
24 made in ruling on a motion by a defendant to
25 transfer a defendant to juvenile status under

1 this subsection shall not be a final order for the
2 purpose of enabling an appeal, except that an
3 appeal by the United States shall lie to a court
4 of appeals pursuant to section 3731 from an
5 order of a district court removing a defendant
6 to juvenile status.

7 “(B) APPEALS.—Upon receipt of a notice
8 of appeal of an order under this paragraph, a
9 court of appeals shall hear and determine the
10 appeal on an expedited basis.

11 “(6) INADMISSIBILITY OF EVIDENCE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), no statement made by a de-
14 fendant during or in connection with a hearing
15 under this subsection shall be admissible
16 against the defendant in any criminal prosecu-
17 tion.

18 “(B) EXCEPTIONS.—The prohibition under
19 subparagraph (A) shall not apply, except—

20 “(i) for impeachment purposes; or

21 “(ii) in a prosecution for perjury or
22 giving a false statement.

23 “(7) RULES.—The rules concerning the receipt
24 and admissibility of evidence shall be the same as
25 prescribed in subsection 3142(f) of this title.

1 “(e) JOINDER; LESSER INCLUDED OFFENSES.—In a
2 prosecution under subsection (b) or (c) the juvenile may
3 be prosecuted and convicted as an adult for any other of-
4 fense which is properly joined under the Federal Rules of
5 Criminal Procedure, and may also be convicted of a lesser
6 included offense.”.

7 **SEC. 1211. APPLICABILITY OF STATUTORY MINIMUMS TO**
8 **JUVENILES 16 YEARS AND OLDER AND LIMI-**
9 **TATION AS TO YOUNGER JUVENILES.**

10 Section 3553 of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
13 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
14 UNDER THE AGE OF 16.—Notwithstanding any other pro-
15 vision of law, in the case of a juvenile alleged to have com-
16 mitted an act on or after the day on which the juvenile
17 has attained the age of 13 years but before the juvenile
18 has attained the age of 16 years, which if committed by
19 an adult would be an offense described in section 5032
20 (b)(3) or (e), the court shall impose a sentence pursuant
21 to guidelines promulgated by the United States Sentenc-
22 ing Commission under section 994 of title 28 without re-
23 gard to any statutory minimum sentence, if the court finds
24 at sentencing, after the Government has been afforded the
25 opportunity to make a recommendation, that the juvenile

1 has not been previously adjudicated delinquent for or con-
 2 victed of an offense described in section 5032(b)(2).”.

3 **SEC. 1212. CONFORMING AMENDMENT TO DEFINITIONS**

4 **SECTION.**

5 Section 5031 of title 18, United States Code, is
 6 amended by adding at the end the following: “As used in
 7 this chapter, the term ‘State’ includes a State of the
 8 United States, the District of Columbia, any common-
 9 wealth, territory, or possession of the United States and,
 10 with regard to an act of juvenile delinquency that would
 11 have been a misdemeanor if committed by an adult, a fed-
 12 erally recognized Indian tribe.”.

13 **SEC. 1213. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**

14 **CIAL OFFICER.**

15 Section 5033 of title 18, United States Code, is
 16 amended to read as follows:

17 **“§ 5033. Custody prior to appearance before judicial**
 18 **officer**

19 “(a) IN GENERAL.—Whenever a juvenile is taken
 20 into custody, the arresting officer shall immediately advise
 21 such juvenile of the juvenile’s rights, in language com-
 22 prehensible to a juvenile. The arresting officer shall
 23 promptly take reasonable steps to notify the juvenile’s par-
 24 ents, guardian, or custodian of such custody, of the rights
 25 of the juvenile, and of the nature of the alleged offense.

1 “(b) **TIMELY ACTION.**—The juvenile shall be taken
2 before a judicial officer without unreasonable delay.”.

3 **SEC. 1214. TECHNICAL AND CONFORMING AMENDMENTS**
4 **TO SECTION 5034.**

5 Section 5034 of title 18, United States Code, is
6 amended—

7 (1) by striking “The” each place it appears at
8 the beginning of a paragraph and inserting “the”;

9 (2) by striking “If” at the beginning of the 3rd
10 paragraph and inserting “if”;

11 (3) by designating the 3 paragraphs as para-
12 graphs (1), (2), and (3), respectively; and

13 (4) by inserting at the beginning of such section
14 before those paragraphs the following: “In a pro-
15 ceeding under section 5032(a)—”.

16 **SEC. 1215. SPEEDY TRIAL FOR DETAINED JUVENILES PEND-**
17 **ING DELINQUENCY PROCEEDINGS; RE-**
18 **INSTITUTING DISMISSED CASES.**

19 Section 5036 of title 18, United States Code, is
20 amended by—

21 (1) striking “If an alleged delinquent” and in-
22 sserting “If a juvenile proceeded against under sec-
23 tion 5032(a)”;

24 (2) striking “thirty” and inserting “45”; and

1 (3) striking “the court,” and all that follows
2 through the end of the section and inserting “the
3 court. In determining whether an information should
4 be dismissed with or without prejudice, the court
5 shall consider the seriousness of the offense, the
6 facts and circumstances of the case that led to the
7 dismissal, and the impact of a reprosecution on the
8 administration of justice. The periods of exclusion
9 under section 3161(h) of this title shall apply to this
10 section.”.

11 **SEC. 1216. DISPOSITION; AVAILABILITY OF INCREASED DE-**
12 **TENTION, FINES, AND SUPERVISED RELEASE**
13 **FOR JUVENILE OFFENDERS.**

14 Section 5037 of title 18, United States Code, is
15 amended to read as follows:

16 **“§ 5037. Disposition**

17 “(a) IN GENERAL.—

18 “(1) HEARING.—In a proceeding under section
19 5032(a), if the court finds a juvenile to be a juvenile
20 delinquent, the court shall hold a hearing concerning
21 the appropriate disposition of the juvenile not later
22 than 40 court days after the finding of juvenile de-
23 linquency, unless the court has ordered further study
24 pursuant to subsection (e).

1 “(2) REPORT.—A predisposition report shall be
2 prepared by the probation officer who shall promptly
3 provide a copy to the juvenile, the juvenile’s counsel,
4 and the attorney for the Government.

5 “(3) VICTIM IMPACT INFORMATION.—Victim
6 impact information shall be included in the report,
7 and victims, or in appropriate cases, their official
8 representatives, shall be provided the opportunity to
9 make a statement to the court in person or present
10 any information in relation to the disposition.

11 “(4) ORDER OF RESTITUTION.—After the
12 dispositional hearing, and after considering any per-
13 tinent policy statements promulgated by the Sen-
14 tencing Commission pursuant to section 994 of title
15 28, the court shall enter an order of restitution pur-
16 suant to section 3556 of this title, and place the ju-
17 venile on probation, commit the juvenile to official
18 detention (including the possibility of a term of su-
19 pervised release), and impose any fine that would be
20 authorized if the juvenile had been tried and con-
21 victed as an adult.

22 “(5) RELEASE OR DETENTION.—With respect
23 to release or detention pending an appeal or a peti-
24 tion for a writ of certiorari after disposition, the

1 court shall proceed pursuant to the provisions of
2 chapter 207.

3 “(b) TERM OF PROBATION.—The term for which pro-
4 bation may be ordered for a juvenile found to be a juvenile
5 delinquent may not extend beyond the maximum term that
6 would be authorized by section 3561(c) if the juvenile had
7 been tried and convicted as an adult. Sections 3563, 3564,
8 and 3565 are applicable to an order placing a juvenile on
9 probation.

10 “(c) TERM OF OFFICIAL DETENTION.—

11 “(1) MAXIMUM TERM.—The term for which of-
12 ficial detention (other than supervised release) may
13 be ordered for a juvenile found to be a juvenile de-
14 linquent may not extend beyond the lesser of—

15 “(A) the maximum term of imprisonment
16 that would be authorized if the juvenile had
17 been tried and convicted as an adult;

18 “(B) 10 years; or

19 “(C) the date on which the juvenile attains
20 the age of 26 years.

21 “(2) APPLICABILITY OF OTHER PROVISIONS.—

22 Section 3624 of this title shall apply to an order
23 placing a juvenile in detention.

24 “(d) TERM OF SUPERVISED RELEASE.—The term for
25 which supervised release may be ordered for a juvenile

1 found to be a juvenile delinquent may not extend beyond
2 5 years. Subsections (c) through (i) of section 3583 shall
3 apply to an order placing a juvenile on supervised release.

4 “(e) CUSTODY OF THE ATTORNEY GENERAL.—

5 “(1) IN GENERAL.—If the court desires more
6 detailed information concerning a juvenile alleged to
7 have committed an act of juvenile delinquency or a
8 juvenile adjudicated delinquent, the court may com-
9 mit the juvenile, after notice and hearing at which
10 the juvenile is represented by counsel, to the custody
11 of the Attorney General for observation and study by
12 an appropriate agency or entity.

13 “(2) OUTPATIENT BASIS.—Any observation and
14 study pursuant to a commission under paragraph
15 (1) shall be conducted on an outpatient basis, unless
16 the court determines that inpatient observation and
17 study are necessary to obtain the desired informa-
18 tion, except in the case of an alleged juvenile delin-
19 quent, inpatient study may be ordered only with the
20 consent of the juvenile and the juvenile’s attorney.

21 “(3) CONTENTS OF STUDY.—The agency or en-
22 tity conducting an observation or study under this
23 subsection shall make a complete study of the al-
24 leged or adjudicated delinquent to ascertain the ju-
25 venile’s personal traits, capabilities, background,

1 previous delinquency or criminal experience, mental
2 or physical defect, and any other relevant factors
3 pertaining to the juvenile.

4 “(4) SUBMISSION OF RESULTS.—The Attorney
5 General shall submit to the court and the attorneys
6 for the juvenile and the Government the results of
7 the study not later than 30 days after the commit-
8 ment of the juvenile, unless the court grants addi-
9 tional time. If the juvenile has not been committed
10 for the study, the probation office shall obtain the
11 report under sections 3154 and 3672 and submit the
12 results of the study in like manner and within the
13 same time period.

14 “(5) EXCLUSION OF TIME.—Time spent in cus-
15 tody under this subsection shall be excluded for pur-
16 poses of section 5036.

17 “(f) CONVICTION AS ADULT OF JUVENILES 13, 14,
18 AND 15 YEARS OLD.—With respect to any juvenile pros-
19 ecuted and convicted as an adult under section 5032(c),
20 the court may, pursuant to guidelines promulgated by the
21 United States Sentencing Commission under section 994
22 of title 28, determine to treat the conviction as an adju-
23 dication of delinquency and impose any disposition author-
24 ized under this section. The United States Sentencing
25 Commission shall promulgate such guidelines as soon as

1 practicable and not later than 1 year after the date of
2 enactment of the Safe Schools, Safe Streets, and Secure
3 Borders Act of 1998.”.

4 **SEC. 1217. ACCESS TO JUVENILE RECORDS.**

5 Section 5038 of title 18, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking the matter preceding the
9 colon and inserting the following: “Throughout
10 and upon completion of the juvenile delinquency
11 proceeding, the court records of the original
12 proceeding shall be safeguarded from disclosure
13 to unauthorized persons. The records shall be
14 released to the extent necessary to meet the fol-
15 lowing circumstances”; and

16 (B) by striking paragraph (6) and insert-
17 ing the following:

18 “(6) inquiries from any victim of such juvenile
19 delinquency, or in appropriate cases with the official
20 representative of the victim, or, if the victim is de-
21 ceased, from the immediate family of such victim in
22 order to—

23 “(A) apprise such victim or representative
24 of the status or disposition of the proceeding;

1 “(B) effectuate any other provision of law;

2 or

3 “(C) assist in a victim’s or the victim’s of-
4 ficial representative’s, allocution at disposi-
5 tion;”;

6 (2) by striking subsections (d) and (f) and re-
7 designating subsection (e) as subsection (d); and

8 (3) by adding at the end the following:

9 “(e) RECORDS AND INFORMATION.—

10 “(1) JUVENILE DELINQUENCY RECORDS.—If a
11 juvenile has been adjudicated delinquent for an act
12 that, if committed by an adult, would be a felony or
13 for a violation of section 922(x)—

14 “(A) the juvenile shall be fingerprinted and
15 photographed, and the fingerprints and photo-
16 graph shall be sent to the Federal Bureau of
17 Investigation;

18 “(B) the court shall transmit to the Fed-
19 eral Bureau of Investigation the information
20 concerning the adjudication, including the
21 name, date of adjudication, court, offenses, and
22 sentence of the juvenile, along with the notation
23 that the matter was a juvenile adjudication; and

24 “(C) access to the fingerprints, photo-
25 graph, and other records and information relat-

1 ing to a juvenile described in this subsection,
2 shall be restricted as prescribed by subsection
3 (a).

4 “(2) JUVENILES TRIED AS ADULTS.—Finger-
5 prints and photographs of a juvenile who is pros-
6 ecuted as an adult shall be made available in the
7 manner applicable to adult defendants.

8 “(f) ADDITIONAL AUTHORIZATION.—In addition to
9 any other authorization under this section for the report-
10 ing, retention, disclosure, or availability of records or in-
11 formation, if the law of the State in which a Federal juve-
12 nile delinquency proceeding takes place permits or re-
13 quires the reporting, retention, disclosure, or availability
14 of records or information relating to a juvenile or to a
15 juvenile delinquency proceeding or adjudication in certain
16 circumstances, then such reporting, retention, disclosure,
17 or availability is permitted under this section in any case
18 in which the same circumstances exist.”.

19 **SEC. 1218. TECHNICAL AMENDMENTS OF SECTION 5034.**

20 Section 5034 of title 18, United States Code, as
21 amended by section 1214, is amended by—

22 (1) striking “his” each place it appears and in-
23 serting “the juvenile’s”; and

24 (2) striking “magistrate” each place it appears
25 and inserting “judicial officer”.

1 **SEC. 1219. DEFINITIONS.**

2 Section 5031 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 5031. Definitions**

5 “In this chapter:

6 “(1) **ADULT JAIL OR CORRECTIONAL FACIL-**
7 **ITY.**—The term ‘adult jail or correctional facility’
8 means a locked facility that is used by a State, unit
9 of local government, or any law enforcement author-
10 ity to detain or confine adults—

11 “(A) pending the filing of a charge of vio-
12 lating a criminal law;

13 “(B) awaiting trial on a criminal charge;
14 or

15 “(C) convicted of violating a criminal law.

16 “(2) **COMMUNITY-BASED FACILITY, PROGRAM,**
17 **OR SERVICE.**—The term ‘community-based facility,
18 program, or service’ means, with respect to a juve-
19 nile, a small, open group home or other suitable
20 place located near the juvenile’s home or family and
21 programs of community supervision and service that
22 maintain community and consumer participation in
23 the planning operation, and evaluation of those pro-
24 grams (which may include medical, educational, vo-
25 cational, social and psychological guidance, training,

1 special education, counseling, alcoholism treatment,
2 drug treatment, and other rehabilitative services).

3 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
4 means an Indian or Alaskan native tribe, band, na-
5 tion, pueblo, village, or community that the Sec-
6 retary of the Interior acknowledges to exist as an In-
7 dian tribe pursuant to section 104 of the Federally
8 Recognized Indian Tribe List Act of 1994 (25
9 U.S.C. 479a–1).

10 “(4) INDIAN TRIBAL GOVERNMENT.—The term
11 ‘Indian tribal government’ means the legally recog-
12 nized leadership of an Indian tribe, band, nation,
13 pueblo, village, or community.

14 “(5) JUVENILE.—The term ‘juvenile’ means—
15 “(A) a person who has not attained his or
16 her 18th birthday; or
17 “(B) for the purpose of proceedings and
18 disposition under this chapter for an alleged act
19 of juvenile delinquency, a person who has not
20 attained his or her 21st birthday.

21 “(6) JUVENILE DELINQUENCY.—The term ‘ju-
22 venile delinquency’ means the violation of a law of
23 the United States committed by a person prior to
24 the 18th birthday of that person, if the violation—

1 “(A) would have been a crime if committed
2 by an adult; or

3 “(B) is a violation of section 922(x).

4 “(7) PROHIBITED PHYSICAL CONTACT.—

5 “(A) IN GENERAL.—The term ‘prohibited
6 physical contact’ means—

7 “(i) any physical contact between a
8 juvenile and an adult inmate; and

9 “(ii) proximity that provides an op-
10 portunity for physical contact between a
11 juvenile and an adult inmate.

12 “(B) EXCLUSION.—The term does not in-
13 clude supervised proximity between a juvenile
14 and an adult inmate that is brief and incidental
15 or accidental.

16 “(8) SUSTAINED ORAL COMMUNICATION.—

17 “(A) IN GENERAL.—The term ‘sustained
18 oral communication’ means the imparting or
19 interchange of speech by or between an adult
20 inmate and a juvenile.

21 “(B) EXCEPTION.—The term does not in-
22 clude—

23 “(i) communication that is accidental
24 or incidental; or

1 “(ii) sounds or noises that cannot rea-
2 sonably be considered to be speech.

3 “(9) STATE.—The term ‘State’ includes a State
4 of the United States, the District of Columbia, any
5 commonwealth, territory, or possession of the United
6 States and, with regard to an act of juvenile delin-
7 quency that would have been a misdemeanor if com-
8 mitted by an adult, an Indian tribe (as that term is
9 defined in section 4(e) of the Indian Self-Determina-
10 tion and Education Assistance Act (25 U.S.C.
11 4506(e))).

12 “(10) VIOLENT JUVENILE.—The term ‘violent
13 juvenile’ means any juvenile who is alleged to have
14 committed, has been adjudicated delinquent for, or
15 has been convicted of an offense that, if committed
16 by an adult, would be a crime of violence (as that
17 term is defined in section 16).”.

18 **PART 2—INCARCERATION OF JUVENILES IN THE**

19 **FEDERAL SYSTEM**

20 **SEC. 1220. DETENTION OF JUVENILES PRIOR TO DISPOSI-**

21 **TION OR SENTENCING.**

22 Section 5035 of title 18, United States Code, is
23 amended to read as follows:

24 **“§ 5035. Detention prior to disposition or sentencing**

25 “(a) IN GENERAL.—

1 “(1) JUVENILES 16 YEARS OF AGE OR
2 OLDER.—(A) A juvenile 16 years of age or older
3 prosecuted pursuant to paragraph (2) or (3) of sec-
4 tion 5032(b), if detained at any time prior to sen-
5 tencing, shall be detained in a suitable juvenile facil-
6 ity as the Attorney General may designate. Pref-
7 erence shall be given to a place located within, or
8 within a reasonable distance of, the district in which
9 the juvenile is being prosecuted.

10 “(B)(i) A juvenile 16 years of age or older pros-
11 ecuted pursuant to section 5032(a), if detained at
12 any time prior to sentencing, shall be detained in a
13 suitable juvenile facility located within, or within a
14 reasonable distance of, the district in which the juve-
15 nile is being prosecuted.

16 “(ii) If a facility described in subparagraph
17 (B)(i) is not available, such a juvenile may be de-
18 tained in any other suitable juvenile facility that the
19 Attorney General may designate. To the extent prac-
20 ticable, violent juveniles shall be kept separate from
21 nonviolent juveniles.

22 “(2) JUVENILES LESS THAN 16 YEARS OF
23 AGE.—

24 “(A) IN GENERAL.—A juvenile less than
25 16 years of age prosecuted pursuant to this sec-

1 tion, if detained at any time prior to sentenc-
2 ing, shall be detained in a suitable juvenile fa-
3 cility located within, or within a reasonable dis-
4 tance of, the district in which the juvenile is
5 being prosecuted.

6 “(B) UNAVAILABILITY OF CERTAIN FACILI-
7 TIES.—If a facility described in subparagraph
8 (A) is not available, such a juvenile may be de-
9 tained in any other suitable juvenile facility
10 that the Attorney General may designate. To
11 the extent practicable, violent juveniles shall be
12 kept separate from nonviolent juveniles.

13 “(b) PROHIBITION.—A juvenile less than 16 years of
14 age prosecuted pursuant to this section shall not be de-
15 tained prior to disposition or sentencing in any facility in
16 which the juvenile has prohibited physical contact or sus-
17 tained oral communication with adult persons convicted
18 of a crime or awaiting trial on criminal charges.

19 “(c) PROVISION OF SAFETY, SECURITY, AND OTHER
20 AMENITIES.—Every juvenile who is detained prior to dis-
21 position or sentencing shall be provided with reasonable
22 safety and security and with adequate food, heat, light,
23 sanitary facilities, bedding, clothing, recreation, education,
24 and medical care, including necessary psychiatric, psycho-
25 logical, or other care and treatment.”.

1 **SEC. 1221. RULES GOVERNING THE COMMITMENT OF JUVE-**
2 **NILES.**

3 Section 5039 of title 18, United States Code, is
4 amended to read as follows:

5 **“§ 5039. Commitment**

6 **“(a) IN GENERAL.—**

7 **“(1) PROHIBITION.—**The Attorney General
8 shall not cause any person less than 18 years of age
9 adjudicated delinquent under section 5032(a), or
10 any person less than 16 years of age convicted of an
11 offense to be placed or retained in an adult jail or
12 correctional facility in which the person has prohib-
13 ited physical contact or sustained oral communica-
14 tion with adults incarcerated because they have been
15 convicted of a crime or are awaiting trial on criminal
16 charges.

17 **“(2) FACILITIES NEAR HOME.—**Whenever pos-
18 sible, the Attorney General shall commit a juvenile
19 described in paragraph (1) to a foster home or com-
20 munity-based facility located in or near the home
21 community of that juvenile. To the extent prac-
22 ticable, violent juveniles shall be kept separate from
23 nonviolent juveniles.

24 **“(b) PROVISION OF AMENITIES.—**Each juvenile who
25 has been committed under subsection (a) shall be provided
26 with reasonable safety and security and with adequate

1 food, heat, light, sanitary facilities, bedding, clothing,
 2 recreation, counseling, education, training, and medical
 3 care including necessary psychiatric, psychological, or
 4 other care and treatment.”.

5 **Subtitle C—Assistance to States for**
 6 **Prosecuting and Punishing Ju-**
 7 **venile Offenders, and Reducing**
 8 **Juvenile Crime**

9 **SEC. 1300. JUVENILE AND VIOLENT OFFENDER INCARCER-**
 10 **ATION GRANTS.**

11 (a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE
 12 FACILITIES.—

13 (1) DEFINITIONS.—In this subsection:

14 (A) COLOCATED FACILITY.—The term “co-
 15 located facility” means the location of adult and
 16 juvenile facilities on the same property in a
 17 manner consistent with regulations issued by
 18 the Attorney General to ensure that adults and
 19 juveniles are substantially segregated.

20 (B) SUBSTANTIALLY SEGREGATED.—The
 21 term “substantially segregated” means—

22 (i) complete sight and sound separa-
 23 tion in residential confinement;

24 (ii) use of shared direct care and
 25 management staff, properly trained and

1 certified by the State to interact with juve-
2 nile offenders, if the staff does not interact
3 with adult and juvenile offenders during
4 the same shift; and

5 (iii) incidental contact during trans-
6 portation to court proceedings and other
7 activities in accordance with regulations
8 issued by the Attorney General to ensure
9 reasonable efforts are made to segregate
10 adults and juveniles.

11 (C) VIOLENT JUVENILE OFFENDER.—The
12 term “violent juvenile offender” means a person
13 under the age of majority pursuant to State law
14 that has been adjudicated delinquent or con-
15 victed in adult court of a violent felony as de-
16 fined in section 924(e)(2)(B) of title 18, United
17 States Code.

18 (D) QUALIFYING STATE.—The term
19 “qualifying State” means a State that has sub-
20 mitted, or a State in which an eligible unit of
21 local government has submitted, a grant appli-
22 cation that meets the requirements of para-
23 graphs (3) and (5).

24 (2) AUTHORITY.—

1 (A) IN GENERAL.—The Attorney General
2 may make grants in accordance with this sub-
3 section to States, units of local government, or
4 any combination thereof, to assist them in plan-
5 ning, establishing, and operating secure facili-
6 ties, staff-secure facilities, detention centers,
7 and other correctional programs for violent ju-
8 venile offenders.

9 (B) USE OF AMOUNTS.—Grants under this
10 subsection may be used—

11 (i) for colocated facilities for adult
12 prisoners and violent juvenile offenders;
13 and

14 (ii) only for the construction or oper-
15 ation of facilities in which violent juvenile
16 offenders are substantially segregated from
17 nonviolent juvenile offenders.

18 (3) APPLICATIONS.—

19 (A) IN GENERAL.—The chief executive of-
20 ficer of a State or unit of local government that
21 seeks to receive a grant under this subsection
22 shall submit to the Attorney General an appli-
23 cation, in such form and in such manner as the
24 Attorney General may prescribe.

1 (B) CONTENTS.—Each application submit-
2 ted under subparagraph (A) shall provide writ-
3 ten assurances that each facility or program
4 funded with a grant under this subsection—

5 (i) will provide appropriate edu-
6 cational and vocational training, a program
7 of substance abuse testing, and substance
8 abuse treatment for appropriate juvenile
9 offenders; and

10 (ii) will afford juvenile offenders in-
11 tensive post-release supervision and serv-
12 ices.

13 (4) MINIMUM AMOUNT.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), each qualifying State, to-
16 gether with units of local government within the
17 State, shall be allocated for each fiscal year not
18 less than 1.0 percent of the total amount made
19 available in each fiscal year for grants under
20 this subsection.

21 (B) EXCEPTION.—The United States Vir-
22 gin Islands, American Samoa, Guam, and the
23 Northern Mariana Islands shall each be allo-
24 cated 0.2 percent of the total amount made

1 available in each fiscal year for grants under
2 this subsection.

3 (5) PERFORMANCE EVALUATION.—

4 (A) EVALUATION COMPONENTS.—

5 (i) IN GENERAL.—Each facility or
6 program funded under this subsection shall
7 contain an evaluation component developed
8 pursuant to guidelines established by the
9 Attorney General.

10 (ii) OUTCOME MEASURES.—The eval-
11 uations required by this subsection shall
12 include outcome measures that can be used
13 to determine the effectiveness of the fund-
14 ed programs, including the effectiveness of
15 such programs in comparison with other
16 correctional programs or dispositions in re-
17 ducing the incidence of recidivism, and
18 other outcome measures.

19 (B) PERIODIC REVIEW AND REPORTS.—

20 (i) REVIEW.—The Attorney General
21 shall review the performance of each grant
22 recipient under this subsection.

23 (ii) REPORTS.—The Attorney General
24 may require a grant recipient to submit to
25 the Office of Justice Programs, Correc-

1 tions Programs Office the results of the
2 evaluations required under subparagraph
3 (A) and such other data and information
4 as are reasonably necessary to carry out
5 the responsibilities of the Attorney General
6 under this subsection.

7 (6) TECHNICAL ASSISTANCE AND TRAINING.—
8 The Attorney General shall provide technical assist-
9 ance and training to grant recipients under this sub-
10 section to achieve the purposes of this subsection.

11 (b) JUVENILE FACILITIES ON TRIBAL LANDS.—

12 (1) RESERVATION OF FUNDS.—Of amounts
13 made available to carry out section 214 of this Act
14 under section 20108(a)(2)(A) of the Violent Crime
15 Control and Law Enforcement Act of 1994 (42
16 U.S.C. 13708(a)(2)(A)), the Attorney General shall
17 reserve, to carry out this subsection, 0.75 percent
18 for each of fiscal years 1999 through 2002.

19 (2) GRANTS TO INDIAN TRIBES.—Of amounts
20 reserved under paragraph (1), the Attorney General
21 may make grants to Indian tribes or to regional
22 groups of Indian tribes for the purpose of construct-
23 ing secure facilities, staff-secure facilities, detention
24 centers, and other correctional programs for incar-

1 ceration of juvenile offenders subject to tribal juris-
2 diction.

3 (3) APPLICATIONS.—To be eligible to receive a
4 grant under this section, an Indian tribe shall sub-
5 mit to the Attorney General an application in such
6 form and containing such information as the Attor-
7 ney General may by regulation require.

8 (4) REGIONAL GROUPS.—Individual Indian
9 tribes from a geographic region may apply for
10 grants under paragraph (2) jointly for the purpose
11 of building regional facilities.

12 (c) REPORT ON ACCOUNTABILITY AND PERFORM-
13 ANCE MEASURES IN JUVENILE CORRECTIONS PRO-
14 GRAMS.—

15 (1) IN GENERAL.—Not later than 6 months
16 after the date of enactment of this Act, the Attorney
17 General shall, after consultation with the National
18 Institute of Justice and other appropriate govern-
19 mental and nongovernmental organizations, submit
20 to Congress a report regarding the possible use of
21 performance-based criteria in evaluating and improv-
22 ing the effectiveness of juvenile corrections facilities
23 and programs.

24 (2) CONTENTS.—The report required under
25 this subsection shall include an analysis of—

1 (A) the range of performance-based meas-
2 ures that might be utilized as evaluation cri-
3 teria, including measures of recidivism among
4 juveniles who have been incarcerated in facili-
5 ties or have participated in correctional pro-
6 grams;

7 (B) the feasibility of linking Federal juve-
8 nile corrections funding to the satisfaction of
9 performance-based criteria by grantees (includ-
10 ing the use of a Federal matching mechanism
11 under which the share of Federal funding would
12 vary in relation to the performance of a pro-
13 gram or facility);

14 (C) whether, and to what extent, the data
15 necessary for the Attorney General to utilize
16 performance-based criteria in the Attorney Gen-
17 eral's administration of juvenile corrections pro-
18 grams are collected and reported nationally;
19 and

20 (D) the estimated cost and feasibility of es-
21 tablishing minimal, uniform data collection and
22 reporting standards nationwide that would
23 allow for the use of performance-based criteria
24 in evaluating juvenile corrections programs and

1 facilities and administering Federal juvenile
2 corrections funds.

3 **SEC. 1301. CERTAIN PUNISHMENT AND GRADUATED SANC-**
4 **TIONS FOR YOUTH OFFENDERS.**

5 (a) FINDINGS AND PURPOSES.—

6 (1) FINDINGS.—Congress finds that—

7 (A) youth violence constitutes a growing
8 threat to the national welfare requiring imme-
9 diate and comprehensive action by the Federal
10 Government to reduce and prevent youth vio-
11 lence;

12 (B) the behavior of youth who become vio-
13 lent offenders often follow a progression, begin-
14 ning with aggressive behavior in school, tru-
15 ancy, and vandalism, leading to property crimes
16 and then serious violent offenses;

17 (C) the juvenile justice systems in most
18 States are ill-equipped to provide meaningful
19 sanctions to minor, nonviolent offenders be-
20 cause most of their resources are dedicated to
21 dealing with more serious offenders;

22 (D) in most States, some youth commit
23 multiple, nonviolent offenses without facing any
24 significant criminal sanction;

1 (E) the failure to provide meaningful
2 criminal sanctions for first time, nonviolent of-
3 fenders sends the false message to youth that
4 they can engage in antisocial behavior without
5 suffering any negative consequences and that
6 society is unwilling or unable to restrain that
7 behavior;

8 (F) studies demonstrate that interventions
9 during the early stages of a criminal career can
10 halt the progression to more serious, violent be-
11 havior; and

12 (G) juvenile courts need access to a range
13 of sentencing options so that at least some level
14 of sanction is imposed on all youth offenders,
15 including status offenders, and the severity of
16 the sanctions increase along with the serious-
17 ness of the offense.

18 (2) PURPOSES.—The purposes of this section
19 are to provide—

20 (A) assistance to State and local juvenile
21 courts to expand the range of sentencing op-
22 tions for first time, nonviolent offenders; and

23 (B) a selection of graduated sanctions for
24 more serious offenses.

25 (b) DEFINITIONS.—In this section:

1 (1) FIRST TIME OFFENDER.—The term “first
2 time offender” means a juvenile against whom for-
3 mal charges have not previously been filed in any
4 Federal or State judicial proceeding.

5 (2) NONVIOLENT OFFENDER.—The term “non-
6 violent offender” means a juvenile who is charged
7 with an offense that does not involve the use of force
8 against the person of another.

9 (3) STATUS OFFENDER.—The term “status of-
10 fender” means a juvenile who is charged with an of-
11 fense that would not be criminal if committed by an
12 adult (other than an offense that constitutes a viola-
13 tion of a valid court order or a violation of section
14 922(x) of title 18, United States Code (or similar
15 State law)).

16 (c) GRANT AUTHORIZATION.—The Attorney General
17 may make grants in accordance with this section to States,
18 State courts, local courts, units of local government, and
19 Indian tribes, for the purposes of—

20 (1) providing juvenile courts with a range of
21 sentencing options such that first time juvenile of-
22 fenders, including status offenders such as truants,
23 vandals, and juveniles in violation of State or local
24 curfew laws, face at least some level of punishment

1 as a result of their initial contact with the juvenile
2 justice system; and

3 (2) increasing the sentencing options available
4 to juvenile court judges so that juvenile offenders re-
5 ceive increasingly severe sanctions—

6 (A) as the seriousness of their unlawful
7 conduct increases; and

8 (B) for each additional offense.

9 (d) APPLICATIONS.—

10 (1) ELIGIBILITY.—In order to be eligible to re-
11 ceive a grant under this section, the chief executive
12 of a State, unit of local government, or Indian tribe,
13 or the chief judge of a local court, shall submit an
14 application to the Attorney General in such form
15 and containing such information as the Attorney
16 General may reasonably require.

17 (2) REQUIREMENTS.—Each application submit-
18 ted in accordance with paragraph (1) shall include—

19 (A) a request for a grant to be used for
20 the purposes described in this section;

21 (B) a description of the communities to be
22 served by the grant, including the extent of
23 youth crime and violence in those communities;

24 (C) written assurances that Federal funds
25 received under this subtitle will be used to sup-

1 plement, not supplant, non-Federal funds that
2 would otherwise be available for activities fund-
3 ed under this subsection;

4 (D) a comprehensive plan described in
5 paragraph (3) (in this section referred to as the
6 “comprehensive plan”); and

7 (E) any additional information in such
8 form and containing such information as the
9 Attorney General may reasonably require.

10 (3) IMPLEMENTATION PLAN.—For purposes of
11 paragraph (2), a comprehensive plan shall include—

12 (A) an action plan outlining the manner in
13 which the applicant will achieve the purposes
14 described in subsection (c)(1);

15 (B) a description of any resources available
16 in the jurisdiction of the applicant to implement
17 the action plan described in subparagraph (A);

18 (C) an estimate of the costs of full imple-
19 mentation of the plan; and

20 (D) a plan for evaluating the impact of the
21 grant on the jurisdiction’s juvenile justice sys-
22 tem.

23 (e) GRANT AWARDS.—

1 (1) CONSIDERATIONS.—In awarding grants
2 under this section, the Attorney General shall con-
3 sider—

4 (A) the ability of the applicant to provide
5 the stated services;

6 (B) the level of youth crime, violence, and
7 drug use in the community; and

8 (C) to the extent practicable, achievement
9 of an equitable geographic distribution of the
10 grant awards.

11 (2) ALLOCATIONS.—

12 (A) IN GENERAL.—The Attorney General
13 shall allot not less than 0.75 percent of the
14 total amount made available to carry out this
15 section in each fiscal year to applicants in each
16 State from which applicants have applied for
17 grants under this section.

18 (B) INDIAN TRIBES.—The Attorney Gen-
19 eral shall allocate not less than 0.75 percent of
20 the total amount made available to carry out
21 this section in each fiscal year to Indian tribes.

22 (f) USE OF GRANT AMOUNTS.—

23 (1) IN GENERAL.—Each grant made under this
24 section shall be used to establish programs that—

1 (A) expand the number of judges, prosecu-
2 tors, and public defenders for the purpose of
3 imposing sanctions on first time juvenile offend-
4 ers and status offenders and for establishing re-
5 storative justice boards involving members of
6 the community;

7 (B) provide expanded sentencing options,
8 such as restitution, community service, drug
9 testing and treatment, mandatory job training,
10 curfews, house arrest, mandatory work projects,
11 and boot camps, for status offenders and non-
12 violent offenders;

13 (C) increase staffing for probation officers
14 to supervise status offenders and nonviolent of-
15 fenders to ensure that sanctions are enforced;

16 (D) provide aftercare and supervision for
17 status and nonviolent offenders, such as drug
18 education and drug treatment, vocational train-
19 ing, job placement, and family counseling;

20 (E) encourage private sector employees to
21 provide training and work opportunities for sta-
22 tus offenders and nonviolent offenders; and

23 (F) provide services and interventions for
24 status and nonviolent offenders designed, in

1 tandem with criminal sanctions, to reduce the
2 likelihood of further criminal behavior.

3 (2) PROHIBITION ON USE OF AMOUNTS.—

4 (A) DEFINITIONS.—In this paragraph:

5 (i) ALIEN.—The term “alien” has the
6 same meaning as in section 101(a) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1101(a)).

9 (ii) SECURE DETENTION FACILITY;
10 SECURE CORRECTIONAL FACILITY.—The
11 terms “secure detention facility” and “se-
12 cure correctional facility” have the same
13 meanings as in section 103 of the Juvenile
14 Justice and Delinquency Prevention Act of
15 1974 (42 U.S.C. 5603).

16 (B) PROHIBITION.—No amounts made
17 available under this subtitle may be used for
18 any program that permits the placement of sta-
19 tus offenders, alien juveniles in custody, or non-
20 offender juveniles (such as dependent or ne-
21 glected children) in secure detention facilities or
22 secure correctional facilities.

23 (g) GRANT LIMITATIONS.—Not more than 3 percent
24 of the amounts made available to the Attorney General

1 or a grant recipient under this section may be used for
2 administrative purposes.

3 (h) FEDERAL SHARE.—

4 (1) IN GENERAL.—Subject to paragraphs (2)
5 and (3), the Federal share of a grant made under
6 this section may not exceed 90 percent of the total
7 estimated costs of the program described in the com-
8 prehensive plan submitted under subsection (d)(3)
9 for the fiscal year for which the program receives as-
10 sistance under this section.

11 (2) WAIVER.—The Attorney General may
12 waive, in whole or in part, the requirements of para-
13 graph (1).

14 (3) IN-KIND CONTRIBUTIONS.—For purposes of
15 paragraph (1), in-kind contributions may constitute
16 any portion of the non-Federal share of a grant
17 under this section.

18 (i) REPORT AND EVALUATION.—

19 (1) REPORT TO THE ATTORNEY GENERAL.—
20 Not later than October 1, 1999, and October 1 of
21 each year thereafter, each grant recipient under this
22 section shall submit to the Attorney General a report
23 that describes, for the year to which the report re-
24 lates, any progress achieved in carrying out the com-
25 prehensive plan of the grant recipient.

1 (2) EVALUATION AND REPORT TO CONGRESS.—
2 Not later than March 1, 2000, and March 1 of each
3 year thereafter, the Attorney General shall submit to
4 Congress an evaluation and report that contains a
5 detailed statement regarding grant awards, activities
6 of grant recipients, a compilation of statistical infor-
7 mation submitted by grant recipients under this sec-
8 tion, and an evaluation of programs established by
9 grant recipients under this section.

10 (3) CRITERIA.—In assessing the effectiveness of
11 the programs established and operated by grant re-
12 cipients pursuant to this section, the Attorney Gen-
13 eral shall consider—

14 (A) a comparison between the number of
15 first time offenders who received a sanction for
16 criminal behavior in the jurisdiction of the
17 grant recipient before and after initiation of the
18 program;

19 (B) changes in the recidivism rate for first
20 time offenders in the jurisdiction of the grant
21 recipient;

22 (C) a comparison of the recidivism rates
23 and the seriousness of future offenses of first
24 time offenders in the jurisdiction of the grant

1 recipient that receive a sanction and those who
2 do not;

3 (D) changes in truancy rates of the public
4 schools in the jurisdiction of the grant recipient;
5 and

6 (E) changes in the arrest rates for vandal-
7 ism and other property crimes in the jurisdic-
8 tion of the grant recipient.

9 (4) DOCUMENTS AND INFORMATION.—Each
10 grant recipient under this section shall provide the
11 Attorney General with all documents and informa-
12 tion that the Attorney General determines to be nec-
13 essary to conduct an evaluation of the effectiveness
14 of programs funded under this section.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 from the Violent Crime Reduction Trust Fund—

18 (1) such sums as may be necessary for each of
19 the fiscal years 1999 and 2000; and

20 (2) \$175,000,000 for each of the fiscal years
21 2001 and 2002.

1 **SEC. 1302. PILOT PROGRAM TO PROMOTE REPLICATION OF**
2 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
3 **DUCTION STRATEGIES.**

4 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF
5 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION
6 STRATEGIES.—

7 (1) ESTABLISHMENT.—The Attorney General
8 (or a designee of the Attorney General), in conjunc-
9 tion with the Secretary of the Treasury (or the des-
10 ignee of the Secretary), shall establish a pilot pro-
11 gram (in this section referred to as the “program”)
12 to encourage and support communities who adopt a
13 comprehensive approach to suppressing and prevent-
14 ing violent juvenile crime patterned after successful
15 State juvenile crime reduction strategies.

16 (2) PROGRAM.—In carrying out the program,
17 the Attorney General shall—

18 (A) make and track grants to grant recipi-
19 ents (in this section referred to as “coalitions”);

20 (B) in conjunction with the Secretary of
21 the Treasury, provide for technical assistance
22 and training, data collection, and dissemination
23 of relevant information; and

24 (C) provide for the general administration
25 of the program.

1 (3) ADMINISTRATION.—Not later than 30 days
2 after the date of enactment of this Act, the Attorney
3 General shall appoint an Administrator (in this sec-
4 tion referred to as the “Administrator”) to carry out
5 the program.

6 (4) PROGRAM AUTHORIZATION.—To be eligible
7 to receive an initial grant or a renewal grant under
8 this section, a coalition shall meet each of the follow-
9 ing criteria:

10 (A) COMPOSITION.—The coalition shall
11 consist of 1 or more representatives of—

12 (i) the local police department or sher-
13 iff’s department;

14 (ii) the local prosecutors’ office;

15 (iii) the United States Attorney’s of-
16 fice;

17 (iv) the Federal Bureau of Investiga-
18 tion;

19 (v) the Bureau of Alcohol, Tobacco
20 and Firearms;

21 (vi) State or local probation officers;

22 (vii) religious affiliated or fraternal
23 organizations involved in crime prevention;

24 (viii) schools;

1 (ix) parents or local grass roots orga-
2 nizations such as neighborhood watch
3 groups; and

4 (x) social service agencies involved in
5 crime prevention.

6 (B) OTHER PARTICIPANTS.—If possible, in
7 addition to the representatives from the cat-
8 egories listed in subparagraph (A), the coalition
9 shall include—

10 (i) representatives from the business
11 community; and

12 (ii) researchers who have studied
13 criminal justice and can offer technical or
14 other assistance.

15 (C) COORDINATED STRATEGY.—A coalition
16 shall submit to the Attorney General, or the At-
17 torney General’s designee, a comprehensive plan
18 for reducing violent juvenile crime. To be eligi-
19 ble for consideration, a plan shall—

20 (i) ensure close collaboration among
21 all members of the coalition in suppressing
22 and preventing juvenile crime;

23 (ii) place heavy emphasis on coordi-
24 nated enforcement initiatives, such as Fed-
25 eral and State programs that coordinate

1 local police departments, prosecutors, and
2 local community leaders to focus on the
3 suppression of violent juvenile crime involv-
4 ing gangs;

5 (iii) ensure that there is close collabo-
6 ration between police and probation offi-
7 cers in the supervision of juvenile offend-
8 ers, such as initiatives that coordinate the
9 efforts of parents, school officials, and po-
10 lice and probation officers to patrol the
11 streets and make home visits to ensure
12 that offenders comply with the terms of
13 their probation;

14 (iv) ensure that a program is in place
15 to trace all firearms seized from crime
16 scenes or offenders in an effort to identify
17 illegal gun traffickers; and

18 (v) ensure that effective crime preven-
19 tion programs are in place, such as pro-
20 grams that provide after-school safe havens
21 and other opportunities for at-risk youth to
22 escape or avoid gang or other criminal ac-
23 tivity, and to reduce recidivism.

24 (D) ACCOUNTABILITY.—A coalition shall—

1 (i) establish a system to measure and
2 report outcomes consistent with common
3 indicators and evaluation protocols estab-
4 lished by the Administrator and which re-
5 ceives the approval of the Administrator;
6 and

7 (ii) devise a detailed model for meas-
8 uring and evaluating the success of the
9 plan of the coalition in reducing violent ju-
10 venile crime, and provide assurances that
11 the plan will be evaluated on a regular
12 basis to assess progress in reducing violent
13 juvenile crime.

14 (5) GRANT AMOUNTS.—

15 (A) IN GENERAL.—The Administrator may
16 grant to an eligible coalition under this para-
17 graph, an amount not to exceed the amount of
18 non-Federal funds raised by the coalition, in-
19 cluding in-kind contributions, for that fiscal
20 year.

21 (B) NONSUPPLANTING REQUIREMENT.—A
22 coalition seeking funds shall provide reasonable
23 assurances that funds made available under this
24 program to States or units of local government
25 shall be so used as to supplement and increase

1 (but not supplant) the level of the State, local,
2 and other non-Federal funds that would in the
3 absence of such Federal funds be made avail-
4 able for programs described in this section, and
5 shall in no event replace such State, local, or
6 other non-Federal funds.

7 (C) SUSPENSION OF GRANTS.—If a coali-
8 tion fails to continue to meet the criteria set
9 forth in this section, the Administrator may
10 suspend the grant, after providing written no-
11 tice to the grant recipient and an opportunity
12 to appeal.

13 (D) RENEWAL GRANTS.—Subject to sub-
14 paragraph (D), the Administrator may award a
15 renewal grant to grant recipient under this sub-
16 paragraph for each fiscal year following the fis-
17 cal year for which an initial grant is awarded,
18 in an amount not to exceed the amount of non-
19 Federal funds raised by the coalition, including
20 in-kind contributions, for that fiscal year, dur-
21 ing the 4-year period following the period of the
22 initial grant.

23 (E) LIMITATION.—The amount of a grant
24 award under this section may not exceed
25 \$300,000 for a fiscal year.

1 (6) PERMITTED USE OF FUNDS.—A coalition
2 receiving funds under this section may expend such
3 Federal funds on any use or program that is con-
4 tained in the plan submitted to the Administrator.

5 (7) CONGRESSIONAL CONSULTATION.—Two
6 years after the date of implementation of the pro-
7 gram established in this section, the General Ac-
8 counting Office shall submit a report to Congress re-
9 viewing the effectiveness of the program in suppress-
10 ing and reducing violent juvenile crime in the par-
11 ticipating communities. The report shall contain an
12 analysis of each community participating in the pro-
13 gram, along with information regarding the plan un-
14 dertaken in the community, and the effectiveness of
15 the plan in reducing violent juvenile crime. The re-
16 port shall contain recommendations regarding the ef-
17 ficacy of continuing the program.

18 (b) INFORMATION COLLECTION AND DISSEMINATION
19 WITH RESPECT TO COALITIONS.—

20 (1) COALITION INFORMATION.—For the pur-
21 pose of audit and examination, the Administrator—

22 (A) shall have access to any books, docu-
23 ments, papers, and records that are pertinent to
24 any grant or grant renewal request under this
25 section; and

1 (B) may periodically request information
2 from a coalition to ensure that the coalition
3 meets the applicable criteria.

4 (2) REPORTING.—The Administrator shall, to
5 the maximum extent practicable and in a manner
6 consistent with applicable law, minimize reporting
7 requirements by a coalition and expedite any appli-
8 cation for a renewal grant made under this section.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated from the Violent Crime
11 Reduction Trust Fund to carry out this section,
12 \$3,000,000 in each of fiscal years 1999, 2000, and 2001.

13 **SEC. 1303. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
14 **CARCERATING JUVENILE ALIEN OFFENDERS.**

15 (a) IN GENERAL.—Section 501 of the Immigration
16 Reform and Control Act of 1986 (8 U.S.C. 1365) is
17 amended—

18 (1) in subsection (a), by inserting “or illegal ju-
19 venile alien who has been adjudicated delinquent and
20 committed to a juvenile correctional facility by such
21 State or locality” before the period;

22 (2) in subsection (b), by inserting “(including
23 any juvenile alien who has been adjudicated delin-
24 quent and has been committed to a correctional fa-

1 cility)” before “who is in the United States unlaw-
2 fully”; and

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

4 “(f) JUVENILE ALIEN DEFINED.—In this section,
5 the term ‘juvenile alien’ means an alien (as that term is
6 defined in section 101(a)(3) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1103)) who has been adjudicated
8 delinquent and committed to a correctional facility by a
9 State or locality as a juvenile offender.”.

10 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
11 migration Reform and Immigrant Responsibility Act of
12 1996 (8 U.S.C. 1366) is amended—

13 (1) by striking “and” at the end of paragraph
14 (3);

15 (2) by striking the period at the end of para-
16 graph (4) and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(5) the number of illegal juvenile aliens that
19 are committed to State or local juvenile correctional
20 facilities, including the type of offense committed by
21 each juvenile.”.

22 (c) CONFORMING AMENDMENT.—Section
23 241(i)(3)(B) of the Immigration and Nationality Act (8
24 U.S.C. 1231(i)(3)(B)) is amended—

25 (1) by striking “or” at the end of clause (ii);

1 (2) by striking the period at the end of clause

2 (iii) and inserting “; or”; and

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

4 “(iv) is a juvenile alien with respect to
5 whom section 501 of the Immigration Re-
6 form and Control Act of 1986 applies.”.

7 **Subtitle D—Protecting Children**
8 **From Violence**

9 **PART 1—GUN OFFENSES**

10 **SEC. 1410. GUN BAN FOR DANGEROUS JUVENILE OFFEND-**
11 **ERS.**

12 (a) DEFINITION.—Section 921(a)(20) of title 18,
13 United States Code, is amended—

14 (1) by inserting “(A)” after “(20)”;

15 (2) by redesignating subparagraphs (A) and
16 (B) as clauses (i) and (ii);

17 (3) by inserting after subparagraph (A) the fol-
18 lowing new subparagraph:

19 “(B) For purposes of section 922(d), (g),
20 and (s) of this chapter, the term ‘act of juvenile
21 delinquency’ means an adjudication of delin-
22 quency based on a finding of the commission of
23 an act by a person prior to his or her eight-
24 eenth birthday that, if committed by an adult,
25 would be a serious drug offense or violent fel-

1 ony (as defined in section 3559(c)(2) of this
2 title), on or after the date of enactment of this
3 paragraph.”; and

4 (4) by striking “What constitutes” through the
5 end and inserting the following: “What constitutes a
6 conviction of such a crime or an adjudication of ju-
7 venile delinquency shall be determined in accordance
8 with law of the jurisdiction in which the proceedings
9 were held. Any State conviction or adjudication of
10 delinquency which has been expunged or set aside
11 for which a person has been pardoned or has had
12 civil rights restored by the jurisdiction in which the
13 conviction or adjudication of delinquency occurred
14 shall not be considered a conviction or adjudication
15 of delinquency.

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

18 (1) in subsection (d)—

19 (A) by striking “or” at the end of para-
20 graph (8);

21 (B) by striking the period at the end of
22 paragraph (9) and inserting “; or”; and

23 (C) by inserting after paragraph (9) the
24 following:

1 “(10) who has committed an act of juvenile de-
2 linquency.”;

3 (2) in subsection (g)—

4 (A) by striking “or” at the end of para-
5 graph (8);

6 (B) by striking the period at the end of
7 paragraph (9) and inserting “; or”; and

8 (C) by inserting after paragraph (9) the
9 following:

10 “(10) who has committed an act of juvenile de-
11 linquency.”; and

12 (3) in subsection (s)(3)(B)—

13 (A) by striking “and” at the end of clause
14 (vi);

15 (B) by inserting “and” after the semicolon
16 at the end of clause (vii); and

17 (C) by inserting after clause (vii) the fol-
18 lowing:

19 “(viii) has not committed an act of ju-
20 venile delinquency.”.

21 **SEC. 1411. IMPROVING FIREARMS SAFETY.**

22 (a) **SECURE GUN STORAGE DEVICE.**—Section 921(a)
23 of title 18, United States Code, is amended by adding at
24 the end the following:

1 “(34) The term ‘secure gun storage or safety
2 device’ means—

3 “(A) a device that, when installed on a
4 firearm, is designed to prevent the firearm from
5 being operated without first deactivating the de-
6 vice;

7 “(B) a device incorporated into the design
8 of the firearm that is designed to prevent the
9 operation of the firearm by anyone not having
10 access to the device; or

11 “(C) a safe, gun safe, gun case, lock box,
12 or other device that is designed to be or can be
13 used to store a firearm and that is designed to
14 be unlocked only by means of a key, a combina-
15 tion, or other similar means.”.

16 (b) CERTIFICATION REQUIRED IN APPLICATION FOR
17 DEALER’S LICENSE.—Section 923(d)(1) of title 18,
18 United States Code, is amended—

19 (1) in subparagraph (E), by striking “and” at
20 the end;

21 (2) in subparagraph (F), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(G) in the case of an application to be li-
25 censed as a dealer, the applicant certifies that

1 secure gun storage or safety devices will be
2 available at any place in which firearms are
3 sold under the license to persons who are not
4 licensees (subject to the exception that in any
5 case in which a secure gun storage or safety de-
6 vice is temporarily unavailable because of theft,
7 casualty loss, consumer sales, backorders from
8 a manufacturer, or any other similar reason be-
9 yond the control of the licensee, the dealer shall
10 not be considered to be in violation of the re-
11 quirement under this subparagraph to make
12 available such a device).”.

13 (c) REVOCATION OF DEALER’S LICENSE FOR FAIL-
14 URE TO HAVE SECURE GUN STORAGE OR SAFETY DE-
15 VICES AVAILABLE.—The first sentence of section 923(e)
16 of title 18, United States Code, is amended by inserting
17 before the period at the end the following: “or fails to have
18 secure gun storage or safety devices available at any place
19 in which firearms are sold under the license to persons
20 who are not licensees (except that in any case in which
21 a secure gun storage or safety device is temporarily un-
22 available because of theft, casualty loss, consumer sales,
23 backorders from a manufacturer, or any other similar rea-
24 son beyond the control of the licensee, the dealer shall not

1 be considered to be in violation of the requirement to make
2 available such a device)”.
3

4 (d) STATUTORY CONSTRUCTION.—Nothing in the
5 amendments made by this section shall be construed—

6 (1) as creating a cause of action against any
7 firearms dealer or any other person for any civil li-
8 ability; or

9 (2) as establishing any standard of care.

10 **SEC. 1412. ENHANCED PENALTIES FOR DISCHARGING OR**
11 **POSSESSING A FIREARM DURING A CRIME OF**
12 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

13 (a) IN GENERAL.—Section 924(c) of title 18, United
14 States Code, is amended—

15 (1) by striking “(c)” and all that follows
16 through “(2)” and inserting the following:

17 “(c) POSSESSION OF FIREARM DURING COMMISSION
18 OF CRIME OF VIOLENCE OR DRUG TRAFFICKING
19 CRIME.—

20 “(1) TERM OF IMPRISONMENT.—

21 “(A) IN GENERAL.—Except to the extent
22 that a greater minimum sentence is otherwise
23 provided by this subsection or by any other pro-
24 vision of law, any person who, during and in re-
25 lation to any crime of violence or drug traffick-
ing crime (including a crime of violence or drug

1 trafficking crime that provides for an enhanced
2 punishment if committed by the use of a deadly
3 or dangerous weapon or device) for which a per-
4 son may be prosecuted in a court of the United
5 States, uses or carries a firearm, or who, in fur-
6 therance of any such crime, possesses a firearm,
7 shall, in addition to the punishment provided
8 for such crime of violence or drug trafficking
9 crime—

10 “(i) be sentenced to a term of impris-
11 onment of not less than 5 years; and

12 “(ii) if the firearm is discharged, be
13 sentenced to a term of imprisonment of
14 not less than 10 years.

15 “(B) EXCEPTION FOR CERTAIN OF-
16 FENSES.—If the firearm possessed by a person
17 convicted of a violation of this subsection—

18 “(i) is a short-barreled rifle, short-
19 barreled shotgun, or semiautomatic assault
20 weapon, the person shall be sentenced to a
21 term of imprisonment of not less than 10
22 years; and

23 “(ii) is a machinegun or a destructive
24 device, or is equipped with a firearm si-
25 lencer or firearm muffler, the person shall

1 be sentenced to a term of imprisonment of
2 not less than 30 years.

3 “(C) EXCEPTION FOR CERTAIN OFFEND-
4 ERS.—In the case of a second or subsequent
5 conviction under this subsection, a person
6 shall—

7 “(i) be sentenced to a term of impris-
8 onment of not less than 25 years; and

9 “(ii) if the firearm at issue is a ma-
10 chinegun or a destructive device, or is
11 equipped with a firearm silencer or firearm
12 muffler, be sentenced to a term of impris-
13 onment for life.

14 “(D) PROBATION AND CONCURRENT SEN-
15 TENCES.—Notwithstanding any other provision
16 of law—

17 “(i) a court shall not place on proba-
18 tion any person convicted of a violation of
19 this subsection; and

20 “(ii) no term of imprisonment im-
21 posed on a person under this subsection
22 shall run concurrently with any other term
23 of imprisonment imposed on the person,
24 including any term of imprisonment im-
25 posed for the crime of violence or drug

1 trafficking crime during which the firearm
2 was used, carried, or possessed.

3 “(2) DEFINITION OF ‘DRUG TRAFFICKING
4 CRIME’.—”; and

5 (2) in paragraph (3)—

6 (A) by striking “(3) For” and inserting
7 the following:

8 “(3) DEFINITION OF ‘CRIME OF VIOLENCE’.—
9 For”; and

10 (B) by indenting each of subparagraphs

11 (A) and (B) 2 ems to the right.

12 (b) CONFORMING AMENDMENT.—Section
13 3559(c)(2)(F)(i) of title 18, United States Code, is
14 amended by inserting “firearms possession (as described
15 in section 924(c));” after “firearms use;”.

16 **SEC. 1413. JUVENILE HANDGUN SAFETY.**

17 (a) JUVENILE HANDGUN SAFETY.—Section
18 924(a)(6) of title 18, United States Code, is amended—

19 (1) by striking subparagraph (A);

20 (2) by redesignating subparagraph (B) as sub-
21 paragraph (A); and

22 (3) in subparagraph (A), as redesignated—

23 (A) by striking “A person other than a ju-
24 venile who knowingly” and inserting “A person
25 who knowingly”; and

1 (B) in clause (i), by striking “not more
2 than 1 year” and inserting “not more than 5
3 years”.

4 **SEC. 1414. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
5 **CAREER CRIMINAL PREDICATES.**

6 Section 924(e)(2)(A) of title 18, United States Code,
7 is amended—

8 (1) in clause (i), by striking “or” at the end;

9 (2) in clause (ii), by adding “or” at the end;

10 and

11 (3) by adding at the end the following:

12 “(iii) any act of juvenile delinquency that,
13 if committed by an adult, would be an offense
14 described in this paragraph;”.

15 **SEC. 1415. INCREASED PENALTY FOR TRANSFERRING A**
16 **FIREARM TO A MINOR FOR USE IN CRIME OF**
17 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

18 Section 924(h) of title 18, United States Code, is
19 amended by striking “10 years, fined in accordance with
20 this title, or both” and inserting “10 years, and if the
21 transferee is a person who is under 18 years of age, im-
22 prisoned for a term of not more than 15 years, fined in
23 accordance with this title, or both”.

1 **SEC. 1416. INCREASED PENALTY FOR FIREARMS CONSPIR-**
 2 **ACY.**

3 Section 924 of title 18, United States Code, is
 4 amended by adding at the end the following:

5 “(p) Except as otherwise provided in this section, a
 6 person who conspires to commit an offense defined in this
 7 chapter shall be subject to the same penalties (other than
 8 the penalty of death) as those prescribed for the offense
 9 the commission of which is the object of the conspiracy.”.

10 **PART 2—LOCAL GUN VIOLENCE PREVENTION**
 11 **PROGRAMS**

12 **SEC. 1421. COMPETITIVE GRANTS FOR CHILDREN’S FIRE-**
 13 **ARM SAFETY EDUCATION.**

14 (a) PURPOSES.—The purposes of this section are—

15 (1) to award grants to assist local educational
 16 agencies, in consultation with community groups and
 17 law enforcement agencies, to educate children about
 18 and preventing violence; and

19 (2) to assist communities in developing partner-
 20 ships between public schools, community organiza-
 21 tions, law enforcement, and parents in educating
 22 children about preventing gun violence.

23 (b) DEFINITIONS.—In this section:

24 (1) LOCAL EDUCATIONAL AGENCY.—The term
 25 “local educational agency” has the same meaning
 26 given such term in section 14101(18) of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 8701).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Education.

5 (3) STATE.—The term “State” means each of
6 the 50 States, the District of Columbia, the Com-
7 monwealth of Puerto Rico, Guam, American Samoa,
8 the Commonwealth of the Northern Mariana Is-
9 lands, and the United States Virgin Islands.

10 (c) ALLOCATION OF COMPETITIVE GRANTS.—

11 (1) GRANTS BY THE SECRETARY.—For any fis-
12 cal year in which the amount appropriated to carry
13 out this section does not equal or exceed
14 \$50,000,000, the Secretary of Education is author-
15 ized to award competitive grants described under
16 subsection (d).

17 (2) GRANTS BY THE STATES.—For any fiscal
18 year in which the amount appropriated to carry out
19 this section exceeds \$50,000,000, the Secretary shall
20 make allotments to State educational agencies pur-
21 suant to paragraph (3) to award competitive grants
22 described in subsection (d).

23 (3) FORMULA.—Except as provided in para-
24 graph (4), funds appropriated to carry out this sec-
25 tion shall be allocated among the States as follows:

1 (A) 75 percent of such amount shall be al-
2 located proportionately based upon the popu-
3 lation that is less than 18 years of age in the
4 State.

5 (B) 25 percent of such amount shall be al-
6 located proportionately based upon the popu-
7 lation that is less than 18 years of age in the
8 State that is incarcerated.

9 (4) MINIMUM ALLOTMENT.—Of the amounts
10 appropriated to carry out this section, 0.50 percent
11 shall be allocated to each State.

12 (d) AUTHORIZATION OF COMPETITIVE GRANTS.—
13 The Secretary or the State educational agency, as the case
14 may be, is authorized to award grants to eligible local edu-
15 cational agencies for the purposes of educating children
16 about preventing gun violence.

17 (1) ASSURANCES.—

18 (A) The Secretary or the State educational
19 agency, as the case may be, shall ensure that
20 not less than 90 percent of the funds allotted
21 under this section are distributed to local edu-
22 cational agencies.

23 (B) In awarding the grants, the Secretary
24 or the State educational agency, as the case

1 may be, shall ensure, to the maximum extent
2 practicable—

3 (i) an equitable geographic distribu-
4 tion of grant awards;

5 (ii) an equitable distribution of grant
6 awards among programs that serve public
7 elementary school students, public second-
8 ary school students, and a combination of
9 both; and

10 (iii) that urban, rural and suburban
11 areas are represented within the grants
12 that are awarded.

13 (2) PRIORITY.—In awarding grants under this
14 section, the Secretary or the State educational agen-
15 cy, as the case may be, shall give priority to a local
16 educational agency that—

17 (A) coordinates with other Federal, State,
18 and local programs that educate children about
19 personal health, safety, and responsibility, in-
20 cluding programs carried out under the Safe
21 and Drug-Free Schools and Communities Act
22 of 1994 (20 U.S.C. 7101 et seq.);

23 (B) serves a population with a high inci-
24 dence of students found in possession of a
25 weapon on school property or students sus-

1 pended or expelled for bringing a weapon onto
2 school grounds or engaging in violent behavior
3 on school grounds; and

4 (C) forms a partnership that includes not
5 less than 1 local educational agency working in
6 consultation with not less than 1 public or pri-
7 vate nonprofit agency or organization with ex-
8 perience in violence prevention or 1 local law
9 enforcement agency.

10 (3) PEER REVIEW; CONSULTATION.—

11 (A) IN GENERAL.—

12 (i) PEER REVIEW BY PANEL.—Before
13 grants are awarded, the Secretary shall
14 submit grant applications to a peer review
15 panel for evaluation.

16 (ii) COMPOSITION OF PANEL.—The
17 panel shall be composed of not less than 1
18 representative from a local educational
19 agency, State educational agency, a local
20 law enforcement agency, and a public or
21 private nonprofit organization with experi-
22 ence in violence prevention.

23 (B) CONSULTATION.—The Secretary shall
24 submit grant applications to the Attorney Gen-
25 eral for consultation.

1 (e) ELIGIBLE GRANT RECIPIENTS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), an eligible grant recipient is a local edu-
4 cational agency that may work in partnership with
5 1 or more of the following:

6 (A) A public or private nonprofit agency or
7 organization with experience in violence preven-
8 tion.

9 (B) A local law enforcement agency.

10 (C) An institution of higher education.

11 (2) EXCEPTION.—A State educational agency
12 may, with the approval of a local educational agency,
13 submit an application on behalf of such local edu-
14 cational agency or a consortium of such agencies.

15 (f) LOCAL APPLICATIONS; REPORTS.—

16 (1) APPLICATIONS.—Each local educational
17 agency that wishes to receive a grant under this sec-
18 tion shall submit an application to the Secretary and
19 the State educational agency that includes—

20 (A) a description of the proposed activities
21 to be funded by the grant and how each activity
22 will further the goal of educating children about
23 preventing gun violence;

24 (B) how the program will be coordinated
25 with other programs that educate children

1 about personal health, safety, and responsibil-
2 ity, including programs carried out under the
3 Safe and Drug-Free Schools and Communities
4 Act of 1994 (20 U.S.C. 7101 et seq.); and

5 (C) the age and number of children that
6 the programs will serve.

7 (2) REPORTS.—Each local educational agency
8 that receives a grant under this section shall submit
9 a report to the Secretary and to the State edu-
10 cational agency not later than 18 months after the
11 grant is awarded and submit an additional report to
12 the Secretary and to the State not later than 36
13 months after the grant is awarded. Each report shall
14 include information regarding—

15 (A) the activities conducted to educate
16 children about gun violence;

17 (B) how the program will continue to edu-
18 cate children about gun violence in the future;
19 and

20 (C) how the grant is being coordinated
21 with other Federal, State, and local programs
22 that educate children about personal health,
23 safety, and responsibility, including programs
24 carried out under the Safe and Drug-Free

1 Schools and Communities Act of 1994 (20
2 U.S.C. 7101 et seq.).

3 (g) AUTHORIZED ACTIVITIES.—

4 (1) REQUIRED ACTIVITIES.—Grants authorized
5 under subsection (d) shall be used for the following
6 activities:

7 (A) Supporting existing programs that
8 educate children about personal health, safety,
9 and responsibility, including programs carried
10 out under the Safe and Drug-Free Schools and
11 Communities Act of 1994 (20 U.S.C. 7101 et
12 seq.).

13 (B) Educating children about the effects of
14 gun violence.

15 (C) Educating children to identify dan-
16 gerous situations in which guns are involved
17 and how to avoid and prevent such situations.

18 (D) Educating children how to identify
19 threats and other indications that their peers
20 are in possession of a gun and may use a gun,
21 and what steps they can take in such situations.

22 (E) Developing programs to give children
23 access to adults to whom they can report in a
24 confidential manner about problems relating to
25 guns.

1 (2) PERMISSIBLE ACTIVITIES.—Grants author-
2 ized under subsection (d) may be used for the fol-
3 lowing:

4 (A) Encouraging schoolwide programs and
5 partnerships that involve teachers, students,
6 parents, administrators, other staff, and mem-
7 bers of the community in reducing gun inci-
8 dents in public elementary and secondary
9 schools.

10 (B) Establishing programs that assist par-
11 ents in helping educate their children about
12 firearm safety and the prevention of gun vio-
13 lence.

14 (C) Providing ongoing professional devel-
15 opment for public school staff and administra-
16 tors to identify the causes and effects of gun vi-
17 olence and risk factors and student behavior
18 that may result in gun violence, including train-
19 ing sessions to review and update school crisis
20 response plans and school policies for prevent-
21 ing the presence of guns on school grounds and
22 facilities.

23 (D) Providing technical assistance for
24 school psychologists and counselors to provide
25 timely counseling and evaluations, in accord-

1 ance with State and local laws, of students who
2 possess a weapon on school grounds.

3 (E) Improving security on public elemen-
4 tary and secondary school campuses to prevent
5 outside persons from entering school grounds
6 with firearms.

7 (F) Assisting public schools and commu-
8 nities in developing crisis response plans when
9 firearms are found on school campuses and
10 when gun-related incidents occur.

11 (h) STATE APPLICATIONS; ACTIVITIES AND RE-
12 PORTS.—

13 (1) STATE APPLICATIONS.—

14 (A) Each State desiring to receive funds
15 under this section shall, through its State edu-
16 cational agency, submit an application to the
17 Secretary of Education at such time and in
18 such manner as the Secretary shall require.
19 Such application shall describe—

20 (i) the manner in which funds under
21 this section for State activities and com-
22 petitive grants will be used to fulfill the
23 purposes of this section;

24 (ii) the manner in which the activities
25 and projects supported by this section will

1 be coordinated with other State and Fed-
2 eral education, law enforcement, and juve-
3 nile justice programs, including the Safe
4 and Drug-Free Schools and Communities
5 Act of 1994 (20 U.S.C. 7101 et seq.);

6 (iii) the manner in which States will
7 ensure an equitable geographic distribution
8 of grant awards; and

9 (iv) the criteria which will be used to
10 determine the impact and effectiveness of
11 the funds used pursuant to this section.

12 (B) A State educational agency may sub-
13 mit an application to receive a grant under this
14 section under paragraph (1) or as an amend-
15 ment to the application the State educational
16 agency submits under the Safe and Drug-Free
17 Schools and Communities Act of 1994 (20
18 U.S.C. 7101 et seq.).

19 (2) STATE ACTIVITIES.—Of appropriated
20 amounts allocated to the States under subsection
21 (c)(2), the State educational agency may reserve not
22 more than 10 percent for activities to further the
23 goals of this section, including—

24 (A) providing technical assistance to eligi-
25 ble grant recipients in the State;

1 (B) performing ongoing research into the
2 causes of gun violence among children and
3 methods to prevent gun violence among chil-
4 dren; and

5 (C) providing ongoing professional develop-
6 ment for public school staff and administrators
7 to identify the causes and indications of gun vi-
8 olence.

9 (3) STATE REPORTS.—Each State receiving an
10 allotment under this section shall submit a report to
11 the Secretary and to the Committees on Labor and
12 Human Resources and the Judiciary of the Senate
13 and the Committees on Education and the Work-
14 force and the Judiciary of the House of Representa-
15 tives, not later than 12 months after receipt of the
16 grant award and shall submit an additional report to
17 those committees not later than 36 months after re-
18 ceipt of the grant award. Each report shall include
19 information regarding—

20 (A) the progress of local educational agen-
21 cies that received a grant award under this sec-
22 tion in the State in educating children about
23 firearms;

1 (B) the progress of State activities under
2 paragraph (1) to advance the goals of this sec-
3 tion; and

4 (C) how the State is coordinating funds al-
5 located under this section with other State and
6 Federal education, law enforcement, and juve-
7 nile justice programs, including the Safe and
8 Drug-Free Schools and Communities Act of
9 1994 (20 U.S.C. 7101 et seq.).

10 (i) SUPPLEMENT NOT SUPPLANT.—A State or local
11 educational agency shall use funds received under this sec-
12 tion only to supplement the amount of funds that would,
13 in the absence of such Federal funds, be made available
14 from non-Federal sources for reducing gun violence among
15 children and educating children about firearms, and not
16 to supplant such funds.

17 (j) DISPLACEMENT.—A local educational agency that
18 receives a grant award under this section shall ensure that
19 persons hired to carry out the activities under this section
20 do not displace persons already employed.

21 (k) HOME SCHOOLS.—Nothing in this section shall
22 be construed to affect home schools.

23 (l) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated for this section

1 \$60,000,000 for each of fiscal years 1999, 2000, and
2 2001.

3 **SEC. 1422. DISSEMINATION OF BEST PRACTICES VIA THE**
4 **INTERNET.**

5 (a) MODEL DISSEMINATION.—The Secretary of Edu-
6 cation shall include on the Internet site of the Department
7 of Education a description of programs that receive grants
8 under section 1417.

9 (b) GRANT PROGRAM NOTIFICATION.—The Sec-
10 retary shall publicize the competitive grant program
11 through its Internet site, publications, and public service
12 announcements.

13 **SEC. 1423. AMENDMENT TO SAFE AND DRUG-FREE**
14 **SCHOOLS AND COMMUNITIES ACT OF 1994 TO**
15 **PROVIDE COUNSELING AFTER GUN-RELATED**
16 **VIOLENCE.**

17 Section 4116(a)(1) of the Safe and Drug-Free
18 Schools and Communities Act of 1994 (20 U.S.C. 7116)
19 is amended—

20 (1) by redesignating subparagraph (C) as sub-
21 paragraph (D); and by inserting after subparagraph
22 (B) the following:

23 “(C) to the extent practicable, provide—

24 “(i) timely counseling (without requir-
25 ing the hiring of additional staff);

1 “(ii) evaluations of any student, in ac-
2 cordance with State and local law, who
3 possesses a weapon on school grounds or
4 who threatens to bring or use a weapon on
5 school grounds; and

6 “(iii) advice to public school students,
7 staff, and administrators after an incident
8 of violence on school grounds;”.

9 **SEC. 1424. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

10 (a) IN GENERAL.—

11 (1) EXPANSION OF NUMBER OF CITIES.—The
12 Secretary of the Treasury shall endeavor to expand
13 the number of cities and counties directly participat-
14 ing in the Youth Crime Gun Interdiction Initiative
15 (in this section referred to as the “YCGII”) to 75
16 cities or counties by October 1, 2000, to 150 cities
17 or counties by October 1, 2002, and to 250 cities or
18 counties by October 1, 2003.

19 (2) SELECTION.—Cities and counties selected
20 for participation in the YCGII shall be selected by
21 the Secretary of the Treasury and in consultation
22 with Federal, State and local law enforcement offi-
23 cials.

24 (b) IDENTIFICATION OF INDIVIDUALS.—

1 (1) IN GENERAL.—The Secretary of the Treas-
2 ury shall, utilizing the information provided by the
3 YCGII, facilitate the identification and prosecution
4 of individuals illegally trafficking firearms to prohib-
5 ited individuals.

6 (2) SHARING OF INFORMATION.—The Secretary
7 of the Treasury shall share information derived from
8 the YCGII with State and local law enforcement
9 agencies through on-line computer access, as soon as
10 such capability is available.

11 (c) GRANT AWARDS.—

12 (1) IN GENERAL.—The Secretary of the Treas-
13 ury shall award grants (in the form of funds or
14 equipment) to States, cities, and counties for pur-
15 poses of assisting such entities in the tracing of fire-
16 arms and participation in the YCGII.

17 (2) USE OF GRANT FUNDS.—Grants made
18 under this part shall be used to—

19 (A) hire or assign additional personnel for
20 the gathering, submission and analysis of trac-
21 ing data submitted to the Bureau of Alcohol,
22 Tobacco and Firearms under the YCGII;

23 (B) hire additional law enforcement per-
24 sonnel for the purpose of identifying and arrest-
25 ing individuals illegally trafficking firearms; and

1 (C) purchase additional equipment, includ-
2 ing automatic data processing equipment and
3 computer software and hardware, for the timely
4 submission and analysis of tracing data.

5 **SEC. 1425. GRANT PRIORITY FOR TRACING OF GUNS USED**
6 **IN CRIMES BY JUVENILES.**

7 Section 517 of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3763) is amended by add-
9 ing at the end the following:

10 “(c) PRIORITY.—In awarding discretionary grants
11 under section 511 to public agencies to undertake law en-
12 forcement initiatives relating to gangs, or relating to juve-
13 niles who are involved or at risk of involvement in gangs,
14 the Director shall give priority to a public agency that in-
15 cludes in its application a description of strategies or pro-
16 grams of that public agency (either in effect or proposed)
17 that provide cooperation between Federal, State, and local
18 law enforcement authorities, through the use of firearms
19 and ballistics identification systems, to disrupt illegal sale
20 or transfer of firearms to or between juveniles through
21 tracing the sources of guns used in crime that were pro-
22 vided to juveniles.”.

23 **PART 3—JUVENILE GUN COURTS**

24 **SEC. 1431. DEFINITIONS.**

25 In this part:

1 (1) FIREARM.—The term “firearm” has the
2 same meaning as in section 921 of title 18, United
3 States Code.

4 (2) FIREARM OFFENDER.—The term “firearm
5 offender” means any individual charged with an of-
6 fense involving the illegal possession, use, transfer,
7 or threatened use of a firearm.

8 (3) JUVENILE GUN COURT.—The term “juve-
9 nile gun court” means a specialized division within
10 a State or local juvenile court system, or a special-
11 ized docket within a State or local court that consid-
12 ers exclusively cases involving juvenile firearm of-
13 fenders.

14 (4) LOCAL COURT.—The term “local court”
15 means any section or division of a State or municip-
16 al juvenile court system.

17 **SEC. 1432. GRANT PROGRAM.**

18 The Attorney General may provide grants in accord-
19 ance with this part to States, State courts, local courts,
20 units of local government, and Indian tribes for court-
21 based juvenile justice programs that target juvenile fire-
22 arm offenders through the establishment of juvenile gun
23 courts.

1 **SEC. 1433. APPLICATIONS.**

2 (a) **ELIGIBILITY.**—In order to be eligible to receive
3 a grant under this part, the chief executive of a State,
4 unit of local government, or Indian tribe, or the chief
5 judge of a local court, shall submit an application to the
6 Attorney General in such form and containing such infor-
7 mation as the Attorney General may reasonably require.

8 (b) **REQUIREMENTS.**—Each application submitted in
9 accordance with subsection (a) shall include—

10 (1) a request for a grant to be used for the pur-
11 poses described in this part;

12 (2) a description of the communities to be
13 served by the grant, including the extent of juvenile
14 crime, juvenile violence, and juvenile firearm use and
15 possession in such communities;

16 (3) written assurances that Federal funds re-
17 ceived under this part will be used to supplement,
18 not supplant, non-Federal funds that would other-
19 wise be available for activities funded under this
20 subsection;

21 (4) a comprehensive plan described in sub-
22 section (c) (hereafter in this part referred to as the
23 “comprehensive plan”); and

24 (5) any additional information in such form and
25 containing such information as the Attorney General
26 may reasonably require.

1 (c) COMPREHENSIVE PLAN.—For purposes of sub-
2 section (b), a comprehensive plan as described in this sub-
3 section includes—

4 (1) a description of the juvenile crime and vio-
5 lence problems in the jurisdiction of the applicant,
6 including gang crime and juvenile firearm use and
7 possession;

8 (2) an action plan outlining the manner in
9 which the applicant would use the grant amounts in
10 accordance with this part;

11 (3) a description of any resources available in
12 the jurisdiction of the applicant to implement the ac-
13 tion plan described in paragraph (2); and

14 (4) a description of the plan of the applicant for
15 evaluating the performance of the juvenile gun
16 court.

17 **SEC. 1434. GRANT AWARDS.**

18 (a) CONSIDERATIONS.—In awarding grants under
19 this part, the Attorney General shall consider—

20 (1) the ability of the applicant to provide the
21 stated services;

22 (2) the level of juvenile crime, violence, and
23 drug use in the community; and

1 (3) to the extent practicable, achievement of an
2 equitable geographic distribution of the grant
3 awards.

4 (b) DIVERSITY.—The Attorney General shall allot not
5 less than 0.75 percent of the total amount made available
6 each fiscal year to carry out this part to applicants in each
7 State from which applicants have applied for grants under
8 this subtitle.

9 (c) INDIAN TRIBES.—The Attorney General shall al-
10 locate 0.75 percent of amounts made available under this
11 part for grants to Indian tribes.

12 **SEC. 1435. USE OF GRANT AMOUNTS.**

13 Each grant made under this part shall be used to—

14 (1) establish juvenile gun courts for adjudica-
15 tion of juvenile firearm offenders;

16 (2) grant prosecutorial discretion to try, in a
17 gun court, cases involving the illegal possession, use,
18 transfer, or threatened use of a firearm by a juve-
19 nile;

20 (3) require prosecutors to transfer such cases to
21 the gun court calendar not later than 30 days after
22 arraignment;

23 (4) require that gun court trials commence not
24 later than 60 days after transfer to the gun court;

1 (5) facilitate innovative and individualized sen-
2 tencing (such as incarceration, house arrest, victim
3 impact classes, electronic monitoring, restitution,
4 and gang prevention programs);

5 (6) provide services in furtherance of paragraph
6 (5);

7 (7) limit grounds for continuances and grant
8 continuances only for the shortest practicable time;

9 (8) ensure that any term of probation or super-
10 vised release imposed on a firearm offender in a ju-
11 venile gun court, in addition to, or in lieu of, a term
12 of incarceration, shall include a prohibition on fire-
13 arm possession during such probation or supervised
14 release and that violation of that prohibition shall
15 result in, to the maximum extent permitted under
16 State law, a term of incarceration; and

17 (9) allow transfer of a case or an offender out
18 of the gun court by agreement of the parties, subject
19 to court approval.

20 **SEC. 1436. GRANT LIMITATIONS.**

21 Not more than 5 percent of the amounts made avail-
22 able to the Attorney General or a grant recipient under
23 this part may be used for administrative purposes.

1 **SEC. 1437. FEDERAL SHARE.**

2 (a) IN GENERAL.—Subject to subsections (b) and (c),
3 the Federal share of a grant made under this part may
4 not exceed 90 percent of the total cost of the program
5 or programs of the grant recipient that are funded by that
6 grant for the fiscal year for which the program receives
7 assistance under this part.

8 (b) WAIVER.—The Attorney General may waive, in
9 whole or in part, the requirements of subsection (a).

10 (c) IN-KIND CONTRIBUTIONS.—For purposes of sub-
11 section (a), in-kind contributions may constitute any por-
12 tion of the non-Federal share of a grant under this part.

13 (d) CONTINUED AVAILABILITY OF GRANT
14 AMOUNTS.—Any amount provided to a grant recipient
15 under this part shall remain available until expended.

16 **SEC. 1438. REPORT AND EVALUATION.**

17 (a) REPORT TO THE ATTORNEY GENERAL.—Not
18 later than March 1, 1999, and March 1 of each year there-
19 after, each grant recipient under this part shall submit
20 to the Attorney General a report that describes, for the
21 year to which the report relates, any progress achieved in
22 carrying out the comprehensive plan of the grant recipient.

23 (b) EVALUATION AND REPORT TO CONGRESS.—Not
24 later than October 1, 1999, and October 1 of each year
25 thereafter, the Attorney General shall submit to Congress
26 an evaluation and report that contains a detailed state-

1 ment regarding grant awards, activities of grant recipi-
2 ents, a compilation of statistical information submitted by
3 grant recipients under this part, and an evaluation of pro-
4 grams established by grant recipients under this part.

5 (c) CRITERIA.—In assessing the effectiveness of the
6 programs established and operated by grant recipients
7 pursuant to this part, the Attorney General shall con-
8 sider—

9 (1) the number of juveniles tried in gun court
10 sessions in the jurisdiction of the grant recipient;

11 (2) a comparison of the amount of time be-
12 tween the filing of charges and ultimate disposition
13 in gun court and nongun court cases;

14 (3) the recidivism rates of juvenile offenders
15 tried in gun court sessions in the jurisdiction of the
16 grant recipient in comparison to those tried outside
17 of drug courts;

18 (4) changes in the amount of gun-related and
19 gang-related crime in the jurisdiction of the grant
20 recipient; and

21 (5) the quantity of firearms and ammunition
22 recovered in gun court cases in the jurisdiction of
23 the grant recipient.

24 (d) DOCUMENTS AND INFORMATION.—Each grant
25 recipient under this part shall provide the Attorney Gen-

1 eral with all documents and information that the Attorney
2 General determines to be necessary to conduct an evalua-
3 tion of the effectiveness of programs funded under this
4 part.

5 **SEC. 1439. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
7 this part from the Violent Crime Reduction Trust Fund—

8 (1) such sums as may be necessary for each of
9 the fiscal years 1999 and 2000;

10 (2) \$50,000,000 for fiscal year 2001; and

11 (3) \$50,000,000 for fiscal year 2002.

12 **PART 4—YOUTH VIOLENCE COURTS**

13 **SEC. 1440. CREATION OF YOUTH VIOLENCE COURTS.**

14 Section 210602 of the Violent Crime Control and
15 Law Enforcement Act of 1994 (42 U.S.C. 14161) is
16 amended—

17 (1) by redesignating subsections (a), (b), (c),
18 and (d) as paragraphs (1), (2), (3), and (4), respec-
19 tively;

20 (2) by redesignating paragraphs (1), (2), (3),
21 (4), and (5) as subparagraphs (A), (B), (C), (D),
22 and (E), respectively;

23 (3) by inserting before paragraph (1), as so
24 designated, the following:

1 “(a) STATE AND LOCAL COURT ASSISTANCE.—”;

2 and

3 (4) by adding after subsection (a), as so des-
4 ignated, the following:

5 “(b) YOUTH VIOLENCE COURTS.—

6 “(1) AUTHORITY TO MAKE GRANTS AND ENTER
7 INTO CONTRACTS.—

8 “(A) IN GENERAL.—The Attorney General
9 is authorized to award grants and enter into co-
10 operative agreements and contracts with States,
11 State courts, local courts, units of local govern-
12 ment, Indian tribes, and tribal courts to plan,
13 develop, implement, and administer programs to
14 adjudicate and better manage juvenile and
15 youthful violent offenders within State, tribal,
16 and local court systems.

17 “(B) INITIATIVES.—Initiatives funded
18 under this paragraph may include—

19 “(i) the establishment of court based
20 juvenile justice programs that target young
21 firearms offenders through the establish-
22 ment of juvenile gun courts for the adju-
23 dication and prosecution of juvenile fire-
24 arms offenders;

1 “(ii) the establishment of drug court
2 programs for juveniles so as to provide
3 continuing judicial supervision over juve-
4 nile offenders with substance abuse prob-
5 lems and to provide the integrated admin-
6 istration of other sanctions and services as
7 enumerated under the provisions of section
8 50001 of the Violent Crime Control and
9 Law Enforcement Act of 1994 (42 U.S.C.
10 3796ii), as in effect on the day before the
11 date of enactment of Public Law 104–134;

12 “(iii) the establishment of courts of
13 specialized or joint jurisdiction as deemed
14 appropriate by a jurisdiction’s chief judi-
15 cial officer; and

16 “(iv) the establishment of programs
17 aimed at the enhanced and improved adju-
18 dication of juvenile offenders, including in-
19 novative programs involving the courts,
20 prosecutors, public defenders, probation of-
21 fices, and corrections agencies.

22 “(2) APPLICATION.—The Attorney General
23 shall establish guidelines governing the administra-
24 tion of this program. Such guidelines shall include
25 the manner and content of applications for funding

1 under this program, as well as procedures and meth-
2 ods for the distribution of funds distributed under
3 this program.

4 “(3) FEDERAL SHARE.—The Federal share of
5 any individual grant made under this program may
6 not exceed 75 percent. Further, in-kind contribu-
7 tions, pursuant to the discretion of the Attorney
8 General may constitute a portion, or all, of the non-
9 Federal share of a grant made under this program.
10 With regard to grants to Indian tribes, the Attorney
11 General may allow other Federal funds to constitute
12 all or a portion of the non-Federal share.

13 “(4) GEOGRAPHIC DISTRIBUTION.—The Attor-
14 ney General shall ensure that, to the extent reason-
15 able and practicable, an equitable geographic dis-
16 tribution of grant awards is made.

17 “(5) TRAINING AND TECHNICAL ASSISTANCE.—
18 Two percent of all funds appropriated for this part
19 shall be set aside for use by the Attorney General
20 for training and technical assistance consistent with
21 this program.”.

1 **TITLE II—COMBATING GANG**
 2 **VIOLENCE**
 3 **Subtitle A—Enhanced Penalties for**
 4 **Gang-Related Activities**

5 **SEC. 2100. GANG FRANCHISING.**

6 Chapter 26 of title 18, United States Code, is amend-
 7 ed by adding at the end the following:

8 **“SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL**
 9 **STREET GANGS.**

10 “(a) **PROHIBITED ACT.**—Whoever travels in inter-
 11 state or foreign commerce, or causes another to do so, to
 12 recruit, solicit, induce, command, or cause to create, or
 13 attempt to create a franchise of a criminal street gang
 14 shall be punished in accordance with subsection (c).

15 “(b) **DEFINITIONS.**—In this section:

16 “(1) **CRIMINAL STREET GANG.**—The term
 17 ‘criminal street gang’ has the meaning given that
 18 term in section 521.

19 “(2) **FRANCHISE.**—The term ‘franchise’ means
 20 an organized group of individuals related by name,
 21 moniker, or other identifier, that engages in coordi-
 22 nated violent crime or drug trafficking activities in
 23 interstate or foreign commerce with a criminal street
 24 gang in another State.

1 “(c) PENALTIES.—A person who violates subsection
2 (a) shall be imprisoned for not more than 10 years, fined
3 under this title, or both.”.

4 **SEC. 2101. ENHANCED PENALTY FOR USE OR RECRUIT-**
5 **MENT OF MINORS IN GANGS.**

6 (a) IN GENERAL.—Chapter 26 of title 18, United
7 States Code, as amended by section 2100 of this Act, is
8 amended by adding at the end the following:

9 **“§ 523. Sentencing enhancement for use or recruit-**
10 **ment of minors**

11 “Pursuant to its authority under section 994(p) of
12 title 28, the United States Sentencing Commission shall
13 amend the Federal sentencing guidelines to provide an ap-
14 propriate enhancement for the use of minors in a criminal
15 street gang and the recruitment of minors in furtherance
16 of the creation of a criminal street gang franchise.”.

17 (b) CONFORMING AMENDMENT.—The chapter analy-
18 sis for chapter 26 of title 18, United States Code, is
19 amended by adding at the end the following:

“522. Interstate franchising of criminal street gangs.

“523. Sentencing enhancement for use or recruitment of minors.”.

20 **SEC. 2102. GANG FRANCHISING AS A RICO PREDICATE.**

21 Section 1961(1) of title 18, United States Code, is
22 amended—

23 (1) by striking “or” before “(F)”; and

1 (2) by inserting “, or (G) an offense under sec-
2 tion 522 of this title” before the semicolon at the
3 end.

4 **SEC. 2103. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
5 **TION IN CRIME AS GANG MEMBER.**

6 (a) DEFINITION OF CRIMINAL STREET GANG.—In
7 this section, the term “criminal street gang” has the same
8 meaning as in section 521(a) of title 18, United States
9 Code.

10 (b) SENTENCING ENHANCEMENT.—Pursuant to its
11 authority under section 994(p) of title 28, United States
12 Code, the United States Sentencing Commission shall
13 amend the Federal sentencing guidelines to provide an ap-
14 propriate enhancement with respect to any offense com-
15 mitted in connection with, or in furtherance of, the activi-
16 ties of a criminal street gang if the defendant is a member
17 of the criminal street gang at the time of the offense.

18 (c) CONSISTENCY.—In carrying out this section, the
19 United States Sentencing Commission shall—

20 (1) ensure that there is reasonable consistency
21 with other Federal sentencing guidelines; and

22 (2) avoid duplicative punishment for substan-
23 tially the same offense.

1 **SEC. 2104. ENHANCED PENALTY FOR POSSESSION OF FIRE-**
2 **ARMS IN RELATION TO COUNTS OF VIO-**
3 **LENCE OR DRUG TRAFFICKING CRIMES.**

4 (a) DEFINITIONS.—In this section, the terms “crime
5 of violence” and “drug trafficking crime” have the same
6 meanings as in section 924(c) of title 18, United States
7 Code.

8 (b) SENTENCING ENHANCEMENT.—Pursuant to its
9 authority under section 994(p) of title 28, United States
10 Code, the United States Sentencing Commission shall
11 amend the Federal sentencing guidelines to provide an ap-
12 propriate sentence enhancement with respect to any de-
13 fendant who discharges a firearm during or in relation to
14 any crime of violence or any drug trafficking crime.

15 (c) CONSISTENCY.—In carrying out this section, the
16 United States Sentencing Commission shall—

17 (1) ensure that there is reasonable consistency
18 with other Federal sentencing guidelines; and

19 (2) avoid duplicative punishment for substan-
20 tially the same offense.

21 **SEC. 2105. PUNISHMENT OF ARSONS OR BOMBINGS AT FA-**
22 **CILITIES RECEIVING FEDERAL FINANCIAL**
23 **ASSISTANCE.**

24 Section 844(f)(1) of title 18, United States Code, is
25 amended by inserting “or any institution or organization

1 receiving Federal financial assistance” after “or agency
2 thereof,”.

3 **SEC. 2106. ELIMINATION OF STATUTE OF LIMITATIONS FOR**
4 **MURDER.**

5 (a) IN GENERAL.—Section 3281 of title 18, United
6 States Code, is amended to read as follows:

7 **“§ 3281. Capital offenses and Class A felonies involv-**
8 **ing murder**

9 “An indictment for any offense punishable by death
10 or an indictment or information for a Class A felony in-
11 volving murder (as defined in section 1111 or as defined
12 under applicable State law in the case of an offense under
13 section 1963(a) involving racketeering activity described
14 in section 1961(1)) may be found at any time without limi-
15 tation.”.

16 (b) APPLICABILITY.—The amendment made by sub-
17 section (a) applies to any offense for which the applicable
18 statute of limitations had not run as of the date of enact-
19 ment of this Act.

20 **SEC. 2107. EXTENSION OF STATUTE OF LIMITATIONS FOR**
21 **VIOLENT AND DRUG TRAFFICKING CRIMES.**

22 (a) IN GENERAL.—Chapter 213 of title 18, United
23 States Code, is amended by adding at the end the follow-
24 ing:

1 **“§ 3296. Class A violent and drug trafficking offenses**

2 “Except as provided in section 3281, no person shall
3 be prosecuted, tried, or punished for a Class A felony that
4 is a crime of violence or a drug trafficking crime (as that
5 term is defined in section 924(c)) unless the indictment
6 is returned or the information is filed within 10 years after
7 the commission of the offense.”.

8 (b) APPLICABILITY.—The amendment made by sub-
9 section (a) applies to any offense for which the applicable
10 statute of limitations had not run as of the date of enact-
11 ment of this Act.

12 (c) CONFORMING AMENDMENTS.—The chapter anal-
13 ysis for chapter 213 of title 18, United States Code, is
14 amended—

15 (1) in the item relating to section 3281, by in-
16 serting “and Class A felonies involving murder” be-
17 fore the period; and

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

“3296. Class A violent and drug trafficking offenses.”.

19 **SEC. 2108. INCREASED PENALTIES UNDER THE RICO LAW**
20 **FOR GANG AND VIOLENT CRIMES.**

21 Section 1963(a) of title 18, United States Code, is
22 amended by striking “or imprisoned not more than 20
23 years (or for life if the violation is based on a racketeering
24 activity for which the maximum penalty includes life im-
25 prisonment), or both,” and inserting “or imprisoned not

1 more than the greater of 20 years or the statutory maxi-
2 mum term of imprisonment (other than the penalty of
3 death) applicable to a racketeering activity on which the
4 violation is based, or both.”.

5 **SEC. 2109. INCREASED PENALTY AND BROADENED SCOPE**
6 **OF STATUTE AGAINST VIOLENT CRIMES IN**
7 **AID OF RACKETEERING.**

8 Section 1959(a) of title 18, United States Code, is
9 amended—

10 (1) by inserting “or commits any other crime of
11 violence” before “or threatens to commit a crime of
12 violence”;

13 (2) in paragraph (4), by inserting “committing
14 any other crime of violence or for” before “threaten-
15 ing to commit a crime of violence”, and by striking
16 “five” and inserting “ten”;

17 (3) in paragraph (5), by striking “for not more
18 than ten years” and inserting “for any term of years
19 or for life”;

20 (4) in paragraph (6), by—

21 (A) striking “or” before “assault resulting
22 in serious bodily injury”;

23 (B) inserting “or any other crime of vio-
24 lence” after “assault resulting in serious bodily
25 injury”; and

1 (C) striking “three” and inserting “10”;

2 and

3 (5) by inserting “(as defined in section 1365 of
4 this title)” after “serious bodily injury” the first
5 place that term appears.

6 **SEC. 2110. FACILITATING THE PROSECUTION OF**
7 **CARJACKING OFFENSES.**

8 Section 2119 of title 18, United States Code, is
9 amended by striking “, with the intent to cause death or
10 serious bodily harm”.

11 **SEC. 2111. FACILITATION OF RICO PROSECUTIONS.**

12 Section 1962(d) of title 18, United States Code, is
13 amended by adding at the end the following: “For pur-
14 poses of this subsection, it is not necessary to establish
15 that the defendant personally committed an act of rack-
16 eteering activity.”.

17 **SEC. 2112. FORFEITURE FOR CRIMES OF VIOLENCE, RACK-**
18 **ETEERING, AND OBSTRUCTION OF JUSTICE.**

19 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title
20 18, United States Code, is amended by adding at the end
21 the following:

22 “(G) Any proceeds of a crime of violence
23 (as defined in Section 16), an offense under
24 chapter 95 (racketeering), or any offense under
25 chapter 73 (obstruction of justice), or a con-

1 spiracy to commit such offense, any property
2 used to facilitate such offense, and any property
3 traceable to such property.”.

4 (b) **CRIMINAL FORFEITURE.**—Section 982(a) of title
5 18, United States Code, is amended by adding at the end
6 the following:

7 “(7) The court, in imposing a sentence on a person
8 convicted of a crime of violence (as defined in section 16),
9 an offense under chapter 95 (racketeering), or any offense
10 under chapter 73 (obstruction of justice), or a conspiracy
11 to commit such offense, shall order the person to forfeit
12 to the United States any proceeds derived from such of-
13 fense, any property used or intended to be used to commit
14 such offense, and any property traceable to such prop-
15 erty.”.

16 **SEC. 2113. EXPANSION OF DEFINITION OF “RACKETEERING**
17 **ACTIVITY” TO AFFECT GANGS IN INDIAN**
18 **COUNTRY.**

19 Section 1961(1)(A) of title 18, United States Code,
20 is amended by inserting “or, with respect to an act or
21 threat occurring solely in Indian country, as defined in
22 section 1151 of this title, Federal” after “chargeable
23 under State”.

1 **SEC. 2114. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

2 (a) IN GENERAL.—Chapter 33 of title 18, United
3 States Code, is amended by inserting after section 537 the
4 following:

5 **“§ 538. Investigation of serial killings**

6 “(a) AUTHORIZATION UPON REQUEST.—The Attor-
7 ney General and the Federal Bureau of Investigation may
8 investigate serial killings in violation of the laws of a State
9 or political subdivision, when such investigation is re-
10 quested by the head of a law enforcement agency with in-
11 vestigative or prosecutive jurisdiction over the offense.

12 “(b) DEFINITIONS.—For purposes of this section:

13 “(1) KILLING.—The term ‘killing’ means con-
14 duct that would constitute an offense under section
15 1111 of title 18, United States Code, if Federal ju-
16 risdiction existed.

17 “(2) SERIAL KILLINGS.—The term ‘serial
18 killings’ means a series of 3 or more killings, at least
19 1 of which was committed within the United States,
20 having common characteristics such as to suggest
21 the reasonable possibility that the crimes were com-
22 mitted by the same actor or actors.

23 “(3) STATE.—The term ‘State’ means a State
24 of the United States, the District of Columbia, and
25 any commonwealth, territory, or possession of the
26 United States.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
 2 tions for chapter 33 of title 28, United States Code, is
 3 amended by inserting after the item for section 537 the
 4 following:

“538. Investigation of serial killings.”.

5 **SEC. 2115. INCREASED PENALTIES FOR VIOLENCE IN THE**
 6 **COURSE OF RIOT OFFENSES.**

7 Section 2101(a) of title 18, United States Code, is
 8 amended by striking “paragraph—” and all that follows
 9 through the end of the subsection and inserting “shall be
 10 fined under this title—

11 “(i) if death results from such act, be impris-
 12 oned for any term of years or for life, or both;

13 “(ii) if serious bodily injury (as defined in sec-
 14 tion 1365 of this title) results from such act, be im-
 15 prisoned for not more than 20 years, or both; or

16 “(iii) in any other case, be imprisoned for not
 17 more than 5 years, or both”.

18 **SEC. 2116. EXPANSION OF FEDERAL JURISDICTION OVER**
 19 **CRIMES OCCURRING IN PRIVATE PENAL FA-**
 20 **CILITIES HOUSING FEDERAL PRISONERS OR**
 21 **PRISONERS FROM OTHER STATES.**

22 Section 1791(d)(4) of title 18, United States Code,
 23 is amended by inserting before the period at the end the
 24 following: “, including privately owned facilities housing
 25 Federal prisoners or prisoners who are serving a term of

1 imprisonment under a commitment order from a State
 2 other than the State in which the penal facility is located”.

3 **Subtitle B—Targeting Gang-**
 4 **Related Gun Offenses**

5 **SEC. 2200. TRANSFER OF FIREARM TO COMMIT A CRIME OF**
 6 **VIOLENCE.**

7 Section 924(h) of title 18, United States Code, is
 8 amended by inserting “or having reasonable cause to be-
 9 lieve” after “knowing”.

10 **SEC. 2201. INCREASED PENALTY FOR KNOWINGLY RECEIV-**
 11 **ING FIREARM WITH OBLITERATED SERIAL**
 12 **NUMBER.**

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

15 (1) in paragraph (1)(B), by striking “(k),”; and
 16 (2) in paragraph (2), by inserting “(k),” after
 17 “(j),”.

18 **SEC. 2202. AMENDMENT OF THE SENTENCING GUIDELINES**
 19 **FOR TRANSFERS OF FIREARMS TO PROHIB-**
 20 **ITED PERSONS.**

21 Pursuant to its authority under section 994(p) of title
 22 28, United States Code, the United States Sentencing
 23 Commission shall amend the Federal sentencing guidelines
 24 to increase the base offense level for offenses subject to
 25 section 2K2.1 of those guidelines (Unlawful Receipt, Pos-

1 session, or Transportation of Firearms or Ammunition;
2 Prohibited Transactions Involving Firearms or Ammuni-
3 tions) to assume that a person who transferred a firearm
4 or ammunition and who knew or had reasonable cause to
5 believe that the transferee was a prohibited person is sub-
6 ject to the same base offense level as the transferee. The
7 amended guidelines shall not require the same offense
8 level for the transferor and transferee to the extent that
9 the transferee's base offense level is subject to an addi-
10 tional increase on the basis of a past criminal conviction
11 of either a crime of violence or a controlled substance of-
12 fense.

13 **SEC. 2203. FORFEITURE OF FIREARMS USED IN CRIMES OF**
14 **VIOLENCE AND FELONIES.**

15 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title
16 18, United States Code, as amended by section 2112, is
17 amended by adding at the end the following:

18 “(H) Any firearm (as defined in section
19 921(a)(3)) used or intended to be used to com-
20 mit or to facilitate the commission of any crime
21 of violence (as defined in Section 16 of this
22 title) or any felony under Federal law.”.

23 (b) CRIMINAL FORFEITURE.—Section 982(a) of title
24 18, United States Code, is amended by adding at the end
25 the following:

1 “(8) The court, in imposing a sentence on a
2 person convicted of any crime of violence (as defined
3 in section 16 of this title) or any felony under Fed-
4 eral law, shall order that the person forfeit to the
5 United States any firearm (as defined in section
6 921(a)(3)) used or intended to be used to commit or
7 to facilitate the commission of the offense.”.

8 (c) DISPOSAL OF FORFEITED PROPERTY.—Section
9 981(c) of title 18, United States Code, is amended by add-
10 ing at the end the following sentence: “Any firearm for-
11 feited pursuant to subsection (a)(1)(H) or section
12 982(a)(8) of this title shall be disposed of by the seizing
13 agency in accordance with law.”.

14 (d) AUTHORITY TO FORFEIT PROPERTY UNDER
15 SECTION 924(d).—Section 924(d) of title 18, United
16 States Code, is amended by adding the following new
17 paragraph:

18 “(4) Whenever any firearm is subject to forfeit-
19 ure under this section because it was involved in or
20 used in a violation of subsection (c), the Secretary
21 of the Treasury shall have the authority to seize and
22 forfeit, in accordance with the procedures of the ap-
23 plicable forfeiture statute, any property otherwise
24 forfeitable under the laws of the United States that
25 was involved in or derived from the crime of violence

1 or drug trafficking crime described in subsection (c)
 2 in which the forfeited firearm was used or carried.”.

3 (e) 120-DAY RULE FOR ADMINISTRATIVE FORFEIT-
 4 URE.—Section 924(d)(1) of title 18, United States Code,
 5 is amended by adding at the end the following: “If the
 6 Government institutes an administrative forfeiture action
 7 within the 120-day period, and a claim is then filed that
 8 requires that a judicial forfeiture action be filed in Federal
 9 court, the Government must file the judicial action within
 10 120 days of the filing of the claim. The time during which
 11 any related criminal indictment or information is pending
 12 shall not be counted in calculating any 120-day period re-
 13 ferred to in this subsection.”.

14 **Subtitle C—Using and Protecting**
 15 **Witnesses To Help Prosecute**
 16 **Gangs and Other Violent Crimi-**
 17 **nals**

18 **SEC. 2300. INTERSTATE TRAVEL TO ENGAGE IN WITNESS**
 19 **INTIMIDATION OR OBSTRUCTION OF JUS-**
 20 **TICE.**

21 Section 1952 of title 18, United States Code, is
 22 amended—

23 (1) by redesignating subsections (b) and (c) as
 24 (c) and (d), respectively; and

1 (2) by inserting after subsection (a) the follow-
2 ing:

3 “(b) Whoever travels in interstate or foreign com-
4 merce with intent by bribery, force, intimidation, or
5 threat, directed against any person, to delay or influence
6 the testimony of or prevent from testifying a witness in
7 a State criminal proceeding or by any such means to cause
8 any person to destroy, alter, or conceal a record, docu-
9 ment, or other object, with intent to impair the object’s
10 integrity or availability for use in such a proceeding, and
11 thereafter engages or endeavors to engage in such con-
12 duct, shall—

13 “(1) be fined under this title or imprisoned not
14 more than 10 years, or both;

15 “(2) if serious bodily injury (as defined in sec-
16 tion 1365) results, be so fined or imprisoned for not
17 more than 20 years, or both; and

18 “(3) if death results, be so fined and impris-
19 oned for any term of years or for life, or both, and
20 may be sentenced to death.”.

1 **SEC. 2301. EXPANDING PRETRIAL DETENTION ELIGIBILITY**
2 **FOR SERIOUS GANG AND OTHER VIOLENT**
3 **CRIMINALS.**

4 (a) **IN GENERAL.**—Section 3142(f)(1) of title 18,
5 United States Code, is amended by adding at the end the
6 following flush sentence:

7 “For purposes of subparagraph (D), the term ‘con-
8 victed’ includes a finding, under Federal or State
9 law, that a person has committed an act of juvenile
10 delinquency;”.

11 (b) **OFFENSES.**—Section 3156(a)(4) of title 18,
12 United States Code, is amended—

13 (1) by striking “or” at the end of subparagraph
14 (B);

15 (2) by striking the period at the end of sub-
16 paragraph (C) and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(D) an offense that is a violation of sec-
19 tion 842(i)(1) or 922(g)(1) of this title (relating
20 to possession of explosives or firearms by con-
21 victed felons).”.

22 (c) **FACTORS.**—Section 3142(g)(3)(B) of title 18,
23 United States Code, is amended—

24 (1) by striking “the person was on probation”
25 and inserting “the person was—

26 “(i) on probation”;

1 (2) by striking “local law; and” and inserting
2 “local law; or”; and

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

4 “(ii) was a member of or participated
5 in a criminal street gang or racketeering
6 enterprise; and”.

7 **SEC. 2302. CONSPIRACY PENALTY FOR OBSTRUCTION OF**
8 **JUSTICE OFFENSES INVOLVING VICTIMS,**
9 **WITNESSES, AND INFORMANTS.**

10 Section 1512 of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(j) Whoever conspires to commit any offense defined
13 in this section or section 1513 of this title shall be subject
14 to the same penalties as those prescribed for the offense
15 the commission of which was the object of the conspir-
16 acy.”.

17 **SEC. 2303. CLARIFICATION OF PROSECUTORIAL AUTHOR-**
18 **ITY TO ENTER COOPERATION AGREEMENTS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) Section 201 of title 18, United States Code,
22 was enacted in 1962 and was amended in 1986 and
23 again in 1994.

24 (2) At the time section 201 of title 18, United
25 States Code was enacted, and at each of the times

1 it was amended, Congress was aware of, and in-
2 tended to preserve, the traditional law enforcement
3 practice of offering or recommending leniency or
4 other favorable actions with respect to defendants in
5 exchange for truthful testimony or other cooperation
6 in the investigation and prosecution of other offend-
7 ers.

8 (3) The finding in paragraph (2) of this sub-
9 section is based in part on the fact that several Fed-
10 eral statutes, including the immunity statute, the
11 Sentencing Reform Act, and the Witness Relocation
12 and Protection Act, authorize prosecutors to give
13 things of value, including immunity, leniency, and
14 physical protection, in return for testimony.

15 (4) In the over 35 years since section 201 of
16 title 18, United States Code was enacted, and con-
17 sistent with the intent of Congress in enacting and
18 amending that section, no Federal court interpreted
19 that section to prohibit the essential law enforcement
20 tool of obtaining information and testimony through
21 the use of cooperation agreements between prosecu-
22 tors and defendants, or settlement agreements be-
23 tween civil enforcement attorneys and defendants.

24 (5) The United States Supreme Court, in nu-
25 merous decisions since 1962, including *Giglio v.*

1 United States and United States v. Mezzanatto, has
2 reviewed and implicitly approved this practice.

3 (6) Even before the enactment of section 201 of
4 title 18, United States Code, the United States Su-
5 preme Court implicitly endorsed this practice when
6 it wrote, in *Lisenba v. California*, that “the practice
7 of taking into consideration, in sentencing an accom-
8 plice, his aid to the State in turning State’s evidence
9 can be no denial of due process to a convicted con-
10 federate.”.

11 (7) On July 1, 1998, a panel of the United
12 States Court of Appeals for the Tenth Circuit ruled,
13 in the case of *United States v. Singleton*, that the
14 language of section 201(c) of title 18, United States
15 Code, holding criminally liable anyone who “directly
16 or indirectly, gives, offers, or promises anything of
17 value to any person, for or because of the testimony
18 under oath or affirmation given or to be given by
19 such person as a witness upon a trial, hearing, or
20 other proceeding,” forbids a prosecutor from promis-
21 ing leniency to a cooperating witness in exchange for
22 testimony, and further ruled that the conviction of
23 a drug dealer and money launderer be thrown out
24 and the case remanded for a new trial.

1 (8) On July 10, 1998, the Tenth Circuit, on its
2 own motion, vacated the panel decision and ordered
3 that the appeal be reheard en banc in November
4 1998.

5 (9) Since then, other Federal courts have ex-
6 cluded testimony or made other rulings adverse to
7 the prosecution based upon the same or similar rea-
8 soning as the vacated panel decision in the Singleton
9 case.

10 (10) Regardless of the eventual ruling of the
11 Tenth Circuit in Singleton, unless there is Federal
12 legislation or a definitive ruling by the United States
13 Supreme Court on this issue, it is likely that accused
14 and convicted offenders across the Nation will con-
15 tinue to challenge charges and convictions, and seek
16 to preclude the admission of truthful testimony in
17 their trials, based on the reasoning in the vacated
18 panel decision, increasing the likelihood that dan-
19 gerous criminals will be released and that public offi-
20 cials will be deterred from reasonably exercising
21 their discretion in the public interest.

22 (b) PURPOSES.—The purposes of this Act are—

23 (1) to promote effective law enforcement by en-
24 suring that prosecutors and other public officials, in-
25 cluding civil enforcement officials, continue to em-

1 ploy the traditional and important law enforcement
2 tool of obtaining information and testimony by en-
3 tering into cooperation and settlement agreements in
4 the reasonable exercise of their discretion;

5 (2) to ensure that truthful testimony secured by
6 such agreements will continue to be admitted into
7 evidence in judicial proceedings notwithstanding the
8 fact that such agreements may have been entered
9 prior to the effective date of this Act; and

10 (3) to clarify, for the benefit of courts interpret-
11 ing section 201 of title 18, United States Code, that
12 Congress has never intended to prohibit such agree-
13 ments and that this Act is intended to endorse a
14 practice that is already lawful rather than to render
15 lawful a practice previously forbidden by an Act of
16 Congress.

17 (c) AMENDMENT.—Section 201(d) of title 18, United
18 States Code, is amended by adding at the end the follow-
19 ing:

20 “Paragraph (2) of subsection (c) shall also not be
21 construed to apply to an officer or employee of the United
22 States or any agency thereof, or of a State or local govern-
23 ment or any agency thereof, who is acting in accordance
24 with official duties to investigate or prosecute any viola-
25 tion of criminal or civil law. Nor shall paragraph (3) of

1 subsection (c) be construed to apply to a potential witness
 2 who demands, seeks, receives, accepts, or agrees to accept
 3 anything of value that may be directly or indirectly given,
 4 offered, or promised consistent with subsection (c)(2). For
 5 the purposes of this subsection, the term ‘State’ includes
 6 the District of Columbia and any commonwealth, terri-
 7 tory, or possession of the United States.”.

8 **SEC. 2304. ALLOWING A REDUCTION OF SENTENCE FOR**
 9 **PROVIDING USEFUL INVESTIGATIVE INFOR-**
 10 **MATION ALTHOUGH NOT REGARDING A PAR-**
 11 **TICULAR INDIVIDUAL.**

12 (a) TITLE 18.—Section 3553(e) of title 18, United
 13 States Code, is amended by striking “substantial assist-
 14 ance in the investigation or prosecution of another person
 15 who has committed an offense” and inserting “substantial
 16 assistance in an investigation of any offense or the pros-
 17 ecution of another person who has committed an offense”.

18 (b) TITLE 28.—Section 994(n) of title 28, United
 19 States Code, is amended by striking “substantial assist-
 20 ance in the investigation or prosecution of another person
 21 who has committed an offense” and inserting “substantial
 22 assistance in an investigation of any offense or the pros-
 23 ecution of another person who has committed an offense”.

24 (c) FEDERAL RULES OF CRIMINAL PROCEDURE.—
 25 Rule 35(b) of the Federal Rules of Criminal Procedure

1 is amended by striking “substantial assistance in the in-
2 vestigation or prosecution of another person who has com-
3 mitted an offense” and inserting “substantial assistance
4 in an investigation of any offense or the prosecution of
5 another person who has committed an offense”.

6 **SEC. 2305. INCREASING THE PENALTY FOR USING PHYS-**
7 **ICAL FORCE TO TAMPER WITH WITNESSES,**
8 **VICTIMS, OR INFORMANTS.**

9 Section 1512 of title 18, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “as pro-
13 vided in paragraph (2)” and inserting “as pro-
14 vided in paragraph (3)”;

15 (B) by redesignating paragraph (2) as
16 paragraph (3);

17 (C) by inserting after paragraph (1) the
18 following:

19 “(2) Whoever uses physical force or the threat
20 of physical force, or attempts to do so, with intent
21 to—

22 “(A) influence, delay, or prevent the testi-
23 mony of any person in an official proceeding;

24 “(B) cause or induce any person to—

1 “(i) withhold testimony, or withhold a
2 record, document, or other object, from an
3 official proceeding;

4 “(ii) alter, destroy, mutilate, or con-
5 ceal an object with intent to impair the ob-
6 ject’s integrity or availability for use in an
7 official proceeding;

8 “(iii) evade legal process summoning
9 that person to appear as a witness, or to
10 produce a record, document, or other ob-
11 ject, in an official proceeding; and

12 “(iv) be absent from an official pro-
13 ceeding to which such person has been
14 summoned by legal process; or

15 “(C) hinder, delay, or prevent the commu-
16 nication to a law enforcement officer or judge
17 of the United States of information relating to
18 the commission or possible commission of a
19 Federal offense or a violation of conditions of
20 probation, parole, or release pending judicial
21 proceedings;

22 shall be punished as provided in paragraph (3).”;
23 and

24 (D) by striking paragraph (3)(B), as re-
25 designated, and inserting the following:

1 “(B) an attempt to murder, the use of
2 physical force, the threat of physical force, or
3 an attempt to do so, imprisonment for not more
4 than 20 years.”; and

5 (2) in subsection (b), by striking “or physical
6 force”.

7 **SEC. 2306. EXPANSION OF FEDERAL KIDNAPPING OFFENSE**
8 **TO COVER WHEN DEATH OF VICTIM OCCURS**
9 **BEFORE CROSSING STATE LINE AND WHEN**
10 **FACILITY IN INTERSTATE COMMERCE OR**
11 **THE MAILS ARE USED.**

12 Section 1201(a) of title 18, United States Code, is
13 amended—

14 (1) by inserting before the semicolon at the end
15 of paragraph (1) the following: “, without regard to
16 whether such person was alive when transported
17 across a State boundary if the person was alive
18 when the transportation began”;

19 (2) by striking “or” at the end of paragraph
20 (4); and

21 (3) by inserting after paragraph (5) the follow-
22 ing:

23 “(6) an individual travels in interstate or for-
24 eign commerce in furtherance of the offense; or

1 “(7) the mail or a facility in interstate or for-
2 eign commerce is used in furtherance of the of-
3 fense;”.

4 **SEC. 2307. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR**
5 **HIRE.**

6 Section 1958(a) of title 18, United States Code, is
7 amended by inserting “or other felony crime of violence
8 against the person” after “murder”.

9 **SEC. 2308. CLARIFICATION OF INTERSTATE THREAT STAT-**
10 **UTE TO COVER THREATS TO KILL.**

11 Subsections (b) and (c) of section 875 of title 18,
12 United States Code, and the second and third undesig-
13 nated paragraphs of sections 876 and 877 of title 18,
14 United States Code, are each amended by striking “any
15 threat to injure” and inserting “any threat to kill or in-
16 jure”.

17 **SEC. 2309. CONFORMING AMENDMENT TO LAW PUNISHING**
18 **OBSTRUCTION OF JUSTICE BY NOTIFICATION**
19 **OF EXISTENCE OF A SUBPOENA FOR**
20 **RECORDS IN CERTAIN TYPES OF INVESTIGA-**
21 **TIONS.**

22 Section 1510(b)(3)(B) of title 18, United States
23 Code, is amended—

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

1 (2) by striking the period and inserting “; or”
2 at the end of clause (ii); and

3 (3) by adding the following new clauses:

4 “(iii) the Controlled Substances Act
5 (21 U.S.C. 801 et seq.), the Controlled
6 Substances Import and Export Act (21
7 U.S.C. 951 et seq.), or section 6050I of
8 the Internal Revenue Code of 1986; and

9 “(iv) section 286, 287, 669, 1001,
10 1027, 1035, 1341, 1343, 1347, 1518, or
11 1954 relating to a Federal health care of-
12 fense.”.

13 **SEC. 2310. ELIMINATION OF PROOF OF VALUE REQUIRE-**
14 **MENT FOR FELONY THEFT OR CONVERSION**
15 **OF GRAND JURY MATERIAL.**

16 Section 641 of title 18, United States Code, is
17 amended by striking “but if the value of such property
18 does not exceed the sum of \$1,000, he” and inserting “but
19 if the value of such property, other than property con-
20 stituting matters occurring before the grand jury, within
21 the meaning of Rule 6(e) of the Federal Rules of Criminal
22 Procedure, does not exceed the sum of \$1,000, that per-
23 son”.

1 **Subtitle D—Gang Paraphernalia**

2 **SEC. 2400. STREAMLINING PROCEDURES FOR LAW EN-**
3 **FORCEMENT ACCESS TO CLONE NUMERIC**
4 **PAGERS.**

5 (a) AMENDMENT TO CHAPTER 206.—Chapter 206 of
6 title 18, United States Code, is amended—

7 (1) in the chapter heading, by striking “AND
8 TRAP AND TRACE DEVICES” and inserting:
9 “TRAP AND TRACE DEVICES, AND CLONE
10 NUMERIC PAGERS”;

11 (2) in section 3121—

12 (A) in the section heading, by striking
13 “and trap and trace device” and inserting “,
14 trap and trace device, and clone pager”;

15 (B) in subsection (a)—

16 (i) by striking “or a trap and trace
17 device” each place that term appears and
18 inserting “, a trap and trace device, or a
19 clone pager”;

20 (ii) after “3123” by inserting “or sec-
21 tion 3129”; and

22 (C) in subsections (b) and (c), by striking
23 “or trap and trace device” each place that term
24 appears an inserting “, a trap and trade device
25 or a cone pager”;

1 (3) in section 3124—

2 (A) in the section heading, by striking “or
3 a trap and trace device” and inserting “, a trap
4 and trace device, or a clone pager”;

5 (B) by redesignating subsections (e)
6 through (f) as subsections (d) through (g), re-
7 spectively; and

8 (C) by inserting after subsection (b) the
9 following:

10 “(c) CLONE PAGER.—Upon the request of an attor-
11 ney for the Government or an officer of a law enforcement
12 agency authorized to use a clone pager under this chapter,
13 a provider of a paging service or electronic communication
14 service shall furnish such investigative or law enforcement
15 officer, all information, facilities, and technical assistance
16 necessary to accomplish the use of the clone pager unob-
17 trusively and with a minimum of interference with the
18 services that the person so ordered by the court provides
19 to the subscriber, if such assistance is directed by a court
20 order as provided in section 3129(b)(2) of this chapter.”;

21 (4) in section 3125—

22 (A) in the section heading, by striking
23 “and trap and trace device” and inserting “,
24 trap and trace device, and clone pager”;

25 (B) in subsection (a)—

1 (i) by striking “or trap and trace de-
2 vice” each place that term appears and in-
3 serting “, a trap and trace device, or a
4 clone pager”; and

5 (ii) by striking “an order approving
6 the installation or use is issued in accord-
7 ance with section 3123 of this title” and
8 inserting “an application is made for an
9 order approving the installation or use in
10 accordance with section 3123 or section
11 3128 of this title”; and

12 (C) in subsection (b), by adding at the end
13 the following: “In the event such application for
14 the use of a clone pager is denied, or in any
15 other case where the use of the clone pager is
16 terminated without an order having been
17 issued, an inventory shall be served as provided
18 for in section 3129(e).”;

19 (5) in section 3126—

20 (A) in the section heading, by striking
21 “and trap and trace devices” and inserting “,
22 trap and trace devices, and clone pagers”; and

23 (B) by striking “pen register orders and
24 orders for trap and trace devices” and inserting

1 “orders for pen registers, trap and trace de-
2 vices, and clone pagers”; and

3 (6) in section 3127—

4 (A) in paragraph (2), by striking “pen reg-
5 ister or a trap and trace device” and inserting
6 “pen register, a trap and trace device, or a
7 clone pager”;

8 (B) by redesignating paragraphs (5) and
9 (6) as paragraphs (6) and (7), respectively; and

10 (C) by inserting after paragraph (4) the
11 following:

12 “(5) the term ‘clone pager’ means a numeric
13 display device that receives transmissions intended
14 for another numeric display paging device.”.

15 (b) APPLICATIONS FOR ORDERS.—Chapter 206 of
16 title 18, United States Code, is amended by adding at the
17 end the following:

18 **“§ 3128. Application for an order for use of a clone**
19 **pager**

20 “(a) APPLICATION.—(1) An attorney for the Govern-
21 ment may apply to a court of competent jurisdiction for
22 an order or an extension of an order under section 3129
23 of this title authorizing the use of a clone pager.

24 “(2) A State investigative or law enforcement officer
25 may, if authorized by State law, apply to a court of com-

1 petent jurisdiction of such State for an order or an exten-
2 sion of an order under section 3129 of this title authoriz-
3 ing the use of a clone pager.

4 “(b) CONTENTS OF APPLICATION.—An application
5 under subsection (a) of this section shall include—

6 “(1) the identify of the attorney for the Govern-
7 ment or the State law enforcement or investigative
8 officer making the application and the identify of the
9 law enforcement agency conducting the investiga-
10 tion;

11 “(2) the identify, if known, of the person using
12 the numeric display paging device to be cloned;

13 “(3) a description of the numeric display paging
14 device to be cloned;

15 “(4) the identify, if known, of the person who
16 is the subject of the criminal investigation; and

17 “(5) an affidavit, sworn to before the court of
18 competent jurisdiction, establishing probable cause
19 for belief that information relevant to an ongoing
20 criminal investigation being conducted by that agen-
21 cy will be obtained through use of the clone pager.

22 **“§ 3129. Issuance of an order for use of a clone pager**

23 “(a) IN GENERAL.—Upon an application made under
24 section 3128 of this title, the court shall enter an ex parte
25 order authorizing the use of a clone pager within the juris-

1 diction of the court if the court finds that the application
2 has established probable cause to believe that information
3 relevant to an ongoing criminal investigation being con-
4 ducted by that agency will be obtained through use of the
5 clone pager.

6 “(b) CONTENTS OF AN ORDER.—An order issued
7 under this section—

8 “(1) shall specify—

9 “(A) the identity, if known, of each indi-
10 vidual using the numeric display paging device
11 to be cloned;

12 “(B) the numeric display paging device to
13 be cloned;

14 “(C) the identity, if known, of the person
15 who is the subject of the criminal investigation;
16 and

17 “(D) the offense to which the information
18 likely to be obtained by the clone pager relates;
19 and

20 “(2) shall direct, upon the request of the appli-
21 cant, the furnishing of information, facilities, and
22 technical assistance necessary to use the clone pager
23 under section 3124 of this title.

1 “(c) TIME PERIOD AND EXTENSIONS.—(1) An order
2 issued under this section shall authorize the use of a clone
3 pager for a period not to exceed 30 days.

4 “(2) Extensions of an order referred to in paragraph
5 (1) may be granted, but only upon an application for an
6 order under section 3128 of this title and upon the judicial
7 finding required by subsection (a). The period of extension
8 shall be for a period not to exceed 30 days.

9 “(3) Within a reasonable time after the termination
10 of the period of a clone pager order or any extensions
11 thereof, the applicant shall report to the issuing judge the
12 number of numeric pager messages acquired through the
13 use of the clone pager during such period.

14 “(d) NONDISCLOSURE OF EXISTENCE OF CLONE
15 PAGER.—An order authorizing the use of a clone pager
16 shall direct that—

17 “(1) the order be sealed until otherwise ordered
18 by the court; and

19 “(2) the person who has been ordered by the
20 court to provide assistance to the applicant not dis-
21 close the existence of the clone pager or the exist-
22 ence of the investigation to the listed subscriber, or
23 to any other person, until otherwise ordered by the
24 court.

1 “(e) NOTIFICATION.—Within a reasonable time but
 2 not later than 90 days after the termination of the period
 3 of a clone pager order or any extensions thereof, the
 4 issuing judge shall cause to be served, on each individual
 5 using the numeric display paging device which was cloned,
 6 an inventory including notice of—

7 “(1) the fact of the entry of the order or the
 8 application;

9 “(2) the date of the entry and the period of
 10 clone pager use authorized, or the denial of the ap-
 11 plication; and

12 “(3) whether or not information was obtained
 13 through the use of the clone pager.

14 Upon an ex parte showing of good cause, a court of com-
 15 petent jurisdiction may in its discretion postpone the serv-
 16 ing of the notice required by this section.”.

17 (c) CONFORMING AMENDMENT.—The table of sec-
 18 tions for chapter 206 of title 18, United States Code, is
 19 amended—

20 (1) by striking the item relating to section 3121
 21 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone
 pager use; exception.”;

22 (2) by striking the item relating to section 3124
 23 and inserting the following:

“3124. Assistance in installation and use of a pen register, a trap and trace
 device, or clone pager.”;

1 (3) by striking the item relating to section 3125
2 and inserting the following:

“3125. Emergency pen register, trap and trace device, and clone pager installation and use.”;

3 (4) by striking the item relating to section 3126
4 and inserting the following:

“3126. Reports concerning pen registers, trap and trace devices, and clone pagers.”;

5 and

6 (5) by adding at the end the following:

“3128. Application for an order for use of a clone pager.

“3129. Issuance of an order for use of a clone pager.”.

7 (d) CONFORMING AMENDMENTS.—

8 (1) Section 2511(2)(h) of title 18, United
9 States Code, is amended by striking clause (i) and
10 inserting the following:

11 “(i) to use a pen register, a trap and
12 trace device, or a clone pager (as those
13 terms are defined for the purposes of chap-
14 ter 206 (relating to pen registers, trap and
15 trace devices, and clone pagers) of this
16 title); or”.

17 (2) Section 2510(12) of title 18, United States
18 Code, is amended—

19 (A) in subparagraph (C), by striking “or”
20 at the end;

21 (B) by inserting “or” after subparagraph
22 (D); and

1 (C) by adding at the end the following:

2 “(E) any transmission made through a
3 clone pager (as defined in section 3127(5) of
4 this title).”.

5 (3) Section 705(a) of the Communications Act
6 of 1934 (47 U.S.C. 605(a)) is amended by striking
7 “chapter 119” and inserting “chapters 119 and
8 206”.

9 **SEC. 2401. SENTENCING ENHANCEMENT FOR USING BODY**

10 **ARMOR IN COMMISSION OF A FELONY.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “body armor” means any product
13 sold or offered for sale as personal protective body
14 covering intended to protect against gunfire, regard-
15 less of whether the product is to be worn alone or
16 is sold as a complement to another product or gar-
17 ment; and

18 (2) the term “law enforcement officer” means
19 any officer, agent, or employee of the United States,
20 a State, or a political subdivision of a State, author-
21 ized by law or by a government agency to engage in
22 or supervise the prevention, detection, investigation,
23 or prosecution of any violation of criminal law.

24 (b) SENTENCING ENHANCEMENT.—Pursuant to its
25 authority under section 994(p) of title 28, United States

1 Code, the United States Sentencing Commission shall
2 amend the Federal sentencing guidelines to provide an ap-
3 propriate sentencing enhancement for any offense in which
4 the defendant used body armor.

5 (c) CONSISTENCY.—In carrying out this section, the
6 United States Sentencing Commission shall—

7 (1) ensure that there is reasonable consistency
8 with other Federal sentencing guidelines; and

9 (2) avoid duplicative punishment for substan-
10 tially the same offense.

11 (d) APPLICABILITY.—No Federal sentencing guide-
12 line amendment made under this section shall apply if the
13 Federal crime in which the body armor is used constitutes
14 a violation of, attempted violation of, or conspiracy to vio-
15 late the civil rights of a person by a law enforcement offi-
16 cer acting under color of the authority of such law enforce-
17 ment officer.

18 **SEC. 2402. SENTENCING ENHANCEMENT FOR USING LASER**
19 **SIGHTING DEVICES IN COMMISSION OF A**
20 **FELONY.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “firearm” has the same meaning
23 as in section 921 of title 18, United States Code;
24 and

1 (2) the term “laser-sighting device” includes
2 any device designed to be attached to a firearm that
3 uses technology, such as laser sighting, red-dot-
4 sighting, night sighting, telescopic sighting, or other
5 similarly effective technology, in order to enhance
6 target acquisition.

7 (b) SENTENCING ENHANCEMENT.—Pursuant to its
8 authority under section 994(p) of title 28, United States
9 Code, the United States Sentencing Commission shall
10 amend the Federal sentencing guidelines to provide an ap-
11 propriate sentencing enhancement for any serious violent
12 felony or serious drug offense, as defined in section 3559
13 of this title, in which the defendant—

14 (1) possessed a firearm equipped with a laser-
15 sighting device; or

16 (2) possessed a firearm and the defendant pos-
17 sessed a laser-sighting device (capable of being read-
18 ily attached to the firearm).

19 (c) CONSISTENCY.—In carrying out this section, the
20 United States Sentencing Commission shall—

21 (1) ensure that there is reasonable consistency
22 with other Federal sentencing guidelines; and

23 (2) avoid duplicative punishment for substan-
24 tially the same offense.

1 **SEC. 2403. GOVERNMENT ACCESS TO LOCATION IN-**
2 **FORMATION.**

3 (a) COURT ORDER REQUIRED.—Section 2703 of title
4 18, United States Code, is amended by adding at the end
5 the following:

6 “(g) REQUIREMENTS FOR DISCLOSURE OF LOCATION
7 INFORMATION.—A provider of mobile electronic commu-
8 nication service shall provide to a governmental entity in-
9 formation generated by and disclosing, on a real time
10 basis, the physical location of a subscriber’s equipment
11 only if the governmental entity obtains a court order
12 issued upon a finding that there is probable cause to be-
13 lieve that an individual using or possessing the subscriber
14 equipment is committing, has committed, or is about to
15 commit a felony offense.”.

16 (b) CONFORMING AMENDMENT.—Section
17 2703(c)(1)(B) of title 18, United States Code, is amended
18 by inserting “or wireless location information covered by
19 subsection (g) of this section” after “(b) of this section”.

20 **SEC. 2404. LIMITATION ON OBTAINING TRANSACTIONAL IN-**
21 **FORMATION FROM PEN REGISTERS OR TRAP**
22 **AND TRACE DEVICES.**

23 Subsection 3123(a) of title 18, United States Code,
24 is amended to read as follows:

25 “(a) IN GENERAL.—Upon an application made under
26 section 3122, the court may enter an ex parte order—

1 “(1) authorizing the installation and use of a
 2 pen register or a trap and trace device within the ju-
 3 risdiction of the court if the court finds, based on
 4 the certification by the attorney for the Government
 5 or the State law enforcement or investigative officer,
 6 that the information likely to be obtained by such in-
 7 stallation and use is relevant to an ongoing criminal
 8 investigation; and

9 “(2) directing that the use of the pen register
 10 or trap and trace device be conducted in such a way
 11 as to minimize the recording or decoding of any elec-
 12 tronic or other impulses that are not related to the
 13 dialing and signaling information utilized in call
 14 processing.”.

15 **Subtitle E—Grants To Target Gang**
 16 **Crime and Violent Juveniles**

17 **PART 1—GRANTS TO PROSECUTORS’ OFFICES**

18 **SEC. 2510. AUTHORITY TO MAKE GRANTS TO PROSECU-**
 19 **TORS TO COMBAT GANG CRIME AND YOUTH**
 20 **VIOLENCE.**

21 Section 31702 of subtitle Q of title III of the Violent
 22 Crime Control and Law Enforcement Act of 1994 (42
 23 U.S.C. 13862) is amended—

24 (1) in paragraph (3), by striking “and” at the
 25 end;

1 (2) in paragraph (4), by striking the period and
2 inserting a semicolon; and

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

4 “(5) to allow the hiring of additional prosecu-
5 tors, so that more cases can be prosecuted and back-
6 logs reduced;

7 “(6) to provide funding to enable prosecutors to
8 address drug, gang, and youth violence problems
9 more effectively;

10 “(7) to provide funding to assist prosecutors
11 with funding for technology, equipment, and training
12 to assist prosecutors in reducing the incidence of,
13 and increase the successful identification and speed
14 of prosecution of young violent offenders; and

15 “(8) to provide funding to assist prosecutors in
16 their efforts to engage in community prosecution,
17 problem solving, and conflict resolution techniques
18 through collaborative efforts with police, school offi-
19 cials, probation officers, social service agencies, and
20 community organizations.”.

21 **SEC. 2511. RECIPIENTS.**

22 Section 31701(a) of the Violent Crime Control and
23 Law Enforcement Act of 1994 (42 U.S.C. 13861(a)) is
24 amended by striking “or local prosecutors” and inserting
25 “local prosecutors, or combination thereof,”.

1 **SEC. 2512. AUTHORIZATION OF APPROPRIATIONS.**

2 Subtitle Q of title II of the Violent Crime Control
3 and Law Enforcement Act of 1994 (42 U.S.C. 13861 et
4 seq.) is amended by striking section 31707 and adding at
5 the end the following:

6 **“SEC. 31709. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out
8 this subtitle, and to remain available until expended—

9 “(1) \$100,000,000 for fiscal year 1999;

10 “(2) \$100,000,000 for fiscal year 2000; and

11 “(3) such sums as may be necessary for each
12 of the fiscal years 2001 and 2002.”.

13 **SEC. 2513. TRAINING, TECHNICAL ASSISTANCE, RESEARCH,**
14 **STATISTICS, AND EVALUATION.**

15 (a) IN GENERAL.—Subtitle Q of title III of the Vio-
16 lent Crime Control and Law Enforcement Act of 1994 (42
17 U.S.C. 31701 et seq.) is amended by—

18 (1) inserting after section 31706, the following
19 new sections:

20 **“SEC. 31707. TRAINING AND TECHNICAL ASSISTANCE.**

21 “Two percent of all funds appropriated for this sub-
22 title shall be set aside for training and technical assistance
23 consistent with this subtitle, including providing funds to
24 training and technical assistance providers to assist orga-
25 nizations listed in section 31701(a) of this subtitle imple-

1 ment programs authorized under section 31702 of this
2 subtitle.

3 **“SEC. 31708. RESEARCH, STATISTICS, AND EVALUATION.**

4 “Ten percent of all funds appropriated for this sub-
5 title shall be set aside for research, statistics, and evalua-
6 tion activities consistent with this subtitle.”; and

7 (2) redesignating section 31708 as section
8 31710.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents contained in section 2 of the Violent Crime Control
11 and Law Enforcement Act of 1994 (108 Stat. 1796) is
12 amended by striking the item relating to sections 31707
13 and 31708 and inserting the following:

“Sec. 31707. Training and technical assistance.
“Sec. 31708. Research, statistics, and evaluation.
“Sec. 31709. Authorization of appropriations.
“Sec. 31710. Definitions.”.

14 **PART 2—HIGH INTENSITY INTERSTATE GANG**
15 **ACTIVITY AREAS**

16 **SEC. 2520. HIGH INTENSITY INTERSTATE GANG ACTIVITY**
17 **AREAS.**

18 (a) DEFINITIONS.—In this section:

19 (1) GOVERNOR.—The term “Governor” means
20 a Governor of a State or the Mayor of the District
21 of Columbia.

22 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
23 ITY AREA.—The term “high intensity interstate

1 gang activity area” means an area within a State
2 that is designated as a high intensity interstate gang
3 activity area under subsection (b)(1).

4 (3) STATE.—The term “State” means a State
5 of the United States or the District of Columbia.

6 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
7 AREAS.—

8 (1) DESIGNATION.—The Attorney General,
9 upon consultation with the Secretary of the Treas-
10 ury and the Governors of appropriate States, may
11 designate as a high intensity interstate gang activity
12 area a specified area that is located—

13 (A) within a State; or

14 (B) in more than 1 State.

15 (2) ASSISTANCE.—In order to provide Federal
16 assistance to a high intensity interstate gang activity
17 area, the Attorney General may—

18 (A) facilitate the establishment of a re-
19 gional task force, consisting of Federal, State,
20 and local law enforcement authorities, for the
21 coordinated investigation, disruption, apprehen-
22 sion, and prosecution of criminal activities of
23 gangs and gang members in the high intensity
24 interstate gang activity area; and

1 (B) direct the detailing from any Federal
2 department or agency (subject to the approval
3 of the head of that department or agency, in
4 the case of a department or agency other than
5 the Department of Justice) of personnel to the
6 high intensity interstate gang activity area.

7 (3) CRITERIA FOR DESIGNATION.—In consider-
8 ing an area (within a State or within more than 1
9 State) for designation as a high intensity interstate
10 gang activity area, the Attorney General shall con-
11 sider—

12 (A) the extent to which gangs from the
13 area are involved in interstate or international
14 criminal activity;

15 (B) the extent to which the area is affected
16 by the criminal activity of gang members who—

17 (i) are located in, or have relocated
18 from, other States; or

19 (ii) are located in, or have immigrated
20 (legally or illegally) from, foreign countries;

21 (C) the extent to which the area is affected
22 by the criminal activity of gangs that originated
23 in other States or foreign countries;

24 (D) the extent to which State and local law
25 enforcement agencies have committed resources

1 to respond to the problem of criminal gang ac-
2 tivity in the area, as an indication of their de-
3 termination to respond aggressively to the prob-
4 lem;

5 (E) the extent to which a significant in-
6 crease in the allocation of Federal resources
7 would enhance local response to gang-related
8 criminal activities in the area; and

9 (F) any other criteria that the Attorney
10 General considers to be appropriate.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated \$100,000,000 for each of fiscal years
14 1999 through 2002, to be used in accordance with
15 paragraph (2).

16 (2) USE OF FUNDS.—Of the amounts author-
17 ized to be appropriated under paragraph (1)—

18 (A) 60 percent shall be used to carry out
19 subsection (b)(2); and

20 (B) 40 percent shall be used to make
21 grants for community-based programs to pro-
22 vide crime prevention and intervention services
23 that are designed for gang members and at-risk
24 youth in areas designated pursuant to this sec-

1 tion as high intensity interstate gang activity
2 areas.

3 (3) REQUIREMENT.—

4 (A) IN GENERAL.—The Attorney General
5 shall ensure that not less than 10 percent of
6 the amounts authorized under paragraph (1)
7 are used to assist rural States affected as de-
8 scribed in subparagraphs (B) and (C) of sub-
9 section (b)(3).

10 (B) DEFINITION OF RURAL STATE.—In
11 this paragraph, the term “rural State” has the
12 meaning given the term in section 1501(b) of
13 title I of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (42 U.S.C. 3796bb(b)).

15 **TITLE III—COMBATING**
16 **VIOLENCE ON THE STREETS**
17 **Subtitle A—More Police Officers on**
18 **the Beat**

19 **SEC. 3100. MORE POLICE OFFICERS ON THE BEAT.**

20 Section 1001(a)(11)(A) of title I of the Omnibus
21 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
22 3793(a)(11)(A)) is amended—

23 (1) in clause (v), by striking “and” at the end;

24 (2) in clause (vi), by striking the period at the
25 end and inserting a semicolon; and

1 (3) by adding at the end the following:

2 “(vii) \$1,240,000,000 for fiscal year 2001; and

3 “(viii) \$1,240,000,000 for fiscal year 2002.”.

4 **SEC. 3101. GRANTS FOR EQUIPMENT, TECHNOLOGY, AND**
5 **SUPPORT SYSTEMS.**

6 Section 1701 of title I of the Omnibus Crime Control
7 and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is
8 amended by striking subsection (b)(2)(A) and inserting
9 the following:

10 “(A) may not exceed 20 percent of the
11 funds available for grants pursuant to this sub-
12 section in any fiscal year.”.

13 **SEC. 3102. NATIONAL COMMUNITY POLICE.**

14 Part Q of title I of the Omnibus Crime Control and
15 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is
16 amended by adding at the end the following:

17 **“SEC. 1710. NATIONAL POLICE TELECOMMUNICATIONS.**

18 “(a) FINDINGS.—Congress finds that—

19 “(1) police departments and sheriffs confirm
20 that the 911 system is overloaded and that a large
21 percentage of those calls are nonemergency calls;

22 “(2) many communities have seen increases in
23 their 911 call volumes of between 40 percent and 50
24 percent annually;

1 “(3) police officers are forced to spend too
2 much time responding to nonemergency situations,
3 which eliminates time for proactive community polic-
4 ing; and

5 “(4) efforts to limit the use of 911 by using
6 general telephone numbers and educating the public
7 to reference a general number in the telephone book
8 have been ineffective.

9 “(b) PURPOSE.—The purposes of this section are—

10 “(1) to encourage the Federal Communications
11 Commission to reserve the 311 nonemergency num-
12 ber on a national basis for use by public safety agen-
13 cies in responding to nonemergency police telephone
14 calls; and

15 “(2) to establish a Federal assistance program
16 to assist States and localities in establishing 311
17 nonemergency systems and to educate citizens in the
18 use of 911 and 311.

19 “(c) AUTHORITY TO MAKE 311 NONEMERGENCY
20 GRANTS.—The Attorney General, acting through the Di-
21 rector of the Office of Community Oriented Policing Serv-
22 ices, may make grants to States, units of local govern-
23 ments, Indian tribal governments, other public and private
24 entities, and multijurisdictional or regional consortia, to

1 encourage the use of and to implement 311 nonemergency
2 telecommunication systems for public safety.

3 “(d) GENERAL REGULATORY AUTHORITY.—The At-
4 torney General may promulgate regulations and guidelines
5 to carry out this section.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated from the Violent Crime
8 Reduction Trust Fund to carry out this section—

9 “(1) such sums as may be necessary for each
10 of the fiscal years 1999 through 2000; and

11 “(2) \$10,000,000 in each of the fiscal years
12 2001 and 2002.”.

13 **SEC. 3103. TECHNICAL AMENDMENT.**

14 Section 1001(a)(11)(B) of the Omnibus Crime Con-
15 trol and Safe Streets Act of 1968 (42 U.S.C.
16 3793(a)(11)(B)) is amended by striking “150,000” each
17 place it appears and inserting “100,000”.

18 **Subtitle B—Violent Offender Incar-**
19 **ceration and Truth-in-Sentenc-**
20 **ing Grants**

21 **SEC. 3200. FORMULA ALLOCATIONS.**

22 Section 20106 of the Violent Crime Control and Law
23 Enforcement Act of 1994 (42 U.S.C. 13706) is amend-
24 ed—

1 (1) in subsection (a)(1), by striking subpara-
2 graph (B) and inserting the following:

3 “(B) FORMULA ALLOCATION.—The
4 amount remaining after application of subpara-
5 graph (A) shall be allocated as follows:

6 “(i) 0.75 percent shall be allocated to
7 each State that meets the requirements of
8 section 20103(b), except that the United
9 States Virgin Islands, American Samoa,
10 Guam, and the Commonwealth of the
11 Northern Mariana Islands, if eligible under
12 section 20103(b), shall each be allocated
13 0.05 percent.

14 “(ii) The amount remaining after ap-
15 plication of clause (i) shall be allocated to
16 each State that meets the requirements of
17 section 20103(b), in the ratio that the
18 number of part 1 violent crimes reported
19 by such State to the Federal Bureau of In-
20 vestigation for the 3 years preceding the
21 year in which the determination is made,
22 bears to the average annual number of
23 part 1 violent crimes reported by all States
24 that meet the requirements of section
25 20103(b) to the Federal Bureau of Inves-

1 tigation for the 3 years preceding the year
2 in which the determination is made.”; and

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

5 “(b) ALLOCATION OF TRUTH-IN-SENTENCING
6 GRANTS UNDER SECTION 20104.—The amounts available
7 for grants under section 20104 shall be allocated as fol-
8 lows:

9 “(1) FORMULA ALLOCATION.—0.75 percent
10 shall be allocated to each State that meets the re-
11 quirements of section 20104, except that the United
12 States Virgin Islands, American Samoa, Guam, and
13 the Commonwealth of the Northern Mariana Is-
14 lands, if eligible under section 20104, shall each be
15 allocated 0.05 percent.

16 “(2) ADDITIONAL ALLOCATION.—The amount
17 remaining after application of paragraph (1) shall be
18 allocated to each State that meets the requirements
19 of section 20104, in the ratio that the number of
20 part 1 violent crimes reported by such State to the
21 Federal Bureau of Investigation for the 3 years pre-
22 ceding the year in which the determination is made,
23 bears to the average annual number of part 1 violent
24 crimes reported by all States that meet the require-
25 ments of section 20103(b) to the Federal Bureau of

1 Investigation for the 3 years preceding the year in
2 which the determination is made.”.

3 **SEC. 3201. EXTENSION OF VIOLENT OFFENDER INCARCER-**
4 **ATION AND TRUTH-IN-SENTENCING GRANTS.**

5 (a) VIOLENT OFFENDER INCARCERATION GRANTS.—

6 Section 20108(a) of the Violent Crime Control and Law
7 Enforcement Act of 1994 (42 U.S.C. 13708(a)) is amend-
8 ed—

9 (1) in paragraph (1)—

10 (A) in subparagraph (D), by striking
11 “and” at the end;

12 (B) in subparagraph (E), by striking the
13 period at the end and inserting a semicolon;
14 and

15 (C) by adding at the end the following:

16 “(F) \$2,750,000,000 for fiscal year 2001;

17 and

18 “(G) \$2,750,000,000 for fiscal year
19 2002.”; and

20 (2) in paragraph (2)(A), by striking “fiscal
21 year,” and all that follows before the period and in-
22 serting the following: “fiscal year distribute 45 per-
23 cent for incarceration grants under section 20103,
24 45 percent for incentive grants under section 20104,
25 and 10 percent for violent juvenile offender incarcer-

1 ation grants under section 1300 of the Safe Schools,
2 Safe Streets, and Secure Borders Act of 1998”.

3 (b) TRUTH IN SENTENCING GRANTS.—Section
4 20102(a) of the Violent Crime Control and Law Enforce-
5 ment Act of 1994 (42 U.S.C. 13702(a)) is amended—

6 (1) in paragraph (2), by striking “and” at the
7 end;

8 (2) in paragraph (3), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(4) for hiring professional staff to supervise
12 violent offenders following release from custody and
13 officers of the court to speed the prosecution of vio-
14 lent offenders.”.

15 **Subtitle C—Domestic Violence**

16 **SEC. 3300. EXTENSION OF VIOLENCE AGAINST WOMEN ACT.**

17 (a) GRANTS TO COMBAT VIOLENT CRIMES AGAINST
18 WOMEN.—Section 1001(a)(18) of title I of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
20 3793(a)(18)) is amended—

21 (1) in subparagraph (E), by striking “and” at
22 the end;

23 (2) in subparagraph (F), by inserting “and” at
24 the end; and

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

1 “(G) \$174,000,000 for fiscal year 2001; and

2 “(H) \$174,000,000 for fiscal year 2002.”.

3 (b) EDUCATION AND PREVENTION GRANTS TO RE-
4 DUCE SEXUAL ASSAULTS AGAINST WOMEN.—

5 (1) IN GENERAL.—Section 40151 of the Violent
6 Crime Control and Law Enforcement Act of 1994
7 (108 Stat. 1920) is amended by striking “Health
8 and Human Services” and inserting “Health Serv-
9 ice”.

10 (2) AMENDMENT.—Section 1910A(c) of the
11 Public Health Service Act (42 U.S.C. 300w–10(e))
12 is amended—

13 (A) in paragraph (4), by striking “and” at
14 the end; and

15 (B) by adding at the end the following:

16 “(6) \$45,000,000 for fiscal year 2001; and

17 “(7) \$45,000,000 for fiscal year 2002.”.

18 (c) GRANT FOR NATIONAL DOMESTIC VIOLENCE
19 HOTLINE.—Section 316(f) of the Family Violence Preven-
20 tion and Services Act (42 U.S.C. 10416(f)) is amended—

21 (1) in subparagraph (E), by striking “and” at
22 the end;

23 (2) in subparagraph (F), by adding “and” at
24 the end; and

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

1 “(G) \$500,000 for fiscal year 2001; and

2 “(H) \$500,000 for fiscal year 2002.”.

3 (d) GRANTS FOR BATTERED WOMEN’S SHELTERS.—

4 Section 310(a) of the Family Violence Prevention and
5 Services Act (42 U.S.C. 10409(a)) is amended—

6 (1) in paragraph (4), by striking “and” at the
7 end;

8 (2) in paragraph (5), by adding “and” at the
9 end; and

10 (3) by adding at the end the following:

11 “(6) \$72,500,000 for fiscal year 2001; and

12 “(7) \$72,500,000 for fiscal year 2002.”.

13 (e) VICTIMS OF CHILD ABUSE PROGRAMS.—Section
14 218(a) of the Victims of Child Abuse Act of 1990 (42
15 U.S.C. 13014(a)) is amended—

16 (1) in paragraph (4), by striking “and” at the
17 end;

18 (2) in paragraph (5), by adding “and” at the
19 end; and

20 (3) by adding at the end the following:

21 “(6) \$10,000,000 for fiscal year 2001; and

22 “(7) \$10,000,000 for fiscal year 2002.”.

1 **SEC. 3301. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE**
2 **ENFORCEMENT ASSISTANCE.**

3 Section 1501(b) of title I of the Omnibus Crime Con-
4 trol and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b))
5 is amended—

6 (1) by striking “or a State” and inserting “, a
7 State”; and

8 (2) by striking “through fiscal year 1997” and
9 inserting “, or a State that has a population density
10 of more than 60 persons per square mile (as deter-
11 mined by the Bureau of the Census of the Depart-
12 ment of Commerce)”.

13 **SEC. 3302. PUNISHMENT OF ATTEMPTS TO COMMIT INTER-**
14 **STATE DOMESTIC VIOLENCE OFFENSE.**

15 Section 2261(a) of title 18, United States Code, is
16 amended—

17 (1) in paragraph (1), by inserting “or attempts
18 to do so,” after “thereby causes bodily injury to
19 such spouse or intimate partner,”; and

20 (2) in paragraph (2), by inserting “or attempts
21 to do so,” after “thereby causes bodily injury to the
22 person’s spouse or intimate partner,”.

1 **SEC. 3303. EXPANSION OF INTERSTATE DOMESTIC VIO-**
2 **LENCE OFFENSE TO COVER INTIMIDATION.**

3 Section 2261A of title 18, United States Code, is
4 amended by striking “injure or harass” and inserting “in-
5 jure, harass, or intimidate”.

6 **SEC. 3304. PUNISHMENT OF INTERSTATE TRAVEL WITH IN-**
7 **TENT TO KILL SPOUSE.**

8 (a) Sections 2261(b)(3) and 2262(b)(3) of title 18,
9 United States Code, are each amended by inserting “(as
10 defined in section 2119(2) of this title)” after “serious
11 bodily injury”.

12 (b) Section 2261A of title 18, United States Code,
13 is amended by striking “section 1365(g)(3)” and inserting
14 “section 2119(2)”;

15 (c)(1) Section 2261 of title 18, United States Code,
16 is amended—

17 (A) in subsection (a)(1), by striking “with the
18 intent to injure, harass, or intimidate” and inserting
19 “with the intent to kill, injure, harass, or intimi-
20 date”; and

21 (B) in subsection (a) (1) and (2), by inserting
22 “or death” after “and thereby causes bodily injury”.

23 (2) Section 2262 of title 18, United States Code, is
24 amended—

25 (A) in subsection (a)(1), by inserting “or
26 death” after “bodily injury”; and

1 (B) in subsection (a)(2), by striking “commits
 2 an act that injures” and inserting “commits an act
 3 that causes bodily injury or death to”.

4 **Subtitle D—Assistance to Local**
 5 **Law Enforcement**

6 **SEC. 3400. EXTENSION OF LAW ENFORCEMENT FAMILY**
 7 **SUPPORT FUNDING.**

8 Section 1001(a)(21) of title I of the Omnibus Crime
 9 Control and Safe Streets Act of 1968 (42 U.S.C.
 10 3793(a)(21)) is amended—

11 (1) by redesignating paragraphs (1) through
 12 (5) as subparagraphs (A) through (E), respectively;

13 (2) in subparagraph (D), as redesignated, by
 14 striking “and” at the end;

15 (3) in subparagraph (E), as redesignated, by
 16 striking the period at the end and inserting a semi-
 17 colon; and

18 (4) by adding at the end the following:

19 “(F) \$7,500,000 for fiscal year 2001; and

20 “(G) \$7,500,000 for fiscal year 2002.”.

21 **SEC. 3401. EXTENSION OF RURAL DRUG ENFORCEMENT**
 22 **AND TRAINING FUNDING.**

23 (a) OMNIBUS CRIME CONTROL AND SAFE STREETS
 24 ACT OF 1968.—Section 1001(a)(9) of title I of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3793(a)(9)) is amended—

3 (1) in subparagraph (D), by striking “and” at
4 the end;

5 (2) in subparagraph (E), by striking the period
6 at the end and inserting a semicolon; and

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

8 “(F) \$66,000,000 for fiscal year 2001; and

9 “(G) \$66,000,000 for fiscal year 2002.”.

10 (b) VIOLENT CRIME CONTROL AND LAW ENFORCE-
11 MENT ACT OF 1994.—Section 18103(b) of the Violent
12 Crime Control and Law Enforcement Act of 1994 (42
13 U.S.C. 14082(b)) is amended—

14 (1) in paragraph (4), by striking “and” at the
15 end;

16 (2) in paragraph (5), by striking the period at
17 the end and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(6) \$1,000,000 for fiscal year 2001; and

20 “(7) \$1,000,000 for fiscal year 2002.”.

21 **SEC. 3402. EXTENSION OF DNA IDENTIFICATION GRANTS**
22 **FUNDING.**

23 Section 1001(a) of title I of the Omnibus Crime Con-
24 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a))

1 is amended by redesignating paragraphs (16) through
2 (22) as paragraphs (12) through (17), respectively.

3 **SEC. 3403. EXTENSION OF BYRNE GRANT FUNDING.**

4 Section 210101 of the Violent Crime Control and
5 Law Enforcement Act of 1994 (Public Law 103–322; 108
6 Stat. 2061) is amended—

7 (1) by striking “through 2000” and inserting
8 “through 2002”;

9 (2) in paragraph (5), by striking “and” at the
10 end;

11 (3) in paragraph (6), by striking the period at
12 the end and inserting a semicolon; and

13 (4) by adding at the end the following:

14 “(7) \$200,000,000 for fiscal year 2001; and

15 “(8) \$200,000,000 for fiscal year 2002.”.

16 **SEC. 3404. EXTENSION OF TECHNICAL AUTOMATION GRANT**
17 **FUNDING.**

18 Section 210501(c) of the Violent Crime Control and
19 Law Enforcement Act of 1994 (42 U.S.C. 14151(c)) is
20 amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (D), by striking
23 “and” at the end;

1 (B) in subparagraph (E), by striking the
 2 period at the end and inserting a semicolon;
 3 and

4 (C) by adding at the end the following:

5 “(F) for fiscal year 2001, \$24,000,000;

6 and

7 “(G) for fiscal year 2002, \$24,000,000;”;

8 and

9 (2) in paragraph (2)—

10 (A) in subparagraph (D), by striking
 11 “and” at the end;

12 (B) in subparagraph (E), by striking
 13 “and” at the end; and

14 (C) by adding at the end the following:

15 “(F) for fiscal year 2001, \$6,000,000; and

16 “(G) for fiscal year 2002, \$6,000,000;

17 and”.

18 **SEC. 3405. EXTENSION OF GRANTS FOR STATE COURT**

19 **PROSECUTORS.**

20 Section 21602 of the Violent Crime Control and Law
 21 Enforcement Act of 1994 (42 U.S.C. 14161) is amend-
 22 ed—

23 (1) in subsection (a)—

24 (A) by striking “other criminal justice par-
 25 ticipants” and inserting “other criminal justice

1 participants, in both the adult and juvenile sys-
2 tems,”;

3 (B) by striking “this Act” and all that fol-
4 lows before the period at the end of the section
5 and inserting “this Act, the Safe Schools, Safe
6 Streets, and Secure Borders Act of 1998, and
7 amendments thereto”;

8 (2) by redesignating subsection (d) as sub-
9 section (e);

10 (3) by inserting after subsection (c) the follow-
11 ing:

12 “(d) Not less than 20 percent of the total amount
13 appropriated to carry out this subtitle in each of the fiscal
14 years 2001 and 2002 shall be made available for providing
15 increased resources to State juvenile courts systems, juve-
16 nile prosecutors, juvenile public defenders, and other juve-
17 nile court system participants.”;

18 (4) in subsection (e)—

19 (A) in paragraph (4), by striking “and” at
20 the end;

21 (B) in paragraph (5), by striking the
22 comma at the end and inserting a semicolon;
23 and

24 (C) by inserting immediately after para-
25 graph (5) the following:

1 “(6) \$250,000,000 for fiscal year 2001; and

2 “(7) \$250,000,000 for fiscal year 2002.”.

3 **Subtitle E—Protecting Federal,**
4 **State, and Local Law Enforce-**
5 **ment Officers and the Judiciary**

6 **SEC. 3500. EXPANSION OF PROTECTION OF FEDERAL OFFI-**
7 **CERS AND EMPLOYEES FROM MURDER DUE**
8 **TO THEIR STATUS.**

9 Section 1114 of title 18, United States Code, is
10 amended—

11 (1) by inserting “or because of the status of the
12 victim as such an officer or employee,” after “on ac-
13 count of the performance of official duties,”; and

14 (2) by inserting “or, if the person assisting is
15 an officer or employee of a State or local govern-
16 ment, because of the status of the victim as such an
17 officer or employee,” after “on account of that as-
18 sistance,”.

19 **SEC. 3501. ASSAULTING, RESISTING, OR IMPEDING CER-**
20 **TAIN OFFICERS OR EMPLOYEES.**

21 Section 111 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a), by striking “three” and
24 inserting “12”; and

1 (2) in subsection (b), by striking “ten” and in-
2 serting “20”.

3 **SEC. 3502. INFLUENCING, IMPEDING, OR RETALIATING**
4 **AGAINST A FEDERAL OFFICIAL BY THREAT-**
5 **ENING A FAMILY MEMBER.**

6 Section 115(b)(4) of title 18, United States Code, is
7 amended—

8 (1) by striking “five” and inserting “10”; and
9 (2) by striking “three” and inserting “6”.

10 **SEC. 3503. MAILING THREATENING COMMUNICATIONS.**

11 Section 876 of title 18, United States Code, is
12 amended—

13 (1) by designating the first 4 undesignated
14 paragraphs as subsections (a) through (d), respec-
15 tively;

16 (2) in subsection (c), as so designated, by add-
17 ing at the end the following: “If such a communica-
18 tion is addressed to a United States judge, a Fed-
19 eral law enforcement officer, or an official who is
20 covered by section 1114, the individual shall be fined
21 under this title, imprisoned not more than 10 years,
22 or both.”; and

23 (3) in subsection (d), as so designated, by add-
24 ing at the end the following: “If such a communica-
25 tion is addressed to a United States judge, a Fed-

1 eral law enforcement officer, or an official who is
2 covered by section 1114, the individual shall be fined
3 under this title, imprisoned not more than 10 years,
4 or both.”.

5 **SEC. 3504. AMENDMENT OF THE SENTENCING GUIDELINES**
6 **FOR ASSAULTS AND THREATS AGAINST FED-**
7 **ERAL JUDGES AND CERTAIN OTHER FED-**
8 **ERAL OFFICIALS AND EMPLOYEES.**

9 (a) IN GENERAL.—Pursuant to its authority under
10 section 994 of title 28, United States Code, the United
11 States Sentencing Commission shall review and amend the
12 Federal sentencing guidelines and the policy statements
13 of the commission, if appropriate, to provide an appro-
14 priate sentencing enhancement for offenses involving in-
15 fluencing, assaulting, resisting, impeding, retaliating
16 against, or threatening a Federal judge, magistrate judge,
17 or any other official described in section 111 or 115 of
18 title 18, United States Code.

19 (b) FACTORS FOR CONSIDERATION.—In carrying out
20 this section, the United States Sentencing Commission
21 shall consider, with respect to each offense described in
22 subsection (a)—

23 (1) any expression of congressional intent re-
24 garding the appropriate penalties for the offense;

25 (2) the range of conduct covered by the offense;

1 (3) the existing sentences for the offense;

2 (4) the extent to which sentencing enhance-
3 ments within the Federal sentencing guidelines and
4 the court's authority to impose a sentence in excess
5 of the applicable guideline range are adequate to en-
6 sure punishment at or near the maximum penalty
7 for the most egregious conduct covered by the of-
8 fense;

9 (5) the extent to which Federal sentencing
10 guideline sentences for the offense have been con-
11 strained by statutory maximum penalties;

12 (6) the extent to which Federal sentencing
13 guidelines for the offense adequately achieve the
14 purposes of sentencing as set forth in section
15 3553(a)(2) of title 18, United States Code;

16 (7) the relationship of Federal sentencing
17 guidelines for the offense to the Federal sentencing
18 guidelines for other offenses of comparable serious-
19 ness; and

20 (8) any other factors that the Commission con-
21 siders to be appropriate.

1 **SEC. 3505. EXTENSION OF BULLETPROOF VEST PARTNER-**
2 **SHIP GRANT ACT.**

3 Section 1001(a) of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amend-
5 ed—

6 (1) by redesignating paragraph (23), as added
7 by the Bulletproof Vest Partnership Grant Act of
8 1998 (42 U.S.C. 3711 note), as paragraph (18); and

9 (2) in paragraph (18), as so redesignated, by
10 striking “fiscal years 1999 through 2001” and in-
11 serting “fiscal years 1999 through 2003”.

12 **SEC. 3506. KILLING PERSONS AIDING FEDERAL INVESTIGA-**
13 **TIONS OR STATE CORRECTIONAL OFFICERS.**

14 Section 1121(a)(1) of title 18, United States Code,
15 is amended in the matter preceding subparagraph (A), by
16 inserting “, State, or joint Federal-State” after “a Fed-
17 eral”.

18 **SEC. 3507. KILLING STATE CORRECTIONAL OFFICERS.**

19 Section 1121(b)(3) of title 18, United States Code,
20 is amended—

21 (1) in subparagraph (A), by striking “or” at
22 the end;

23 (2) in subparagraph (B), by striking the period
24 at the end and inserting “; or”; and

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

1 “(C) the incarcerated person is incarcerated
2 ated pending an initial appearance, arraignment,
3 trial, or appeal for an offense against the
4 United States.”.

5 **SEC. 3508. FEDERAL LAW ENFORCEMENT OFFICERS’ GOOD**
6 **SAMARITAN PROTECTION.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Federal Law Enforcement Officers’ Good Samaritan Act
9 of 1998”.

10 (b) **PROTECTION OF FEDERAL LAW ENFORCEMENT**
11 **OFFICERS WHO INTERVENE IN CERTAIN SITUATIONS.**—

12 (1) **DEFINITIONS.**—In this section—

13 (A) the term “crime of violence” has the
14 meaning given that term in section 16 of title
15 18, United States Code; and

16 (B) the term “law enforcement officer”
17 means—

18 (i) any employee described in subpara-
19 graph (A), (B), or (C) of section 8401(17)
20 of title 5, United States Code; and

21 (ii) any special agent in the Diplo-
22 matic Security Service of the Department
23 of State.

24 (2) **RULE OF CONSTRUCTION.**—Notwithstand-
25 ing any other provision of law, for purposes of chap-

1 ter 171 of title 28, United States Code, or any other
2 provision of law relating to tort liability, a law en-
3 forcement officer shall be construed to be acting
4 within the scope of his or her office or employment,
5 if the officer takes reasonable action, including the
6 use of force, to—

7 (A) protect an individual in the presence of
8 the officer from a crime of violence;

9 (B) provide immediate assistance to an in-
10 dividual who has suffered or who is threatened
11 with bodily harm; or

12 (3) prevent the escape of any individual whom
13 the officer reasonably believes to have committed in
14 the presence of the officer a crime of violence.

15 **SEC. 3509. ESTABLISHMENT OF PROTECTIVE FUNCTION**
16 **PRIVILEGE.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The physical safety of the Nation's top
20 elected officials is a public good of transcendent im-
21 portance.

22 (2) By virtue of the critical importance of the
23 Office of the President, the President and those in
24 direct line of the Presidency are subject to unique
25 and mortal jeopardy—jeopardy that in turn threat-

1 ens profound disruption to our system of representa-
2 tive government and to the security and future of
3 the Nation.

4 (3) The physical safety of visiting heads of for-
5 eign states and foreign governments is also a matter
6 of paramount importance. The assassination of such
7 a person while on American soil could have calami-
8 tous consequences for our foreign relations and na-
9 tional security.

10 (4) Given these grave concerns, Congress has
11 provided for the Secret Service to protect the Presi-
12 dent and those in direct line of the Presidency, and
13 has directed that these officials may not waive such
14 protection. Congress has also provided for the Secret
15 Service to protect visiting heads of foreign states
16 and foreign governments.

17 (5) The protective strategy of the Secret Serv-
18 ice depends critically on the ability of its personnel
19 to maintain close and unremitting physical proximity
20 to the protectee.

21 (6) Secret Service personnel must remain at the
22 side of the protectee on occasions of confidential
23 conversations and, as a result, may overhear top se-
24 cret discussions, diplomatic exchanges, sensitive con-
25 versations, and matters of personal privacy.

1 (7) The necessary level of proximity can be
2 maintained only in an atmosphere of complete trust
3 and confidence between the protectee and his or her
4 protectors.

5 (8) If a protectee has reason to doubt the con-
6 fidentiality of actions or conversations taken in sight
7 or hearing of Secret Service personnel, the protectee
8 may seek to push the protective envelope away or
9 undermine it to the point at which it could no longer
10 be fully effective.

11 (9) The possibility that Secret Service personnel
12 might be compelled to testify against their protectees
13 could induce foreign nations to refuse Secret Service
14 protection in future state visits, making it impossible
15 for the Secret Service to fulfill its important statu-
16 tory mission of protecting the life and safety of for-
17 eign dignitaries.

18 (10) A privilege protecting information acquired
19 by Secret Service personnel while performing their
20 protective function in physical proximity to a
21 protectee will preserve the security of the protectee
22 by lessening the incentive of the protectee to dis-
23 tance Secret Service personnel in situations in which
24 there is some risk to the safety of the protectee.

1 (11) Recognition of a protective function privi-
2 lege for the President and those in direct line of the
3 Presidency, and for visiting heads of foreign states
4 and foreign governments, will promote sufficiently
5 important interests to outweigh the need for pro-
6 bative evidence.

7 (12) Because Secret Service personnel retain
8 law enforcement responsibility even while engaged in
9 their protective function, the privilege must be sub-
10 ject to a crime/treason exception.

11 (b) PURPOSES.—The purposes of this Act are—

12 (1) to facilitate the relationship of trust and
13 confidence between Secret Service personnel and cer-
14 tain protected officials that is essential to the ability
15 of the Secret Service to protect these officials, and
16 the Nation, from the risk of assassination; and

17 (2) to ensure that Secret Service personnel are
18 not precluded from testifying in a criminal investiga-
19 tion or prosecution about unlawful activity commit-
20 ted within their view or hearing.

21 (c) ADMISSIBILITY OF INFORMATION ACQUIRED BY
22 SECRET SERVICE PERSONNEL WHILE PERFORMING
23 THEIR PROTECTIVE FUNCTION.—

1 (1) PROTECTIVE FUNCTION PRIVILEGE.—Chap-
2 ter 203 of title 18, United States Code, is amended
3 by inserting after section 3056 the following:

4 **“§ 3056A. Testimony by Secret Service personnel; pro-**
5 **tective function privilege**

6 “(a) DEFINITIONS.—In this section:

7 “(1) PROTECTEE.—The term ‘protectee’
8 means—

9 “(A) the President;

10 “(B) the Vice President (or other officer
11 next in the order of succession to the Office of
12 President);

13 “(C) the President-elect;

14 “(D) the Vice President-elect; and

15 “(E) visiting heads of foreign states or for-
16 eign governments who, at the time and place
17 concerned, are being provided protection by the
18 United States Secret Service.

19 “(2) SECRET SERVICE PERSONNEL.—The term
20 ‘Secret Service personnel’ means any officer or agent
21 of the United States Secret Service.

22 “(b) GENERAL RULE OF PRIVILEGE.—Subject to
23 subsection (c), testimony by Secret Service personnel or
24 former Secret Service personnel regarding information af-
25 fecting a protectee that was acquired during the perform-

1 ance of a protective function in physical proximity to the
2 protectee shall not be received in evidence or otherwise dis-
3 closed in any trial, hearing, or other proceeding in or be-
4 fore any court, grand jury, department, officer, agency,
5 regulatory body, or other authority of the United States,
6 a State, or a political subdivision thereof.

7 “(c) EXCEPTIONS.—There is no privilege under this
8 section—

9 “(1) with respect to information that, at the
10 time the information was acquired by Secret Service
11 personnel, was sufficient to provide reasonable
12 grounds to believe that a crime had been, was being,
13 or would be committed; or

14 “(2) if the privilege is waived by the protectee
15 or the legal representative of a protectee or deceased
16 protectee.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENT.—The analysis for chapter 203 of title 18,
19 United States Code, is amended by inserting after
20 the item relating to section 3056 the following:

“3056A. Testimony by Secret Service personnel; protective function privilege.”.

21 (3) APPLICATION.—This Act and the amend-
22 ments made by this Act shall apply to any proceed-
23 ing commenced on or after the date of enactment of
24 this Act.

1 **Subtitle F—Extension of Violent**
2 **Crime Reduction Trust Fund**

3 **SEC. 3600. EXTENSION OF VIOLENT CRIME REDUCTION**
4 **TRUST FUND.**

5 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
6 MENT ACT OF 1994.—Section 310001(b) of the Violent
7 Crime Control and Law Enforcement Act of 1994 (42
8 U.S.C. 14211(b)) is amended—

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

11 (2) in paragraph (6), by striking the period at
12 the end and inserting a semicolon; and

13 (3) by adding at the end the following:

14 “(7) for fiscal year 2001, \$6,500,000,000; and

15 “(8) for fiscal year 2002, \$6,500,000,000.”.

16 (b) REDUCTION IN DISCRETIONARY SPENDING LIM-
17 ITS.—Beginning on the date of enactment of this Act, the
18 discretionary spending limits set forth in section 601(a)(1)
19 of the Congressional Budget Act of 1974 (2 U.S.C.
20 665(a)(2)) (as adjusted in conformance with section 251
21 of the Balanced Budget and Emergency Deficit Control
22 Act of 1985, and in the Senate, with section 301 of House
23 Concurrent Resolution 178 (104th Congress)) for fiscal
24 years 2001 through 2002 are reduced as follows:

1 (1) For fiscal year 2001, for the discretionary
2 category: \$6,500,000,000 in new budget authority
3 and \$6,225,000,000 in outlays.

4 (2) For fiscal year 2002, for the discretionary
5 category: \$6,500,000,000 in new budget authority
6 and \$6,225,000,000 in outlays.

7 **Subtitle G—Punishing Hate Crimes**
8 **and Protecting Civil Rights**

9 **SEC. 3700. PUNISHING HATE CRIMES.**

10 (a) **SHORT TITLE.**—This subtitle may be cited as the
11 “Hate Crimes Prevention Act of 1998”.

12 (b) **FINDINGS.**—Congress finds that—

13 (1) the incidence of violence motivated by the
14 actual or perceived race, color, national origin, reli-
15 gion, sexual orientation, gender, or disability of the
16 victim poses a serious national problem;

17 (2) such violence disrupts the tranquility and
18 safety of communities and is deeply divisive;

19 (3) existing Federal law is inadequate at ad-
20 dressing this problem;

21 (4) such violence affects interstate commerce in
22 many ways, including—

23 (A) by impeding the movement of members
24 of targeted groups and forcing such members to

1 move across State lines to escape the incidence
2 or risk of such violence; and

3 (B) by preventing members of targeted
4 groups from purchasing goods and services, ob-
5 taining or sustaining employment or participat-
6 ing in other commercial activity;

7 (5) perpetrators cross State lines to commit
8 such violence;

9 (6) instrumentalities of interstate commerce are
10 used to facilitate the commission of such violence;

11 (7) such violence is committed using articles
12 that have traveled in interstate commerce;

13 (8) violence motivated by bias that is a relic of
14 slavery can constitute badges and incidents of slav-
15 ery;

16 (9) although many local jurisdictions have at-
17 tempted to respond to the challenges posed by such
18 violence, the problem is sufficiently serious, wide-
19 spread, and interstate in scope to warrant Federal
20 intervention to assist such jurisdictions; and

21 (10) many States have no laws addressing vio-
22 lence based on the actual or perceived race, color,
23 national origin, religion, sexual orientation, gender,
24 or disability, of the victim, while other States have
25 laws that provide only limited protection.

1 (c) DEFINITION OF HATE CRIME.—In this Act, the
2 term “hate crime” has the same meaning as in section
3 280003(a) of the Violent Crime Control and Law Enforce-
4 ment Act of 1994 (28 U.S.C. 994 note).

5 (d) PROHIBITION OF CERTAIN ACTS OF VIO-
6 LENCE.—Section 245 of title 18, United States Code, is
7 amended—

8 (1) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively; and

10 (2) by inserting after subsection (b) the follow-
11 ing:

12 “(c)(1) Whoever, whether or not acting under color
13 of law, willfully causes bodily injury to any person or,
14 through the use of fire, a firearm, or an explosive device,
15 attempts to cause bodily injury to any person, because of
16 the actual or perceived race, color, religion, or national
17 origin of any person—

18 “(A) shall be imprisoned not more than 10
19 years, or fined in accordance with this title, or both;
20 and

21 “(B) shall be imprisoned for any term of years
22 or for life, or fined in accordance with this title, or
23 both, if—

24 “(i) death results from the acts committed
25 in violation of this paragraph; or

1 “(ii) the acts committed in violation of this
2 paragraph include kidnapping or an attempt to
3 kidnap, aggravated sexual abuse or an attempt
4 to commit aggravated sexual abuse, or an at-
5 tempt to kill.

6 “(2)(A) Whoever, whether or not acting under color
7 of law, in any circumstances described in subparagraph
8 (B), willfully causes bodily injury to any person or,
9 through the use of fire, a firearm, or an explosive device,
10 attempts to cause bodily injury to any person, because of
11 the actual or perceived religion, gender, sexual orientation,
12 or disability of any person—

13 “(i) shall be imprisoned not more than 10
14 years, or fined in accordance with this title, or both;
15 and

16 “(ii) shall be imprisoned for any term of years
17 or for life, or fined in accordance with this title, or
18 both, if—

19 “(I) death results from the acts committed
20 in violation of this paragraph; or

21 “(II) the acts committed in violation of
22 this paragraph include kidnapping or an at-
23 tempt to kidnap, aggravated sexual abuse or an
24 attempt to commit aggravated sexual abuse, or
25 an attempt to kill.

1 “(B) For purposes of subparagraph (A), the cir-
2 cumstances described in this subparagraph are that—

3 “(i) in connection with the offense, the defend-
4 ant or the victim travels in interstate or foreign
5 commerce, uses a facility or instrumentality of inter-
6 state or foreign commerce, or engages in any activity
7 affecting interstate or foreign commerce; or

8 “(ii) the offense is in or affects interstate or
9 foreign commerce.”.

10 (e) DUTIES OF FEDERAL SENTENCING COMMIS-
11 SION.—

12 (1) AMENDMENT OF FEDERAL SENTENCING
13 GUIDELINES.—Pursuant to its authority under sec-
14 tion 994 of title 28, United States Code, the United
15 States Sentencing Commission shall study the issue
16 of adult recruitment of juveniles to commit hate
17 crimes and shall, if appropriate, amend the Federal
18 sentencing guidelines to provide sentencing enhance-
19 ments (in addition to the sentencing enhancement
20 provided for the use of a minor during the commis-
21 sion of an offense) for adult defendants who recruit
22 juveniles to assist in the commission of hate crimes.

23 (2) CONSISTENCY WITH OTHER GUIDELINES.—
24 In carrying out this section, the United States Sen-
25 tencing Commission shall—

1 (A) ensure that there is reasonable consist-
2 ency with other Federal sentencing guidelines;
3 and

4 (B) avoid duplicative punishments for sub-
5 stantially the same offense.

6 (f) GRANT PROGRAM.—

7 (1) AUTHORITY TO MAKE GRANTS.—The Ad-
8 ministrators of the Office of Juvenile Justice and De-
9 linquency Prevention of the Department of Justice
10 shall make grants, in accordance with such regula-
11 tions as the Attorney General may prescribe, to
12 State and local programs designed to combat hate
13 crimes committed by juveniles.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated such sums
16 as may be necessary to carry out this section.

17 (g) AUTHORIZATION FOR ADDITIONAL PERSONNEL
18 TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.—

19 There are authorized to be appropriated to the Depart-
20 ment of the Treasury and the Department of Justice, in-
21 cluding the Community Relations Service, for fiscal years
22 1999, 2000, and 2001 such sums as are necessary to in-
23 crease the number of personnel to prevent and respond
24 to alleged violations of section 245 of title 18, United
25 States Code (as amended by subsection (d)).

1 (h) SEVERABILITY.—If any provision of this section,
2 an amendment made by this section, or the application
3 of such provision or amendment to any person or cir-
4 cumstance is held to be unconstitutional, the remainder
5 of this section, the amendments made by this section, and
6 the application of the provisions of such to any person or
7 circumstance shall not be affected thereby.

8 **SEC. 3701. ATTEMPTED DEPRIVATION OF CIVIL RIGHTS**
9 **UNDER COLOR OF LAW.**

10 Section 242 of title 18, United States Code, is
11 amended by inserting “or attempts to willfully subject”
12 after “willfully subjects”.

13 **SEC. 3702. HATE CRIMES STATISTICS ACT.**

14 Subsection (b) of the first section of the Hate Crimes
15 Statistics Act (28 U.S.C. 534 note) is amended by adding
16 at the end the following:

17 “(6) In acquiring data under this section, the Attor-
18 ney General shall, beginning for calendar year 1998, in-
19 clude data regarding the age of offenders who have com-
20 mitted crimes covered by this section.”.

21 **SEC. 3703. IMPROVEMENT OF HATE CRIMES SENTENCING**
22 **PROCEDURE.**

23 Section 280003(b) of the Violent Crime Control and
24 Law Enforcement Act of 1994 (28 U.S.C. 994 note) is

1 amended by striking “the finder of fact at trial” and in-
2 serting “the court at sentencing”.

3 **Subtitle H—Deterring Cargo Theft**

4 **SEC. 3800. PUNISHMENT OF CARGO THEFT.**

5 (a) IN GENERAL.—Section 659 of title 18, United
6 States Code, is amended—

7 (1) by striking “with intent to convert to his
8 own use” each place that term appears;

9 (2) in the first undesignated paragraph—

10 (A) by inserting “trailer,” after
11 “motortruck,”;

12 (B) by inserting “air cargo container,”
13 after “aircraft,”; and

14 (C) by inserting “, or from any intermodal
15 container, trailer, container freight station,
16 warehouse, or freight consolidation facility,”
17 after “air navigation facility”;

18 (3) in the fifth undesignated paragraph, by
19 striking “one year” and inserting “3 years”;

20 (4) in the penultimate undesignated paragraph,
21 by inserting after the first sentence the following:

22 “For purposes of this section, goods and chattel
23 shall be construed to be moving as an interstate or
24 foreign shipment at all points between the point of
25 origin and the final destination (as evidenced by the

1 waybill or other shipping document of the shipment),
2 regardless of any temporary stop while awaiting
3 transshipment or otherwise.”; and

4 (5) by adding at the end the following:

5 “It shall be an affirmative defense (on which the de-
6 fendant bears the burden of persuasion by a preponder-
7 ance of the evidence) to an offense under this section that
8 the defendant bought, received, or possessed the goods,
9 chattels, money, or baggage at issue with the sole intent
10 to report the matter to an appropriate law enforcement
11 officer or to the owner of the goods, chattels, money, or
12 baggage.”.

13 (b) FEDERAL SENTENCING GUIDELINES.—Pursuant
14 to section 994 of title 28, United States Code, the United
15 States Sentencing Commission shall review the Federal
16 sentencing guidelines under section 659 of title 18, United
17 States Code, as amended by this section and, upon com-
18 pletion of the review, promulgate amendments to the Fed-
19 eral Sentencing Guidelines to provide appropriate en-
20 hancement of the applicable guidelines.

21 **SEC. 3801. REPORTS TO CONGRESS ON CARGO THEFT.**

22 The Attorney General shall annually submit to Con-
23 gress a report, which shall include an evaluation of law
24 enforcement activities relating to the investigation and

1 prosecution of offenses under section 659 of title 18,
2 United States Code, as amended by this section.

3 **SEC. 3802. ESTABLISHMENT OF ADVISORY COMMITTEE ON**
4 **CARGO THEFT.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—There is established a Com-
7 mittee to be known as the Advisory Committee on
8 Cargo Theft (in this section referred to as the
9 “Committee”).

10 (2) MEMBERSHIP.—

11 (A) COMPOSITION.—The Committee shall
12 be composed of 6 members, who shall be ap-
13 pointed by the President, of whom—

14 (i) 1 shall be an officer or employee of
15 the Department of Justice;

16 (ii) 1 shall be an officer or employee
17 of the Department of Transportation;

18 (iii) 1 shall be an officer or employee
19 of the Department of the Treasury; and

20 (iv) 3 shall be individuals from the
21 private sector who are experts in cargo se-
22 curity.

23 (B) DATE.—The appointments of the ini-
24 tial members of the Committee shall be made

1 not later than 30 days after the date of enact-
2 ment of this Act.

3 (3) PERIOD OF APPOINTMENT; VACANCIES.—

4 Each member of the Committee shall be appointed
5 for the life of the Committee. Any vacancy in the
6 Committee shall not affect its powers, but shall be
7 filled in the same manner as the original appoint-
8 ment.

9 (4) INITIAL MEETING.—Not later than 15 days
10 after the date on which all initial members of the
11 Committee have been appointed, the Committee shall
12 hold its first meeting.

13 (5) MEETINGS.—The Committee shall meet,
14 not less frequently than quarterly, at the call of the
15 Chairperson.

16 (6) QUORUM.—A majority of the members of
17 the Committee shall constitute a quorum, but a less-
18 er number of members may hold hearings.

19 (7) CHAIRPERSON.—The President shall select
20 1 member of the Committee to serve as the Chair-
21 person of the Committee.

22 (b) DUTIES.—

23 (1) STUDY.—The Committee shall conduct a
24 thorough study of, and develop recommendations
25 with respect to, all matters relating to—

1 (A) the establishment of a national com-
2 puter database for the collection and dissemina-
3 tion of information relating to violations of sec-
4 tion 659 of title 18, United States Code (as
5 added by section 3800(a) of this Act); and

6 (B) the establishment of an office within
7 the Federal Government to promote cargo secu-
8 rity and to increase coordination between the
9 Federal Government and the private sector with
10 respect to cargo security.

11 (2) REPORT.—Not later than 1 year after the
12 date of enactment of this Act, the Committee shall
13 submit to the President and to Congress a report,
14 which shall contain a detailed statement of results of
15 the study and the recommendations of the Commit-
16 tee under paragraph (1).

17 (c) POWERS.—

18 (1) HEARINGS.—The Committee may hold such
19 hearings, sit and act at such times and places, take
20 such testimony, and receive such evidence as the
21 Committee considers advisable to carry out the pur-
22 poses of this section.

23 (2) INFORMATION FROM FEDERAL AGENCIES.—
24 The Committee may secure directly from any Fed-
25 eral department or agency such information as the

1 Committee considers necessary to carry out the pro-
2 visions of this section. Upon request of the Chair-
3 person of the Committee, the head of such depart-
4 ment or agency shall furnish such information to the
5 Committee.

6 (3) POSTAL SERVICES.—The Committee may
7 use the United States mails in the same manner and
8 under the same conditions as other departments and
9 agencies of the Federal Government.

10 (4) GIFTS.—The Committee may accept, use,
11 and dispose of gifts or donations of services or prop-
12 erty.

13 (d) PERSONNEL MATTERS.—

14 (1) COMPENSATION OF MEMBERS.—

15 (A) NON-FEDERAL MEMBERS.—Each
16 member of the Committee who is not an officer
17 or employee of the Federal Government shall be
18 compensated at a rate equal to the daily equiva-
19 lent of the annual rate of basic pay prescribed
20 for level IV of the Executive Schedule under
21 section 5315 of title 5, United States Code, for
22 each day (including travel time) during which
23 such member is engaged in the performance of
24 the duties of the Committee.

1 (B) FEDERAL MEMBERS.—Each member
2 of the Committee who is an officer or employee
3 of the United States shall serve without com-
4 pensation in addition to that received for their
5 service as an officer or employee of the United
6 States.

7 (2) TRAVEL EXPENSES.—The members of the
8 Committee shall be allowed travel expenses, includ-
9 ing per diem in lieu of subsistence, at rates author-
10 ized for employees of agencies under subchapter I of
11 chapter 57 of title 5, United States Code, while
12 away from their homes or regular places of business
13 in the performance of services for the Committee.

14 (3) STAFF.—

15 (A) IN GENERAL.—The Chairperson of the
16 Committee may, without regard to the civil
17 service laws and regulations, appoint and termi-
18 nate an executive director and such other addi-
19 tional personnel as may be necessary to enable
20 the Committee to perform its duties. The em-
21 ployment of an executive director shall be sub-
22 ject to confirmation by the Committee.

23 (B) COMPENSATION.—The Chairperson of
24 the Committee may fix the compensation of the
25 executive director and other personnel without

1 regard to the provisions of chapter 51 and sub-
2 chapter III of chapter 53 of title 5, United
3 States Code, relating to classification of posi-
4 tions and General Schedule pay rates, except
5 that the rate of pay for the executive director
6 and other personnel may not exceed the rate
7 payable for level V of the Executive Schedule
8 under section 5316 of such title.

9 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

10 Any Federal Government employee may be detailed
11 to the Committee without reimbursement, and such
12 detail shall be without interruption or loss of civil
13 service status or privilege.

14 (5) PROCUREMENT OF TEMPORARY AND INTER-

15 MITTENT SERVICES.—The Chairperson of the Com-
16 mittee may procure temporary and intermittent serv-
17 ices under section 3109(b) of title 5, United States
18 Code, at rates for individuals which do not exceed
19 the daily equivalent of the annual rate of basic pay
20 prescribed for level V of the Executive Schedule
21 under section 5316 of such title.

22 (e) TERMINATION.—The Committee shall terminate
23 90 days after the date on which the Committee submits
24 the report under subsection (b)(2).

25 (f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated such sums as may be necessary to the
3 Committee to carry out the purposes of this section.

4 (2) AVAILABILITY.—Any sums appropriated
5 under the authorization contained in this section
6 shall remain available, without fiscal year limitation,
7 until expended.

8 **SEC. 3803. ADDITION OF ATTEMPTED THEFT AND COUN-**
9 **TERFEITING OFFENSES TO ELIMINATE GAPS**
10 **AND INCONSISTENCIES IN COVERAGE.**

11 (a) IN GENERAL.—

12 (1) EMBEZZLEMENT AGAINST ESTATE.—Sec-
13 tion 153(a) of title 18, United States Code, is
14 amended by inserting “, or attempts so to appro-
15 priate, embezzle, spend, or transfer,” before “any
16 property”.

17 (2) PUBLIC MONEY.—Section 641 of title 18,
18 United States Code, is amended by striking “or” at
19 the end of the first paragraph and by inserting after
20 such paragraph the following:

21 “Whoever attempts to commit an offense described in the
22 preceding paragraph; or”.

23 (3) THEFT BY BANK EXAMINER.—Section 655
24 of title 18, United States Code, is amended by in-

1 serting “or attempts to steal or so take,” after “un-
2 lawfully takes,”.

3 (4) THEFT, EMBEZZLEMENT, OR
4 MISAPPLICATION BY BANK OFFICER OR EM-
5 PLOYEE.—Sections 656 and 657 of title 18, United
6 States Code, are each amended—

7 (A) by inserting “, or attempts to embez-
8 zle, abstract, purloin, or willfully misapply,”
9 after “willfully misapplies”; and

10 (B) by inserting “or attempted to be em-
11 bezzled, abstracted, purloined, or misapplied”
12 after “misapplied”.

13 (5) PROPERTY MORTGAGED OR PLEDGED TO
14 FARM CREDIT AGENCIES.—Section 658 of title 18,
15 United States Code, is amended by inserting “or at-
16 tempts so to remove, dispose of, or convert,” before
17 “any property”.

18 (6) INTERSTATE OR FOREIGN SHIPMENTS.—
19 Section 659 of title 18, United States Code, is
20 amended—

21 (A) in the first and third paragraphs, by
22 inserting “or attempts to embezzle, steal, or so
23 take or carry away,” after “carries away,”; and

1 (B) in the fourth paragraph by inserting
2 “or attempts to embezzle, steal, or so take,” be-
3 fore “from any railroad car”.

4 (7) WITHIN SPECIAL MARITIME AND TERRI-
5 TORIAL JURISDICTION.—Section 661 of title 18,
6 United States Code, is amended—

7 (A) by inserting “or attempts so to take
8 and carry away,” before “any personal prop-
9 erty”; and

10 (B) by inserting “or attempted to be
11 taken” after “taken” each place it appears.

12 (8) THEFT OR EMBEZZLEMENT FROM EM-
13 PLOYEE BENEFIT PLANS.—Section 664 of title 18,
14 United States Code, is amended by inserting “or at-
15 tempts to embezzle, steal, or so abstract or convert,”
16 before “any of the moneys”.

17 (9) THEFT OR EMBEZZLEMENT FROM EMPLOY-
18 MENT AND TRAINING FUNDS.—Section 665(a) of
19 title 18, United States Code, is amended—

20 (A) by inserting “, or attempts to embez-
21 zle, so misapply, steal, or obtain by fraud,” be-
22 fore “any of the moneys”; and

23 (B) by inserting “or attempted to be em-
24 bezzled, misapplied, stolen, or obtained by
25 fraud” after “obtained by fraud”.

1 (10) THEFT OR BRIBERY CONCERNING PRO-
2 GRAMS RECEIVING FEDERAL FUNDS.—Section
3 666(a)(1)(A) of title 18, United States Code, is
4 amended by inserting “or attempts to embezzle,
5 steal, obtain by fraud, or so convert or misapply,”
6 before “property”.

7 (11) FALSE PRETENSES ON HIGH SEAS.—Sec-
8 tion 1025 of title 18, United States Code, is amend-
9 ed—

10 (A) by inserting “or attempts to obtain”
11 after “obtains”; and

12 (B) by inserting “or attempted to be ob-
13 tained” after “obtained”.

14 (12) EMBEZZLEMENT AND THEFT FROM IN-
15 DIAN TRIBAL ORGANIZATIONS.—Section 1163 of title
16 18, United States Code, is amended by inserting
17 “attempts so to embezzle, steal, convert, or mis-
18 apply,” after “willfully misapplies,”.

19 (13) THEFT FROM GROUP ESTABLISHMENTS ON
20 INDIAN LANDS.—Section 1167 (a) and (b) of title
21 18, United States Code, are each amended by insert-
22 ing “or attempts so to abstract, purloin, misapply,
23 or take and carry away,” before “any money”.

24 (14) THEFT BY OFFICERS AND EMPLOYEES OF
25 GAMING ESTABLISHMENTS ON INDIAN LANDS.—Sec-

1 tion 1168 (a) and (b) of title 18, United States
2 Code, are each amended by inserting “or attempts
3 so to embezzle, abstract, purloin, misapply, or take
4 and carry away,” before “any moneys,”.

5 (15) THEFT OF PROPERTY USED BY THE POST-
6 AL SERVICE.—Section 1707 of title 18, United
7 States Code, is amended by inserting “, or attempts
8 to steal, purloin, or embezzle,” before “any prop-
9 erty” and by inserting “or attempts to appropriate”
10 after “appropriates”.

11 (16) THEFT IN RECEIPT OF STOLEN MAIL MAT-
12 TER.—Section 1708 of title 18, United States Code,
13 is amended in the second paragraph by inserting “or
14 attempts to steal, take, or abstract,” after “ab-
15 stracts,” and by inserting “, or attempts so to ob-
16 tain,” after “obtains”.

17 (17) THEFT OF MAIL MATTER BY OFFICER OR
18 EMPLOYEE.—Section 1709 of title 18, United States
19 Code, is amended—

20 (A) by inserting “or attempts to embezzle”
21 after “embezzles”; and

22 (B) by inserting “, or attempts to steal,
23 abstract, or remove,” after “removes”.

24 (18) MISAPPROPRIATION OF POSTAL FUNDS.—
25 Section 1711 of title 18, United States Code, is

1 amended by inserting “or attempts to loan, use,
2 pledge, hypothecate, or convert to his own use,”
3 after “use”.

4 (19) BANK ROBBERY AND INCIDENTAL
5 CRIMES.—Section 2113(b) of title 18, United States
6 Code, is amended by inserting “or attempts so to
7 take and carry away,” before “any property” each
8 place it appears.

9 (b) SECURITIES CRIMES.—

10 (1) POSSESSION OF TOOLS.—Section 477 of
11 title 18, United States Code, is amended by insert-
12 ing “, or attempts so to sell, give, or deliver,” before
13 “any such imprint”.

14 (2) UTTERING COUNTERFEIT FOREIGN OBLIGA-
15 TIONS OR SECURITIES.—Section 479 of title 18,
16 United States Code, is amended by inserting “or at-
17 tempts to utter or pass,” after “passes,”.

18 (3) MINOR COINS.—Section 490 of title 18,
19 United States Code, is amended by inserting “at-
20 tempts to pass, utter, or sell,” before “or possesses”.

21 (4) SECURITIES OF STATES AND PRIVATE ENTI-
22 TIES.—Section 513(a) of title 18, United States
23 Code, is amended by inserting “or attempts to
24 utter,” after “utters”.

1 **SEC. 3804. CLARIFICATION OF SCIENTER REQUIREMENT**
2 **FOR RECEIVING PROPERTY STOLEN FROM**
3 **AN INDIAN TRIBAL ORGANIZATION.**

4 Section 1163 of title 18, United States Code, is
5 amended in the second paragraph by striking “so”.

6 **SEC. 3805. LARCENY INVOLVING POST OFFICE BOXES AND**
7 **POSTAL STAMP VENDING MACHINES.**

8 Section 2115 of title 18, United States Code, is
9 amended—

10 (1) by striking “or” before “any building”;

11 (2) by inserting “or any post office box or post-
12 al stamp vending machine for the sale of stamps
13 owned by the Postal Service,” after “used in whole
14 or in part as a post office,”; and

15 (3) by inserting “or in such box or machine,”
16 after “so used”.

17 **SEC. 3806. EXPANSION OF FEDERAL THEFT OFFENSES TO**
18 **COVER THEFT OF VESSELS.**

19 (a) VESSEL DEFINED.—Section 2311 of title 18,
20 United States Code, is amended by adding at the end the
21 following:

22 “‘Vessel’ means any watercraft or other contrivance
23 used or designed for transportation or navigation on,
24 under, or immediately above, water.”.

25 (b) TRANSPORTATION OF STOLEN VEHICLES; SALE
26 OR RECEIPT OF STOLEN VEHICLES.—Sections 2312 and

1 2313 of title 18, United States Code, are each amended
 2 by striking “motor vehicle or aircraft” and inserting
 3 “motor vehicle, vessel, or aircraft”.

4 **Subtitle I—Improvements to** 5 **Federal Criminal Law**

6 **PART 1—SENTENCING IMPROVEMENTS**

7 **SEC. 3910. APPLICATION OF SENTENCING GUIDELINES TO** 8 **ALL PERTINENT STATUTES.**

9 Section 994(a) of title 28, United States Code, is
 10 amended by striking “consistent with all pertinent provi-
 11 sions of this title and title 18, United States Code,” and
 12 inserting “consistent with all pertinent provisions of any
 13 Federal statute”.

14 **SEC. 3911. DOUBLING MAXIMUM PENALTY FOR VOLUNTARY** 15 **MANSLAUGHTER.**

16 Section 1112(b) of title 18, United States Code, is
 17 amended by striking “ten years” and inserting “20
 18 years”.

19 **SEC. 3912. AUTHORIZATION OF IMPOSITION OF BOTH A** 20 **FINE AND IMPRISONMENT RATHER THAN** 21 **ONLY EITHER PENALTY IN CERTAIN OF-** 22 **FENSES.**

23 (a) POWER OF COURT.—Section 401 of title 18,
 24 United States Code, is amended by inserting “or both,”
 25 after “fine or imprisonment,”.

1 (b) DESTRUCTION OF LETTER BOXES OR MAIL.—
 2 Section 1705 of title 18, United States Code, is amended
 3 by inserting “, or both” after “years”.

4 **SEC. 3913. ADDITION OF SUPERVISED RELEASE VIOLATION**
 5 **AS PREDICATES FOR CERTAIN OFFENSES.**

6 (a) IN GENERAL.—Sections 1512(a)(1)(C),
 7 1512(b)(3), 1512(c)(2), 1513(a)(1)(B), and 1513(b)(2)
 8 are each amended by striking “violation of conditions of
 9 probation, parole or release pending judicial proceedings”
 10 and inserting “violation of conditions of probation, super-
 11 vised release, parole, or release pending judicial proceed-
 12 ings”.

13 (b) RELEASE OR DETENTION OF DEFENDANT PEND-
 14 ING TRIAL.—Section 3142 of title 18, United States Code,
 15 is amended—

16 (1) in subsection (d)(1)(A)(iii), by inserting “,
 17 supervised release,” after “probation”; and

18 (2) in subsection (g)(3)(B), by inserting “or su-
 19 pervised release” after “probation”.

20 **SEC. 3914. AUTHORITY OF COURT TO IMPOSE A SENTENCE**
 21 **OF PROBATION OR SUPERVISED RELEASE**
 22 **WHEN REDUCING A SENTENCE OF IMPRISON-**
 23 **MENT IN CERTAIN CASES.**

24 Section 3582(c)(1)(A) of title 18, United States
 25 Code, is amended by inserting “(and may impose a sen-

1 tence of probation or supervised release with or without
2 conditions)” after “may reduce the term of imprison-
3 ment”.

4 **SEC. 3915. INCREASED PENALTY FOR RACKETEERING AC-**
5 **TIVITY.**

6 Section 1959(a)(5) of title 18, United States Code,
7 is amended by substituting “twenty” for “ten”.

8 **PART 2—ADDITIONAL IMPROVEMENTS TO**
9 **FEDERAL CRIMINAL LAW**

10 **SEC. 3920. FALSE ADVERTISING OR MISUSE OF NAME TO IN-**
11 **DICATE UNITED STATES MARSHALS SERVICE.**

12 Section 709 of title 18, United States Code, is
13 amended by inserting after the thirteenth undesignated
14 paragraph the following:

15 “Whoever, except with the written permission of the
16 Director of the United States Marshals Service, knowingly
17 uses the words ‘United States Marshals Service’, ‘U.S.
18 Marshals Service’, ‘United States Marshal’, ‘U.S. Mar-
19 shal’, or ‘U.S.M.S.’, or any colorable imitation of any such
20 words, or the likeness of a United States Marshals Service
21 badge, logo, or insignia on any item of apparel, in connec-
22 tion with any advertisement, circular, book, pamphlet,
23 software, or other publication, or any play, motion picture,
24 broadcast, telecast, or other production, in a manner that
25 is reasonably calculated to convey the impression that the

1 wearer of the item of apparel is acting pursuant to the
2 legal authority of the United States Marshals Service, or
3 to convey the impression that such advertisement, circular,
4 book, pamphlet, software, or other publication, or such
5 play, motion picture, broadcast, telecast, or other produc-
6 tion, is approved, endorsed, or authorized by the United
7 States Marshals Service;”.

8 **SEC. 3921. VIOLENCE DIRECTED AT DWELLINGS IN INDIAN**
9 **COUNTRY.**

10 Section 1153(a) of title 18, United States Code, is
11 amended by inserting “or 1363” after “section 661”.

12 **SEC. 3922. CORRECTIONS TO AMBER HAGERMAN CHILD**
13 **PROTECTION ACT.**

14 (a) **AGGRAVATED SEXUAL ABUSE.**—Section 2241(c)
15 of title 18, United States Code, is amended by striking
16 “younger than that person” and inserting “younger than
17 the person so engaging”.

18 (b) **SEXUAL ABUSE OF A MINOR OR WARD.**—Section
19 2243(a) of title 18, United States Code, is amended—

20 (1) by striking “Whoever” and inserting “Ex-
21 cept as provided in section 2241(c) of this title, who-
22 ever”; and

23 (2) by striking “crosses a State line with intent
24 to engage in a sexual act with a person who has not
25 attained the age of 12 years, or”.

1 (c) DEFINITIONS.—Section 2246 of title 18, United
2 States Code, is amended—

3 (1) in paragraph (4), by striking the period and
4 inserting a semicolon;

5 (2) in paragraph (5), by striking the period and
6 inserting “; and”; and

7 (3) by adding a new paragraph as follows:

8 “(6) the term ‘State’ means a State of the
9 United States, the District of Columbia, and any
10 commonwealth, possession, or territory of the United
11 States.”.

12 **SEC. 3923. ELIMINATION OF “BODILY HARM” ELEMENT IN**
13 **ASSAULT WITH A DANGEROUS WEAPON OF-**
14 **FENSE.**

15 Section 113(a)(3) of title 18, United States Code, is
16 amended by striking “with intent to do bodily harm, and”.

17 **SEC. 3924. APPEALS FROM CERTAIN DISMISSALS.**

18 Section 3731 of title 18, United States Code, is
19 amended by inserting “or any part thereof” after “as to
20 any one or more counts”.

21 **SEC. 3925. AUTHORITY FOR INJUNCTION AGAINST DIS-**
22 **POSAL OF ILL-GOTTEN GAINS FROM VIOLA-**
23 **TIONS OF FRAUD STATUTES.**

24 Section 1345(a)(2) of title 18, United States Code,
25 is amended by inserting “violation of this chapter or sec-

1 tion 287, 371 (insofar as such violation involves a conspir-
2 acy to defraud the United States or any agency thereof),
3 or 1001 of this title or of a” after “as a result of a”.

4 **SEC. 3926. EXPANSION OF INTERSTATE TRAVEL FRAUD**
5 **STATUTE TO COVER INTERSTATE TRAVEL BY**
6 **PERPETRATOR.**

7 Section 2314 of title 18, United States Code, is
8 amended in the second undesignated paragraph—

9 (1) by inserting “travels in,” before “transports
10 or causes to be transported, or induce any person or
11 persons to travel in”; and

12 (2) by inserting a comma after “transports”.

13 **SEC. 3927. CLARIFICATION OF SCOPE OF UNAUTHORIZED**
14 **SELLING OF MILITARY MEDALS OR DECORA-**
15 **TIONS.**

16 Section 704(b)(2) of title 18, United States Code, is
17 amended by striking “with respect to a Congressional
18 Medal of Honor”.

19 **SEC. 3928. AMENDMENT TO SECTION 669 TO CONFORM TO**
20 **PUBLIC LAW 104-294.**

21 Section 669 of title 18, United States Code, is
22 amended by striking “\$100” and inserting “\$1,000”.

1 **SEC. 3929. EXPANSION OF JURISDICTION OVER CHILD BUY-**
2 **ING AND SELLING OFFENSES.**

3 Section 2251A(c)(3) of title 18, United States Code,
4 is amended by striking “in any territory or possession of
5 the United States” and inserting “in the special maritime
6 and territorial jurisdiction of the United States or in any
7 commonwealth, territory, or possession of the United
8 States”.

9 **SEC. 3930. ASSAULT AS A RICO PREDICATE.**

10 Section 1961(1)(A) of title 18, United States Code,
11 is amended by adding after “extortion,” “assault”.

12 **SEC. 3931. LIMITS ON DISCLOSURE OF WIRETAP ORDERS.**

13 Section 2518(9) of title 18, United States Code, is
14 amended by inserting “aggrieved” before the word
15 “party” wherever it appears.

16 **SEC. 3932. TECHNICAL AMENDMENTS RELATING TO CRIMI-**
17 **NAL LAW AND PROCEDURE.**

18 (a) MISSING AND INCORRECT WORDS.—

19 (1) CORRECTION OF GARBLED SENTENCE.—

20 Section 510(c) of title 18, United States Code, is
21 amended by striking “fine of under this title” and
22 inserting “fine under this title”.

23 (2) INSERTION OF MISSING WORDS.—Section
24 981(d) of title 18, United States Code, is amended
25 by striking “proceeds from the sale of this section”

1 and inserting “proceeds from the sale of such prop-
2 erty under this section”.

3 (3) CORRECTION OF INCORRECT WORD.—Sec-
4 tions 1425 through 1427, 1541 through 1544 and
5 1546(a) of title 18, United States Code, are each
6 amended by striking “to facility” and inserting “to
7 facilitate”.

8 (4) CORRECTING ERRONEOUS AMENDATORY
9 LANGUAGE ON EXECUTED AMENDMENT.—

10 (A) IN GENERAL.—Section 60003(a)(13)
11 of the Violent Crime Control and Law Enforce-
12 ment Act of 1994 is amended by striking
13 \$1,000,000 or imprisonment” and inserting
14 “\$1,000,000 and imprisonment”.

15 (B) EFFECTIVE DATE.—The amendment
16 made by subparagraph (A) shall apply as if
17 that subsection had been enacted on the date of
18 enactment of the Violent Crime Control and
19 Law Enforcement Act of 1994 (18 Stat. 1796
20 et seq.).

21 (5) INSERTION OF MISSING WORD.—Section
22 3286 of title 18, United States Code, is amended by
23 inserting “section” before “2332b”.

24 (6) CORRECTION OF REFERENCE TO SHORT
25 TITLE OF LAW.—Section 2332d(a) of title 18,

1 United States Code, is amended by inserting “of
2 1979” after “Export Administration Act”.

3 (7) ELIMINATION OF TYPO.—Section 1992(b)
4 of title 18, United States Code, is amended by strik-
5 ing “term or years” and inserting “term of years”.

6 (8) SPELLING CORRECTION.—Section 2339A(a)
7 of title 18, United States Code, is amended by strik-
8 ing “or an escape” and inserting “of an escape”.

9 (9) SECTION 3553.—Section 3553(e) of title 18,
10 United States Code, is amended by inserting “a” be-
11 fore “minimum”.

12 (10) MISPLACED WORDS IN STATEMENT OF
13 PENALTY.—Section 2251(d) of title 18, United
14 States Code, is amended by striking “or imprisoned
15 not less than 10 years nor more than 20 years, and
16 both” and inserting “and imprisoned not less than
17 10 nor more than 20 years”.

18 (b) MARGINS, PUNCTUATION, AND SIMILAR ER-
19 RORS.—

20 (1) MARGIN ERROR.—Section 1030(c)(2) of
21 title 18, United States Code, is amended so that the
22 margins of subparagraph (B) and each of its clauses
23 are moved 2 ems to the left.

24 (2) CORRECTING CAPITALIZATION IN LAN-
25 GUAGE TO BE STRICKEN.—

1 (A) IN GENERAL.—The amendment to sec-
2 tion 11716(g)(2) of title 18, United States
3 Code, contained in section 607(g)(2) of the
4 Economic Espionage Act of 1996 (110 Stat.
5 3511) shall be deemed to strike “State, terri-
6 tory, or the District of Columbia” and insert
7 “State”.

8 (B) EFFECTIVE DATE.—Subparagraph (A)
9 shall apply as if enacted on the date of enact-
10 ment of the Economic Espionage Act of 1996.

11 (3) CORRECTING PARAGRAPHING.—The mate-
12 rial added to section 521(a) of title 18, United
13 States Code, by section 607(q) of the Economic Es-
14 pionage Act of 1996 (110 Stat. 3513) is amended
15 to appear as a paragraph indented 2 ems from the
16 left margin.

17 (4) SUBSECTION PLACEMENT CORRECTION.—
18 Section 1513 of title 18, United States Code, is
19 amended by transferring subsection (d) so that it
20 appears following subsection (c).

21 (5) INSERTION OF PARENTHETICAL DESCRIP-
22 TIONS.—Section 2332b(g)(5) of title 18, United
23 States Code, is amended—

24 (A) by inserting “(relating to certain
25 killings in Federal facilities)” after “930(c)”;

1 (B) by inserting “(relating to wrecking
2 trains)” after “1992”; and

3 (C) by inserting “(relating to use of chemi-
4 cal weapons)” after “2332c”.

5 (6) CORRECTION TO ALLOW FOR INSERTION OF
6 NEW SUBPARAGRAPH.—Section 1956(c)(7) of title
7 18, United States Code, is amended—

8 (A) by striking “or” at the end of subpara-
9 graph (D);

10 (B) by striking the period at the end of
11 subparagraph (E) and inserting “; or”; and

12 (C) in subparagraph (F), by striking
13 “Any” and inserting “any”.

14 (7) REDESIGNATION OF DUPLICATE PARA-
15 GRAPH.—Section 982(a) of title 18, United States
16 Code, is amended by redesignating the second para-
17 graph (6) as paragraph (7).

18 (8) CORRECTION OF CONFUSING SUBDIVISION
19 DESIGNATION.—Section 1716 of title 18, United
20 States Code, is amended—

21 (A) by redesignating subsection (j) as sub-
22 section (k);

23 (B) in the first undesignated paragraph,
24 by inserting “(j)(1)” before “Whoever”; and

1 (C) in the undesignated paragraph follow-
2 ing subsection (j)(1)—

3 (i) by striking “not more than
4 \$10,000” and inserting “under this title”;
5 and

6 (ii) by inserting “(2)” at the begin-
7 ning of that paragraph; and

8 (D) by inserting “(3)” at the beginning of
9 the undesignated paragraph following sub-
10 section (j)(2), as so designated.

11 (9) PUNCTUATION CORRECTION IN SECTION
12 1091.—Section 1091(b)(1) of title 18, United States
13 Code, is amended by striking “subsection (a)(1),”
14 and inserting “subsection (a)(1)”.

15 (10) PUNCTUATION CORRECTION IN SECTION
16 2311.—Section 2311 of title 18, United States Code,
17 is amended by striking the period after “carcasses
18 thereof” the second place that term appears and in-
19 serting a semicolon.

20 (11) SYNTAX CORRECTION.—Section 115(b)(2)
21 of title 18, United States Code, is amended by strik-
22 ing “, attempted kidnapping, or conspiracy to kid-
23 nap of a person” and inserting “or attempted kid-
24 napping of, or a conspiracy to kidnap a person”.

25 (c) ELIMINATION OF REDUNDANCIES.—

1 (1) ELIMINATION OF REDUNDANT PROVI-
2 SION.—Section 2516(1) of title 18, United States
3 Code, is amended—

4 (A) by striking the first paragraph (p);

5 and

6 (B) by inserting “or” at the end of para-
7 graph (o).

8 (2) ELIMINATION OF DUPLICATIVE AMEND-
9 MENTS.—Paragraphs (1), (2), and (4) of section
10 610(b), paragraph (2) of section 601(d), paragraphs
11 (2) and (6) of section 601(f), paragraphs (1) and
12 (2)(A) of section 601(j), subsection (k) of section
13 601, subsection (d) of section 602, paragraph (4) of
14 section 604(b), and subsection (r) of section 605 of
15 the Economic Espionage Act of 1996 are each re-
16 pealed.

17 (3) ELIMINATION OF EXTRA COMMA.—Section
18 1956(c)(7)(D) of title 18, United States Code, is
19 amended—

20 (A) by striking “Code,,” and inserting

21 “Code,”; and

22 (B) by striking “services),,” and inserting

23 “(services),”.

24 (4) REPEAL OF SECTION GRANTING DUPLICA-
25 TIVE AUTHORITY.—

1 (A) Section 3503 of title 18, United States
2 Code, is repealed.

3 (B) The table of sections at the beginning
4 of chapter 223 of title 18, United States Code,
5 is amended by striking the item relating to sec-
6 tion 3503.

7 (5) ELIMINATION OF OUTMODED REFERENCE
8 TO PAROLE.—Section 929(b) of title 18, United
9 States Code, is amended by striking the last sen-
10 tence.

11 (d) CORRECTION OF OUTMODED FINE AMOUNTS.—

12 (1) IN TITLE 18, UNITED STATES CODE.—

13 (A) IN SECTION 665.—Section 665(c) of
14 title 18, United States Code, is amended by
15 striking “a fine of not more than \$5,000” and
16 inserting “a fine under this title”.

17 (B) IN SECTIONS 1924, 2075, 211B, AND
18 2236.—

19 (i) Section 1924(a) of title 18, United
20 States Code, is amended by striking “not
21 more than \$1,000,” and inserting “under
22 this title”.

23 (ii) Sections 2075, 2113(b), and 2236
24 of title 18, United States Code, are each

1 amended by striking “not more than
2 \$1,000” and inserting “under this title”.

3 (C) IN SECTION 372 AND 752.—Sections
4 372 and 752(a) of title 18, United States Code,
5 are each amended by striking “not more than
6 \$5,000” and inserting “under this title”.

7 (2) IN THE CONTROLLED SUBSTANCES ACT.—

8 (A) IN SECTION 401.—Section 401(e) of
9 the Controlled Substances Act (21 U.S.C.
10 841(e)) is amended—

11 (i) in paragraph (1), by striking “and
12 shall be fined not more than \$10,000” and
13 inserting “or fined under title 18, United
14 States Code, or both”; and

15 (ii) in paragraph (2), by striking “and
16 shall be fined not more than \$20,000” and
17 inserting “or fined under title 18, United
18 States Code, or both”.

19 (B) IN SECTION 402.—Section 402(c)(2) of
20 the Controlled Substances Act (21 U.S.C.
21 842(c)) is amended—

22 (i) in subparagraph (A), by striking
23 “of not more than \$25,000” and inserting
24 “under title 18, United States Code”; and

1 (ii) in subparagraph (B), by striking
2 “of \$50,000” and inserting “under title
3 18, United States Code”.

4 (C) IN SECTION 403.—Section 403(d) of
5 the Controlled Substances Act (21 U.S.C.
6 843(d)) is amended—

7 (i) by striking “of not more than
8 \$30,000” each place that term appears
9 and inserting “under title 18, United
10 States Code”; and

11 (ii) by striking “of not more than
12 \$60,000” each place that term appears
13 and inserting “under title 18, United
14 States Code”.

15 (e) CROSS REFERENCE CORRECTIONS.—

16 (1) CROSS REFERENCE CORRECTION OCCA-
17 SIONED BY ENACTMENT OF INTERVENING LAW.—

18 (A) SECTION 3583.—Section 3583(d) of
19 title 18, United States Code, is amended by
20 striking “section 3563(b)(1) through (b)(10)
21 and (b)(12) through (b)(20)” and inserting
22 “paragraphs (1) through (9) and (11) through
23 (19) of section 3563(b)”.

1 (B) SECTION 3563.—Section 3563(a)(2) of
2 title 18, United States Code, is amended by
3 striking the item relating to section 3503.

4 (5) ELIMINATION OF OUTMODED REFERENCE
5 TO PAROLE.—Section 929(b) of title 18, United
6 States Code, is amended by striking the last sen-
7 tence.

8 (d) CORRECTION OF OUTMODED FINE AMOUNTS.—
9 (1) IN TITLE 18, UNITED STATES CODE.—

10 (A) IN SECTION 665.—Section 665(c) of
11 title 18, United States Code, is amended by
12 striking “a fine of not more than \$5,000” and
13 inserting “a fine under this title”.

14 (B) IN SECTIONS 1924, 2075, 211B, AND
15 2236.—

16 (i) Section 1924(a) of title 18, United
17 States Code, is amended by striking “not
18 more than \$1,000,” and inserting “under
19 this title”.

20 (ii) Sections 2075, 2113(b), and 2236
21 of title 18, United States Code, are each
22 amended by striking “not more than
23 \$1,000” and inserting “under this title”.

24 (C) IN SECTION 372 AND 752.—Sections
25 372 and 752(a) of title 18, United States Code,

1 are each amended by striking “not more than
2 \$5,000” and inserting “under this title”.

3 (2) IN THE CONTROLLED SUBSTANCES ACT.—

4 (A) IN SECTION 401.—Section 401(e) of
5 the Controlled Substances Act (21 U.S.C.
6 841(e)) is amended—

7 (i) in paragraph (1), by striking “and
8 shall be fined not more than \$10,000” and
9 inserting “or fined under title 18, United
10 States Code, or both”; and

11 (ii) in paragraph (2), by striking “and
12 shall be fined not more than \$20,000” and
13 inserting “or fined under title 18, United
14 States Code, or both”.

15 (B) IN SECTION 402.—Section 402(c)(2) of
16 the Controlled Substances Act (21 U.S.C.
17 842(c)) is amended—

18 (i) in subparagraph (A), by striking
19 “of not more than \$25,000” and inserting
20 “under title 18, United States Code”; and

21 (ii) in subparagraph (B), by striking
22 “of \$50,000” and inserting “under title
23 18, United States Code”.

1 (C) IN SECTION 403.—Section 403(d) of
2 the Controlled Substances Act (21 U.S.C.
3 843(d)) is amended—

4 (i) by striking “of not more than
5 \$30,000” each place that term appears
6 and inserting “under title 18, United
7 States Code”; and

8 (ii) by striking “of not more than
9 \$60,000” each place that term appears
10 and inserting “under title 18, United
11 States Code”.

12 (e) CROSS REFERENCE CORRECTIONS.—

13 (1) CROSS REFERENCE CORRECTION OCCA-
14 SIONED BY ENACTMENT OF INTERVENING LAW.—

15 (A) SECTION 3583.—Section 3583(d) of
16 title 18, United States Code, is amended by
17 striking “section 3563(b)(1) through (b)(10)
18 and (b)(12) through (b)(20)” and inserting
19 “paragraphs (1) through (9) and (11) through
20 (19) of section 3563(b)”.

21 (B) SECTION 3563.—Section 3563(a)(2) of
22 title 18, United States Code, is amended by
23 striking “(b)(3), or (b)(13)” and inserting “or
24 (b)(12)”.

1 (2) SECTION 3664.—Section 3664(o)(1)(C) of
2 title 18, United States Code, is amended by striking
3 “section 3664(d)(3)” and inserting “subsection
4 (d)(5)”.

5 (3) CHAPTER 228.—Section 3592(e)(1) of title
6 18, United States Code, is amended by striking
7 “section 36” and inserting “section 37”.

8 (4) CORRECTING ERRONEOUS CROSS REF-
9 ERENCE IN CONTROLLED SUBSTANCES ACT.—Sec-
10 tion 511(a)(10) of the Controlled Substances Act
11 (21 U.S.C. 881(a)(10)) is amended by striking
12 “1882 of the Mail Order Drug Paraphernalia Con-
13 trol Act” and inserting “422”.

14 (5) CORRECTION TO REFLECT CROSS REF-
15 ERENCE CHANGE MADE BY OTHER LAW.—Effective
16 on the date of its enactment, section 601(c)(3) of
17 the Economic Espionage Act of 1996 (110 Stat.
18 3499) is amended by striking “247(d)” and insert-
19 ing “247(e)”.

20 (6) TYPOGRAPHICAL AND TYPEFACE ERROR IN
21 TABLE OF CONTENTS.—The item relating to chapter
22 123 in the table of chapters at the beginning of part
23 I of title 18, United States Code, is amended—

24 (A) by striking “2271” and inserting
25 “2721”; and

1 (B) so that the item appears in bold face
2 type.

3 (7) CORRECTION OCCASIONED BY ENACTMENT
4 OF INTERVENING LAW.—Section 3563(a) of title 18,
5 United States Code, is amended by striking “para-
6 graph (4)” each place it appears and inserting
7 “paragraph (5)”.

8 (8) SECTION 3565.—Section 3565(b)(3) of title
9 18, United States Code, is amended by striking
10 “3563(a)(4)” and inserting “3563(a)(5)”.

11 (9) SECTION 4104.—Section 4104(d) of title 18,
12 United States Code, is amended by striking “section
13 3653 of this title and rule 32(f) of” and inserting
14 “section 3565 of this title and the applicable provi-
15 sions of”.

16 (10) ERROR IN AMENDATORY LANGUAGE.—Ef-
17 fective on the date of its enactment, section 583 of
18 the Foreign Operations, Export Financing, and Re-
19 lated Programs Appropriations Act, 1998 (111 Stat.
20 2346) is amended by striking “Section 2401” and
21 inserting “Section 2441”.

22 (11) ERROR IN CROSS REFERENCE TO COURT
23 RULES.—The first sentence of section 3593(c) of
24 title 18, United States Code, is amended by striking
25 “rule 32(c)” and inserting “rule 32”.

1 (12) CORRECTION OF ERRONEOUS CITE IN
2 AMENDATORY LANGUAGE.—Effective on the date of
3 the enactment of section 102 of the Economic Espio-
4 nage Act of 1996 (110 Stat. 3491), such section is
5 amended by striking “Section 2516(1)(c)” and in-
6 serting “Section 2516(1)(a)”.

7 (13) SECTION 1836.—Section 1836(a) of title
8 18, United States Code, is amended by striking
9 “this section” and inserting “this chapter”.

10 (14) CORRECTION OF ERRONEOUS CITE IN
11 CHAPTER 119.—Section 2510(10) of title 18, United
12 States Code, is amended by striking “shall have”
13 and all that follows through “United States Code;”
14 and inserting “has the meaning given that term in
15 section 3 of the Communications Act of 1934 (47
16 U.S.C. 153);”.

17 (f) TABLES OF SECTIONS CORRECTIONS.—

18 (1) CONFORMING TABLE OF SECTIONS TO
19 HEADING OF SECTION.—The item relating to section
20 1837 in the table of sections at the beginning of
21 chapter 90 of title 18, United States Code, is
22 amended by striking “Conduct” and inserting “Ap-
23 plicability to conduct”.

24 (2) CONFORMING HEADING TO TABLE OF SEC-
25 TIONS ENTRY.—The heading of section 1920 of title

1 18, United States Code, is amended by striking
2 “employee’s” and inserting “employees”.

3 **TITLE IV—PREVENTING**
4 **JUVENILE CRIME**
5 **Subtitle A—Grants to Youth**
6 **Organizations**

7 **SEC. 4001. GRANT PROGRAM.**

8 The Attorney General may make grants to States, In-
9 dian tribes, and national or statewide nonprofit organiza-
10 tions in crime prone areas, such as Boys and Girls Clubs,
11 Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers
12 and Big Sisters, and Kids ’N Kops programs, for the pur-
13 pose of—

14 (1) providing constructive activities to youth
15 during after school hours, weekends, and school va-
16 cations;

17 (2) providing supervised activities in safe envi-
18 ronments to youth in crime prone areas;

19 (3) providing antidrug education to prevent
20 drug abuse among youth;

21 (4) supporting police officer training and sala-
22 ries and educational materials to expand D.A.R.E.
23 America’s middle school campaign; or

1 (5) providing constructive activities to youth in
2 a safe environment through parks and other public
3 recreation areas.

4 **SEC. 4002. GRANTS TO NATIONAL ORGANIZATIONS.**

5 (a) APPLICATIONS.—

6 (1) ELIGIBILITY.—In order to be eligible to re-
7 ceive a grant under this section, the chief operating
8 officer of a national or Statewide community-based
9 organization shall submit an application to the At-
10 torney General in such form and containing such in-
11 formation as the Attorney General may reasonably
12 require.

13 (2) APPLICATION REQUIREMENTS.—Each appli-
14 cation submitted in accordance with paragraph (1)
15 shall include—

16 (A) a request for a grant to be used for
17 the purposes described in this subtitle;

18 (B) a description of the communities to be
19 served by the grant, including the nature of ju-
20 venile crime, violence, and drug use in the com-
21 munities;

22 (C) written assurances that Federal funds
23 received under this subtitle will be used to sup-
24 plement and not supplant, non-Federal funds

1 that would otherwise be available for activities
2 funded under this subtitle;

3 (D) written assurances that all activities
4 will be supervised by an appropriate number of
5 responsible adults;

6 (E) a plan for assuring that program ac-
7 tivities will take place in a secure environment
8 that is free of crime and drugs; and

9 (F) any additional statistical or financial
10 information that the Attorney General may rea-
11 sonably require.

12 (b) GRANT AWARDS.—In awarding grants under this
13 section, the Attorney General shall consider—

14 (1) the ability of the applicant to provide the
15 stated services;

16 (2) the history and establishment of the appli-
17 cant in providing youth activities on a Statewide or
18 nationwide basis; and

19 (3) the extent to which the organizations shall
20 achieve an equitable geographic distribution of the
21 grant awards.

22 **SEC. 4003. GRANTS TO STATES.**

23 (a) APPLICATIONS.—

24 (1) IN GENERAL.—The Attorney General may
25 make grants under this section to States for dis-

1 tribution to units of local government and commu-
2 nity-based organizations for the purposes set forth
3 in section 4001.

4 (2) GRANTS.—To request a grant under this
5 section, the chief executive of a State shall submit
6 an application to the Attorney General in such form
7 and containing such information as the Attorney
8 General may reasonably require.

9 (3) APPLICATION REQUIREMENTS.—Each appli-
10 cation submitted in accordance with paragraph (2)
11 shall include—

12 (A) a request for a grant to be used for
13 the purposes described in this subtitle;

14 (B) a description of the communities to be
15 served by the grant, including the nature of ju-
16 venile crime, violence, and drug use in the com-
17 munity;

18 (C) written assurances that Federal funds
19 received under this subtitle will be used to sup-
20 plement and not supplant, non-Federal funds
21 that would otherwise be available for activities
22 funded under this subtitle;

23 (D) written assurances that all activities
24 will be supervised by an appropriate number of
25 responsible adults; and

1 (E) a plan for assuring that program ac-
2 tivities will take place in a secure environment
3 that is free of crime and drugs.

4 (b) GRANT AWARDS.—In awarding grants under this
5 section, the State shall consider—

6 (1) the ability of the applicant to provide the
7 stated services;

8 (2) the history and establishment of the appli-
9 cant in the community to be served;

10 (3) the level of juvenile crime, violence, and
11 drug use in the community;

12 (4) the extent to which structured extra-
13 curricular activities for youth are otherwise unavail-
14 able in the community;

15 (5) the need in the community for secure envi-
16 ronments for youth to avoid criminal victimization
17 and exposure to crime and illegal drugs;

18 (6) to the extent practicable, achievement of an
19 equitable geographic distribution of the grant
20 awards; and

21 (7) whether the applicant has an established
22 record of providing extracurricular activities that are
23 generally not otherwise available to youth in the
24 community.

25 (c) ALLOCATION.—

1 (1) STATE ALLOCATIONS.—The Attorney Gen-
2 eral shall allot not less than 0.75 percent of the total
3 amount made available each fiscal year to carry out
4 this section to each State that has applied for a
5 grant under this section.

6 (2) INDIAN TRIBES.—The Attorney General
7 shall allot not less than 0.75 percent of the total
8 amount made available each fiscal year to carry out
9 this section to Indian tribes, in accordance with the
10 criteria set forth in subsections (a) and (b).

11 (3) REMAINING AMOUNTS.—Of the amount re-
12 maining after the allocations under paragraphs (1)
13 and (2), the Attorney General shall allocate to each
14 State an amount that bears the same ratio to the
15 total amount of remaining funds as the population
16 of the State bears to the total population of all
17 States.

18 **SEC. 4004. ALLOCATION; GRANT LIMITATION.**

19 (a) ALLOCATION.—Of amounts made available to
20 carry out this subtitle—

21 (1) 20 percent shall be for grants to national
22 organizations under section 4002; and

23 (2) 80 percent shall be for grants to States
24 under section 403.

1 (b) GRANT LIMITATION.—Not more than 3 percent
2 of the funds made available to the Attorney General or
3 a grant recipient under this subtitle may be used for ad-
4 ministrative purposes.

5 **SEC. 4005. REPORT AND EVALUATION.**

6 (a) REPORT TO THE ATTORNEY GENERAL.—Not
7 later than October 1, 1999, and October 1 of each year
8 thereafter, each grant recipient under this subtitle shall
9 submit to the Attorney General a report that describes,
10 for the year to which the report relates—

11 (1) the activities provided;

12 (2) the number of youth participating;

13 (3) the extent to which the grant enabled the
14 provision of activities to youth that would not other-
15 wise be available; and

16 (4) any other information that the Attorney
17 General requires for evaluating the effectiveness of
18 the program.

19 (b) EVALUATION AND REPORT TO CONGRESS.—Not
20 later than March 1, 2000, and March 1 of each year there-
21 after, the Attorney General shall submit to Congress an
22 evaluation and report that contains a detailed statement
23 regarding grant awards, activities of grant recipients, a
24 compilation of statistical information submitted by grant

1 recipients under this subtitle, and an evaluation of pro-
2 grams established by grant recipients under this subtitle.

3 (c) CRITERIA.—In assessing the effectiveness of the
4 programs established and operated by grant recipients
5 pursuant to this subtitle, the Attorney General shall con-
6 sider—

7 (1) the number of youth served by the grant re-
8 cipient;

9 (2) the percentage of youth participating in the
10 program charged with acts of delinquency or crime
11 compared to youth in the community at large;

12 (3) the percentage of youth participating in the
13 program that uses drugs compared to youth in the
14 community at large;

15 (4) the percentage of youth participating in the
16 program that are victimized by acts of crime or de-
17 linquency compared to youth in the community at
18 large; and

19 (5) the truancy rates of youth participating in
20 the program compared to youth in the community at
21 large.

22 (d) DOCUMENTS AND INFORMATION.—Each grant
23 recipient under this subtitle shall provide the Attorney
24 General with all documents and information that the At-
25 torney General determines to be necessary to conduct an

1 evaluation of the effectiveness of programs funded under
2 this subtitle.

3 **SEC. 4006. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to carry out this subtitle from the Violent Crime
6 Reduction Trust Fund—

7 (1) such sums as may be necessary for each of
8 the fiscal years 1999 and 2000;

9 (2) for fiscal year 2001, \$125,000,000; and

10 (3) for fiscal year 2002, \$125,000,000.

11 (b) CONTINUED AVAILABILITY.—Amounts made
12 available under this subtitle shall remain available until
13 expended.

14 **Subtitle B—“Say No to Drugs”**
15 **Community Centers Act of 1998**

16 **SEC. 4201. SHORT TITLE; DEFINITIONS.**

17 (a) SHORT TITLE.—This subtitle may be cited as the
18 “Say No to Drugs Community Centers Act of 1998”.

19 (b) DEFINITIONS.—For purposes of this subtitle—

20 (1) the term “community-based organization”
21 means a private, locally initiated organization that—

22 (A) is a nonprofit organization, as that
23 term is defined in section 103(23) of the Juve-
24 nile Justice and Delinquency Prevention Act of
25 1974 (42 U.S.C. 5603(23)); and

1 (B) involves the participation, as appro-
2 priate, of members of the community and com-
3 munity institutions, including—

4 (i) business and civic leaders actively
5 involved in providing employment and busi-
6 ness development opportunities in the com-
7 munity;

8 (ii) educators;

9 (iii) religious organizations (which
10 shall not provide any sectarian instruction
11 or sectarian worship in connection with
12 program activities funded under this sub-
13 title);

14 (iv) law enforcement agencies; and

15 (v) other interested parties;

16 (2) the term “eligible community” means a
17 community—

18 (A) identified by an eligible recipient for
19 assistance under this subtitle; and

20 (B) an area that meets such criteria as the
21 Attorney General may, by regulation, establish,
22 including criteria relating to poverty, juvenile
23 delinquency, and crime;

1 (3) the term “eligible recipient” means a com-
2 munity-based organization or public school that
3 has—

4 (A) been approved for eligibility by the At-
5 torney General, upon application submitted to
6 the Attorney General in accordance with section
7 412(b); and

8 (B) demonstrated that the projects and ac-
9 tivities it seeks to support in an eligible commu-
10 nity involve the participation, when feasible and
11 appropriate, of—

12 (i) parents, family members, and
13 other members of the eligible community;

14 (ii) civic and religious organizations
15 serving the eligible community;

16 (iii) school officials and teachers em-
17 ployed at schools located in the eligible
18 community;

19 (iv) public housing resident organiza-
20 tions in the eligible community; and

21 (v) public and private nonprofit orga-
22 nizations and organizations serving youth
23 that provide education, child protective
24 services, or other human services to low in-
25 come, at-risk youth and their families;

1 (4) the term “poverty line” means the income
2 official poverty line (as defined by the Office of Man-
3 agement and Budget, and revised annually in ac-
4 cordance with section 673(2) of the Community
5 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
6 cable to a family of the size involved; and

7 (5) the term “public school” means a public ele-
8 mentary school, as defined in section 1201(i) of the
9 Higher Education Act of 1965 (20 U.S.C. 1141(i)),
10 and a public secondary school, as defined in section
11 1201(d) of that Act (42 U.S.C. 1141(d)).

12 **SEC. 4202. GRANT REQUIREMENTS.**

13 (a) IN GENERAL.—The Attorney General may make
14 grants to eligible recipients, which grants may be used to
15 provide to youth living in eligible communities during after
16 school hours or summer vacations, the following services:

17 (1) Rigorous drug prevention education.

18 (2) Drug counseling and treatment.

19 (3) Academic tutoring and mentoring.

20 (4) Activities promoting interaction between
21 youth and law enforcement officials.

22 (5) Vaccinations and other basic preventive
23 health care.

24 (6) Sexual abstinence education.

1 (7) Other activities and instruction to reduce
2 youth violence and substance abuse.

3 (b) LOCATION AND USE OF AMOUNTS.—An eligible
4 recipient that receives a grant under this subtitle—

5 (1) shall ensure that the stated program is car-
6 ried out—

7 (A) when appropriate, in the facilities of a
8 public school during nonschool hours; or

9 (B) in another appropriate local facility
10 that is—

11 (i) in a location easily accessible to
12 youth in the community; and

13 (ii) in compliance with all applicable
14 State and local ordinances;

15 (2) shall use the grant amounts to provide to
16 youth in the eligible community services and activi-
17 ties that include extracurricular and academic pro-
18 grams that are offered—

19 (A) after school and on weekends and holi-
20 days, during the school year; and

21 (B) as daily full day programs (to the ex-
22 tent available resources permit) or as part day
23 programs, during the summer months;

1 (3) shall use not more than 5 percent of the
2 amounts to pay for the administrative costs of the
3 program;

4 (4) shall not use such amounts to provide sec-
5 tarian worship or sectarian instruction; and

6 (5) may not use the amounts for the general
7 operating costs of public schools.

8 (c) APPLICATIONS.—

9 (1) IN GENERAL.—Each application to become
10 an eligible recipient shall be submitted to the Attor-
11 ney General at such time, in such manner, and ac-
12 companied by such information, as the Attorney
13 General may reasonably require.

14 (2) CONTENTS OF APPLICATION.—Each appli-
15 cation submitted pursuant to paragraph (1) shall—

16 (A) describe the activities and services to
17 be provided through the program for which the
18 grant is sought;

19 (B) contain a comprehensive plan for the
20 program that is designed to achieve identifiable
21 goals for youth in the eligible community;

22 (C) describe in detail the drug education
23 and drug prevention programs that will be im-
24 plemented;

1 (D) specify measurable goals and outcomes
2 for the program that will include—

3 (i) reducing the percentage of youth
4 in the eligible community that enter the ju-
5 venile justice system or become addicted to
6 drugs;

7 (ii) increasing the graduation rates,
8 school attendance, and academic success of
9 youth in the eligible community; and

10 (iii) improving the skills of program
11 participants;

12 (E) contain an assurance that the appli-
13 cant will use grant amounts received under this
14 subtitle to provide youth in the eligible commu-
15 nity with activities and services consistent with
16 subsection (g);

17 (F) demonstrate the manner in which the
18 applicant will make use of the resources, exper-
19 tise, and commitment of private entities in car-
20 rying out the program for which the grant is
21 sought;

22 (G) include an estimate of the number of
23 youth in the eligible community expected to be
24 served under the program;

1 (H) include a description of charitable pri-
2 vate resources, and all other resources, that will
3 be made available to achieve the goals of the
4 program;

5 (I) contain an assurance that the applicant
6 will comply with any evaluation under section
7 522, any research effort authorized under Fed-
8 eral law, and any investigation by the Attorney
9 General;

10 (J) contain an assurance that the appli-
11 cant will prepare and submit to the Attorney
12 General an annual report regarding any pro-
13 gram conducted under this subtitle;

14 (K) contain an assurance that the program
15 for which the grant is sought will, to the maxi-
16 mum extent practicable, incorporate services
17 that are provided solely through non-Federal
18 private or nonprofit sources; and

19 (L) contain an assurance that the appli-
20 cant will maintain separate accounting records
21 for the program for which the grant is sought.

22 (3) PRIORITY.—In determining eligibility under
23 this section, the Attorney General shall give priority
24 to applicants that submit applications that dem-

1 onstrate the greatest local support for the programs
2 they seek to support.

3 (d) PAYMENTS; FEDERAL SHARE; NON-FEDERAL
4 SHARE.—

5 (1) PAYMENTS.—The Attorney General shall,
6 subject to the availability of appropriations, provide
7 to each eligible recipient the Federal share of the
8 costs of developing and carrying out programs de-
9 scribed in this section.

10 (2) FEDERAL SHARE.—The Federal share of
11 the cost of a program under this subtitle shall be not
12 more than—

13 (A) 75 percent of the total cost of the pro-
14 gram for each of the first 2 years of the dura-
15 tion of a grant;

16 (B) 70 percent of the total cost of the pro-
17 gram for the third year of the duration of a
18 grant; and

19 (C) 60 percent of the total cost of the pro-
20 gram for each year thereafter.

21 (3) NON-FEDERAL SHARE.—

22 (A) IN GENERAL.—The non-Federal share
23 of the cost of a program under this subtitle
24 may be in cash or in kind, fairly evaluated, in-
25 cluding plant, equipment, and services. Federal

1 funds made available for the activity of any
2 agency of an Indian tribal government or the
3 Bureau of Indian Affairs on any Indian lands
4 may be used to provide the non-Federal share
5 of the costs of programs or projects funded
6 under this subtitle.

7 (B) SPECIAL RULE.—Not less than 15 per-
8 cent of the non-Federal share of the costs of a
9 program under this subtitle shall be provided
10 from private or nonprofit sources.

11 (e) PROGRAM AUTHORITY.—

12 (1) IN GENERAL.—

13 (A) ALLOCATIONS FOR STATES AND IN-
14 DIAN TRIBES.—

15 (i) IN GENERAL.—In any fiscal year
16 in which the total amount made available
17 to carry out this subtitle is equal to or
18 greater than \$20,000,000, from the
19 amount made available to carry out this
20 subtitle, the Attorney General shall allocate
21 not less than 0.75 percent for grants under
22 subparagraph (B) to eligible recipients in
23 each State.

24 (ii) INDIAN TRIBES.—The Attorney
25 General shall allocate 0.75 percent of

1 amounts made available under this subtitle
2 for grants to Indian tribes.

3 (B) GRANTS TO COMMUNITY-BASED ORGA-
4 NIZATIONS AND PUBLIC SCHOOLS FROM ALLO-
5 CATIONS.—For each fiscal year described in
6 subparagraph (A), the Attorney General may
7 award grants from the appropriate State or In-
8 dian tribe allocation determined under subpara-
9 graph (A) on a competitive basis to eligible re-
10 recipients to pay for the Federal share of assist-
11 ing eligible communities to develop and carry
12 out programs in accordance with this subtitle.

13 (C) REALLOCATION.—If, at the end of a
14 fiscal year described in subparagraph (A), the
15 Attorney General determines that amounts allo-
16 cated for a particular State or Indian tribe
17 under subparagraph (B) remain unobligated,
18 the Attorney General shall use such amounts to
19 award grants to eligible recipients in another
20 State or Indian tribe to pay for the Federal
21 share of assisting eligible communities to de-
22 velop and carry out programs in accordance
23 with this subtitle. In awarding such grants, the
24 Attorney General shall consider the need to

1 maintain geographic diversity among eligible re-
2 cipients.

3 (D) AVAILABILITY OF AMOUNTS.—

4 Amounts made available under this paragraph
5 shall remain available until expended.

6 (2) OTHER FISCAL YEARS.—In any fiscal year
7 in which the amount made available to carry out this
8 subtitle is equal to or less than \$20,000,000, the At-
9 torney General may award grants on a competitive
10 basis to eligible recipients to pay for the Federal
11 share of assisting eligible communities to develop
12 and carry out programs in accordance with this sub-
13 title.

14 (3) ADMINISTRATIVE COSTS.—The Attorney
15 General may use not more than 3 percent of the
16 amounts made available to carry out this subtitle in
17 any fiscal year for administrative costs, including
18 training and technical assistance.

19 **SEC. 4203. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this subtitle from the Violent Crime Reduction Trust
22 Fund—

23 (1) for fiscal year 2001, \$125,000,000; and

24 (2) for fiscal year 2002, \$125,000,000.

1 **Subtitle C—Missing and Exploited**
2 **Children**

3 **SEC. 4301. AMENDMENTS TO THE MISSING CHILDREN’S AS-**
4 **SISTANCE ACT.**

5 Section 404 of the Missing Children’s Assistance Act
6 (42 U.S.C. 5773) is amended—

7 (1) in subsection (b)(2)(A), by inserting “for-
8 foreign governments,” after “State and local govern-
9 ments”; and

10 (2) in subsection (b)(2)(D)—

11 (A) by inserting “foreign governments,”
12 after “State and local governments”; and

13 (B) by striking “; and” at the end and in-
14 serting a period;

15 (3) in subsection (b)(3), by striking “(3) peri-
16 odically” and inserting the following:

17 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-
18 trator, either by making grants to or entering into con-
19 tracts with public agencies or nonprofit private agencies,
20 shall—

21 “(1) periodically”; and

22 (4) by redesignating paragraph (4) as para-
23 graph (2) in subsection (b).

1 **Subtitle D—Reauthorization of In-**
2 **centive Grants for Local Delin-**
3 **quency Prevention Programs**

4 **SEC. 4401. INCENTIVE GRANTS FOR LOCAL DELINQUENCY**
5 **PREVENTION PROGRAMS.**

6 Section 506 of the Juvenile Justice and Delinquency
7 Prevention Act of 1974 (42 U.S.C. 5785) is amended to
8 read as follows:

9 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated to carry out
11 this title such sums as may be necessary for each of fiscal
12 years 1999, 2000, 2001, 2002, and 2003.”

13 **SEC. 4402. RESEARCH, EVALUATION, AND TRAINING.**

14 Title V of the Juvenile Justice and Delinquency Pre-
15 vention Act of 1974 (42 U.S.C. 5781 et seq.) is amended
16 by adding at the end the following:

17 **“SEC. 507. RESEARCH, EVALUATION, AND TRAINING.**

18 “Of the amounts made available by appropriations
19 pursuant to section 506—

20 “(1) 2 percent shall be used by the Adminis-
21 trator for providing training and technical assistance
22 under this title; and

23 “(2) 10 percent shall be used by the Adminis-
24 trator for research, statistics, and evaluation activi-

1 ties carried out in conjunction with the grant pro-
2 grams under this title.”.

3 **Subtitle E—Reauthorization of the**
4 **Runaway and Homeless Youth Act**

5 **SEC. 4501. RUNAWAY AND HOMELESS YOUTH ACT.**

6 Section 372(a) of the Juvenile Justice and Delin-
7 quency Prevention Act of 1974 (42 U.S.C. 5714b(a)) is
8 amended by striking “unit of general local government”
9 and inserting “unit of local government”.

10 **SEC. 4502. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) TECHNICAL AMENDMENTS.—

12 (1) ERROR RESULTING FROM REDESIGNA-
13 TION.—

14 (A) IN GENERAL.—Section 3(i) of the Pub-
15 lic Law 102–586 (106 Stat. 5026) is amended
16 by striking “Section 366” and inserting “Sec-
17 tion 385”.

18 (B) EFFECTIVE DATE.—The amendment
19 made by clause (i) shall take effect as if in-
20 cluded in the amendments made by Public Law
21 102–586.

22 (2) ERROR RESULTING FROM REFERENCES TO
23 NONEXISTENT PROVISIONS OF LAW.—

24 (A) IN GENERAL.—Section 40155 of the
25 Violent Crime Control and Law Enforcement

1 Act of 1994 (Public Law 103–322; 108 Stat.
2 1922) is amended by striking “is amended—”
3 and all that follows through “after section 315”
4 and inserting the following: “is amended by
5 adding at the end”.

6 (B) EFFECTIVE DATE.—The amendment
7 made by subparagraph (A) shall take effect as
8 if included in the amendments made by the Vio-
9 lent Crime Control and Law Enforcement Act
10 of 1994 (Public Law 103–322; 108 Stat. 1796
11 et seq.).

12 (b) REAUTHORIZATIONS.—

13 (1) IN GENERAL.—Section 385 of the Juvenile
14 Justice and Delinquency Prevention Act of 1974 (42
15 U.S.C. 5751) (as amended by section 3(i) of the
16 Public Law 102–586 (106 Stat. 5026) (as amended
17 by subsection (a)(1)(A) of this subsection)) is
18 amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1), by striking
21 “1993 and such sums as may be necessary
22 for fiscal years 1994, 1995, and 1996”
23 and inserting “1999 and such sums as
24 may be necessary for each of fiscal years
25 2000, 2001, 2002, and 2003”; and

1 (ii) in paragraph (3), by striking sub-
2 paragraphs (A) through (D) and inserting
3 the following:

4 “(A) for fiscal year 1998, not less than
5 \$957,285;

6 “(B) for fiscal year 1999, not less than
7 \$1,005,150;

8 “(C) for fiscal year 2000, not less than
9 \$1,055,406;

10 “(D) for fiscal year 2001, not less than
11 \$1,108,177;

12 “(E) for fiscal year 2002, not less than
13 \$1,163,585; and

14 “(F) for fiscal year 2003, not less than
15 \$1,163,585.”;

16 (B) in subsection (b), by striking “1993
17 and such sums as may be necessary for fiscal
18 years 1994, 1995, and 1996” and inserting
19 “1999 and such sums as may be necessary for
20 each of fiscal years 2000, 2001, 2002, and
21 2003”; and

22 (C) in subsection (c), by striking “1993,
23 1994, 1995, and 1996” and inserting “1999,
24 2000, 2001, 2002, and 2003”.

1 (2) **ADDITIONAL REAUTHORIZATION.**—Section
 2 316 of part A of the Runaway and Homeless Youth
 3 Act (42 U.S.C. 5712d) (as added by section 40155
 4 of the Violent Crime Control and Law Enforcement
 5 Act of 1994 (as amended by paragraph (1)(B) of
 6 this subsection)) is—

7 (A) redesignated as section 315 of part A
 8 of the Runaway and Homeless Youth Act; and

9 (B) amended by striking subsection (c)
 10 and inserting the following:

11 “(c) **AUTHORIZATION OF APPROPRIATIONS.**—There
 12 are authorized to be appropriated to carry out this section
 13 such sums as may be necessary for each of fiscal years
 14 1999, 2000, 2001, 2002, and 2003.”.

15 **Subtitle F—Authorization of Anti-**
 16 **Drug Abuse Programs**

17 **SEC. 4601. DRUG EDUCATION AND PREVENTION RELATING**
 18 **TO YOUTH GANGS.**

19 Section 3505 of the Anti-Drug Abuse Act of 1988
 20 (42 U.S.C. 11805) is amended to read as follows:

21 **“SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.**

22 “There is authorized to be appropriated to carry out
 23 this chapter such sums as may be necessary for each of
 24 fiscal years 1999, 2000, 2001, 2002, and 2003.”.

1 **SEC. 4602. DRUG EDUCATION AND PREVENTION PROGRAM**
2 **FOR RUNAWAY AND HOMELESS YOUTH.**

3 Section 3513 of the Anti-Drug Abuse Act of 1988
4 (42 U.S.C. 11823) is amended to read as follows:

5 **“SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.**

6 “There is authorized to be appropriated to carry out
7 this chapter such sums as may be necessary for each of
8 fiscal years 1999, 2000, 2001, 2002, and 2003.”.

9 **Subtitle G—Jump Ahead Act of**
10 **1998**

11 **SEC. 4701. SHORT TITLE.**

12 This Act may be cited as the “JUMP Ahead Act of
13 1998”.

14 **SEC. 4702. FINDINGS.**

15 Congress finds that—

16 (1) millions of young people in America live in
17 areas in which drug use and violent and property
18 crimes are pervasive;

19 (2) unfortunately, many of these same young
20 people come from single parent homes, or from envi-
21 ronments in which there is no responsible, caring
22 adult supervision;

23 (3) all children and adolescents need caring
24 adults in their lives, and mentoring is an effective
25 way to fill this special need for at-risk children. The
26 special bond of commitment fostered by the mutual

1 respect inherent in effective mentoring can be the tie
2 that binds a young person to a better future;

3 (4) through a mentoring relationship, adult vol-
4 unteers and participating youth make a significant
5 commitment of time and energy to develop relation-
6 ships devoted to personal, academic, or career devel-
7 opment and social, artistic, or athletic growth;

8 (5) rigorous independent studies have confirmed
9 that effective mentoring programs can significantly
10 reduce and prevent the use of alcohol and drugs by
11 young people, improve school attendance and per-
12 formance, improve peer and family and peer rela-
13 tionships, and reduce violent behavior;

14 (6) since the inception of the Federal JUMP
15 program, dozens of innovative, effective mentoring
16 programs have received funding grants;

17 (7) unfortunately, despite the recent growth in
18 public and private mentoring initiatives, it is re-
19 ported that between 5,000,000 and 15,000,000 addi-
20 tional children in the United States could benefit
21 from being matched with a mentor; and

22 (8) although great strides have been made in
23 reaching at-risk youth since the inception of the
24 JUMP program, millions of vulnerable American
25 children are not being reached, and without an in-

1 creased commitment to connect these young people
2 to responsible adult role models, our country risks
3 losing an entire generation to drugs, crime, and un-
4 productive lives.

5 **SEC. 4703. JUVENILE MENTORING GRANTS.**

6 (a) IN GENERAL.—Section 288B of the Juvenile Jus-
7 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
8 5667e-2) is amended—

9 (1) by inserting “(a) IN GENERAL.—” before
10 “The Administrator shall”;

11 (2) by striking paragraph (2) and inserting the
12 following:

13 “(2) are intended to achieve 1 or more of the
14 following goals:

15 “(A) Discourage at-risk youth from—

16 “(i) using illegal drugs and alcohol;

17 “(ii) engaging in violence;

18 “(iii) using guns and other dangerous
19 weapons;

20 “(iv) engaging in other criminal and
21 antisocial behavior; and

22 “(v) becoming involved in gangs.

23 “(B) Promote personal and social respon-
24 sibility among at-risk youth.

1 “(C) Increase at-risk youth’s participation
2 in, and enhance the ability of those youth to
3 benefit from, elementary and secondary edu-
4 cation.

5 “(D) Encourage at-risk youth participation
6 in community service and community activities.

7 “(E) Provide general guidance to at-risk
8 youth.”; and

9 (3) by adding at the end the following:

10 “(b) AMOUNT AND DURATION.—Each grant under
11 this part shall be awarded in an amount not to exceed
12 a total of \$200,000 over a period of not more than 3 years.

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated \$50,000,000 for each of
15 fiscal years 1999, 2000, 2001, and 2002 to carry out this
16 part.”.

17 **SEC. 4704. IMPLEMENTATION AND EVALUATION GRANTS.**

18 (a) IN GENERAL.—The Administrator of the Office
19 of Juvenile Justice and Delinquency Prevention of the De-
20 partment of Justice may make grants to national organi-
21 zations or agencies serving youth, in order to enable those
22 organizations or agencies—

23 (1) to conduct a multisite demonstration
24 project, involving between 5 and 10 project sites,
25 that—

1 (A) provides an opportunity to compare
2 various mentoring models for the purpose of
3 evaluating the effectiveness and efficiency of
4 those models;

5 (B) allows for innovative programs de-
6 signed under the oversight of a national organi-
7 zation or agency serving youth, which programs
8 may include—

9 (i) technical assistance;

10 (ii) training; and

11 (iii) research and evaluation; and

12 (C) disseminates the results of such dem-
13 onstration project to allow for the determina-
14 tion of the best practices for various mentoring
15 programs;

16 (2) to develop and evaluate screening standards
17 for mentoring programs; and

18 (3) to develop and evaluate volunteer recruit-
19 ment techniques and activities for mentoring pro-
20 grams.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated \$5,000,000 for each of the
23 fiscal years 1999, 2000, 2001, and 2002 to carry out this
24 section.

1 **SEC. 4705. EVALUATIONS; REPORTS.**

2 (a) EVALUATIONS.—

3 (1) IN GENERAL.—The Attorney General shall
4 enter into a contract with an evaluating organization
5 that has demonstrated experience in conducting eval-
6 uations, for the conduct of an ongoing rigorous eval-
7 uation of the programs and activities assisted under
8 this Act or under section 228B of the Juvenile Jus-
9 tice and Delinquency Prevention Act of 1974 (42
10 U.S.C. 5667e–2) (as amended by this Act).

11 (2) CRITERIA.—The Attorney General shall es-
12 tablish a minimum criteria for evaluating the pro-
13 grams and activities assisted under this Act or
14 under section 228B of the Juvenile Justice and De-
15 linquency Prevention Act of 1974 (42 U.S.C. 5667e–
16 2) (as amended by this Act), which shall provide for
17 a description of the implementation of the program
18 or activity, and the effect of the program or activity
19 on participants, schools, communities, and youth
20 served by the program or activity.

21 (3) MENTORING PROGRAM OF THE YEAR.—The
22 Attorney General shall, on an annual basis, based on
23 the most recent evaluation under this subsection and
24 such other criteria as the Attorney General shall es-
25 tablish by regulation—

1 (A) designate 1 program or activity as-
2 sisted under this Act as the “Juvenile Mentor-
3 ing Program of the Year”; and

4 (B) publish notice of such designation in
5 the Federal Register.

6 (b) REPORTS.—

7 (1) GRANT RECIPIENTS.—Each entity receiving
8 a grant under this Act or under section 228B of the
9 Juvenile Justice and Delinquency Prevention Act of
10 1974 (42 U.S.C. 5667e–2) (as amended by this Act)
11 shall submit to the evaluating organization entering
12 into the contract under subsection (a)(1), an annual
13 report regarding any program or activity assisted
14 under this Act or under section 228B of the Juve-
15 nile Justice and Delinquency Prevention Act of 1974
16 (42 U.S.C. 5667e–2) (as amended by this Act).
17 Each report under this paragraph shall be submitted
18 at such time, in such a manner, and shall be accom-
19 panied by such information, as the evaluating orga-
20 nization may reasonably require.

21 (2) COMPTROLLER GENERAL.—Not later than
22 4 years after the date of enactment of this Act, the
23 Attorney General shall submit to Congress a report
24 evaluating the effectiveness of grants awarded under
25 this Act and under section 228B of the Juvenile

1 Justice and Delinquency Prevention Act of 1974 (42
2 U.S.C. 5667e-2) (as amended by this Act), in—

3 (A) reducing juvenile delinquency and gang
4 participation;

5 (B) reducing the school dropout rate; and

6 (C) improving academic performance of ju-
7 veniles.

8 **Subtitle H—Truancy Prevention**

9 **SEC. 4801. SHORT TITLE.**

10 This subtitle may be cited as the “Truancy Preven-
11 tion and Juvenile Crime Reduction Act of 1998”.

12 **SEC. 4802. FINDINGS.**

13 Congress makes the following findings:

14 (1) Truancy is the first sign of trouble—the
15 first indicator that a young person is giving up and
16 losing his or her way.

17 (2) Many students who become truant eventu-
18 ally drop out of school, and high school drop outs
19 are two and a half times more likely to be on welfare
20 than high school graduates, twice as likely to be un-
21 employed, or if employed, earn lower salaries.

22 (3) Truancy is the top-ranking characteristic of
23 criminals—more common than such factors as com-
24 ing from single-parent families and being abused as
25 children.

1 (4) High rates of truancy are linked to high
2 daytime burglary rates and high vandalism.

3 (5) As much as 44 percent of violent juvenile
4 crime takes place during school hours.

5 (6) As many as 75 percent of children ages 13
6 to 16 who are arrested and prosecuted for crimes
7 are truants.

8 (7) Some cities report as many as 70 percent
9 of daily student absences are unexcused, and the
10 total number of absences in a single city can reach
11 4,000 per day.

12 (8) Society pays a significant social and eco-
13 nomic cost due to truancy: only 34 percent of in-
14 mates have completed high school education; 17 per-
15 cent of youth under age 18 entering adult prisons
16 have not completed grade school (8th grade or less),
17 25 percent completed 10th grade, and 2 percent
18 completed high school.

19 (9) Truants and later high school drop outs
20 cost the Nation \$240,000,000,000 in lost earnings
21 and foregone taxes over their lifetimes, and the cost
22 of crime control is staggering.

23 (10) In many instances, parents are unaware a
24 child is truant.

1 (11) Effective truancy prevention, early inter-
2 vention, and accountability programs can improve
3 school attendance and reduce daytime crime rates.

4 (12) There is a lack of targeted funding for ef-
5 fective truancy prevention programs in current law.

6 **SEC. 4803. GRANTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
9 ble partnership” means a partnership between 1 or
10 more qualified units of local government and 1 or
11 more local educational agencies.

12 (2) LOCAL EDUCATIONAL AGENCY.—The term
13 “local educational agency” has the meaning given
14 the term in section 14101 of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 8801).

16 (3) QUALIFIED UNIT OF LOCAL GOVERN-
17 MENT.—The term “qualified unit of local govern-
18 ment” means a unit of local government that has in
19 effect, as of the date on which the eligible partner-
20 ship submits an application for a grant under this
21 section, a statute or regulation that meets the re-
22 quirements of section 223(a)(14) of the Juvenile
23 Justice and Delinquency and Prevention Act of 1974
24 (42 U.S.C. 5633(a)(14)).

1 (4) UNIT OF LOCAL GOVERNMENT.—The term
2 “unit of local government” means any city, county,
3 township, town, borough, parish, village, or other
4 general purpose political subdivision of a State, or
5 any Indian tribe.

6 (b) GRANT AUTHORITY.—The Attorney General, in
7 consultation with the Secretary of Education, shall make
8 grants in accordance with this section on a competitive
9 basis to eligible partnerships to reduce truancy and the
10 incidence of daytime juvenile crime.

11 (c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

12 (1) MAXIMUM AMOUNT.—The total amount
13 awarded to an eligible partnership under this section
14 in any fiscal year shall not exceed \$100,000.

15 (2) ALLOCATION.—Not less than 25 percent of
16 each grant awarded to an eligible partnership under
17 this section shall be allocated for use by the local
18 educational agency or agencies participating in the
19 partnership.

20 (3) RENEWAL.—A grant awarded under this
21 section for a fiscal year may be renewed for an addi-
22 tional period of not more than 2 fiscal years.

23 (d) USE OF FUNDS.—

24 (1) IN GENERAL.—Grant amounts made avail-
25 able under this section may be used by an eligible

1 partnership to comprehensively address truancy
2 through the use of—

3 (A) parental involvement in prevention ac-
4 tivities, including meaningful incentives for pa-
5 rental responsibility;

6 (B) sanctions, including community serv-
7 ice, or drivers' license suspension for students
8 who are habitually truant;

9 (C) parental accountability, including fines,
10 teacher-aid duty, or community service;

11 (D) in-school truancy prevention programs,
12 including alternative education and in-school
13 suspension;

14 (E) involvement of the local law enforce-
15 ment, social services, judicial, business, and re-
16 ligious communities, and nonprofit organiza-
17 tions;

18 (F) technology, including automated tele-
19 phone notice to parents and computerized at-
20 tendance system; or

21 (G) elimination of 40-day count and other
22 unintended incentives to allow students to be
23 truant after a certain time of school year.

24 (2) MODEL PROGRAMS.—In carrying out this
25 section, the Attorney General may give priority to

1 funding programs that attempt to replicate 1 or
2 more of the following model programs:

3 (A) The Truancy Intervention Project of
4 the Fulton County, Georgia, Juvenile Court.

5 (B) The TABS (Truancy Abatement and
6 Burglary Suppression) program of Milwaukee,
7 Wisconsin.

8 (C) The Roswell Daytime Curfew Program
9 of Roswell, New Mexico.

10 (D) The Stop, Cite and Return Program of
11 Rohnert Park, California.

12 (E) The Stay in School Program of New
13 Haven, Connecticut.

14 (F) The Atlantic County Project Helping
15 Hand of Atlantic County, New Jersey.

16 (G) The THRIVE (Truancy Habits Re-
17 duced Increasing Valuable Education) initiative
18 of Oklahoma City, Oklahoma.

19 (H) The Norfolk, Virginia project using
20 computer software and data collection.

21 (I) The Community Service Early Inter-
22 vention Program of Marion, Ohio.

23 (J) The Truancy Reduction Program of
24 Bakersfield, California.

1 (K) The Grade Court program of Farm-
2 ington, New Mexico.

3 (L) Any other model program that the At-
4 torney General determines to be appropriate.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section,
7 \$25,000,000 for each of fiscal years 1999, 2000, and
8 2001.

9 **Subtitle I—Juvenile Crime Control** 10 **and Delinquency Prevention Act**

11 **SEC. 4901. SHORT TITLE.**

12 This subtitle may be cited as the “Juvenile Crime
13 Control and Delinquency Prevention Act of 1998”.

14 **SEC. 4902. FINDINGS.**

15 Section 101 of the Juvenile Justice and Delinquency
16 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
17 read as follows:

18 “FINDINGS

19 “SEC. 101. (a) Congress finds that the juvenile crime
20 problem should be addressed through a 2-track common
21 sense approach that addresses the needs of individual ju-
22 veniles and society at large by promoting—

23 “(1) quality prevention programs that—

24 “(A) work with juveniles, their families,
25 local public agencies, and community-based or-
26 ganizations, and take into consideration such

1 factors as whether or not juveniles have been
 2 the victims of family violence (including child
 3 abuse and neglect); and

4 “(B) are designed to reduce risks and de-
 5 velop competencies in at-risk juveniles that will
 6 prevent, and reduce the rate of, violent delin-
 7 quent behavior; and

8 “(2) programs that assist in holding juveniles
 9 accountable for their actions, including a system of
 10 graduated sanctions to respond to each delinquent
 11 act, requiring juveniles to make restitution, or per-
 12 form community service, for the damage caused by
 13 their delinquent acts, and methods for increasing
 14 victim satisfaction with respect to the penalties im-
 15 posed on juveniles for their acts.

16 “(b) Congress must act now to reform this program
 17 by focusing on juvenile delinquency prevention programs,
 18 as well as programs that hold juveniles accountable for
 19 their acts.”.

20 **SEC. 4903. PURPOSE.**

21 Section 102 of the Juvenile Justice and Delinquency
 22 Prevention Act of 1974 (42 U.S.C. 5602) is amended to
 23 read as follows:

24 “PURPOSES

25 “SEC. 102. The purposes of this title are—

1 “(1) to support State and local programs that
2 prevent juvenile involvement in delinquent behavior;

3 “(2) to assist State and local governments in
4 promoting public safety by encouraging accountabil-
5 ity for acts of juvenile delinquency; and

6 “(3) to assist State and local governments in
7 addressing juvenile crime through the provision of
8 technical assistance, research, training, evaluation,
9 and the dissemination of information on effective
10 programs for combating juvenile delinquency.”.

11 **SEC. 4904. DEFINITIONS.**

12 Section 103 of the Juvenile Justice and Delinquency
13 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

14 (1) in paragraph (3), by striking “to help pre-
15 vent juvenile delinquency” and inserting “designed
16 to reduce known risk factors for juvenile delinquent
17 behavior, provide activities that build on protective
18 factors for, and develop competencies in, juveniles to
19 prevent, and reduce the rate of, delinquent juvenile
20 behavior”;

21 (2) in paragraph (4), by inserting “title I of”
22 before “the Omnibus” each place it appears,

23 (3) in paragraph (7), by striking “the Trust
24 Territory of the Pacific Islands,”

1 (4) in paragraph (9), by striking “justice” and
2 inserting “crime control”,

3 (5) in paragraph (12)(B), by striking “, of any
4 nonoffender,”,

5 (6) in paragraph (13)(B), by striking “, any
6 nonoffender,”,

7 (7) in paragraph (14), by inserting “drug traf-
8 ficking,” after “assault,”,

9 (8) in paragraph (16)—

10 (A) in subparagraph (A), by adding “and”
11 at the end, and

12 (B) by striking subparagraph (C),

13 (9) by striking paragraph (17),

14 (10) in paragraph (22)—

15 (A) by redesignating subparagraphs (i),
16 (ii), and (iii) as subparagraphs (A), (B), and
17 (C), respectively, and

18 (B) by striking “and” at the end,

19 (11) in paragraph (23), by striking the period
20 at the end and inserting a semicolon,

21 (12) by redesignating paragraphs (18), (19),
22 (20), (21), (22), and (23) as paragraphs (17)
23 through (22), respectively, and

24 (13) by adding at the end the following:

1 “(23) the term ‘boot camp’ means a residential
2 facility (excluding a private residence) at which there
3 are provided—

4 “(A) a highly regimented schedule of dis-
5 cipline, physical training, work, drill, and cere-
6 mony characteristic of military basic training.

7 “(B) regular, remedial, special, and voca-
8 tional education; and

9 “(C) counseling and treatment for sub-
10 stance abuse and other health and mental
11 health problems;

12 “(24) the term ‘graduated sanctions’ means an
13 accountability-based, graduated series of sanctions
14 (including incentives and services) applicable to juve-
15 niles within the juvenile justice system to hold such
16 juveniles accountable for their actions and to protect
17 communities from the effects of juvenile delinquency
18 by providing appropriate sanctions for every act for
19 which a juvenile is adjudicated delinquent, by induc-
20 ing their law-abiding behavior, and by preventing
21 their subsequent involvement with the juvenile jus-
22 tice system;

23 “(25) the term ‘violent crime’ means—

24 “(A) murder or nonnegligent man-
25 slaughter, forcible rape, or robbery, or

1 “(B) aggravated assault committed with
2 the use of a firearm;

3 “(26) the term ‘co-located facilities’ means fa-
4 cilities that are located in the same building, or are
5 part of a related complex of buildings located on the
6 same grounds; and

7 “(27) the term ‘related complex of buildings’
8 means 2 or more buildings that share—

9 “(A) physical features, such as walls and
10 fences, or services beyond mechanical services
11 (heating, air conditioning, water and sewer); or

12 “(B) the specialized services that are al-
13 lowable under section 31.303(e)(3)(i)(C)(3) of
14 title 28 of the Code of Federal Regulations, as
15 in effect on December 10, 1996.”.

16 **SEC. 4905. NAME OF OFFICE.**

17 Title II of the Juvenile Justice and Delinquency Pre-
18 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
19 ed—

20 (1) by amending the heading of part A to read
21 as follows:

1 “PART A—OFFICE OF JUVENILE CRIME CONTROL AND
2 DELINQUENCY PREVENTION”,

3 (2) in section 201(a), by striking “Justice and
4 Delinquency Prevention” and inserting “Crime Con-
5 trol and Delinquency Prevention”, and

6 (3) in section 299A(c)(2) by striking “Justice
7 and Delinquency Prevention” and inserting “Crime
8 Control and Delinquency Prevention”.

9 **SEC. 4906. CONCENTRATION OF FEDERAL EFFORT.**

10 Section 204 of the Juvenile Justice and Delinquency
11 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

12 (1) in subsection (a)(1), by striking the last
13 sentence,

14 (2) in subsection (b)—

15 (A) in paragraph (3), by striking “and of
16 the prospective” and all that follows through
17 “administered”,

18 (B) by striking paragraph (5), and

19 (C) by redesignating paragraphs (6) and
20 (7) as paragraphs (5) and (6), respectively,

21 (3) in subsection (c), by striking “and reports”
22 and all that follows through “this part”, and insert-
23 ing “as may be appropriate to prevent the duplica-
24 tion of efforts, and to coordinate activities, related to
25 the prevention of juvenile delinquency”,

1 (4) by striking subsection (i), and
2 (5) by redesignating subsection (h) as sub-
3 section (f).

4 **SEC. 4907. ALLOCATION.**

5 Section 222 of the Juvenile Justice and Delinquency
6 Prevention Act of 1974 (42 U.S.C. 5632) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A)—

10 (I) by striking “amount, up to
11 \$400,000,” and inserting “amount up
12 to \$400,000”,

13 (II) by inserting a comma after
14 “1992” the 1st place it appears,

15 (III) by striking “the Trust Ter-
16 ritory of the Pacific Islands,” and

17 (IV) by striking “amount, up to
18 \$100,000,” and inserting “amount up
19 to \$100,000”,

20 (ii) in subparagraph (B)—

21 (I) by striking “(other than part
22 D)”,

23 (II) by striking “or such greater
24 amount, up to \$600,000” and all that

1 follows through “section 299(a) (1)
2 and (3)”,

3 (III) by striking “the Trust Ter-
4 ritory of the Pacific Islands,”,

5 (IV) by striking “amount, up to
6 \$100,000,” and inserting “amount up
7 to \$100,000”, and

8 (V) by inserting a comma after
9 “1992”,

10 (B) in paragraph (3) by striking “allot”
11 and inserting “allocate”, and

12 (2) in subsection (b) by striking “the Trust
13 Territory of the Pacific Islands,”.

14 **SEC. 4908. STATE PLANS.**

15 Section 223 of the Juvenile Justice and Delinquency
16 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

17 (1) in subsection (a)—

18 (A) in the 2nd sentence by striking “chal-
19 lenge” and all that follows through “part E”,
20 and inserting “, projects, and activities”;

21 (B) in paragraph (3)—

22 (i) by striking “, which—” and insert-
23 ing “that—”;

24 (ii) in subparagraph (A)—

1 (I) by striking “not less” and all
2 that follows through “33”, and insert-
3 ing “the attorney general of the State
4 or such other State official who has
5 primary responsibility for overseeing
6 the enforcement of State criminal
7 laws, and”;

8 (II) by inserting “, in consulta-
9 tion with the attorney general of the
10 State or such other State official who
11 has primary responsibility for over-
12 seeing the enforcement of State crimi-
13 nal laws” after “State”;

14 (III) in clause (i), by striking “or
15 the administration of juvenile justice”
16 and inserting “, the administration of
17 juvenile justice, or the reduction of ju-
18 venile delinquency”;

19 (IV) in clause (ii), by striking
20 “include—” and all that follows
21 through the semicolon at the end of
22 subclause (VIII), and inserting the
23 following:

1 “represent a multidisciplinary approach to
2 addressing juvenile delinquency and may
3 include—

4 “(I) individuals who represent
5 units of general local government, law
6 enforcement and juvenile justice agen-
7 cies, public agencies concerned with
8 the prevention and treatment of juve-
9 nile delinquency and with the adju-
10 dication of juveniles, representatives
11 of juveniles, or nonprofit private orga-
12 nizations, particularly such organiza-
13 tions that serve juveniles; and

14 “(II) such other individuals as
15 the chief executive officer considers to
16 be appropriate; and”;

17 (V) by striking clauses (iv) and
18 (v);

19 (iii) in subparagraph (C), by striking
20 “justice” and inserting “crime control”;

21 (iv) in subparagraph (D)—

22 (I) in clause (i), by inserting
23 “and” at the end; and

24 (II) in clause (ii), by striking
25 “paragraphs” and all that follows

1 through “part E”, and inserting
2 “paragraphs (11), (12), and (13)”;
3 and

4 (v) in subparagraph (E), by striking
5 “title—” and all that follows through
6 “(ii)” and inserting “title,”;
7 (C) in paragraph (5)—

8 (i) in the matter preceding subpara-
9 graph (A), by striking “, other than” and
10 inserting “reduced by the percentage (if
11 any) specified by the State under the au-
12 thority of paragraph (25) and excluding”
13 after “section 222”; and

14 (ii) in subparagraph (C), by striking
15 “paragraphs (12)(A), (13), and (14)” and
16 inserting “paragraphs (11), (12), and
17 (13)”;

18 (D) by striking paragraph (6);

19 (E) in paragraph (7), by inserting “, in-
20 cluding in rural areas” before the semicolon at
21 the end;

22 (F) in paragraph (8)—

23 (i) in subparagraph (A)—

24 (I) by striking “for (i)” and all
25 that follows through “relevant juris-

1 diction”, and inserting “for an analy-
2 sis of juvenile delinquency problems
3 in, and the juvenile delinquency con-
4 trol and delinquency prevention needs
5 (including educational needs) of, the
6 State”;

7 (II) by striking “justice” the sec-
8 ond place it appears and inserting
9 “crime control”; and

10 (III) by striking “of the jurisdic-
11 tion; (ii)” and all that follows through
12 the semicolon at the end, and insert-
13 ing “of the State; and”;

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) contain—

17 “(i) a plan for providing needed gen-
18 der-specific services for the prevention and
19 treatment of juvenile delinquency;

20 “(ii) a plan for providing needed serv-
21 ices for the prevention and treatment of ju-
22 venile delinquency in rural areas; and

23 “(iii) a plan for providing needed
24 mental health services to juveniles in the
25 juvenile justice system;”;

1 (iii) by striking subparagraphs (C)
2 and (D);

3 (G) by striking paragraph (9) and insert-
4 ing the following:

5 “(9) provide for the coordination and maximum
6 utilization of existing juvenile delinquency programs,
7 programs operated by public and private agencies
8 and organizations, and other related programs (such
9 as education, special education, recreation, health,
10 and welfare programs) in the State;”;

11 (H) in paragraph (10)—

12 (i) in subparagraph (A), by striking “,
13 specifically” and inserting “including”; and

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) programs that assist in holding juve-
17 niles accountable for their actions, including the
18 use of graduated sanctions and of neighborhood
19 courts or panels that increase victim satisfac-
20 tion and require juveniles to make restitution
21 for the damage caused by their delinquent be-
22 havior;”;

23 (iii) in subparagraph (C), by striking
24 “juvenile justice” and inserting “juvenile
25 crime control”;

1 (iv) by striking subparagraph (D) and
2 inserting the following:

3 “(D) programs that provide treatment to
4 juvenile offenders who are victims of child
5 abuse or neglect, and to their families, in order
6 to reduce the likelihood that such juvenile of-
7 fenders will commit subsequent violations of
8 law;”;

9 (v) in subparagraph (E)—

10 (I) by redesignating clause (ii) as
11 clause (iii); and

12 (II) by striking “juveniles, pro-
13 vided” and all that follows through
14 “provides; and”, and inserting the fol-
15 lowing:

16 “juveniles—

17 “(i) to encourage juveniles to remain
18 in elementary and secondary schools or in
19 alternative learning situations;

20 “(ii) to provide services to assist juve-
21 niles in making the transition to the world
22 of work and self-sufficiency; and”;

23 (vi) by striking subparagraph (F) and
24 inserting the following:

1 “(F) expanding the use of probation offi-
2 cers—

3 “(i) particularly for the purpose of
4 permitting nonviolent juvenile offenders
5 (including status offenders) to remain at
6 home with their families as an alternative
7 to incarceration or institutionalization; and

8 “(ii) to ensure that juveniles follow
9 the terms of their probation;”;

10 (vii) by striking subparagraph (G)
11 and inserting the following:

12 “(G) one-on-one mentoring programs that
13 are designed to link at-risk juveniles and juve-
14 nile offenders, particularly juveniles residing in
15 high-crime areas and juveniles experiencing
16 educational failure, with responsible adults
17 (such as law enforcement officers, adults work-
18 ing with local businesses, and adults working
19 with community-based organizations and agen-
20 cies) who are properly screened and trained;”;

21 (viii) in subparagraph (H) by striking
22 “handicapped youth” and inserting “juve-
23 niles with disabilities”;

24 (ix) by striking subparagraph (K) and
25 inserting the following:

1 “(K) boot camps for juvenile offenders;”;

2 (x) by striking subparagraph (L) and
3 inserting the following:

4 “(L) community-based programs and serv-
5 ices to work with juveniles, their parents, and
6 other family members during and after incar-
7 ceration in order to strengthen families so that
8 such juveniles may be retained in their homes;”;

9 (xi) by striking subparagraph (M) and
10 inserting the following:

11 “(M) other activities (such as court-ap-
12 pointed advocates) that the State determines
13 will hold juveniles accountable for their acts
14 and decrease juvenile involvement in delinquent
15 activities;”;

16 (xii) in subparagraph (O)—

17 (I) in striking “cultural” and in-
18 sserting “other”; and

19 (II) by striking the period at the
20 end and inserting a semicolon; and

21 (xiii) by adding at the end the follow-
22 ing:

23 “(P) programs that utilize multidisci-
24 plinary interagency case management and infor-
25 mation sharing, that enable the juvenile justice

1 and law enforcement agencies, schools, and so-
2 cial service agencies to make more informed de-
3 cisions regarding early identification, control,
4 supervision, and treatment of juveniles who re-
5 peatedly commit violent or serious delinquent
6 acts; and

7 “(Q) programs designed to prevent and re-
8 duce hate crimes committed by juveniles.”;

9 (I) by striking paragraph (12) and insert-
10 ing the following:

11 “(12) shall, in accordance with rules issued by
12 the Administrator, provide that—

13 “(A) juveniles who are charged with or
14 who have committed an offense that would not
15 be criminal if committed by an adult, exclud-
16 ing—

17 “(i) juveniles who are charged with or
18 who have committed a violation of section
19 922(x)(2) of title 18, United States Code,
20 or of a similar State law;

21 “(ii) juveniles who are charged with or
22 who have committed a violation of a valid
23 court order; and

1 “(iii) juveniles who are held in accord-
2 ance with the Interstate Compact on Juve-
3 niles, as enacted by the State;

4 shall not be placed in secure detention facilities
5 or secure correctional facilities; and

6 “(B) juveniles—

7 “(i) who are not charged with any of-
8 fense; and

9 “(ii) who are—

10 “(I) aliens; or

11 “(II) alleged to be dependent, ne-
12 glected, or abused;

13 shall not be placed in secure detention facilities
14 or secure correctional facilities;”;

15 (J) by striking paragraph (13) and insert-
16 ing the following:

17 “(13) provide that—

18 “(A) juveniles alleged to be or found to be
19 delinquent, and juveniles within the purview of
20 paragraph (11), will not be detained or confined
21 in any institution in which they have prohibited
22 physical contact or sustained oral communica-
23 tion (as defined in subparagraphs (D) and (E))
24 with adults incarcerated because such adults

1 have been convicted of a crime or are awaiting
2 trial on criminal charges;

3 “(B) to the extent practicable, violent juve-
4 niles shall be kept separate from nonviolent ju-
5 veniles;

6 “(C) there is in effect in the State a policy
7 that requires individuals who work with both
8 such juveniles and such adults in co-located fa-
9 cilities have been trained and certified to work
10 with juveniles; and

11 “(D) the term ‘prohibited physical con-
12 tact’—

13 “(i) means—

14 “(I) any physical contact between
15 a juvenile and an adult inmate; and

16 “(II) proximity that provides an
17 opportunity for physical contact be-
18 tween a juvenile and an adult inmate;
19 and

20 “(ii) does not include supervised prox-
21 imity between a juvenile and an adult in-
22 mate that is brief and incidental or acci-
23 dental.

24 “(E) SUSTAINED ORAL COMMUNICA-
25 TION.—

1 “(i) IN GENERAL.—The term ‘sus-
 2 tained oral communication’ means the im-
 3 parting or interchange of speech by or be-
 4 tween an adult inmate and a juvenile.

5 “(ii) EXCEPTION.—The term does not
 6 include—

7 “(I) communication that is acci-
 8 dental or incidental; or

9 “(II) sounds or noises that can-
 10 not reasonably be considered to be
 11 speech.”;

12 (K) by striking paragraph (14) and insert-
 13 ing the following:

14 “(14) provide that no juvenile will be detained
 15 or confined in any jail or lockup for adults except—

16 “(A) juveniles who are accused of nonsta-
 17 tus offenses and who are detained in such jail
 18 or lockup for a period not to exceed 6 hours—

19 “(i) for processing or release;

20 “(ii) while awaiting transfer to a juve-
 21 nile facility; or

22 “(iii) in which period such juveniles
 23 make a court appearance;

24 “(B) juveniles who are accused of nonsta-
 25 tus offenses, who are awaiting an initial court

1 appearance that will occur within 48 hours
2 after being taken into custody (excluding Satur-
3 days, Sundays, and legal holidays), and who are
4 detained or confined in a jail or lockup—

5 “(i) in which—

6 “(I) such juveniles do not have
7 prohibited physical contact or sus-
8 tained oral communication, as defined
9 in subparagraphs (D) and (E), with
10 adults incarcerated because such
11 adults have been convicted of a crime
12 or are awaiting trial on criminal
13 charges;

14 “(II) to the extent practicable,
15 violent juveniles shall be kept separate
16 from nonviolent juveniles; and

17 “(III) there is in effect in the
18 State a policy that requires individ-
19 uals who work with both such juve-
20 niles and such adults in co-located fa-
21 cilities have been trained and certified
22 to work with juveniles; and

23 “(ii) that—

24 “(I) is located outside a metro-
25 politan statistical area (as defined by

1 the Director of the Office of Manage-
2 ment and Budget);

3 “(II) has no existing acceptable
4 alternative placement available;

5 “(III) is located where conditions
6 of distance to be traveled or the lack
7 of highway, road, or transportation do
8 not allow for court appearances within
9 48 hours after being taken into cus-
10 tody (excluding Saturdays, Sundays,
11 and legal holidays) so that a brief (not
12 to exceed an additional 48 hours)
13 delay is excusable; or

14 “(IV) is located where conditions
15 of safety exist (such as severe adverse,
16 life-threatening weather conditions
17 that do not allow for reasonably safe
18 travel), in which case the time for an
19 appearance may be delayed until 24
20 hours after the time that such condi-
21 tions allow for reasonable safe trav-
22 el;”;

23 (L) in paragraph (15)—

24 (i) by striking “paragraph (12)(A),
25 paragraph (13), and paragraph (14)” and

1 inserting “paragraphs (11), (12), and
2 (13)”; and

3 (ii) by striking “paragraph (12)(A)
4 and paragraph (13)” and inserting “para-
5 graphs (11) and (12)”;

6 (M) in paragraph (16) by striking “men-
7 tally, emotionally, or physically handicapping
8 conditions” and inserting “disability”;

9 (N) by striking paragraph (19) and insert-
10 ing the following:

11 “(19) provide assurances that—

12 “(A) any assistance provided under this
13 Act will not cause the displacement (including
14 a partial displacement, such as a reduction in
15 the hours of nonovertime work, wages, or em-
16 ployment benefits) of any currently employed
17 employee;

18 “(B) activities assisted under this Act will
19 not impair an existing collective bargaining re-
20 lationship, contract for services, or collective
21 bargaining agreement; and

22 “(C) no such activity that would be incon-
23 sistent with the terms of a collective bargaining
24 agreement shall be undertaken without the

1 written concurrence of the labor organization
2 involved;”;

3 (O) by striking paragraph (23) and insert-
4 ing the following:

5 “(23) address juvenile delinquency prevention
6 efforts and system improvement efforts designed to
7 reduce, without establishing or requiring numerical
8 standards or quotas, the disproportionate number of
9 juvenile members of minority groups, who come into
10 contact with the juvenile justice system;”;

11 (P) by striking paragraph (24) and insert-
12 ing the following:

13 “(24) provide that if a juvenile is taken into
14 custody for violating a valid court order issued for
15 committing a status offense—

16 “(A) an appropriate public agency shall be
17 promptly notified that such juvenile is held in
18 custody for violating such order;

19 “(B) not later than 24 hours after the ju-
20 venile is taken into custody and during which
21 the juvenile is so held, an authorized represent-
22 ative of such agency shall interview, in person,
23 such juvenile; and

1 “(C) not later than 48 hours after the ju-
2 venile is taken into custody and during which
3 the juvenile is so held—

4 “(i) such representative shall submit
5 an assessment to the court that issued
6 such order, regarding the immediate needs
7 of such juvenile; and

8 “(ii) such court shall conduct a hear-
9 ing to determine—

10 “(I) whether there is reasonable
11 cause to believe that such juvenile vio-
12 lated such order; and

13 “(II) the appropriate placement
14 of such juvenile pending disposition of
15 the violation alleged;”;

16 (Q) in paragraph (25) by striking the pe-
17 riod at the end and inserting a semicolon;

18 (R) by redesignating paragraphs (7)
19 through (25) as paragraphs (6) through (24),
20 respectively; and

21 (S) by adding at the end the following:

22 “(25) specify a percentage (if any), not to ex-
23 ceed 5 percent, of funds received by the State under
24 section 222 (other than funds made available to the
25 state advisory group under section 222(d)) that the

1 State will reserve for expenditure by the State to
2 provide incentive grants to units of general local gov-
3 ernment that reduce the caseload of probation offi-
4 cers within such units.”; and

5 (2) by striking subsection (c) and inserting the
6 following:

7 “(c) If a State fails to comply with any applicable
8 requirement of paragraph (11), (12), (13), or (22) of sub-
9 section (a) in any fiscal year beginning after September
10 30, 1998, then the amount allocated to such State for the
11 subsequent fiscal year shall be reduced by not to exceed
12 12.5 percent for each such paragraph with respect to
13 which the failure occurs, unless the Administrator deter-
14 mines that the State—

15 “(1) has achieved substantial compliance with
16 such applicable requirements with respect to which
17 the State was not in compliance; and

18 “(2) has made, through appropriate executive
19 or legislative action, an unequivocal commitment to
20 achieving full compliance with such applicable re-
21 quirements within a reasonable time.”, and

22 (3) in subsection (d)—

23 (A) by striking “allotment” and inserting
24 “allocation”, and

1 (B) by striking “subsection (a) (12)(A),
 2 (13), (14) and (23)” each place it appears and
 3 inserting “paragraphs (11), (12), (13), and
 4 (22) of subsection (a)”.

5 **SEC. 4909. JUVENILE DELINQUENCY PREVENTION BLOCK**
 6 **GRANT PROGRAM.**

7 Title II of the Juvenile Justice and Delinquency Pre-
 8 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
 9 ed—

- 10 (1) by striking parts C, D, E, F, G, and H,
 11 (2) by striking the 1st part I,
 12 (3) by redesignating the 2nd part I as part F,
 13 and
 14 (4) by inserting after part B the following:

15 **“PART C—JUVENILE DELINQUENCY PREVENTION**
 16 **BLOCK GRANT PROGRAM**

17 **“SEC. 241. AUTHORITY TO MAKE GRANTS.**

18 “The Administrator may make grants to eligible
 19 States, from funds allocated under section 242, for the
 20 purpose of providing financial assistance to eligible entities
 21 to carry out projects designed to prevent juvenile delin-
 22 quency, including—

- 23 “(1) projects that assist in holding juveniles ac-
 24 countable for their actions, including the use of
 25 neighborhood courts or panels that increase victim

1 satisfaction and require juveniles to make restitu-
2 tion, or perform community service, for the damage
3 caused by their delinquent acts;

4 “(2) projects that provide treatment to juvenile
5 offenders who are victims of child abuse or neglect,
6 and to their families, in order to reduce the likeli-
7 hood that such juvenile offenders will commit subse-
8 quent violations of law;

9 “(3) educational projects or supportive services
10 for delinquent or other juveniles—

11 “(A) to encourage juveniles to remain in
12 elementary and secondary schools or in alter-
13 native learning situations in educational set-
14 tings;

15 “(B) to provide services to assist juveniles
16 in making the transition to the world of work
17 and self-sufficiency;

18 “(C) to assist in identifying learning dif-
19 ficulties (including learning disabilities);

20 “(D) to prevent unwarranted and arbitrary
21 suspensions and expulsions;

22 “(E) to encourage new approaches and
23 techniques with respect to the prevention of
24 school violence and vandalism;

1 “(F) which assist law enforcement person-
2 nel and juvenile justice personnel to more effec-
3 tively recognize and provide for learning-dis-
4 abled and other disabled juveniles; or

5 “(G) which develop locally coordinated
6 policies and programs among education, juve-
7 nile justice, and social service agencies;

8 “(4) projects which expand the use of probation
9 officers—

10 “(A) particularly for the purpose of per-
11 mitting nonviolent juvenile offenders (including
12 status offenders) to remain at home with their
13 families as an alternative to incarceration or in-
14 stitutionalization; and

15 “(B) to ensure that juveniles follow the
16 terms of their probation;

17 “(5) one-on-one mentoring projects that are de-
18 signed to link at-risk juveniles and juvenile offenders
19 who did not commit serious crime, particularly juve-
20 niles residing in high-crime areas and juveniles expe-
21 riencing educational failure, with responsible adults
22 (such as law enforcement officers, adults working
23 with local businesses, and adults working for com-
24 munity-based organizations and agencies) who are
25 properly screened and trained;

1 “(6) community-based projects and services (in-
2 cluding literacy and social service programs) which
3 work with juvenile offenders, including those from
4 families with limited English-speaking proficiency,
5 their parents, their siblings, and other family mem-
6 bers during and after incarceration of the juvenile
7 offenders, in order to strengthen families, to allow
8 juvenile offenders to be retained in their homes, and
9 to prevent the involvement of other juvenile family
10 members in delinquent activities;

11 “(7) projects designed to provide for the treat-
12 ment of juveniles for dependence on or abuse of al-
13 cohol, drugs, or other harmful substances;

14 “(8) projects which leverage funds to provide
15 scholarships for postsecondary education and train-
16 ing for low-income juveniles who reside in neighbor-
17 hoods with high rates of poverty, violence, and drug-
18 related crimes;

19 “(9) projects which provide for an initial intake
20 screening of each juvenile taken into custody—

21 “(A) to determine the likelihood that such
22 juvenile will commit a subsequent offense; and

23 “(B) to provide appropriate interventions
24 to prevent such juvenile from committing subse-
25 quent offenses;

1 “(10) projects (including school- or community-
2 based projects) that are designed to prevent, and re-
3 duce the rate of, the participation of juveniles in
4 gangs that commit crimes (particularly violent
5 crimes), that unlawfully use firearms and other
6 weapons, or that unlawfully traffic in drugs and that
7 involve, to the extent practicable, families and other
8 community members (including law enforcement per-
9 sonnel and members of the business community) in
10 the activities conducted under such projects;

11 “(11) comprehensive juvenile justice and delin-
12 quency prevention projects that meet the needs of
13 juveniles through the collaboration of the many local
14 service systems juveniles encounter, including
15 schools, courts, law enforcement agencies, child pro-
16 tection agencies, mental health agencies, welfare
17 services, health care agencies, and private nonprofit
18 agencies offering services to juveniles;

19 “(12) to develop, implement, and support, in
20 conjunction with public and private agencies, organi-
21 zations, and businesses, projects for the employment
22 of juveniles and referral to job training programs
23 (including referral to Federal job training pro-
24 grams);

1 “(13) delinquency prevention activities which
2 involve youth clubs, sports, recreation and parks,
3 peer counseling and teaching, the arts, leadership
4 development, community service, volunteer service,
5 before- and after-school programs, violence preven-
6 tion activities, mediation skills training, camping,
7 environmental education, ethnic or cultural enrich-
8 ment, tutoring, and academic enrichment;

9 “(14) family strengthening activities, such as
10 mutual support groups for parents and their chil-
11 dren;

12 “(15) programs that encourage social com-
13 petencies, problem-solving skills, and communication
14 skills, youth leadership, and civic involvement;

15 “(16) programs that focus on the needs of
16 young girls at-risk of delinquency or status offenses;
17 and

18 “(17) other activities that are likely to prevent
19 juvenile delinquency.

20 **“SEC. 242. ALLOCATION.**

21 “Funds appropriated to carry out this part shall be
22 allocated among eligible States as follows:

23 “(1) 0.75 percent shall be allocated to each
24 State.

1 “(2) Of the total amount remaining after the
2 allocation under paragraph (1), there shall be allo-
3 cated to each State as follows:

4 “(A) 50 percent of such amount shall be
5 allocated proportionately based on the popu-
6 lation that is less than 18 years of age in the
7 eligible States.

8 “(B) 50 percent of such amount shall be
9 allocated proportionately based on the annual
10 average number of arrests for serious crimes
11 committed in the eligible States by juveniles
12 during the then most recently completed period
13 of 3 consecutive calendar years for which suffi-
14 cient information is available to the Adminis-
15 trator.

16 **“SEC. 243. ELIGIBILITY OF STATES.**

17 “(a) APPLICATION.—To be eligible to receive a grant
18 under section 241, a State shall submit to the Adminis-
19 trator an application that contains the following:

20 “(1) An assurance that the State will use—

21 “(A) not more than 5 percent of such
22 grant, in the aggregate, for—

23 “(i) the costs incurred by the State to
24 carry out this part; and

1 “(ii) to evaluate, and provide technical
2 assistance relating to, projects and activi-
3 ties carried out with funds provided under
4 this part; and

5 “(B) the remainder of such grant to make
6 grants under section 244.

7 “(2) An assurance that, and a detailed descrip-
8 tion of how, such grant will support, and not sup-
9 plant State and local efforts to prevent juvenile de-
10 linquency.

11 “(3) An assurance that such application was
12 prepared after consultation with and participation by
13 community-based organizations, and organizations in
14 the local juvenile justice system, that carry out pro-
15 grams, projects, or activities to prevent juvenile de-
16 linquency.

17 “(4) An assurance that each eligible entity de-
18 scribed in section 244(a) that receives an initial
19 grant under section 244 to carry out a project or ac-
20 tivity shall also receive an assurance from the State
21 that such entity will receive from the State, for the
22 subsequent fiscal year to carry out such project or
23 activity, a grant under such section in an amount
24 that is proportional, based on such initial grant and
25 on the amount of the grant received under section

1 241 by the State for such subsequent fiscal year, but
2 that does not exceed the amount specified for such
3 subsequent fiscal year in such application as ap-
4 proved by the State.

5 “(5) Such other information and assurances as
6 the Administrator may reasonably require by rule.

7 “(b) APPROVAL OF APPLICATIONS.—

8 “(1) APPROVAL REQUIRED.—Subject to para-
9 graph (2), the Administrator shall approve an appli-
10 cation, and amendments to such application submit-
11 ted in subsequent fiscal years, that satisfy the re-
12 quirements of subsection (a).

13 “(2) LIMITATION.—The Administrator may not
14 approve such application (including amendments to
15 such application) for a fiscal year unless—

16 “(A)(i) the State submitted a plan under
17 section 223 for such fiscal year; and

18 “(ii) such plan is approved by the Adminis-
19 trator for such fiscal year; or

20 “(B) the Administrator waives the applica-
21 tion of subparagraph (A) to such State for such
22 fiscal year, after finding good cause for such a
23 waiver.

1 **“SEC. 244. GRANTS FOR LOCAL PROJECTS.**

2 “(a) SELECTION FROM AMONG APPLICATIONS.—(1)

3 Using a grant received under section 241, a State may
4 make grants to eligible entities whose applications are re-
5 ceived by the State in accordance with subsection (b) to
6 carry out projects and activities described in section 241.

7 “(2) For purposes of making such grants, the State
8 shall give special consideration to eligible entities that—

9 “(A) propose to carry out such projects in geo-
10 graphical areas in which there is—

11 “(i) a disproportionately high level of seri-
12 ous crime committed by juveniles; or

13 “(ii) a recent rapid increase in the number
14 of nonstatus offenses committed by juveniles;

15 “(B)(i) agreed to carry out such projects or ac-
16 tivities that are multidisciplinary and involve 2 or
17 more eligible entities; or

18 “(ii) represent communities that have a com-
19 prehensive plan designed to identify at-risk juveniles
20 and to prevent or reduce the rate of juvenile delin-
21 quency, and that involve other entities operated by
22 individuals who have a demonstrated history of in-
23 volvement in activities designed to prevent juvenile
24 delinquency; and

1 “(C) the amount of resources (in cash or in
2 kind) such entities will provide to carry out such
3 projects and activities.

4 “(b) RECEIPT OF APPLICATIONS.—(1) Subject to
5 paragraph (2), a unit of general local government shall
6 submit to the State simultaneously all applications that
7 are—

8 “(A) timely received by such unit from eligible
9 entities; and

10 “(B) determined by such unit to be consistent
11 with a current plan formulated by such unit for the
12 purpose of preventing, and reducing the rate of, ju-
13 venile delinquency in the geographical area under
14 the jurisdiction of such unit.

15 “(2) If an application submitted to such unit by an
16 eligible entity satisfies the requirements specified in sub-
17 paragraphs (A) and (B) of paragraph (1), such entity may
18 submit such application directly to the State.

19 **“SEC. 245. ELIGIBILITY OF ENTITIES.**

20 “(a) ELIGIBILITY.—Subject to subsections (b) and
21 except as provided in subsection (c), to be eligible to re-
22 ceive a grant under section 244, a community-based orga-
23 nization, local juvenile justice system officials (including
24 prosecutors, police officers, judges, probation officers, pa-
25 role officers, and public defenders), local education author-

1 ity (as defined in section 14101 of the Elementary and
2 Secondary Education Act of 1965 and including a school
3 within such authority), nonprofit private organization,
4 unit of general local government, or social service provider,
5 and or other entity with a demonstrated history of involve-
6 ment in the prevention of juvenile delinquency, shall sub-
7 mit to a unit of general local government an application
8 that contains the following:

9 “(1) An assurance that such applicant will use
10 such grant, and each such grant received for the
11 subsequent fiscal year, to carry out throughout a 2-
12 year period a project or activity described in reason-
13 able detail, and of a kind described in 1 or more of
14 paragraphs (1) through (14) of section 241 as speci-
15 fied in, such application.

16 “(2) A statement of the particular goals such
17 project or activity is designed to achieve, and the
18 methods such entity will use to achieve, and assess
19 the achievement of, each of such goals.

20 “(3) A statement identifying the research (if
21 any) such entity relied on in preparing such applica-
22 tion.

23 “(b) REVIEW AND SUBMISSION OF APPLICATIONS.—
24 Except as provided in subsection (c), an entity shall not
25 be eligible to receive a grant under section 244 unless—

1 “(1) such entity submits to a unit of general
2 local government an application that—

3 “(A) satisfies the requirements specified in
4 subsection (a); and

5 “(B) describes a project or activity to be
6 carried out in the geographical area under the
7 jurisdiction of such unit; and

8 “(2) such unit determines that such project or
9 activity is consistent with a current plan formulated
10 by such unit for the purpose of preventing, and re-
11 ducing the rate of, juvenile delinquency in the geo-
12 graphical area under the jurisdiction of such unit.

13 “(c) LIMITATION.—If an entity that receives a grant
14 under section 244 to carry out a project or activity for
15 a 2-year period, and receives technical assistance from the
16 State or the Administrator after requesting such technical
17 assistance (if any), fails to demonstrate, before the expira-
18 tion of such 2-year period, that such project or such activ-
19 ity has achieved substantial success in achieving the goals
20 specified in the application submitted by such entity to
21 receive such grants, then such entity shall not be eligible
22 to receive any subsequent grant under such section to con-
23 tinue to carry out such project or activity.”.

1 **SEC. 4910. RESEARCH; EVALUATION; TECHNICAL ASSIST-**
 2 **ANCE; TRAINING.**

3 Title II of the Juvenile Justice and Delinquency Pre-
 4 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
 5 by inserting after part C, as added by section 4811 of this
 6 Act, the following:

7 **“PART D—RESEARCH; EVALUATION; TECHNICAL**
 8 **ASSISTANCE; TRAINING**

9 **“SEC. 251. RESEARCH AND EVALUATION; STATISTICAL**
 10 **ANALYSES; INFORMATION DISSEMINATION**

11 “(a) RESEARCH AND EVALUATION.—(1) The Admin-
 12 istrator may—

13 “(A) plan and identify, after consultation with
 14 the Director of the National Institute of Justice, the
 15 purposes and goals of all agreements carried out
 16 with funds provided under this subsection; and

17 “(B) make agreements with the National Insti-
 18 tute of Justice or, subject to the approval of the As-
 19 sistant Attorney General for the Office of Justice
 20 Programs, with another Federal agency authorized
 21 by law to conduct research or evaluation in juvenile
 22 justice matters, for the purpose of providing re-
 23 search and evaluation relating to—

24 “(i) the prevention, reduction, and control
 25 of juvenile delinquency and serious crime com-
 26 mitted by juveniles;

1 “(ii) the link between juvenile delinquency
2 and the incarceration of members of the fami-
3 lies of juveniles;

4 “(iii) successful efforts to prevent first-
5 time minor offenders from committing subse-
6 quent involvement in serious crime;

7 “(iv) successful efforts to prevent recidi-
8 vism;

9 “(v) the juvenile justice system;

10 “(vi) juvenile violence; and

11 “(vii) other purposes consistent with the
12 purposes of this title and title I.

13 “(2) The Administrator shall ensure that an equi-
14 table amount of funds available to carry out paragraph
15 (1)(B) is used for research and evaluation relating to the
16 prevention of juvenile delinquency.

17 “(b) STATISTICAL ANALYSES.—The Administrator
18 may—

19 “(1) plan and identify, after consultation with
20 the Director of the Bureau of Justice Statistics, the
21 purposes and goals of all agreements carried out
22 with funds provided under this subsection; and

23 “(2) make agreements with the Bureau of Jus-
24 tice Statistics, or subject to the approval of the As-
25 sistant Attorney General for the Office of Justice

1 Programs, with another Federal agency authorized
2 by law to undertake statistical work in juvenile jus-
3 tice matters, for the purpose of providing for the col-
4 lection, analysis, and dissemination of statistical
5 data and information relating to juvenile delinquency
6 and serious crimes committed by juveniles, to the ju-
7 venile justice system, to juvenile violence, and to
8 other purposes consistent with the purposes of this
9 title and title I.

10 “(c) COMPETITIVE SELECTION PROCESS.—The Ad-
11 ministrator shall use a competitive process, established by
12 rule by the Administrator, to carry out subsections (a) and
13 (b).

14 “(d) IMPLEMENTATION OF AGREEMENTS.—A Fed-
15 eral agency that makes an agreement under subsections
16 (a)(1)(B) and (b)(2) with the Administrator may carry out
17 such agreement directly or by making grants to or con-
18 tracts with public and private agencies, institutions, and
19 organizations.

20 “(e) INFORMATION DISSEMINATION.—The Adminis-
21 trator may—

22 “(1) review reports and data relating to the ju-
23 venile justice system in the United States and in for-
24 eign nations (as appropriate), collect data and infor-
25 mation from studies and research into all aspects of

1 juvenile delinquency (including the causes, preven-
2 tion, and treatment of juvenile delinquency) and se-
3 rious crimes committed by juveniles;

4 “(2) establish and operate, directly or by con-
5 tract, a clearinghouse and information center for the
6 preparation, publication, and dissemination of infor-
7 mation relating to juvenile delinquency, including
8 State and local prevention and treatment programs,
9 plans, resources, and training and technical assist-
10 ance programs; and

11 “(3) make grants and contracts with public and
12 private agencies, institutions, and organizations, for
13 the purpose of disseminating information to rep-
14 resentatives and personnel of public and private
15 agencies, including practitioners in juvenile justice,
16 law enforcement, the courts, corrections, schools,
17 and related services, in the establishment, implemen-
18 tation, and operation of projects and activities for
19 which financial assistance is provided under this
20 title.

21 **“SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

22 “(a) TRAINING.—The Administrator may—

23 “(1) develop and carry out projects for the pur-
24 pose of training representatives and personnel of
25 public and private agencies, including practitioners

1 in juvenile justice, law enforcement, courts, correc-
2 tions, schools, and related services, to carry out the
3 purposes specified in section 102; and

4 “(2) make grants to and contracts with public
5 and private agencies, institutions, and organizations
6 for the purpose of training representatives and per-
7 sonnel of public and private agencies, including prac-
8 titioners in juvenile justice, law enforcement, courts,
9 corrections, schools, and related services, to carry
10 out the purposes specified in section 102.

11 “(b) TECHNICAL ASSISTANCE.—The Administrator
12 may—

13 “(1) develop and implement projects for the
14 purpose of providing technical assistance to rep-
15 resentatives and personnel of public and private
16 agencies and organizations, including practitioners
17 in juvenile justice, law enforcement, courts, correc-
18 tions, schools, and related services, in the establish-
19 ment, implementation, and operation of programs,
20 projects, and activities for which financial assistance
21 is provided under this title; and

22 “(2) make grants to and contracts with public
23 and private agencies, institutions, and organizations,
24 for the purpose of providing technical assistance to
25 representatives and personnel of public and private

1 agencies, including practitioners in juvenile justice,
2 law enforcement, courts, corrections, schools, and re-
3 lated services, in the establishment, implementation,
4 and operation of programs, projects, and activities
5 for which financial assistance is provided under this
6 title.”.

7 **SEC. 4911. DEMONSTRATION PROJECTS.**

8 Title II of the Juvenile Justice and Delinquency Pre-
9 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
10 by inserting after part D, as added by section 111, the
11 following:

12 **“PART E—DEVELOPING, TESTING, AND DEM-**
13 **ONSTRATING PROMISING NEW INITIATIVES**
14 **AND PROGRAMS**

15 **“SEC. 261. GRANTS AND PROJECTS.**

16 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
17 trator may make grants to and contracts with States,
18 units of general local government, Indian tribal govern-
19 ments, public and private agencies, organizations, and in-
20 dividuals, or combinations thereof, to carry out projects
21 for the development, testing, and demonstration of promis-
22 ing initiatives and programs for the prevention, control,
23 or reduction of juvenile delinquency. The Administrator
24 shall ensure that, to the extent reasonable and practicable,
25 such grants are made to achieve an equitable geographical

1 distribution of such projects throughout the United
2 States.

3 “(b) USE OF GRANTS.—A grant made under sub-
4 section (a) may be used to pay all or part of the cost of
5 the project for which such grant is made.

6 **“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

7 “The Administrator may make grants to and con-
8 tracts with public and private agencies, organizations, and
9 individuals to provide technical assistance to States, units
10 of general local government, Indian tribal governments,
11 local private entities or agencies, or any combination
12 thereof, to carry out the projects for which grants are
13 made under section 261.

14 **“SEC. 263. ELIGIBILITY.**

15 “To be eligible to receive a grant made under this
16 part, a public or private agency, Indian tribal government,
17 organization, institution, individual, or combination there-
18 of shall submit an application to the Administrator at such
19 time, in such form, and containing such information as
20 the Administrator may reasonable require by rule.

21 **“SEC. 264. REPORTS.**

22 “Recipients of grants made under this part shall sub-
23 mit to the Administrator such reports as may be reason-
24 ably requested by the Administrator to describe progress

1 achieved in carrying the projects for which such grants
2 are made.”.

3 **SEC. 4912. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 299 of the Juvenile Justice and Delinquency
5 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

6 (1) by striking subsection (e); and

7 (2) by striking subsections (a) through (c), and
8 inserting the following:

9 “(a) AUTHORIZATION OF APPROPRIATIONS FOR
10 TITLE II (EXCLUDING PARTS C AND E).—(1) There are
11 authorized to be appropriated to carry out this title such
12 sums as may be appropriate for fiscal years 1999, 2000,
13 and 2001.

14 “(2) Of such sums as are appropriated for a fiscal
15 year to carry out this title (other than parts C and E)—

16 “(A) not more than 5 percent shall be available
17 to carry out part A;

18 “(B) not less than 80 percent shall be available
19 to carry out part B; and

20 “(C) not more than 15 percent shall be avail-
21 able to carry out part D.

22 “(b) AUTHORIZATION OF APPROPRIATIONS FOR
23 PART C.—There are authorized to be appropriated to
24 carry out part C such sums as may be necessary for fiscal
25 years 1999, 2000, and 2001.

1 “(c) AUTHORIZATION OF APPROPRIATIONS FOR PART
2 E.—There are authorized to be appropriated to carry out
3 part E, and authorized to remain available until expended,
4 such sums as may be necessary for fiscal years 1999,
5 2000, and 2001.”.

6 **SEC. 4913. ADMINISTRATIVE AUTHORITY.**

7 Section 299A of the Juvenile Justice and Delin-
8 quency Prevention Act of 1974 (42 U.S.C. 5672) is
9 amended—

10 (1) in subsection (d) by striking “as are con-
11 sistent with the purpose of this Act” and inserting
12 “only to the extent necessary to ensure that there is
13 compliance with the specific requirements of this
14 title or to respond to requests for clarification and
15 guidance relating to such compliance”, and

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

17 “(e) If a State requires by law compliance with the
18 requirements described in paragraphs (11), (12), and (13)
19 of section 223(a), then for the period such law is in effect
20 in such State such State shall be rebuttably presumed to
21 satisfy such requirements.”.

22 **SEC. 4914. USE OF FUNDS.**

23 Section 299C of the Juvenile Justice and Delin-
24 quency Prevention Act of 1974 (42 U.S.C. 5674) is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “may be used for”;

3 (B) in paragraph (1), by inserting “may be
4 used for” after “(1)”; and

5 (C) by striking paragraph (2) and insert-
6 ing the following:

7 “(2) may not be used for the cost of construc-
8 tion of any short- or long-term facilities for adult or
9 juvenile offenders, except not more than 15 percent
10 of the funds received under this title by a State for
11 a fiscal year may be used for the purpose of renovat-
12 ing or replacing juvenile facilities.”,

13 (2) by striking subsection (b), and

14 (3) by redesignating subsection (c) as sub-
15 section (b).

16 **SEC. 4915. LIMITATION ON USE OF FUNDS.**

17 Part F of title II of the Juvenile Justice and Delin-
18 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
19 as so redesignated by section 4811 of this Act, is amended
20 adding at the end the following:

21 **“SEC. 299F. LIMITATION ON USE OF FUNDS.**

22 “None of the funds made available to carry out this
23 title may be used to advocate for, or support, the unse-
24 cured release of juveniles who are charged with a violent
25 crime.”.

1 **SEC. 4916. RULES OF CONSTRUCTION.**

2 Part F of title II of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
4 as so redesignated by section 4811 of this Act and amend-
5 ed by section 4817 of this Act, is amended by adding at
6 the end the following:

7 **“SEC. 299G. RULES OF CONSTRUCTION.**

8 “Nothing in this title or title I shall be construed—

9 “(1) to prevent financial assistance from being
10 awarded through grants under this title to any oth-
11 erwise eligible organization; or

12 “(2) to modify or affect any Federal or State
13 law relating to collective bargaining rights of em-
14 ployees.”.

15 **SEC. 4917. LEASING SURPLUS FEDERAL PROPERTY.**

16 Part F of title II of the Juvenile Justice and Delin-
17 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
18 as so redesignated by section 4811 of this Act and amend-
19 ed by section 4818 of this Act, is amended by adding at
20 the end the following:

21 **“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

22 “The Administrator may receive surplus Federal
23 property (including facilities) and may lease such property
24 to States and units of general local government for use
25 in or as facilities for juvenile offenders, or for use in or

1 as facilities for delinquency prevention and treatment ac-
2 tivities.”.

3 **SEC. 4918. ISSUANCE OF RULES.**

4 Part F of title II of the Juvenile Justice and Delin-
5 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
6 as so redesignated by section 4811 of this Act and amend-
7 ed by section 4819 of this Act, is amended by adding at
8 the end the following:

9 **“SEC. 299I. ISSUANCE OF RULES.**

10 “The Administrator shall issue rules to carry out this
11 title, including rules that establish procedures and meth-
12 ods for making grants and contracts, and distributing
13 funds available, to carry out this title.”.

14 **SEC. 4919. TECHNICAL AND CONFORMING AMENDMENTS.**

15 (a) TECHNICAL AMENDMENTS.—The Juvenile Jus-
16 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
17 5601 et seq.) is amended—

18 (1) in section 202(b), by striking “prescribed
19 for GS–18 of the General Schedule by section 5332”
20 and inserting “payable under section 5376”;

21 (2) in section 221(b)(2), by striking the last
22 sentence; and

23 (3) in section 299D, by striking subsection (d).

24 (b) CONFORMING AMENDMENTS.—(1) Section 5315
25 of title 5 of the United States Code is amended by striking

1 “Office of Juvenile Justice and Delinquency Prevention”
2 and inserting “Office of Juvenile Crime Control and De-
3 linquency Prevention”.

4 (2) Section 4351(b) of title 18 of the United States
5 Code is amended by striking “Office of Juvenile Justice
6 and Delinquency Prevention” and inserting “Office of Ju-
7 venile Crime Control and Delinquency Prevention”.

8 (3) Subsections (a)(1) and (c) of section 3220 of title
9 39 of the United States Code is amended by striking “Of-
10 fice of Juvenile Justice and Delinquency Prevention” each
11 place it appears and inserting “Office of Juvenile Crime
12 Control and Delinquency Prevention”.

13 (4) Section 463(f) of the Social Security Act (42
14 U.S.C. 663(f)) is amended by striking “Office of Juvenile
15 Justice and Delinquency Prevention” and inserting “Of-
16 fice of Juvenile Crime Control and Delinquency Preven-
17 tion”.

18 (5) Sections 801(a), 804, 805, and 813 of title I of
19 the Omnibus Crime Control and Safe Streets Act of 1968
20 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are each
21 amended by striking “Office of Juvenile Justice and De-
22 linquency Prevention” each place it appears and inserting
23 “Office of Juvenile Crime Control and Delinquency Pre-
24 vention”.

1 (6) The Victims of Child Abuse Act of 1990 (42
2 U.S.C. 13001 et seq.) is amended—

3 (A) in section 214(b)(1), by striking “262, 293,
4 and 296 of subpart II of title II” and inserting
5 “299B and 299E”,

6 (B) in section 214A(c)(1), by striking “262,
7 293, and 296 of subpart II of title II” and inserting
8 “299B and 299E”,

9 (C) in sections 217 and 222, by striking “Office
10 of Juvenile Justice and Delinquency Prevention”
11 each place it appears and inserting “Office of Juve-
12 nile Crime Control and Delinquency Prevention”,
13 and

14 (D) in section 223(e), by striking “section 262,
15 293, and 296” and inserting “sections 262, 299B,
16 and 299E”.

17 (7) The Missing Children’s Assistance Act (42 U.S.C.
18 5771 et seq.) is amended—

19 (A) in section 403(2), by striking “Justice and
20 Delinquency Prevention” and inserting “Crime Con-
21 trol and Delinquency Prevention”, and

22 (B) in subsections (a)(5)(E) and (b)(1)(B) of
23 section 404, by striking “section 313” and inserting
24 “section 331”.

1 (8) The Crime Control Act of 1990 (42 U.S.C. 13001
2 et seq.) is amended—

3 (A) in section 217(c)(1), by striking “sections
4 262, 293, and 296 of subpart II of title II” and in-
5 serting “sections 299B and 299E”, and

6 (B) in section 223(c), by striking “section 262,
7 293, and 296 of title II” and inserting “sections
8 299B and 299E”.

9 **SEC. 4920. REFERENCES.**

10 In any Federal law (excluding this Act and the Acts
11 amended by this Act), Executive order, rule, regulation,
12 order, delegation of authority, grant, contract, suit, or
13 document—

14 (1) a reference to the Office of Juvenile Justice
15 and Delinquency Prevention shall be deemed to in-
16 clude a reference to the Office of Juvenile Crime
17 Control and Delinquency Prevention, and

18 (2) a reference to the National Institute for Ju-
19 venile Justice and Delinquency Prevention shall be
20 deemed to include a reference to Office of Juvenile
21 Crime Control and Delinquency Prevention.

1 **TITLE V—DRUG TESTING AND**
2 **INTERVENTION**
3 **Subtitle A—Combating Drugs in**
4 **Prisons**

5 **SEC. 5001. SHORT TITLE.**

6 This subtitle may be cited as the “Combating Drugs
7 in Prisons Act of 1998”.

8 **SEC. 5002. ADDITIONAL REQUIREMENTS FOR THE USE OF**
9 **FUNDS UNDER THE VIOLENT OFFENDER IN-**
10 **CARCERATION AND TRUTH-IN-SENTENCING**
11 **INCENTIVE GRANT PROGRAMS.**

12 Section 20105(b) of the Violent Crime Control and
13 Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is
14 amended—

15 (1) by striking “(b) To be eligible” and insert-
16 ing the following:

17 “(b) **ADDITIONAL REQUIREMENTS.—**

18 “(1) **ELIGIBILITY FOR A GRANT.—**To be eligi-
19 ble”;

20 (2) by striking “a State shall provide assur-
21 ances” and inserting the following: “a State shall—

22 “(A) provide assurances”;

23 (3) by striking the period at the end and insert-
24 ing “; and”; and

25 (4) by adding at the end the following:

1 “(B) not later than September 1, 1999,
2 have established and implemented, consistent
3 with guidelines issued by the Attorney General,
4 a program of drug testing and intervention for
5 appropriate categories of convicted offenders
6 during periods of incarceration and criminal
7 justice supervision, with sanctions (including
8 denial or revocation of release) for positive drug
9 tests.

10 “(2) USE OF FUNDS.—Notwithstanding section
11 20102, amounts received by a State pursuant to sec-
12 tion 20103 or section 20104 may be—

13 “(A) applied to the cost of offender drug
14 testing and appropriate intervention programs
15 during periods of incarceration and criminal
16 justice supervision, consistent with guidelines
17 issued by the Attorney General;

18 “(B) used by a State to pay the costs of
19 providing to the Attorney General a baseline
20 study, which shall be consistent with guidelines
21 issued by the Attorney General, on the prison
22 drug abuse problem in the State; and

23 “(C) used by a State to develop policies,
24 practices, or laws establishing, in accordance
25 with guidelines issued by the Attorney General,

1 a system of sanctions and penalties to address
 2 drug trafficking within and into correctional fa-
 3 cilities under the jurisdiction of the State.”.

4 **SEC. 5003. USE OF RESIDENTIAL SUBSTANCE ABUSE**
 5 **TREATMENT GRANTS TO PROVIDE FOR SERV-**
 6 **ICES DURING AND AFTER INCARCERATION.**

7 Section 1901 of part S of the Omnibus Crime Control
 8 and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is
 9 amended by adding at the end the following:

10 “(c) **ADDITIONAL USE OF FUNDS.**—Each State that
 11 demonstrates that the State has established 1 or more res-
 12 idential substance abuse treatment programs that meet
 13 the requirements of this part may use amounts made
 14 available under this part for drug treatment and to impose
 15 appropriate sanctions for positive drug tests, both during
 16 incarceration and after release.”.

17 **Subtitle B—Protecting Children**
 18 **From Dangerous Drugs**

19 **PART 1—TARGETING SERIOUS DRUG CRIMES**

20 **SEC. 5101. INCREASED PENALTIES FOR USING MINORS TO**
 21 **DISTRIBUTE DRUGS.**

22 Section 420 of the Controlled Substances Act (21
 23 U.S.C. 861) is amended—

24 (1) in subsection (b), by striking “one year”
 25 and inserting “three years”;

1 (2) in subsection (c), by striking “one year”
2 and inserting “five years”; and

3 (3) by striking subsection (e) and inserting the
4 following:

5 “(e) PROBATION PROHIBITED.—In the case of any
6 sentence imposed under this section, probation shall not
7 be granted.”.

8 **SEC. 5102. INCREASED PENALTIES FOR DISTRIBUTING**
9 **DRUGS TO MINORS.**

10 Section 418 of the Controlled Substances Act (21
11 U.S.C. 859) is amended—

12 (1) in subsection (a), by striking “one year”
13 and inserting “three years”;

14 (2) in subsection (b), by striking “one year”
15 and inserting “five years”; and

16 (3) in subsections (a) and (b), by striking
17 “under twenty-one” each place it appears and in-
18 serting “under eighteen”.

19 **SEC. 5103. INCREASED PENALTY FOR DRUG TRAFFICKING**
20 **IN OR NEAR A SCHOOL OR OTHER PRO-**
21 **TECTED LOCATION.**

22 Section 419 of the Controlled Substances Act (21
23 U.S.C. 860) is amended—

24 (1) in subsection (a), by striking “one year”
25 and inserting “three years”; and

1 (2) in subsection (b), by striking “three years”
2 each time it appears and inserting “five years”.

3 **SEC. 5104. INCREASED PENALTIES FOR USING FEDERAL**
4 **PROPERTY TO GROW OR MANUFACTURE**
5 **CONTROLLED SUBSTANCES.**

6 (a) IN GENERAL.—Section 401(b)(5) of the Con-
7 trolled Substances Act (21 U.S.C. 841(b)(5)) is amended
8 to read as follows:

9 “(5) Any person who violates subsection (a) of
10 this section by cultivating or manufacturing a con-
11 trolled substance on any property in whole or in part
12 owned by or leased to the United States or any de-
13 partment or agency thereof shall be subject to twice
14 the maximum punishment otherwise authorized for
15 the offense.”.

16 (b) SENTENCING ENHANCEMENT.—

17 (1) IN GENERAL.—Pursuant to its authority
18 under section 994(p) of title 28, United States Code,
19 the United States Sentencing Commission shall
20 amend the Federal sentencing guidelines to provide
21 an appropriate sentencing enhancement for any of-
22 fense under section 401(b)(5) of the Controlled Sub-
23 stances Act (21 U.S.C. 841(b)(5)) that occurs on
24 Federal property.

1 (2) CONSISTENCY.—In carrying out this sec-
 2 tion, the United States Sentencing Commission
 3 shall—

4 (A) ensure that there is reasonable consist-
 5 ency with other Federal sentencing guidelines;
 6 and

7 (B) avoid duplicative punishment for sub-
 8 stantially the same offense.

9 **SEC. 5105. CLARIFICATION OF LENGTH OF SUPERVISED RE-**
 10 **LEASE TERMS IN CONTROLLED SUBSTANCE**
 11 **CASES.**

12 Subparagraphs (A) through (D) of section 401(b)(1)
 13 of the Controlled Substances Act (21 U.S.C. 841(b)(1))
 14 are each amended by striking “Any sentence” and insert-
 15 ing “Notwithstanding section 3583 of title 18, any sen-
 16 tence”.

17 **SEC. 5106. SUPERVISED RELEASE PERIOD AFTER CONVIC-**
 18 **TION FOR CONTINUING CRIMINAL ENTER-**
 19 **PRISE.**

20 Section 848(a) of title 21, United States Code, is
 21 amended by adding to the end of the following: “Any sen-
 22 tence under this paragraph shall, in the absence of such
 23 a prior conviction, impose a term of supervised release of
 24 at least 10 years in addition to such term of imprisonment
 25 and shall, if there was such a prior conviction, impose a

1 term of supervised release of at least 15 years in addition
2 to such term of imprisonment.”

3 **PART 2—COMPREHENSIVE DRUG EDUCATION**

4 **SEC. 5110. EXTENSION OF SAFE AND DRUG-FREE SCHOOLS**
5 **AND COMMUNITIES PROGRAM.**

6 Title IV of the Elementary and Secondary Education
7 Act (20 U.S.C. 7104) is amended to read as follows:

8 **“TITLE IV—AUTHORIZATIONS**

9 **“SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated for State
11 grants under subpart 1 and national programs under sub-
12 part 2, \$655,000,000 for fiscal years 1999 and 2000, and
13 \$955,000,000 for fiscal years 2001 through 2002, of
14 which the following amounts may be appropriated from
15 the Violent Crime Reduction Trust Fund:

16 “(1) \$300,000,000 for fiscal year 2001; and

17 “(2) \$300,000,000 for fiscal year 2002.”.

18 **PART 3—DRUG TREATMENT FOR JUVENILES**

19 **SEC. 5111. DRUG TREATMENT FOR JUVENILES.**

20 Title V of the Public Health Service Act (42 U.S.C.
21 290aa et seq.) is amended by adding at the end the follow-
22 ing:

1 **“PART G—RESIDENTIAL TREATMENT PROGRAMS**
2 **FOR JUVENILES**

3 **“SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JU-**
4 **VENILES.**

5 “(a) IN GENERAL.—The Director of the Center for
6 Substance Abuse Treatment shall award grants to, or
7 enter into cooperative agreements or contracts, with public
8 and nonprofit private entities for the purpose of providing
9 treatment to juveniles for substance abuse through pro-
10 grams in which, during the course of receiving such treat-
11 ment the juveniles reside in facilities made available by
12 the programs.

13 “(b) AVAILABILITY OF SERVICES FOR EACH PARTIC-
14 IPANT.—A funding agreement for an award under sub-
15 section (a) for an applicant is that, in the program oper-
16 ated pursuant to such subsection—

17 “(1) treatment services will be available
18 through the applicant, either directly or through
19 agreements with other public or nonprofit private
20 entities; and

21 “(2) the services will be made available to each
22 person admitted to the program.

23 “(c) INDIVIDUALIZED PLAN OF SERVICES.—A fund-
24 ing agreement for an award under subsection (a) for an
25 applicant is that—

1 “(1) in providing authorized services for an eli-
2 gible person pursuant to such subsection, the appli-
3 cant will, in consultation with the juvenile and, if ap-
4 propriate the parent or guardian of the juvenile, pre-
5 pare an individualized plan for the provision to the
6 juvenile or young adult of the services; and

7 “(2) treatment services under the plan will in-
8 clude—

9 “(A) individual, group, and family counsel-
10 ing, as appropriate, regarding substance abuse;
11 and

12 “(B) followup services to assist the juvenile
13 or young adult in preventing a relapse into such
14 abuse.

15 “(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants
16 under subsection (a) may be used to provide an eligible
17 juvenile, the following services:

18 “(1) HOSPITAL REFERRALS.—Referrals for nec-
19 essary hospital services.

20 “(2) HIV AND AIDS COUNSELING.—Counseling
21 on the human immunodeficiency virus and on ac-
22 quired immune deficiency syndrome.

23 “(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE
24 COUNSELING.—Counseling on domestic violence and
25 sexual abuse.

1 “(4) PREPARATION FOR REENTRY INTO SOCI-
2 ETY.—Planning for and counseling to assist reentry
3 into society, both before and after discharge, includ-
4 ing referrals to any public or nonprofit private enti-
5 ties in the community involved that provide services
6 appropriate for the juvenile.

7 “(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF
8 AWARD.—

9 “(1) CERTIFICATION BY RELEVANT STATE
10 AGENCY.—With respect to the principal agency of a
11 State or Indian tribe that administers programs re-
12 lating to substance abuse, the Director may award
13 a grant to, or enter into a cooperative agreement or
14 contract with, an applicant only if the agency or In-
15 dian tribe has certified to the Director that—

16 “(A) the applicant has the capacity to
17 carry out a program described in subsection (a);

18 “(B) the plans of the applicant for such a
19 program are consistent with the policies of such
20 agency regarding the treatment of substance
21 abuse; and

22 “(C) the applicant, or any entity through
23 which the applicant will provide authorized
24 services, meets all applicable State licensure or

1 certification requirements regarding the provi-
2 sion of the services involved.

3 “(2) STATUS AS MEDICAID PROVIDER.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graphs (B) and (C), the Director may make a
6 grant, or enter into a cooperative agreement or
7 contract, under subsection (a) only if, in the
8 case of any authorized service that is available
9 pursuant to the State plan approved under title
10 XIX of the Social Security Act (42 U.S.C. 1396
11 et seq.) for the State involved—

12 “(i) the applicant for the grant, coop-
13 erative agreement, or contract will provide
14 the service directly, and the applicant has
15 entered into a participation agreement
16 under the State plan and is qualified to re-
17 ceive payments under such plan; or

18 “(ii) the applicant will enter into an
19 agreement with a public or nonprofit pri-
20 vate entity under which the entity will pro-
21 vide the service, and the entity has entered
22 into such a participation agreement plan
23 and is qualified to receive such payments.

24 “(B) SERVICES.—

1 “(i) IN GENERAL.—In the case of an
2 entity making an agreement pursuant to
3 subparagraph (A)(ii) regarding the provi-
4 sion of services, the requirement estab-
5 lished in such subparagraph regarding a
6 participation agreement shall be waived by
7 the Director if the entity does not, in pro-
8 viding health care services, impose a
9 charge or accept reimbursement available
10 from any third party payor, including re-
11 imbursement under any insurance policy or
12 under any Federal or State health benefits
13 plan.

14 “(ii) VOLUNTARY DONATIONS.—A de-
15 termination by the Director of whether an
16 entity referred to in clause (i) meets the
17 criteria for a waiver under such clause
18 shall be made without regard to whether
19 the entity accepts voluntary donations re-
20 garding the provision of services to the
21 public.

22 “(C) MENTAL DISEASES.—

23 “(i) IN GENERAL.—With respect to
24 any authorized service that is available
25 pursuant to the State plan described in

1 subparagraph (A), the requirements estab-
2 lished in such subparagraph shall not
3 apply to the provision of any such service
4 by an institution for mental diseases to an
5 individual who has attained 21 years of
6 age and who has not attained 65 years of
7 age.

8 “(ii) DEFINITION OF INSTITUTION
9 FOR MENTAL DISEASES.—In this subpara-
10 graph, the term ‘institution for mental dis-
11 eases’ has the same meaning as in section
12 1905(i) of the Social Security Act (42
13 U.S.C. 1396d(i)).

14 “(f) REQUIREMENTS FOR MATCHING FUNDS.—

15 “(1) IN GENERAL.—With respect to the costs of
16 the program to be carried out by an applicant pursu-
17 ant to subsection (a), a funding agreement for an
18 award under such subsection is that the applicant
19 will make available (directly or through donations
20 from public or private entities) non-Federal con-
21 tributions toward such costs in an amount that—

22 “(A) for the first fiscal year for which the
23 applicant receives payments under an award
24 under such subsection, is not less than \$1 for

1 each \$9 of Federal funds provided in the
2 award;

3 “(B) for any second such fiscal year, is not
4 less than \$1 for each \$9 of Federal funds pro-
5 vided in the award; and

6 “(C) for any subsequent such fiscal year, is
7 not less than \$1 for each \$3 of Federal funds
8 provided in the award.

9 “(2) DETERMINATION OF AMOUNT CONTRIB-
10 UTED.—Non-Federal contributions required in para-
11 graph (1) may be in cash or in kind, fairly evalu-
12 ated, including plant, equipment, or services.
13 Amounts provided by the Federal Government, or
14 services assisted or subsidized to any significant ex-
15 tent by the Federal Government, may not be in-
16 cluded in determining the amount of such non-Fed-
17 eral contributions.

18 “(g) OUTREACH.—A funding agreement for an award
19 under subsection (a) for an applicant is that the applicant
20 will provide outreach services in the community involved
21 to identify juveniles who are engaging in substance abuse
22 and to encourage the juveniles to undergo treatment for
23 such abuse.

24 “(h) ACCESSIBILITY OF PROGRAM.—A funding
25 agreement for an award under subsection (a) for an appli-

1 cant is that the program operated pursuant to such sub-
2 section will be operated at a location that is accessible to
3 low income juveniles.

4 “(i) CONTINUING EDUCATION.—A funding agree-
5 ment for an award under subsection (a) is that the appli-
6 cant involved will provide for continuing education in
7 treatment services for the individuals who will provide
8 treatment in the program to be operated by the applicant
9 pursuant to such subsection.

10 “(j) IMPOSITION OF CHARGES.—A funding agree-
11 ment for an award under subsection (a) for an applicant
12 is that, if a charge is imposed for the provision of author-
13 ized services to or on behalf of an eligible juvenile, such
14 charge—

15 “(1) will be made according to a schedule of
16 charges that is made available to the public;

17 “(2) will be adjusted to reflect the economic
18 condition of the juvenile involved; and

19 “(3) will not be imposed on any such juvenile
20 whose family has an income of less than 185 percent
21 of the official poverty line, as established by the Di-
22 rector of the Office for Management and Budget
23 and revised by the Secretary in accordance with sec-
24 tion 673(2) of the Omnibus Budget Reconciliation
25 Act of 1981 (42 U.S.C. 9902(2)).

1 “(k) REPORTS TO DIRECTOR.—A funding agreement
2 for an award under subsection (a) is that the applicant
3 involved will submit to the Director a report—

4 “(1) describing the utilization and costs of serv-
5 ices provided under the award;

6 “(2) specifying the number of juveniles served,
7 and the type and costs of services provided; and

8 “(3) providing such other information as the
9 Director determines to be appropriate.

10 “(l) REQUIREMENT OF APPLICATION.—The Director
11 may make an award under subsection (a) only if an appli-
12 cation for the award is submitted to the Director contain-
13 ing such agreements, and the application is in such form,
14 is made in such manner, and contains such other agree-
15 ments and such assurances and information as the Direc-
16 tor determines to be necessary to carry out this section.

17 “(m) EQUITABLE ALLOCATION OF AWARDS.—In
18 making awards under subsection (a), the Director shall
19 ensure that the awards are equitably allocated among the
20 principal geographic regions of the United States, as well
21 as among Indian tribes, subject to the availability of quali-
22 fied applicants for the awards.

23 “(n) DURATION OF AWARD.—

1 “(1) IN GENERAL.—The period during which
2 payments are made to an entity from an award
3 under this section may not exceed 5 years.

4 “(2) APPROVAL OF DIRECTOR.—The provision
5 of payments described in paragraph (1) shall be sub-
6 ject to—

7 “(A) annual approval by the Director of
8 the payments; and

9 “(B) the availability of appropriations for
10 the fiscal year at issue to make the payments.

11 “(3) NO LIMITATION.—This subsection may not
12 be construed to establish a limitation on the number
13 of awards that may be made to an entity under this
14 section.

15 “(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—
16 The Director shall, directly or through contract, provide
17 for the conduct of evaluations of programs carried out
18 pursuant to subsection (a). The Director shall disseminate
19 to the States the findings made as a result of the evalua-
20 tions.

21 “(p) REPORTS TO CONGRESS.—

22 “(1) INITIAL REPORT.—Not later than October
23 1, 1999, the Director shall submit to the Committee
24 on the Judiciary of the House of Representatives,
25 and to the Committee on the Judiciary of the Sen-

1 ate, a report describing programs carried out pursu-
2 ant to this section.

3 “(2) PERIODIC REPORTS.—

4 “(A) IN GENERAL.—Not less than bienni-
5 ally after the date described in paragraph (1),
6 the Director shall prepare a report describing
7 programs carried out pursuant to this section
8 during the preceding 2-year period, and shall
9 submit the report to the Administrator for in-
10 clusion in the biennial report under section
11 501(k).

12 “(B) SUMMARY.—Each report under this
13 subsection shall include a summary of any eval-
14 uations conducted under subsection (m) during
15 the period with respect to which the report is
16 prepared.

17 “(q) DEFINITIONS.—In this section:

18 “(1) AUTHORIZED SERVICES.—The term ‘au-
19 thorized services’ means treatment services and sup-
20 plemental services.

21 “(2) JUVENILE.—The term ‘juvenile’ means
22 anyone 18 years of age or younger at the time that
23 of admission to a program operated pursuant to sub-
24 section (a).

1 “(3) ELIGIBLE JUVENILE.—The term ‘eligible
2 juvenile’ means a juvenile who has been admitted to
3 a program operated pursuant to subsection (a).

4 “(4) FUNDING AGREEMENT UNDER SUB-
5 SECTION (A).—The term ‘funding agreement under
6 subsection (a)’, with respect to an award under sub-
7 section (a), means that the Director may make the
8 award only if the applicant makes the agreement in-
9 volved.

10 “(5) TREATMENT SERVICES.—The term ‘treat-
11 ment services’ means treatment for substance abuse,
12 including the counseling and services described in
13 subsection (c)(2).

14 “(6) SUPPLEMENTAL SERVICES.—The term
15 ‘supplemental services’ means the services described
16 in subsection (d).

17 “(r) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—For the purpose of carry-
19 ing out this section and section 576 there is author-
20 ized to be appropriated such sums as may be nec-
21 essary for fiscal years 1999 and 2000. There is au-
22 thorized to be appropriated from the Violent Crime
23 Reduction Trust Fund \$300,000,000 in each of the
24 fiscal years 2001 and 2002.

1 “(2) TRANSFER.—For the purpose described in
2 paragraph (1), in addition to the amounts author-
3 ized in such paragraph to be appropriated for a fis-
4 cal year, there is authorized to be appropriated for
5 the fiscal year from the special forfeiture fund of the
6 Director of the Office of National Drug Control Pol-
7 icy such sums as may be necessary.

8 “(3) RULE OF CONSTRUCTION.—The amounts
9 authorized in this subsection to be appropriated are
10 in addition to any other amounts that are authorized
11 to be appropriated and are available for the purpose
12 described in paragraph (1).

13 **“SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVE-**
14 **NILES.**

15 “(a) GRANTS.—The Secretary of Health and Human
16 Services, acting through the Director of the Center for
17 Substance Abuse Treatment, shall make grants to estab-
18 lish projects for the outpatient treatment of substance
19 abuse among juveniles.

20 “(b) PREVENTION.—Entities receiving grants under
21 this section shall engage in activities to prevent substance
22 abuse among juveniles.

23 “(c) EVALUATION.—The Secretary of Health and
24 Human Services shall evaluate projects carried out under

1 subsection (a) and shall disseminate to appropriate public
2 and private entities information on effective projects.”.

3 **PART 4—RESCHEDULING DANGEROUS DRUGS**

4 **SEC. 5112. RESCHEDULING OF “CLUB” DRUGS.**

5 Notwithstanding section 201 or subsection (a) or (b)
6 of section 202 of the Controlled Substances Act (21
7 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of
8 controlled substances, the Attorney General shall, by order
9 add ketamine hydrochloride to schedule III of such Act.

10 **SEC. 5113. ATTORNEY GENERAL AUTHORITY TO RESCHED-**

11 **ULE CERTAIN DRUGS POSING IMMINENT**
12 **DANGER TO PUBLIC SAFETY.**

13 Section 201(h) of the Controlled Substances Act (21
14 U.S.C. 811)(h) is amended—

15 (1) in paragraph (1), by striking “if the sub-
16 stance is not listed in any other schedule in section
17 812 of this title or” and by inserting “or the re-
18 scheduling of a previously scheduled substance”
19 after “the scheduling of a substance”; and

20 (2) in paragraph (2), by inserting “or resched-
21 uling” after “scheduling” each place it appears.

1 **Subtitle C—Drug Courts**

2 **SEC. 5201. REAUTHORIZATION OF DRUG COURTS PRO-**
3 **GRAM.**

4 (a) Section 114(b)(1)(A) of title I of Public Law
5 104–134 is repealed.

6 (b) Section 1001(a)(20) of title I of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3793(a)(20)) is amended—

9 (1) in subparagraph (E), by striking “and” at
10 the end;

11 (2) in subparagraph (F), by striking the period
12 at the end and inserting a semicolon; and

13 (3) by adding at the end the following:

14 “(G) \$400,000,000 for fiscal year 2001; and

15 “(H) \$400,000,000 for fiscal year 2002.”.

16 **SEC. 5202. JUVENILE DRUG COURTS.**

17 Title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended
19 by the Bulletproof Vest Partnership Grant Act of 1998,
20 is amended—

21 (1) by redesignating part Z as part AA;

22 (2) by redesignating section 2601 as 2701; and

23 (3) by inserting after part Y the following:

1 **“PART Z—JUVENILE DRUG COURTS**

2 **“SEC. 2601. GRANT AUTHORITY.**

3 “(a) APPROPRIATE DRUG COURT PROGRAMS.—The
4 Attorney General may make grants to States, State
5 courts, local courts, units of local government, and Indian
6 tribes to establish programs that—

7 “(1) involve continuous early judicial super-
8 vision over juvenile offenders, other than violent ju-
9 venile offenders with substance abuse, or substance
10 abuse-related problems; and

11 “(2) integrate administration of other sanctions
12 and services, including—

13 “(A) mandatory periodic testing for the
14 use of controlled substances or other addictive
15 substances during any period of supervised re-
16 lease or probation for each participant;

17 “(B) substance abuse treatment for each
18 participant;

19 “(C) diversion, probation, or other super-
20 vised release involving the possibility of prosecu-
21 tion, confinement, or incarceration based on
22 noncompliance with program requirements or
23 failure to show satisfactory progress;

24 “(D) programmatic, offender management,
25 and aftercare services such as relapse preven-
26 tion, health care, education, vocational training,

1 job placement, housing placement, and child
2 care or other family support service for each
3 participant who requires such services;

4 “(E) payment by the offender of treatment
5 costs, to the extent practicable, such as costs
6 for urinalysis or counseling; or

7 “(F) payment by the offender of restitu-
8 tion, to the extent practicable, to either a victim
9 of the offense at issue or to a restitution or
10 similar victim support fund.

11 “(b) CONTINUED AVAILABILITY OF GRANT
12 FUNDS.—Amounts made available under this part shall
13 remain available until expended.

14 **“SEC. 2602. PROHIBITION OF PARTICIPATION BY VIOLENT**
15 **OFFENDERS.**

16 “The Attorney General shall issue regulations and
17 guidelines to ensure that the programs authorized in this
18 part do not permit participation by violent offenders.

19 **“SEC. 2603. DEFINITION.**

20 “In this part, the term ‘violent offender’ means an
21 individual charged with an offense during the course of
22 which—

23 “(1) the individual carried, possessed, or used a
24 firearm or dangerous weapon;

1 “(2) the death of or serious bodily injury of an-
2 other person occurred as a direct result of the com-
3 mission of such offense; or

4 “(3) the individual used force against the per-
5 son of another.

6 **“SEC. 2604. ADMINISTRATION.**

7 “(a) REGULATORY AUTHORITY.—The Attorney Gen-
8 eral shall issue any regulations and guidelines necessary
9 to carry out this part.

10 “(b) APPLICATIONS.—In addition to any other re-
11 quirements that may be specified by the Attorney General,
12 an application for a grant under this part shall—

13 “(1) include a long term strategy and detailed
14 implementation plan;

15 “(2) explain the inability of the applicant to
16 fund the program adequately without Federal assist-
17 ance;

18 “(3) certify that the Federal support provided
19 will be used to supplement, and not supplant, State,
20 tribal, or local sources of funding that would other-
21 wise be available;

22 “(4) identify related governmental or commu-
23 nity initiatives that complement or will be coordi-
24 nated with the proposal;

1 “(5) certify that there has been appropriate
2 consultation with all affected agencies and that there
3 will be appropriate coordination with all affected
4 agencies in the implementation of the program;

5 “(6) certify that participating offenders will be
6 supervised by one or more designated judges with re-
7 sponsibility for the drug court program;

8 “(7) specify plans for obtaining necessary sup-
9 port and continuing the proposed program following
10 the conclusion of Federal support; and

11 “(8) describe the methodology that will be used
12 in evaluating the program.

13 **“SEC. 2605. APPLICATIONS.**

14 “To request funds under this part, the chief executive
15 or the chief justice of a State, or the chief executive or
16 chief judge of a unit of local government or Indian tribe
17 shall submit an application to the Attorney General in
18 such form and containing such information as the Attor-
19 ney General may reasonably require.

20 **“SEC. 2606. FEDERAL SHARE.**

21 “(a) IN GENERAL.—The Federal share of a grant
22 made under this part may not exceed 75 percent of the
23 total costs of the program described in the application sub-
24 mitted under section 2605 for the fiscal year for which
25 the program receives assistance under this part.

1 “(b) WAIVER.—The Attorney General may waive, in
2 whole or in part, the requirement of a matching contribu-
3 tion under subsection (a).

4 “(c) IN-KIND CONTRIBUTIONS.—In-kind contribu-
5 tions may constitute a portion of the non-Federal share
6 of a grant under this part.

7 **“SEC. 2607. DISTRIBUTION OF FUNDS.**

8 “(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney
9 General shall ensure that, to the extent practicable, an eq-
10 uitable geographic distribution of grant awards is made.

11 “(b) INDIAN TRIBES.—The Attorney General shall
12 allocate 0.75 percent of amounts made available under
13 this subtitle for grants to Indian tribes.

14 **“SEC. 2608. REPORT.**

15 “A State, Indian tribe, or unit of local government
16 that receives funds under this part during a fiscal year
17 shall submit to the Attorney General, in March of the year
18 following receipt of a grant under this part, a report re-
19 garding the effectiveness of programs established pursu-
20 ant to this part.

21 **“SEC. 2609. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-
22 UATION.**

23 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The
24 Attorney General may provide technical assistance and
25 training in furtherance of the purposes of this part.

1 “(b) EVALUATIONS.—In addition to any evaluation
2 requirements that may be prescribed for grantees, the At-
3 torney General may carry out or make arrangements for
4 evaluations of programs that receive support under this
5 part.

6 “(c) ADMINISTRATION.—The technical assistance,
7 training, and evaluations authorized by this section may
8 be carried out directly by the Attorney General, in collabo-
9 ration with the Secretary of Health and Human Services,
10 or through grants, contracts, or other cooperative arrange-
11 ments with other entities.

12 **“SEC. 2610. UNAWARDED FUNDS.**

13 “The Attorney General may reallocate any grant
14 funds that are not awarded for juvenile drug courts under
15 this part for use for other juvenile delinquency and crime
16 prevention initiatives.

17 **“SEC. 2611. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out
19 this part from the Violent Crime Reduction Trust Fund—

20 “(1) such sums as may be necessary for each
21 of the fiscal years 1999 and 2000;

22 “(2) \$50,000,000 for fiscal year 2001; and

23 “(3) \$50,000,000 for fiscal year 2002.”.

1 **Subtitle D—Development of Medi-**
2 **cines for the Treatment of Drug**
3 **Addiction**

4 **PART 1—PHARMACOTHERAPY RESEARCH**

5 **SEC. 5301. REAUTHORIZATION FOR MEDICATION DEVELOP-**
6 **MENT PROGRAM.**

7 Section 464P(e) of the Public Health Service Act (42
8 U.S.C. 285o-4(e)) is amended to read as follows:

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 such sums as may be necessary for each of the fiscal years
12 1998 through 2002 of which the following amount may
13 be appropriated from the Violent Crime Reduction Trust
14 Fund—

15 “(1) \$100,000,000 for fiscal year 2001; and

16 “(2) \$100,000,000 for fiscal year 2002.”.

17 **PART 2—PATENT PROTECTIONS FOR**
18 **PHARMACOTHERAPIES**

19 **SEC. 5302. RECOMMENDATION FOR INVESTIGATION OF**
20 **DRUGS.**

21 Section 525(a) of the Federal Food, Drug, and Cos-
22 metic Act (21 U.S.C. 360aa(a)) is amended—

23 (1) by striking “States” each place it appears
24 and inserting “States, or for treatment of an addic-
25 tion to illegal drugs”; and

1 (2) by striking “such disease or condition” each
2 place it appears and inserting “such disease, condi-
3 tion, or treatment of such addiction”.

4 **SEC. 5303. DESIGNATION OF DRUGS.**

5 Section 526(a) of the Federal, Food, Drug, and Cos-
6 metic Act (21 U.S.C. 360bb(a)) is amended—

7 (1) in paragraph (1)—

8 (A) by inserting before the period in the
9 first sentence the following: “or for treatment
10 of an addiction to illegal drugs”;

11 (B) in the third sentence, by striking “rare
12 disease or condition” and inserting “rare dis-
13 ease or condition, or for treatment of an addic-
14 tion to illegal drugs,”; and

15 (C) by striking “such disease or condition”
16 each place it appears and inserting “such dis-
17 ease, condition, or treatment of such addic-
18 tion”; and

19 (2) in paragraph (2)—

20 (A) by striking “(2) For” and inserting
21 “(2)(A) For”;

22 (B) by striking “(A) affects” and inserting
23 “(i) affects”;

24 (C) by striking “(B) affects” and inserting
25 “(ii) affects”; and

1 (D) by adding at the end the following:

2 “(B) TREATMENT OF AN ADDICTION TO ILLEGAL
3 DRUGS.—The term ‘treatment of an addiction to illegal
4 drugs’ means any pharmacological agent or medication
5 that—

6 “(i) reduces the craving for an illegal drug for
7 an individual who—

8 “(I) habitually uses the illegal drug in a
9 manner that endangers the public health, safe-
10 ty, or welfare; or

11 “(II) is so addicted to the use of the illegal
12 drug that the individual is not able to control
13 the addiction through the exercise of self-con-
14 trol;

15 “(ii) blocks the behavioral and physiological ef-
16 fects of an illegal drug for an individual described in
17 clause (i);

18 “(iii) safely serves as a replacement therapy for
19 the treatment of drug abuse for an individual de-
20 scribed in clause (i);

21 “(iv) moderates or eliminates the process of
22 withdrawal for an individual described in clause (i);

23 “(v) blocks or reverses the toxic effect of an il-
24 legal drug on an individual described in clause (i);
25 or

1 “(vi) prevents, where possible, the initiation of
2 drug abuse in individuals at high risk.

3 “(C) **ILLEGAL DRUG.**—The term ‘illegal drug’ means
4 a controlled substance identified under schedules I, II, III,
5 IV, and V in section 202(c) of the Controlled Substance
6 Act (21 U.S.C. 812(c)).”.

7 **SEC. 5304. PROTECTION FOR DRUGS.**

8 Section 527 of the Federal Food, Drug, and Cosmetic
9 Act (21 U.S.C. 360cc) is amended—

10 (1) by striking “rare disease or condition” each
11 place it appears and inserting “rare disease or con-
12 dition or for treatment of an addiction to illegal
13 drugs”;

14 (2) by striking “such disease or condition” each
15 place it appears and inserting “such disease, condi-
16 tion, or treatment of the addiction”; and

17 (3) in subsection (b)(1), by striking “the dis-
18 ease or condition” and inserting “the disease, condi-
19 tion, or addiction”.

20 **SEC. 5305. OPEN PROTOCOLS FOR INVESTIGATIONS OF**
21 **DRUGS.**

22 Section 528 of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 360dd) is amended—

1 (1) by striking “rare disease or condition” and
 2 inserting “rare disease or condition or for treatment
 3 of an addiction to illegal drugs”; and

4 (2) by striking “the disease or condition” each
 5 place it appears and inserting “the disease, condi-
 6 tion, or addiction”.

7 **PART 3—ENCOURAGING PRIVATE SECTOR**

8 **DEVELOPMENT OF PHARMACOTHERAPIES**

9 **SEC. 5306. DEVELOPMENT, MANUFACTURE, AND PROCURE-**
 10 **MENT OF DRUGS FOR THE TREATMENT OF**
 11 **ADDICTION TO ILLEGAL DRUGS.**

12 Chapter V of the Federal Food, Drug, and Cosmetic
 13 Act (21 U.S.C. 351 et seq.) is amended by adding at the
 14 end the following:

15 **“Subchapter D—Drugs for Cocaine and**
 16 **Heroin Addictions**

17 **“SEC. 551. CRITERIA FOR AN ACCEPTABLE DRUG TREAT-**
 18 **MENT FOR COCAINE AND HEROIN ADDIC-**
 19 **TIONS.**

20 “(a) IN GENERAL.—Subject to subsections (b) and
 21 (c), the Secretary shall, through the Institute of Medicine
 22 of the National Academy of Sciences, establish criteria for
 23 an acceptable drug for the treatment of an addiction to
 24 cocaine and for an acceptable drug for the treatment of
 25 an addiction to heroin. The criteria shall be used by the

1 Secretary in making a contract, or entering into a licens-
2 ing agreement, under section 552.

3 “(b) REQUIREMENTS.—The criteria established
4 under subsection (a) for a drug shall include require-
5 ments—

6 “(1) that the application to use the drug for the
7 treatment of addiction to cocaine or heroin was filed
8 and approved by the Secretary under this Act after
9 the date of enactment of this section;

10 “(2) that a performance based test on the
11 drug—

12 “(A) has been conducted through the use
13 of a randomly selected test group that received
14 the drug as a treatment and a randomly se-
15 lected control group that received a placebo;
16 and

17 “(B) has compared the long term dif-
18 ferences in the addiction levels of control group
19 participants and test group participants;

20 “(3) that the performance based test conducted
21 under paragraph (2) demonstrates that the drug is
22 effective through evidence that—

23 “(A) a significant number of the partici-
24 pants in the test who have an addiction to co-

1 caine or heroin are willing to take the drug for
2 the addiction;

3 “(B) a significant number of the partici-
4 pants in the test who have an addiction to co-
5 caine or heroin and who were provided the drug
6 for the addiction during the test are willing to
7 continue taking the drug as long as necessary
8 for the treatment of the addiction; and

9 “(C) a significant number of the partici-
10 pants in the test who were provided the drug
11 for the period of time required for the treat-
12 ment of the addiction refrained from the use of
13 cocaine or heroin for a period of 3 years after
14 the date of the initial administration of the
15 drug on the participants; and

16 “(4) that the drug shall have a reasonable cost
17 of production.

18 “(c) REVIEW AND PUBLICATION OF CRITERIA.—The
19 criteria established under subsection (a) shall, prior to the
20 publication and application of such criteria, be submitted
21 for review to the Committee on the Judiciary and the
22 Committee on Economic and Educational Opportunities of
23 the House of Representatives, and the Committee on the
24 Judiciary and the Committee on Labor and Human Re-
25 sources of the Senate. Not later than 90 days after notify-

1 ing each of the committees, the Secretary shall publish the
2 criteria in the Federal Register.

3 **“SEC. 552. PURCHASE OF PATENT RIGHTS FOR DRUG DE-**
4 **VELOPMENT.**

5 “(a) APPLICATION.—

6 “(1) IN GENERAL.—The patent owner of a drug
7 to treat an addiction to cocaine or heroin, may sub-
8 mit an application to the Secretary—

9 “(A) to enter into a contract with the Sec-
10 retary to sell to the Secretary the patent rights
11 of the owner relating to the drug; or

12 “(B) in the case in which the drug is ap-
13 proved by the Secretary for more than 1 indica-
14 tion, to enter into an exclusive licensing agree-
15 ment with the Secretary for the manufacture
16 and distribution of the drug to treat an addic-
17 tion to cocaine or heroin.

18 “(2) REQUIREMENTS.—An application de-
19 scribed in paragraph (1) shall be submitted at such
20 time and in such manner, and accompanied by such
21 information, as the Secretary may require.

22 “(b) CONTRACT AND LICENSING AGREEMENTS.—

23 “(1) REQUIREMENTS.—The Secretary may
24 enter into a contract or a licensing agreement with
25 a patent owner who has submitted an application in

1 accordance with (a) if the drug covered under the
2 contract or licensing agreement meets the criteria
3 established by the Secretary under section 551(a).

4 “(2) SPECIAL RULE.—The Secretary may enter
5 into—

6 “(A) not more than 1 contract or exclusive
7 licensing agreement relating to a drug for the
8 treatment of an addiction to cocaine; and

9 “(B) not more than 1 contract or licensing
10 agreement relating to a drug for the treatment
11 of an addiction to heroin.

12 “(3) COVERAGE.—A contract or licensing
13 agreement described in subparagraph (A) or (B) of
14 paragraph (2) shall cover not more than 1 drug.

15 “(4) PURCHASE AMOUNT.—Subject to amounts
16 provided in advance in appropriations Acts—

17 “(A) the amount to be paid to a patent
18 owner who has entered into a contract or licens-
19 ing agreement under this subsection relating to
20 a drug to treat an addiction to cocaine shall not
21 exceed \$100,000,000; and

22 “(B) the amount to be paid to a patent
23 owner who has entered into a contract or licens-
24 ing agreement under this subsection relating to

1 a drug to treat an addiction to heroin shall not
2 exceed \$50,000,000.

3 “(c) TRANSFER OF RIGHTS UNDER CONTRACTS AND
4 LICENSING AGREEMENT.—

5 “(1) CONTRACTS.—A contract under subsection
6 (b)(1) to purchase the patent rights relating to a
7 drug to treat cocaine or heroin addiction shall trans-
8 fer to the Secretary—

9 “(A) the exclusive right to make, use, or
10 sell the patented drug within the United States
11 for the term of the patent;

12 “(B) any foreign patent rights held by the
13 patent owner;

14 “(C) any patent rights relating to the pro-
15 cess of manufacturing the drug; and

16 “(D) any trade secret or confidential busi-
17 ness information relating to the development of
18 the drug, process for manufacturing the drug,
19 and therapeutic effects of the drug.

20 “(2) LICENSING AGREEMENTS.—A licensing
21 agreement under subsection (b)(1) to purchase an
22 exclusive license relating to manufacture and dis-
23 tribution of a drug to treat an addiction to cocaine
24 or heroin shall transfer to the Secretary—

1 “(A) the exclusive right to make, use, or
2 sell the patented drug for the purpose of treat-
3 ing an addiction to cocaine or heroin within the
4 United States for the term of the patent;

5 “(B) the right to use any patented proc-
6 esses relating to manufacturing the drug; and

7 “(C) any trade secret or confidential busi-
8 ness information relating to the development of
9 the drug, process for manufacturing the drug,
10 and therapeutic effects of the drug relating to
11 use of the drug to treat an addiction to cocaine
12 or heroin.

13 **“SEC. 553. PLAN FOR MANUFACTURE AND DEVELOPMENT.**

14 “(a) IN GENERAL.—Not later than 90 days after the
15 date on which the Secretary purchases the patent rights
16 of a patent owner, or enters into a licensing agreement
17 with a patent owner, relating to a drug under section 551,
18 the Secretary shall develop a plan for the manufacture and
19 distribution of the drug.

20 “(b) PLAN REQUIREMENTS.—The plan shall set
21 forth—

22 “(1) procedures for the Secretary to enter into
23 licensing agreements with private entities for the
24 manufacture and the distribution of the drug;

1 “(2) procedures for making the drug available
2 to nonprofit entities and private entities to use in
3 the treatment of a cocaine or heroin addiction;

4 “(3) a system to establish the sale price for the
5 drug; and

6 “(4) policies and procedures with respect to the
7 use of Federal funds by State and local governments
8 or nonprofit entities to purchase the drug from the
9 Secretary.

10 “(c) APPLICABILITY OF PROCUREMENT AND LICENS-
11 ING LAWS.—The procurement and licensing laws of the
12 United States shall be applicable to procurements and li-
13 censes covered under the plan described in subsection (a).

14 “(d) REVIEW OF PLAN.—

15 “(1) IN GENERAL.—Upon completion of the
16 plan under subsection (a), the Secretary shall notify
17 the Committee on the Judiciary and the Committee
18 on Economic and Educational Opportunities of the
19 House of Representatives, and the Committee on the
20 Judiciary and the Committee on Labor and Human
21 Resources of the Senate, of the development of the
22 plan and publish the plan in the Federal Register.
23 The Secretary shall provide an opportunity for pub-
24 lic comment on the plan for a period of not more

1 than 30 days after the date of the publication of the
2 plan in the Federal Register.

3 “(2) FINAL PLAN.—Not later than 60 days
4 after the date of the expiration of the comment pe-
5 riod described in paragraph (1), the Secretary shall
6 publish in the Federal Register a final plan. The im-
7 plementation of the plan shall begin on the date of
8 the final publication of the plan.

9 “(e) CONSTRUCTION.—The development, publication,
10 or implementation of the plan, or any other agency action
11 with respect to the plan, shall not be considered agency
12 action subject to judicial review.

13 “(f) REGULATIONS.—The Secretary may promulgate
14 regulations to carry out this section.

15 **“SEC. 554. AUTHORIZATION OF APPROPRIATIONS.**

16 “There is authorized to be appropriated to carry out
17 this subchapter, such sums as may be necessary in each
18 of the fiscal years 1999 and 2000.”.

19 **Subtitle E—National Drug Control**
20 **Policy**

21 **PART 1—REAUTHORIZATION OF OFFICE OF**

22 **NATIONAL DRUG CONTROL POLICY**

23 **SEC. 5401. DEFINITIONS.**

24 In this part:

1 (1) DEMAND REDUCTION.—The term “demand
2 reduction” means any activity conducted by a Na-
3 tional Drug Control Program agency, other than an
4 enforcement activity, that is intended to reduce the
5 use of drugs, including—

6 (A) drug abuse education;

7 (B) drug abuse prevention;

8 (C) drug abuse treatment;

9 (D) drug abuse research;

10 (E) drug abuse rehabilitation;

11 (F) drug-free workplace programs; and

12 (G) drug testing.

13 (2) DIRECTOR.—The term “Director” means
14 the Director of National Drug Control Policy.

15 (3) DRUG.—The term “drug” has the meaning
16 given the term “controlled substance” in section
17 102(6) of the Controlled Substances Act (21 U.S.C.
18 802(6)).

19 (4) DRUG CONTROL.—The term “drug control”
20 means any activity conducted by a National Drug
21 Control Program agency involving supply reduction
22 or demand reduction, including any activity to re-
23 duce the use of tobacco or alcoholic beverages by un-
24 derage individuals.

1 (5) FUND.—The term “Fund” means the fund
2 established under section 703(d).

3 (6) NATIONAL DRUG CONTROL PROGRAM.—The
4 term “National Drug Control Program” means pro-
5 grams, policies, and activities undertaken by Na-
6 tional Drug Control Program agencies pursuant to
7 the responsibilities of such agencies under the Na-
8 tional Drug Control Strategy.

9 (7) NATIONAL DRUG CONTROL PROGRAM AGEN-
10 CY.—The term “National Drug Control Program
11 agency” means any department or agency of the
12 Federal Government and all dedicated units thereof,
13 with responsibilities under the National Drug Con-
14 trol Strategy, as designated by the President or
15 jointly by the Director and the head of the depart-
16 ment or agency.

17 (8) NATIONAL DRUG CONTROL STRATEGY.—
18 The term “National Drug Control Strategy” means
19 the strategy developed and submitted to Congress
20 under section 706.

21 (9) OFFICE.—Unless the context clearly impli-
22 cates otherwise, the term “Office” means the Office
23 of National Drug Control Policy established under
24 section 703(a).

1 (10) STATE AND LOCAL AFFAIRS.—The term
2 “State and local affairs” means domestic activities
3 conducted by a National Drug Control Program
4 agency that are intended to reduce the availability
5 and use of drugs, including—

6 (A) coordination and facilitation of Fed-
7 eral, State, and local law enforcement drug con-
8 trol efforts;

9 (B) promotion of coordination and co-
10 operation among the drug supply reduction and
11 demand reduction agencies of the various
12 States, territories, and units of local govern-
13 ment; and

14 (C) such other cooperative governmental
15 activities which promote a comprehensive ap-
16 proach to drug control at the national, State,
17 territory, and local levels.

18 (11) SUPPLY REDUCTION.—The term “supply
19 reduction” means any activity of a program con-
20 ducted by a National Drug Control Program agency
21 that is intended to reduce the availability or use of
22 drugs in the United States and abroad, including—

23 (A) international drug control;

24 (B) foreign and domestic drug intelligence;

25 (C) interdiction; and

1 (D) domestic drug law enforcement, in-
2 cluding law enforcement directed at drug users.

3 **SEC. 5402. OFFICE OF NATIONAL DRUG CONTROL POLICY.**

4 (a) ESTABLISHMENT OF OFFICE.—There is estab-
5 lished in the Executive Office of the President an Office
6 of National Drug Control Policy, which shall—

7 (1) develop national drug control policy;

8 (2) coordinate and oversee the implementation
9 of that national drug control policy;

10 (3) assess and certify the adequacy of national
11 drug control programs and the budget for those pro-
12 grams; and

13 (4) evaluate the effectiveness of the national
14 drug control programs.

15 (b) DIRECTOR AND DEPUTY DIRECTORS.—

16 (1) DIRECTOR.—There shall be at the head of
17 the Office a Director of National Drug Control Pol-
18 icy.

19 (2) DEPUTY DIRECTOR OF NATIONAL DRUG
20 CONTROL POLICY.—There shall be in the Office a
21 Deputy Director of National Drug Control Policy,
22 who shall assist the Director in carrying out the re-
23 sponsibilities of the Director under this title.

24 (3) OTHER DEPUTY DIRECTORS.—There shall
25 be in the Office—

1 (A) a Deputy Director for Demand Reduc-
2 tion, who shall be responsible for the activities
3 described in subparagraphs (A) through (G) of
4 section 702(1);

5 (B) a Deputy Director for Supply Reduc-
6 tion, who shall be responsible for the activities
7 described in subparagraphs (A) through (C) of
8 section 702(11); and

9 (C) a Deputy Director for State and Local
10 Affairs, who shall be responsible for the activi-
11 ties described in subparagraphs (A) through
12 (C) of section 702(10).

13 (c) ACCESS BY CONGRESS.—The location of the Of-
14 fice in the Executive Office of the President shall not be
15 construed as affecting access by Congress, or any commit-
16 tee of the House of Representatives or the Senate, to
17 any—

18 (1) information, document, or study in the pos-
19 session of, or conducted by or at the direction of the
20 Director; or

21 (2) personnel of the Office.

22 (d) OFFICE OF NATIONAL DRUG CONTROL POLICY
23 GIFT FUND.—

24 (1) ESTABLISHMENT.—There is established in
25 the Treasury of the United States a fund for the re-

1 receipt of gifts, both real and personal, for the purpose
2 of aiding or facilitating the work of the Office under
3 section 704(c).

4 (2) CONTRIBUTIONS.—The Office may accept,
5 hold, and administer contributions to the Fund.

6 (3) USE OF AMOUNTS DEPOSITED.—Amounts
7 deposited in the Fund are authorized to be appro-
8 priated, to remain available until expended for au-
9 thORIZED purposes at the discretion of the Director.

10 **SEC. 5403. APPOINTMENT AND DUTIES OF DIRECTOR AND**
11 **DEPUTY DIRECTORS.**

12 (a) APPOINTMENT.—

13 (1) IN GENERAL.—The Director, the Deputy
14 Director of National Drug Control Policy, the Dep-
15 uty Director for Demand Reduction, the Deputy Di-
16 rector for Supply Reduction, and the Deputy Direc-
17 tor for State and Local Affairs, shall each be ap-
18 pointed by the President, by and with the advice and
19 consent of the Senate, and shall serve at the pleas-
20 ure of the President. In appointing the Deputy Di-
21 rector for Demand Reduction under this paragraph,
22 the President shall take into consideration the sci-
23 entific, educational or professional background of the
24 individual, and whether the individual has experience

1 in the fields of substance abuse prevention, edu-
2 cation, or treatment.

3 (2) DUTIES OF DEPUTY DIRECTOR OF NA-
4 TIONAL DRUG CONTROL POLICY.—The Deputy Di-
5 rector of National Drug Control Policy shall—

6 (A) carry out the duties and powers pre-
7 scribed by the Director; and

8 (B) serve as the Director in the absence of
9 the Director or during any period in which the
10 office of the Director is vacant.

11 (3) DESIGNATION OF OTHER OFFICERS.—In
12 the absence of the Deputy Director, or if the office
13 of the Deputy Director is vacant, the Director shall
14 designate such other permanent employee of the Of-
15 fice to serve as the Director, if the Director is ab-
16 sent or unable to serve.

17 (4) PROHIBITION.—No person shall serve as
18 Director or a Deputy Director while serving in any
19 other position in the Federal Government.

20 (5) PROHIBITION ON POLITICAL CAMPAIGN-
21 ING.—Any officer or employee of the Office who is
22 appointed to that position by the President, by and
23 with the advice and consent of the Senate, may not
24 participate in Federal election campaign activities,
25 except that such official is not prohibited by this

1 paragraph from making contributions to individual
2 candidates.

3 (b) RESPONSIBILITIES.—The Director shall—

4 (1) assist the President in the establishment of
5 policies, goals, objectives, and priorities for the Na-
6 tional Drug Control Program;

7 (2) promulgate the National Drug Control
8 Strategy and each report under section 706(b) in ac-
9 cordance with section 706;

10 (3) coordinate and oversee the implementation
11 by the National Drug Control Program agencies of
12 the policies, goals, objectives, and priorities estab-
13 lished under paragraph (1) and the fulfillment of the
14 responsibilities of such agencies under the National
15 Drug Control Strategy;

16 (4) make such recommendations to the Presi-
17 dent as the Director determines are appropriate re-
18 garding changes in the organization, management,
19 and budgets of Federal departments and agencies
20 engaged in drug enforcement, and changes in the al-
21 location of personnel to and within those depart-
22 ments and agencies, to implement the policies, goals,
23 priorities, and objectives established under para-
24 graph (1) and the National Drug Control Strategy;

1 (5) consult with and assist State and local gov-
2 ernments with respect to the formulation and imple-
3 mentation of National Drug Control Policy and their
4 relations with the National Drug Control Program
5 agencies;

6 (6) appear before duly constituted committees
7 and subcommittees of the House of Representatives
8 and of the Senate to represent the drug policies of
9 the executive branch;

10 (7) notify any National Drug Control Program
11 agency if its policies are not in compliance with the
12 responsibilities of the agency under the National
13 Drug Control Strategy, transmit a copy of each such
14 notification to the President, and maintain a copy of
15 each such notification;

16 (8) provide, by July 1 of each year, budget rec-
17 ommendations, including requests for specific initia-
18 tives that are consistent with the priorities of the
19 President under the National Drug Control Strat-
20 egy, to the heads of departments and agencies with
21 responsibilities under the National Drug Control
22 Program, which recommendations shall—

23 (A) apply to next budget year scheduled
24 for formulation under the Budget and Account-

1 ing Act of 1921, and each of the 4 subsequent
2 fiscal years; and

3 (B) address funding priorities developed in
4 the National Drug Control Strategy;

5 (9) serve as the representative of the President
6 in appearing before Congress on all issues relating
7 to the National Drug Control Program;

8 (10) in any matter affecting national security
9 interests, work in conjunction with the Assistant to
10 the President for National Security Affairs; and

11 (11) serve as primary spokesperson of the Ad-
12 ministration on drug issues.

13 (c) NATIONAL DRUG CONTROL PROGRAM BUDG-
14 ET.—

15 (1) RESPONSIBILITIES OF NATIONAL DRUG
16 CONTROL PROGRAM AGENCIES.—

17 (A) IN GENERAL.—For each fiscal year,
18 the head of each department, agency, or pro-
19 gram of the Federal Government with respon-
20 sibilities under the National Drug Control Pro-
21 gram Strategy shall transmit to the Director a
22 copy of the proposed drug control budget re-
23 quest of the department, agency, or program at
24 the same time as that budget request is submit-
25 ted to their superiors (and before submission to

1 the Office of Management and Budget) in the
2 preparation of the budget of the President sub-
3 mitted to Congress under section 1105(a) of
4 title 31, United States Code.

5 (B) SUBMISSION OF DRUG CONTROL
6 BUDGET REQUESTS.—The head of each Na-
7 tional Drug Control Program agency shall en-
8 sure timely development and submission to the
9 Director of each proposed drug control budget
10 request transmitted pursuant to this paragraph,
11 in such format as may be designated by the Di-
12 rector with the concurrence of the Director of
13 the Office of Management and Budget.

14 (2) NATIONAL DRUG CONTROL PROGRAM BUDG-
15 ET PROPOSAL.—For each fiscal year, following the
16 transmission of proposed drug control budget re-
17 quests to the Director under paragraph (1), the Di-
18 rector shall, in consultation with the head of each
19 National Drug Control Program agency—

20 (A) develop a consolidated National Drug
21 Control Program budget proposal designed to
22 implement the National Drug Control Strategy;

23 (B) submit the consolidated budget pro-
24 posal to the President; and

1 (C) after submission under subparagraph
2 (B), submit the consolidated budget proposal to
3 Congress.

4 (3) REVIEW AND CERTIFICATION OF BUDGET
5 REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL
6 DRUG CONTROL PROGRAM AGENCIES.—

7 (A) IN GENERAL.—The Director shall re-
8 view each drug control budget request submit-
9 ted to the Director under paragraph (1).

10 (B) REVIEW OF BUDGET REQUESTS.—

11 (i) INADEQUATE REQUESTS.—If the
12 Director concludes that a budget request
13 submitted under paragraph (1) is inad-
14 equate, in whole or in part, to implement
15 the objectives of the National Drug Con-
16 trol Strategy with respect to the depart-
17 ment, agency, or program at issue for the
18 year for which the request is submitted,
19 the Director shall submit to the head of
20 the applicable National Drug Control Pro-
21 gram agency a written description of fund-
22 ing levels and specific initiatives that
23 would, in the determination of the Direc-
24 tor, make the request adequate to imple-
25 ment those objectives.

1 (ii) ADEQUATE REQUESTS.—If the Di-
2 rector concludes that a budget request sub-
3 mitted under paragraph (1) is adequate to
4 implement the objectives of the National
5 Drug Control Strategy with respect to the
6 department, agency, or program at issue
7 for the year for which the request is sub-
8 mitted, the Director shall submit to the
9 head of the applicable National Drug Con-
10 trol Program agency a written statement
11 confirming the adequacy of the request.

12 (iii) RECORD.—The Director shall
13 maintain a record of each description sub-
14 mitted under clause (i) and each statement
15 submitted under clause (ii).

16 (C) AGENCY RESPONSE.—

17 (i) IN GENERAL.—The head of a Na-
18 tional Drug Control Program agency that
19 receives a description under subparagraph
20 (B)(i) shall include the funding levels and
21 initiatives described by the Director in the
22 budget submission for that agency to the
23 Office of Management and Budget.

24 (ii) IMPACT STATEMENT.—The head
25 of a National Drug Control Program agen-

1 cy that has altered its budget submission
2 under this subparagraph shall include as
3 an appendix to the budget submission for
4 that agency to the Office of Management
5 and Budget an impact statement that sum-
6 marizes—

7 (I) the changes made to the
8 budget under this subparagraph; and

9 (II) the impact of those changes
10 on the ability of that agency to per-
11 form its other responsibilities, includ-
12 ing any impact on specific missions or
13 programs of the agency.

14 (iii) CONGRESSIONAL NOTIFICA-
15 TION.—The head of a National Drug Con-
16 trol Program agency shall submit a copy of
17 any impact statement under clause (ii) to
18 the Senate and the House of Representa-
19 tives at the time the budget for that agen-
20 cy is submitted to Congress under section
21 1105(a) of title 31, United States Code.

22 (D) CERTIFICATION OF BUDGET SUBMIS-
23 SIONS.—

24 (i) IN GENERAL.—At the time a Na-
25 tional Drug Control Program agency sub-

1 mits its budget request to the Office of
2 Management and Budget, the head of the
3 National Drug Control Program agency
4 shall submit a copy of the budget request
5 to the Director.

6 (ii) CERTIFICATION.—The Director—

7 (I) shall review each budget sub-
8 mission submitted under clause (i);
9 and

10 (II) based on the review under
11 subclause (I), if the Director con-
12 cludes that the budget submission of a
13 National Drug Control Program agen-
14 cy does not include the funding levels
15 and initiatives described under sub-
16 paragraph (B)—

17 (aa) may issue a written de-
18 certification of that agency's
19 budget; and

20 (bb) in the case of a decerti-
21 fication issued under item (aa),
22 shall submit to the Senate and
23 the House of Representatives a
24 copy of the—

1 (aaa) decertification
2 issued under item (aa);
3 (bbb) the description
4 made under subparagraph
5 (B); and
6 (ccc) the budget rec-
7 ommendations made under
8 subsection (b)(8).

9 (4) REPROGRAMMING AND TRANSFER RE-
10 QUESTS.—

11 (A) IN GENERAL.—No National Drug Con-
12 trol Program agency shall submit to Congress
13 a reprogramming or transfer request with re-
14 spect to any amount of appropriated funds in
15 an amount exceeding \$5,000,000 that is in-
16 cluded in the National Drug Control Program
17 budget unless the request has been approved by
18 the Director.

19 (B) APPEAL.—The head of any National
20 Drug Control Program agency may appeal to
21 the President any disapproval by the Director
22 of a reprogramming or transfer request under
23 this paragraph.

24 (d) POWERS OF THE DIRECTOR.—In carrying out
25 subsection (b), the Director may—

1 (1) select, appoint, employ, and fix compensa-
2 tion of such officers and employees of the Office as
3 may be necessary to carry out the functions of the
4 Office under this title;

5 (2) subject to subsection (e)(3), request the
6 head of a department or agency, or program of the
7 Federal Government to place department, agency, or
8 program personnel who are engaged in drug control
9 activities on temporary detail to another department,
10 agency, or program in order to implement the Na-
11 tional Drug Control Strategy, and the head of the
12 department or agency shall comply with such a re-
13 quest;

14 (3) use for administrative purposes, on a reim-
15 bursable basis, the available services, equipment,
16 personnel, and facilities of Federal, State, and local
17 agencies;

18 (4) procure the services of experts and consult-
19 ants in accordance with section 3109 of title 5,
20 United States Code, relating to appointments in the
21 Federal Service, at rates of compensation for indi-
22 viduals not to exceed the daily equivalent of the rate
23 of pay payable under level IV of the Executive
24 Schedule under section 5311 of title 5, United
25 States Code;

1 (5) accept and use gifts and donations of prop-
2 erty from Federal, State, and local government
3 agencies, and from the private sector, as authorized
4 in section 703(d);

5 (6) use the mails in the same manner as any
6 other department or agency of the executive branch;

7 (7) monitor implementation of the National
8 Drug Control Program, including—

9 (A) conducting program and performance
10 audits and evaluations;

11 (B) requesting assistance from the Inspec-
12 tor General of the relevant agency in such au-
13 dits and evaluations; and

14 (C) commissioning studies and reports by
15 a National Drug Control Program agency, with
16 the concurrence of the head of the affected
17 agency;

18 (8) transfer funds made available to a National
19 Drug Control Program agency for National Drug
20 Control Strategy programs and activities to another
21 account within such agency or to another National
22 Drug Control Program agency for National Drug
23 Control Strategy programs and activities, except
24 that—

1 (A) the authority under this paragraph
2 may be limited in an annual appropriations Act
3 or other provision of Federal law;

4 (B) the Director may exercise the author-
5 ity under this paragraph only with the concur-
6 rence of the head of each affected agency;

7 (C) in the case of an interagency transfer,
8 the total amount of transfers under this para-
9 graph may not exceed 2 percent of the total
10 amount of funds made available for National
11 Drug Control Strategy programs and activities
12 to the agency from which those funds are to be
13 transferred;

14 (D) funds transferred to an agency under
15 this paragraph may only be used to increase the
16 funding for programs or activities that—

17 (i) have a higher priority than the
18 programs or activities from which funds
19 are transferred; and

20 (ii) have been authorized by Congress;
21 and

22 (E) the Director shall—

23 (i) submit to Congress, including to
24 the Committees on Appropriations of the
25 Senate and the House of Representatives

1 and other applicable committees of juris-
2 diction, a reprogramming or transfer re-
3 quest in advance of any transfer under this
4 paragraph in accordance with the regula-
5 tions of the affected agency or agencies;
6 and

7 (ii) annually submit to Congress a re-
8 port describing the effect of all transfers of
9 funds made pursuant to this paragraph or
10 subsection (c)(4) during the 12-month pe-
11 riod preceding the date on which the report
12 is submitted;

13 (9) issue to the head of a National Drug Con-
14 trol Program agency a fund control notice described
15 in subsection (f) to ensure compliance with the Na-
16 tional Drug Control Program Strategy; and

17 (10) participate in the drug certification process
18 pursuant to section 490 of the Foreign Assistance
19 Act of 1961 (22 U.S.C. 2291j).

20 (e) PERSONNEL DETAILED TO OFFICE.—

21 (1) EVALUATIONS.—Notwithstanding any provi-
22 sion of chapter 43 of title 5, United States Code, the
23 Director shall perform the evaluation of the perform-
24 ance of any employee detailed to the Office for pur-
25 poses of the applicable performance appraisal system

1 established under such chapter for any rating pe-
2 riod, or part thereof, that such employee is detailed
3 to such office.

4 (2) COMPENSATION.—

5 (A) BONUS PAYMENTS.—Notwithstanding
6 any other provision of law, the Director may
7 provide periodic bonus payments to any em-
8 ployee detailed to the Office.

9 (B) RESTRICTIONS.—An amount paid
10 under this paragraph to an employee for any
11 period—

12 (i) shall not be greater than 20 per-
13 cent of the basic pay paid or payable to
14 such employee for such period; and

15 (ii) shall be in addition to the basic
16 pay of such employee.

17 (C) AGGREGATE AMOUNT.—The aggregate
18 amount paid during any fiscal year to an em-
19 ployee detailed to the Office as basic pay,
20 awards, bonuses, and other compensation shall
21 not exceed the annual rate payable at the end
22 of such fiscal year for positions at level III of
23 the Executive Schedule.

24 (3) MAXIMUM NUMBER OF DETAILEES.—The
25 maximum number of personnel who may be detailed

1 to another department or agency (including the Of-
2 fice) under subsection (d)(2) during any fiscal year
3 is—

4 (A) for the Department of Defense, 50;

5 and

6 (B) for any other department or agency,

7 10.

8 **SEC. 5404. COORDINATION WITH NATIONAL DRUG CON-**
9 **TROL PROGRAM AGENCIES IN DEMAND RE-**
10 **DUCTION, SUPPLY REDUCTION, AND STATE**
11 **AND LOCAL AFFAIRS.**

12 (a) ACCESS TO INFORMATION.—

13 (1) IN GENERAL.—Upon the request of the Di-
14 rector, the head of any National Drug Control Pro-
15 gram agency shall cooperate with and provide to the
16 Director any statistics, studies, reports, and other
17 information prepared or collected by the agency con-
18 cerning the responsibilities of the agency under the
19 National Drug Control Strategy that relate to—

20 (A) drug abuse control; or

21 (B) the manner in which amounts made
22 available to that agency for drug control are
23 being used by that agency.

24 (2) PROTECTION OF INTELLIGENCE INFORMA-
25 TION.—

1 (A) IN GENERAL.—The authorities con-
2 ferred on the Office and the Director by this
3 title shall be exercised in a manner consistent
4 with provisions of the National Security Act of
5 1947 (50 U.S.C. 401 et seq.). The Director of
6 Central Intelligence shall prescribe such regula-
7 tions as may be necessary to protect informa-
8 tion provided pursuant to this title regarding
9 intelligence sources and methods.

10 (B) DUTIES OF DIRECTOR.—The Director
11 of Central Intelligence shall, to the maximum
12 extent practicable in accordance with subpara-
13 graph (A), render full assistance and support to
14 the Office and the Director.

15 (3) ILLEGAL DRUG CULTIVATION.—The Sec-
16 retary of Agriculture shall annually submit to the
17 Director an assessment of the acreage of illegal drug
18 cultivation in the United States.

19 (b) CERTIFICATION OF POLICY CHANGES TO DIREC-
20 TOR.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the head of a National Drug Control Program agen-
23 cy shall, unless exigent circumstances require other-
24 wise, notify the Director in writing regarding any
25 proposed change in policies relating to the activities

1 of that agency under the National Drug Control
2 Program prior to implementation of such change.
3 The Director shall promptly review such proposed
4 change and certify to the head of that agency in
5 writing whether such change is consistent with the
6 National Drug Control Strategy.

7 (2) EXCEPTION.—If prior notice of a proposed
8 change under paragraph (1) is not practicable—

9 (A) the head of the National Drug Control
10 Program agency shall notify the Director of the
11 proposed change as soon as practicable; and

12 (B) upon such notification, the Director
13 shall review the change and certify to the head
14 of that agency in writing whether the change is
15 consistent with the National Drug Control Pro-
16 gram.

17 (c) GENERAL SERVICES ADMINISTRATION.—The Ad-
18 ministrator of General Services shall provide to the Direc-
19 tor, in a reimbursable basis, such administrative support
20 services as the Director may request.

1 **SEC. 5405. DEVELOPMENT, SUBMISSION, IMPLEMENTA-**
2 **TION, AND ASSESSMENT OF NATIONAL DRUG**
3 **CONTROL STRATEGY.**

4 (a) **TIMING, CONTENTS, AND PROCESS FOR DEVEL-**
5 **OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL**
6 **STRATEGY.—**

7 (1) **TIMING.**—Not later than February 1, 1998,
8 the President shall submit to Congress a National
9 Drug Control Strategy, which shall set forth a com-
10 prehensive plan, covering a period of not more than
11 10 years, for reducing drug abuse and the con-
12 sequences of drug abuse in the United States, by
13 limiting the availability of and reducing the demand
14 for illegal drugs.

15 (2) **CONTENTS.**—

16 (A) **IN GENERAL.**—The National Drug
17 Control Strategy submitted under paragraph
18 (1) shall include—

19 (i) comprehensive, research-based,
20 long-range, quantifiable, goals for reducing
21 drug abuse and the consequences of drug
22 abuse in the United States;

23 (ii) annual, quantifiable, and measur-
24 able objectives to accomplish long-term
25 quantifiable goals that the Director deter-
26 mines may be realistically achieved during

1 each year of the period beginning on the
2 date on which the National Drug Control
3 Strategy is submitted;

4 (iii) 5-year projections for program
5 and budget priorities; and

6 (iv) a review of State, local, and pri-
7 vate sector drug control activities to ensure
8 that the United States pursues well-coordi-
9 nated and effective drug control at all lev-
10 els of government.

11 (B) CLASSIFIED INFORMATION.—Any con-
12 tents of the National Drug Control Strategy
13 that involves information properly classified
14 under criteria established by an Executive order
15 shall be presented to Congress separately from
16 the rest of the National Drug Control Strategy.

17 (3) PROCESS FOR DEVELOPMENT AND SUBMIS-
18 SION.—

19 (A) CONSULTATION.—In developing and
20 effectively implementing the National Drug
21 Control Strategy, the Director—

22 (i) shall consult with—

23 (I) the heads of the National
24 Drug Control Program agencies;

25 (II) Congress;

1 (III) State and local officials;

2 (IV) private citizens and organi-
3 zations with experience and expertise
4 in demand reduction; and

5 (V) private citizens and organiza-
6 tions with experience and expertise in
7 supply reduction; and

8 (ii) may require the National Drug
9 Intelligence Center and the El Paso Intel-
10 ligence Center to undertake specific tasks
11 or projects to implement the National
12 Drug Control Strategy.

13 (B) INCLUSION IN STRATEGY.—The Na-
14 tional Drug Control Strategy under this sub-
15 section, and each report submitted under sub-
16 section (b), shall include a list of each entity
17 consulted under subparagraph (A)(i).

18 (4) MODIFICATION AND RESUBMITTAL.—Not-
19 withstanding any other provision of law, the Presi-
20 dent may modify a National Drug Control Strategy
21 submitted under paragraph (1) at any time.

22 (b) ANNUAL STRATEGY REPORT.—

23 (1) IN GENERAL.—Not later than February 1,
24 1999, and on February 1 of each year thereafter,
25 the President shall submit to Congress a report on

1 the progress in implementing the Strategy under
2 subsection (a), which shall include—

3 (A) an assessment of the Federal effective-
4 ness in achieving the National Drug Control
5 Strategy goals and objectives using the per-
6 formance measurement system described in sub-
7 section (c), including—

8 (i) an assessment of drug use and
9 availability in the United States; and

10 (ii) an estimate of the effectiveness of
11 interdiction, treatment, prevention, law en-
12 forcement, and international programs
13 under the National Drug Control Strategy
14 in effect during the preceding year, or in
15 effect as of the date on which the report
16 is submitted;

17 (B) any modifications of the National
18 Drug Control Strategy or the performance
19 measurement system described in subsection
20 (c);

21 (C) an assessment of the manner in which
22 the budget proposal submitted under section
23 704(c) is intended to implement the National
24 Drug Control Strategy and whether the funding

1 levels contained in such proposal are sufficient
2 to implement such Strategy;

3 (D) beginning on February 1, 1999, and
4 annually thereafter, measurable data evaluating
5 the success or failure in achieving the annual
6 measurable objectives described in subsection
7 (a)(2)(A)(ii);

8 (E) an assessment of current drug use (in-
9 cluding inhalants) and availability, impact of
10 drug use, and treatment availability, which as-
11 sessment shall include—

12 (i) estimates of drug prevalence and
13 frequency of use as measured by national,
14 State, and local surveys of illicit drug use
15 and by other special studies of—

16 (I) casual and chronic drug use;

17 (II) high-risk populations, includ-
18 ing school dropouts, the homeless and
19 transient, arrestees, parolees, proba-
20 tioners, and juvenile delinquents; and

21 (III) drug use in the workplace
22 and the productivity lost by such use;

23 (ii) an assessment of the reduction of
24 drug availability against an ascertained
25 baseline, as measured by—

1 (I) the quantities of cocaine, her-
2 oin, marijuana, methamphetamine,
3 and other drugs available for con-
4 sumption in the United States;

5 (II) the amount of marijuana, co-
6 caine, and heroin entering the United
7 States;

8 (III) the number of hectares of
9 marijuana, poppy, and coca cultivated
10 and destroyed;

11 (IV) the number of metric tons
12 of marijuana, heroin, and cocaine
13 seized;

14 (V) the number of cocaine and
15 methamphetamine processing labora-
16 tories destroyed;

17 (VI) changes in the price and pu-
18 rity of heroin and cocaine;

19 (VII) the amount and type of
20 controlled substances diverted from le-
21 gitimate retail and wholesale sources;
22 and

23 (VIII) the effectiveness of Fed-
24 eral technology programs at improving
25 drug detection capabilities in interdic-

1 tion, and at United States ports of
2 entry;

3 (iii) an assessment of the reduction of
4 the consequences of drug use and availabil-
5 ity, which shall include estimation of—

6 (I) the burden drug users placed
7 on hospital emergency departments in
8 the United States, such as the quan-
9 tity of drug-related services provided;

10 (II) the annual national health
11 care costs of drug use, including costs
12 associated with people becoming in-
13 fected with the human immuno-
14 deficiency virus and other infectious
15 diseases as a result of drug use;

16 (III) the extent of drug-related
17 crime and criminal activity; and

18 (IV) the contribution of drugs to
19 the underground economy, as meas-
20 ured by the retail value of drugs sold
21 in the United States;

22 (iv) a determination of the status of
23 drug treatment in the United States, by
24 assessing—

1 (I) public and private treatment
2 capacity within each State, including
3 information on the treatment capacity
4 available in relation to the capacity
5 actually used;

6 (II) the extent, within each State,
7 to which treatment is available;

8 (III) the number of drug users
9 the Director estimates could benefit
10 from treatment; and

11 (IV) the specific factors that re-
12 strict the availability of treatment
13 services to those seeking it and pro-
14 posed administrative or legislative
15 remedies to make treatment available
16 to those individuals; and

17 (v) a review of the research agenda of
18 the Counter-Drug Technology Assessment
19 Center to reduce the availability and abuse
20 of drugs; and

21 (F) an assessment of private sector initia-
22 tives and cooperative efforts between the Fed-
23 eral Government and State and local govern-
24 ments for drug control.

1 (2) SUBMISSION OF REVISED STRATEGY.—The
2 President may submit to Congress a revised Na-
3 tional Drug Control Strategy that meets the require-
4 ments of this section—

5 (A) at any time, upon a determination by
6 the President, in consultation with the Director,
7 that the National Drug Control Strategy in ef-
8 fect is not sufficiently effective; and

9 (B) if a new President or Director takes
10 office.

11 (c) PERFORMANCE MEASUREMENT SYSTEM.—

12 (1) IN GENERAL.—Not later than February 1,
13 1998, the Director shall submit to Congress a de-
14 scription of the national drug control performance
15 measurement system, designed in consultation with
16 affected National Drug Control Program agencies,
17 that—

18 (A) develops performance objectives, meas-
19 ures, and targets for each National Drug Con-
20 trol Strategy goal and objective;

21 (B) revises performance objectives, meas-
22 ures, and targets, to conform with National
23 Drug Control Program Agency budgets;

24 (C) identifies major programs and activi-
25 ties of the National Drug Control Program

1 agencies that support the goals and objectives
2 of the National Drug Control Strategy;

3 (D) evaluates implementation of major
4 program activities supporting the National
5 Drug Control Strategy;

6 (E) monitors consistency between the
7 drug-related goals and objectives of the Na-
8 tional Drug Control Program agencies and en-
9 sures that drug control agency goals and budg-
10 ets support and are fully consistent with the
11 National Drug Control Strategy; and

12 (F) coordinates the development and im-
13 plementation of national drug control data col-
14 lection and reporting systems to support policy
15 formulation and performance measurement, in-
16 cluding an assessment of—

17 (i) the quality of current drug use
18 measurement instruments and techniques
19 to measure supply reduction and demand
20 reduction activities;

21 (ii) the adequacy of the coverage of
22 existing national drug use measurement in-
23 struments and techniques to measure the
24 casual drug user population and groups
25 that are at risk for drug use; and

1 (iii) the actions the Director shall take
2 to correct any deficiencies and limitations
3 identified pursuant to subparagraphs (A)
4 and (B) of subsection (b)(4).

5 (2) MODIFICATIONS.—

6 (A) IN GENERAL.—A description of any
7 modifications made during the preceding year
8 to the national drug control performance meas-
9 urement system described in paragraph (1)
10 shall be included in each report submitted
11 under subsection (b).

12 (B) ANNUAL PERFORMANCE OBJECTIVES,
13 MEASURES, AND TARGETS.—Not later than
14 February 1, 1999, the Director shall submit to
15 Congress a modified performance measurement
16 system that—

17 (i) develops annual performance objec-
18 tives, measures, and targets for each Na-
19 tional Drug Control Strategy goal and ob-
20 jective; and

21 (ii) revises the annual performance
22 objectives, measures, and targets to con-
23 form with the National Drug Control Pro-
24 gram agency budgets.

1 **SEC. 5406. HIGH INTENSITY DRUG TRAFFICKING AREAS**
2 **PROGRAM.**

3 (a) ESTABLISHMENT.—There is established in the
4 Office a program to be known as the High Intensity Drug
5 Trafficking Areas Program.

6 (b) DESIGNATION.—The Director, upon consultation
7 with the Attorney General, the Secretary of the Treasury,
8 heads of the National Drug Control Program agencies,
9 and the Governor of each State, may designate any speci-
10 fied area of the United States as a high intensity drug
11 trafficking area. After making such a designation and in
12 order to provide Federal assistance to the area so des-
13 ignated, the Director may—

14 (1) obligate such sums as appropriated for the
15 High Intensity Drug Trafficking Areas Program;

16 (2) direct the temporary reassignment of Fed-
17 eral personnel to such area, subject to the approval
18 of the head of the department or agency that em-
19 ploys such personnel;

20 (3) take any other action authorized under sec-
21 tion 704 to provide increased Federal assistance to
22 those areas;

23 (4) coordinate activities under this subsection
24 (specifically administrative, recordkeeping, and funds
25 management activities) with State and local officials.

1 (c) FACTORS FOR CONSIDERATION.—In considering
2 whether to designate an area under this section as a high
3 intensity drug trafficking area, the Director shall consider,
4 in addition to such other criteria as the Director considers
5 to be appropriate, the extent to which—

6 (1) the area is a center of illegal drug produc-
7 tion, manufacturing, importation, or distribution;

8 (2) State and local law enforcement agencies
9 have committed resources to respond to the drug
10 trafficking problem in the area, thereby indicating a
11 determination to respond aggressively to the prob-
12 lem;

13 (3) drug-related activities in the area are hav-
14 ing a harmful impact in other areas of the country;
15 and

16 (4) a significant increase in allocation of Fed-
17 eral resources is necessary to respond adequately to
18 drug-related activities in the area.

19 **SEC. 5407. COUNTER-DRUG TECHNOLOGY ASSESSMENT**
20 **CENTER.**

21 (a) ESTABLISHMENT.—There is established within
22 the Office the Counter-Drug Technology Assessment Cen-
23 ter (referred to in this section as the “Center”). The Cen-
24 ter shall operate under the authority of the Director of
25 National Drug Control Policy and shall serve as the cen-

1 tral counter-drug technology research and development or-
2 ganization of the United States Government.

3 (b) DIRECTOR OF TECHNOLOGY.—There shall be at
4 the head of the Center the Director of Technology, who
5 shall be appointed by the Director of National Drug Con-
6 trol Policy from among individuals qualified and distin-
7 guished in the area of science, medicine, engineering, or
8 technology.

9 (c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-
10 TOR OF NATIONAL DRUG CONTROL POLICY.—

11 (1) IN GENERAL.—The Director, acting
12 through the Director of Technology shall—

13 (A) identify and define the short-, me-
14 dium-, and long-term scientific and techno-
15 logical needs of Federal, State, and local drug
16 supply reduction agencies, including—

17 (i) advanced surveillance, tracking,
18 and radar imaging;

19 (ii) electronic support measures;

20 (iii) communications;

21 (iv) data fusion, advanced computer
22 systems, and artificial intelligence; and

23 (v) chemical, biological, radiological
24 (including neutron, electron, and graviton),
25 and other means of detection;

1 (B) identify demand reduction basic and
2 applied research needs and initiatives, in con-
3 sultation with affected National Drug Control
4 Program agencies, including—

5 (i) improving treatment through
6 neuroscientific advances;

7 (ii) improving the transfer of bio-
8 medical research to the clinical setting; and

9 (iii) in consultation with the National
10 Institute on Drug Abuse, and through
11 interagency agreements or grants, examin-
12 ing addiction and rehabilitation research
13 and the application of technology to ex-
14 panding the effectiveness or availability of
15 drug treatment;

16 (C) make a priority ranking of such needs
17 identified in subparagraphs (A) and (B) accord-
18 ing to fiscal and technological feasibility, as
19 part of a National Counter-Drug Enforcement
20 Research and Development Program;

21 (D) oversee and coordinate counter-drug
22 technology initiatives with related activities of
23 other Federal civilian and military departments;

1 (E) provide support to the development
2 and implementation of the national drug control
3 performance measurement system; and

4 (F) pursuant to the authority of the Direc-
5 tor of National Drug Control Policy under sec-
6 tion 704, submit requests to Congress for the
7 reprogramming or transfer of funds appro-
8 priated for counter-drug technology research
9 and development.

10 (2) LIMITATION ON AUTHORITY.—The author-
11 ity granted to the Director under this subsection
12 shall not extend to the award of contracts, manage-
13 ment of individual projects, or other operational ac-
14 tivities.

15 (d) ASSISTANCE AND SUPPORT TO OFFICE OF NA-
16 TIONAL DRUG CONTROL POLICY.—The Secretary of De-
17 fense and the Secretary of Health and Human Services
18 shall, to the maximum extent practicable, render assist-
19 ance and support to the Office and to the Director in the
20 conduct of counter-drug technology assessment.

21 **SEC. 5408. PRESIDENT'S COUNCIL ON COUNTER-NARCOT-**
22 **ICS.**

23 (a) ESTABLISHMENT.—There is established a council
24 to be known as the President's Council on Counter-Nar-
25 cotics (referred to in this section as the "Council").

1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the Council shall be composed of 18 members, of
4 whom—

5 (A) 1 shall be the President, who shall
6 serve as Chairman of the Council;

7 (B) 1 shall be the Vice President;

8 (C) 1 shall be the Secretary of State;

9 (D) 1 shall be the Secretary of the Treas-
10 ury;

11 (E) 1 shall be the Secretary of Defense;

12 (F) 1 shall be the Attorney General;

13 (G) 1 shall be the Secretary of Transpor-
14 tation;

15 (H) 1 shall be the Secretary of Health and
16 Human Services;

17 (I) 1 shall be the Secretary of Education;

18 (J) 1 shall be the Representative of the
19 United States of America to the United Na-
20 tions;

21 (K) 1 shall be the Director of the Office of
22 Management and Budget;

23 (L) 1 shall be the Chief of Staff to the
24 President;

1 (M) 1 shall be the Director of the Office,
2 who shall serve as the Executive Director of the
3 Council;

4 (N) 1 shall be the Director of Central In-
5 telligence;

6 (O) 1 shall be the Assistant to the Presi-
7 dent for National Security Affairs;

8 (P) 1 shall be the Counsel to the Presi-
9 dent;

10 (Q) 1 shall be the Chairman of the Joint
11 Chiefs of Staff; and

12 (R) 1 shall be the National Security Ad-
13 viser to the Vice President.

14 (2) ADDITIONAL MEMBERS.—The President
15 may, in the discretion of the President, appoint ad-
16 ditional members to the Council.

17 (c) FUNCTIONS.—The Council shall advise and assist
18 the President in—

19 (1) providing direction and oversight for the na-
20 tional drug control strategy, including relating drug
21 control policy to other national security interests and
22 establishing priorities; and

23 (2) ensuring coordination among departments
24 and agencies of the Federal Government concerning

1 implementation of the National Drug Control Strat-
2 egy.

3 (d) ADMINISTRATION.—

4 (1) IN GENERAL.—The Council may utilize es-
5 tablished or ad hoc committees, task forces, or inter-
6 agency groups chaired by the Director (or a rep-
7 resentative of the Director) in carrying out the func-
8 tions of the Council under this section.

9 (2) STAFF.—The staff of the Office, in coordi-
10 nation with the staffs of the Vice President and the
11 Assistant to the President for National Security Af-
12 fairs, shall act as staff for the Council.

13 (3) COOPERATION FROM OTHER AGENCIES.—
14 Each department and agency of the executive branch
15 shall—

16 (A) cooperate with the Council in carrying
17 out the functions of the Council under this sec-
18 tion; and

19 (B) provide such assistance, information,
20 and advice as the Council may request, to the
21 extent permitted by law.

22 **SEC. 5409. PARENTS ADVISORY COUNCIL ON YOUTH DRUG**
23 **ABUSE.**

24 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—There is established a
2 Council to be known as the Parents Advisory Coun-
3 cil on Youth Drug Abuse (referred to in this section
4 as the “Council”).

5 (2) MEMBERSHIP.—

6 (A) COMPOSITION.—The Council shall be
7 composed of 16 members, of whom—

8 (i) 4 shall be appointed by the Presi-
9 dent, each of whom shall be a parent or
10 guardian of a child who is not less than 6
11 and not more than 18 years of age as of
12 the date on which the appointment is
13 made;

14 (ii) 4 shall be appointed by the Major-
15 ity Leader of the Senate, 3 of whom shall
16 be a parent or guardian of a child who is
17 not less than 6 and not more than 18
18 years of age as of the date on which the
19 appointment is made;

20 (iii) 2 shall be appointed by the Mi-
21 nority Leader of the Senate, each of whom
22 shall be a parent or guardian of a child
23 who is not less than 6 and not more than
24 18 years of age as of the date on which the
25 appointment is made;

1 (iv) 4 shall be appointed by the
2 Speaker of the House of Representatives, 3
3 of whom shall be a parent or guardian of
4 a child who is not less than 6 and not
5 more than 18 years of age as of the date
6 on which the appointment is made; and

7 (v) 2 shall be appointed by the Minor-
8 ity Leader of the House of Representa-
9 tives, each of whom shall be a parent or
10 guardian of a child who is not less than 6
11 and not more than 18 years of age as of
12 the date on which the appointment is
13 made.

14 (B) REQUIREMENTS.—

15 (i) IN GENERAL.—Each member of
16 the Council shall be an individual from the
17 private sector with a demonstrated interest
18 and expertise in research, education, treat-
19 ment, or prevention activities related to
20 youth drug abuse.

21 (ii) REPRESENTATIVES OF NON-
22 PROFIT ORGANIZATIONS.—Not less than 1
23 member appointed under each of clauses
24 (i) through (v) of paragraph (1)(A) shall
25 be a representative of a nonprofit organiza-

1 tion focused on involving parents in anti-
2 drug education and prevention.

3 (C) DATE.—The appointments of the ini-
4 tial members of the Council shall be made not
5 later than 60 days after the date of enactment
6 of this section.

7 (D) DIRECTOR.—The Director may, in the
8 discretion of the Director, serve as an adviser
9 to the Council and attend such meetings and
10 hearings of the Council as the Director consid-
11 ers to be appropriate.

12 (3) PERIOD OF APPOINTMENT; VACANCIES.—

13 (A) PERIOD OF APPOINTMENT.—Each
14 member of the Council shall be appointed for a
15 term of 3 years, except that, of the initial mem-
16 bers of the Council—

17 (i) 1 member appointed under each of
18 clauses (i) through (v) of paragraph (1)(A)
19 shall be appointed for a term of 1 year;
20 and

21 (ii) 1 member appointed under each of
22 clauses (i) through (v) of paragraph (1)(A)
23 shall be appointed for a term of 2 years.

24 (B) VACANCIES.—Any vacancy in the
25 Council shall not affect its powers, provided

1 that a quorum is present, but shall be filled in
2 the same manner as the original appointment.
3 Any member appointed to fill a vacancy occur-
4 ring before the expiration of the term for which
5 the member's predecessor was appointed shall
6 be appointed only for the remainder of that
7 term.

8 (C) APPOINTMENT OF SUCCESSOR.—To
9 the extent necessary to prevent a vacancy in the
10 membership of the Council, a member of the
11 Council may serve for not more than 6 months
12 after the expiration of the term of that member,
13 if the successor of that member has not been
14 appointed.

15 (4) INITIAL MEETING.—Not later than 120
16 days after the date on which all initial members of
17 the Council have been appointed, the Council shall
18 hold its first meeting.

19 (5) MEETINGS.—The Council shall meet at the
20 call of the Chairperson.

21 (6) QUORUM.—Nine members of the Council
22 shall constitute a quorum, but a lesser number of
23 members may hold hearings.

24 (7) CHAIRPERSON AND VICE CHAIRPERSON.—

1 (A) IN GENERAL.—The members of the
2 Council shall select a Chairperson and Vice
3 Chairperson from among the members of the
4 Council.

5 (B) DUTIES OF CHAIRPERSON.—The
6 Chairperson of the Council shall—

7 (i) serve as the executive director of
8 the Council;

9 (ii) direct the administration of the
10 Council;

11 (iii) assign officer and committee du-
12 ties relating to the Council; and

13 (iv) issue the reports, policy positions,
14 and statements of the Council.

15 (C) DUTIES OF VICE CHAIRPERSON.—If
16 the Chairperson of the Council is unable to
17 serve, the Vice Chairperson shall serve as the
18 Chairperson.

19 (b) DUTIES OF THE COUNCIL.—

20 (1) IN GENERAL.—The Council—

21 (A) shall advise the President and the
22 Members of the Cabinet, including the Director,
23 on drug prevention, education, and treatment;
24 and

1 (B) may issue reports and recommenda-
2 tions on drug prevention, education, and treat-
3 ment, in addition to the annual report detailed
4 in paragraph (2), as the Council considers ap-
5 propriate.

6 (2) SUBMISSION TO CONGRESS.—Any report or
7 recommendation issued by the Council shall be sub-
8 mitted to Congress.

9 (3) ADVICE ON THE NATIONAL DRUG CONTROL
10 STRATEGY.—Not later than December 1, 1998, and
11 on December 1 of each year thereafter, the Council
12 shall submit to the Director an annual report con-
13 taining drug control strategy recommendations on
14 drug prevention, education, and treatment. Each re-
15 port submitted to the Director under this paragraph
16 shall be included as an appendix to the report sub-
17 mitted by the Director under section 706(b).

18 (c) POWERS OF THE COUNCIL.—

19 (1) HEARINGS.—The Council may hold such
20 hearings, sit and act at such times and places, take
21 such testimony, and receive such evidence as the
22 Council considers advisable to carry out this section.

23 (2) INFORMATION FROM FEDERAL AGENCIES.—
24 The Council may secure directly from any depart-
25 ment or agency of the Federal Government such in-

1 formation as the Council considers to be necessary
2 to carry out this section. Upon request of the Chair-
3 person of the Council, the head of that department
4 or agency shall furnish such information to the
5 Council, unless the head of that department or agen-
6 cy determines that furnishing the information to the
7 Council would threaten the national security of the
8 United States, the health, safety, or privacy of any
9 individual, or the integrity of an ongoing investiga-
10 tion.

11 (3) **POSTAL SERVICES.**—The Council may use
12 the United States mails in the same manner and
13 under the same conditions as other departments and
14 agencies of the Federal Government.

15 (4) **GIFTS.**—The Council may solicit, accept,
16 use, and dispose of gifts or donations of services or
17 property in connection with performing the duties of
18 the Council under this section.

19 (d) **EXPENSES.**—The members of the Council shall
20 be allowed travel expenses, including per diem in lieu of
21 subsistence, at rates authorized for employees of agencies
22 under subchapter I of chapter 57 of title 5, United States
23 Code, while away from their homes or regular places of
24 business in the performance of services for the Council.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Council such
3 sums as may be necessary carry out this section.

4 **SEC. 5410. DRUG INTERDICTION.**

5 (a) DEFINITION.—In this section, the term “Federal
6 drug control agency” means—

- 7 (1) the Office of National Drug Control Policy;
- 8 (2) the Department of Defense;
- 9 (3) the Drug Enforcement Administration;
- 10 (4) the Federal Bureau of Investigation;
- 11 (5) the Immigration and Naturalization Service;
- 12 (6) the United States Coast Guard;
- 13 (7) the United States Customs Service; and
- 14 (8) any other department or agency of the Fed-
15 eral Government that the Director determines to be
16 relevant.

17 (b) REPORT.—In order to assist Congress in deter-
18 mining the personnel, equipment, funding, and other re-
19 sources that would be required by Federal drug control
20 agencies in order to achieve a level of interdiction success
21 at or above the highest level achieved before the date of
22 enactment of this title, not later than 90 days after the
23 date of enactment of this Act, the Director shall submit
24 to Congress and to each Federal drug control program
25 agency a report, which shall include—

1 (1) with respect to the southern and western
2 border regions of the United States (including the
3 Pacific coast, the border with Mexico, the Gulf of
4 Mexico coast, and other ports of entry) and in over-
5 all totals, data relating to—

6 (A) the amount of marijuana, heroin,
7 methamphetamine, and cocaine—

8 (i) seized during the year of highest
9 recorded seizures for each drug in each re-
10 gion and during the year of highest re-
11 corded overall seizures; and

12 (ii) disrupted during the year of high-
13 est recorded disruptions for each drug in
14 each region and during the year of highest
15 recorded overall seizures; and

16 (B) the number of persons arrested for vio-
17 lations of section 1010(a) of the Controlled
18 Substances Import and Export Act (21 U.S.C.
19 960(a)) and related offenses during the year of
20 the highest number of arrests on record for
21 each region and during the year of highest re-
22 corded overall arrests;

23 (2) the price of cocaine, heroin, methamphet-
24 amine, and marijuana during the year of highest

1 price on record during the preceding 10-year period,
2 adjusted for purity where possible; and

3 (3) a description of the personnel, equipment,
4 funding, and other resources of the Federal drug
5 control agency devoted to drug interdiction and se-
6 curing the borders of the United States against drug
7 trafficking for each of the years identified in para-
8 graphs (1) and (2) for each Federal drug control
9 agency.

10 (b) BUDGET PROCESS.—

11 (1) INFORMATION TO DIRECTOR.—Based on the
12 report submitted under subsection (b), each Federal
13 drug control agency shall submit to the Director, as
14 part of each annual drug control budget request sub-
15 mitted by the Federal drug control agency to the Di-
16 rector under section 704(c)(2), a description of the
17 specific personnel, equipment, funding, and other re-
18 sources that would be required for the Federal drug
19 control agency to meet or exceed the highest level of
20 interdiction success for that agency identified in the
21 report submitted under subsection (b).

22 (2) INFORMATION TO CONGRESS.—The Director
23 shall include each submission under paragraph (1)
24 in each annual consolidated National Drug Control
25 Program budget proposal submitted by the Director

1 to Congress under section 704(c), which submission
2 shall be accompanied by a description of any addi-
3 tional resources that would be required by the Fed-
4 eral drug control agencies to meet the highest level
5 of interdiction success identified in the report sub-
6 mitted under subsection (b).

7 **SEC. 5411. REPORT ON AN ALLIANCE AGAINST NARCOTICS**
8 **TRAFFICKING IN THE WESTERN HEMI-**
9 **SPHERE.**

10 (a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLI-
11 ANCE.—

12 (1) SENSE OF CONGRESS.—It is the sense of
13 Congress that the President should discuss with the
14 democratically elected governments of the Western
15 Hemisphere the prospect of forming a multilateral
16 alliance to address problems relating to international
17 drug trafficking in the Western Hemisphere.

18 (2) CONSULTATIONS.—In the consultations on
19 the prospect of forming an alliance described in
20 paragraph (1), the President should seek the input
21 of such governments on the possibility of forming 1
22 or more structures within the alliance—

23 (A) to develop a regional, multilateral
24 strategy to address the threat posed to nations

1 in the Western Hemisphere by drug trafficking;
2 and

3 (B) to establish a new mechanism for im-
4 proving multilateral coordination of drug inter-
5 diction and drug-related law enforcement activi-
6 ties in the Western Hemisphere.

7 (b) REPORT.—

8 (1) REQUIREMENT.—Not later than 60 days
9 after the date of enactment of this Act, the Presi-
10 dent shall submit to Congress a report on the pro-
11 posal discussed under subsection (a), which shall in-
12 clude—

13 (A) an analysis of the reactions of the gov-
14 ernments concerned to the proposal;

15 (B) an assessment of the proposal, includ-
16 ing an evaluation of the feasibility and advis-
17 ability of forming the alliance;

18 (C) a determination in light of the analysis
19 and assessment whether or not the formation of
20 the alliance is in the national interests of the
21 United States;

22 (D) if the President determines that the
23 formation of the alliance is in the national in-
24 terests of the United States, a plan for encour-

1 aging and facilitating the formation of the alli-
2 ance; and

3 (E) if the President determines that the
4 formation of the alliance is not in the national
5 interests of the United States, an alternative
6 proposal to improve significantly efforts against
7 the threats posed by narcotics trafficking in the
8 Western Hemisphere, including an explanation
9 of the manner in which the alternative proposal
10 will—

11 (i) improve upon current cooperation
12 and coordination of counter-drug efforts
13 among nations in the Western Hemisphere;

14 (ii) provide for the allocation of the
15 resources required to make significant
16 progress in disrupting and disbanding the
17 criminal organizations responsible for the
18 trafficking of illegal drugs in the Western
19 Hemisphere; and

20 (iii) differ from and improve upon
21 past strategies adopted by the United
22 States Government which have failed to
23 make sufficient progress against the traf-
24 ficking of illegal drugs in the Western
25 Hemisphere.

1 (2) UNCLASSIFIED FORM.—The report under
2 paragraph (1) shall be submitted in unclassified
3 form, but may contain a classified annex.

4 **SEC. 5412. ESTABLISHMENT OF SPECIAL FORFEITURE**
5 **FUND.**

6 Section 6073 of the Asset Forfeiture Amendments
7 Act of 1988 (21 U.S.C. 1509) is amended—

8 (1) in subsection (b)—

9 (A) by striking “section 524(c)(9)” and in-
10 serting “section 524(c)(8)”; and

11 (B) by striking “section 9307(g)” and in-
12 serting “section 9703(g)”; and

13 (2) in subsection (e), by striking “strategy” and
14 inserting “Strategy”.

15 **SEC. 5413. TECHNICAL AND CONFORMING AMENDMENTS.**

16 (a) TITLE 5, UNITED STATES CODE.—Chapter 53 of
17 title 5, United States Code, is amended—

18 (1) in section 5312, by adding at the end the
19 following:

20 “Director of National Drug Control Policy.”;

21 (2) in section 5313, by adding at the end the
22 following:

23 “Deputy Director of National Drug Control
24 Policy.”; and

1 (3) in section 5314, by adding at the end the
2 following:

3 “Deputy Director for Demand Reduction, Of-
4 fice of National Drug Control Policy.

5 “Deputy Director for Supply Reduction, Office
6 of National Drug Control Policy.

7 “Deputy Director for State and Local Affairs,
8 Office of National Drug Control Policy.”.

9 (b) NATIONAL SECURITY ACT OF 1947.—Section
10 101 of the National Security Act of 1947 (50 U.S.C. 402)
11 is amended by redesignating subsection (f) as subsection
12 (g) and inserting after subsection (e) the following:

13 “(f) The Director of National Drug Control Policy
14 may, in the role of the Director as principal adviser to
15 the National Security Council on national drug control
16 policy, and subject to the direction of the President, attend
17 and participate in meetings of the National Security Coun-
18 cil.”.

19 (c) SUBMISSION OF NATIONAL DRUG CONTROL PRO-
20 GRAM BUDGET WITH ANNUAL BUDGET REQUEST OF
21 PRESIDENT.—Section 1105(a) of title 31, United States
22 Code, is amended by inserting after paragraph (25) the
23 following:

24 “(26) a separate statement of the amount of
25 appropriations requested for the Office of National

1 Drug Control Policy and each program of the Na-
2 tional Drug Control Program.”.

3 **SEC. 5414. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this title, to remain available until expended, such sums
6 as may be necessary for each of fiscal years 1998 through
7 2002.

8 **SEC. 5415. TERMINATION OF OFFICE OF NATIONAL DRUG**
9 **CONTROL POLICY.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), effective on September 30, 2002, this title and the
12 amendments made by this title are repealed.

13 (b) EXCEPTION.—Subsection (a) does not apply to
14 section 713 or the amendments made by that section.

15 **PART 2—STATE INITIATIVES**

16 **SEC. 5416. STUDY ON EFFECTS OF CALIFORNIA AND ARI-**
17 **ZONA DRUG INITIATIVES.**

18 (a) DEFINITION.—In this section, the term “con-
19 trolled substance” has the same meaning as in section 102
20 of the Controlled Substances Act (21 U.S.C. 802).

21 (b) STUDY.—The Director of National Drug Control
22 Policy, in consultation with the Attorney General and the
23 Secretary of Health and Human Services, shall conduct
24 a study on the effect of the 1996 voter referenda in Cali-

1 fornia and Arizona concerning the medicinal use of mari-
2 juana and other controlled substances, respectively, on—

3 (1) marijuana usage in Arizona and California;

4 (2) usage of other controlled substances in Ari-
5 zona and California;

6 (3) perceptions of youth of the dangerousness
7 of marijuana and other controlled substances in Ari-
8 zona and California;

9 (4) emergency room admissions for drug abuse
10 in Arizona and California;

11 (5) seizures of controlled substances in Arizona
12 and California;

13 (6) arrest rates for use of controlled substances
14 in Arizona and California;

15 (7) arrest rates for trafficking of controlled
16 substances in Arizona and California;

17 (8) conviction rates in cases concerning use of
18 controlled substances in Arizona and California; and

19 (9) conviction rates in jury trials concerning use
20 of controlled substances in Arizona and California.

21 (c) REPORT.—Not later than January 1, 2000, the
22 Director of National Drug Policy, in consultation with the
23 Attorney General and the Secretary of Health and Human
24 Services, shall—

1 (1) issue a report on the results of the study
2 under subsection (b); and

3 (2) submit a copy of the report to the Commit-
4 tees on the Judiciary of the House of Representa-
5 tives and the Senate.

6 (d) AUTHORIZATIONS.—There are authorized to be
7 appropriated to carry out this section such sums as may
8 be necessary for each of the fiscal years 1999 and 2000.

9 **Subtitle F—Improving Effectiveness of Youth Crime and Drug**
10 **Prevention Efforts**

12 **SEC. 5501. COMPREHENSIVE STUDY BY NATIONAL ACAD-**
13 **EMY OF SCIENCE.**

14 (a) IN GENERAL.—The Attorney General shall enter
15 into a contract with a public or nonprofit private entity,
16 subject to subsection (b), for the purpose of conducting
17 a study or studies—

18 (1) to evaluate the effectiveness of federally
19 funded programs for preventing youth violence and
20 youth substance abuse;

21 (2) to evaluate the effectiveness of federally
22 funded grant programs for preventing criminal vic-
23 timization of juveniles;

24 (3) to identify specific Federal programs and
25 programs that receive Federal funds that contribute

1 to reductions in youth violence, youth substance
2 abuse, and risk factors among youth that lead to
3 violent behavior and substance abuse;

4 (4) to identify specific programs that have not
5 achieved their intended results; and

6 (5) to make specific recommendations on pro-
7 grams that—

8 (A) should receive continued or increased
9 funding because of their proven success; or

10 (B) should have their funding terminated
11 or reduced because of their lack of effectiveness.

12 (b) NATIONAL ACADEMY OF SCIENCES.—The Attor-
13 ney General shall request the National Academy of
14 Sciences to enter into the contract under subsection (a)
15 to conduct the study or studies described in subsection (a).
16 If the Academy declines to conduct the study, the Attorney
17 General shall carry out such subsection through other
18 public or nonprofit private entities.

19 (c) ASSISTANCE.—In conducting the study under
20 subsection (a) the contracting party may obtain analytic
21 assistance, data, and other relevant materials from the
22 Department of Justice and any other appropriate Federal
23 agency.

24 (d) REPORTING REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than January 1,
2 2000, the Attorney General shall submit a report de-
3 scribing the findings made as a result of the study
4 required by subsection (a) to the Committee on the
5 Judiciary and the Committee on Economic and Edu-
6 cational Opportunity of the House of Representa-
7 tives and the Committee on the Judiciary and the
8 Committee on Labor and Human Resources of the
9 Senate.

10 (2) CONTENTS.—The report required by this
11 subsection shall contain specific recommendations
12 concerning funding levels for the programs evalu-
13 ated. Reports on the effectiveness of such programs
14 and recommendations on funding shall be provided
15 to the appropriate subcommittees of the Committee
16 on Appropriations of the House of Representatives
17 and the Committee on Appropriations of the Senate.

18 (e) FUNDING.—There are authorized to be appro-
19 priated to carry out the study under subsection (a)
20 \$1,000,000,000.

21 **SEC. 5502. EVALUATION OF CRIME PREVENTION PRO-**
22 **GRAMS.**

23 The Attorney General, with respect to the programs
24 in titles II, III, and IV of this Act shall provide, directly
25 or through grants and contracts, for the comprehensive

1 and thorough evaluation of the effectiveness of each pro-
2 gram established by this Act and the amendments made
3 by this Act.

4 **SEC. 5503. EVALUATION AND RESEARCH CRITERIA.**

5 (a) INDEPENDENT EVALUATIONS AND RESEARCH.—
6 Evaluations and research studies conducted pursuant to
7 this subtitle shall be independent in nature, and shall em-
8 ploy rigorous and scientifically recognized standards and
9 methodologies.

10 (b) CONTENT OF EVALUATIONS.—Evaluations con-
11 ducted pursuant to this title may include comparison be-
12 tween youth participating in the programs and the com-
13 munity at large of rates of—

14 (1) delinquency, youth crime, youth gang activ-
15 ity, youth substance abuse, and other high risk fac-
16 tors;

17 (2) risk factors in young people that contribute
18 to juvenile violence, including academic failure, ex-
19 cessive school absenteeism, and dropping out of
20 school;

21 (3) risk factors in the community, schools, and
22 family environments that contribute to youth vio-
23 lence; and

24 (4) criminal victimizations of youth.

1 **SEC. 5504. COMPLIANCE WITH EVALUATION MANDATE.**

2 The Attorney General may require the recipients of
3 Federal assistance for programs under this Act to collect,
4 maintain, and report information considered to be relevant
5 to any evaluation conducted pursuant to section 5502, and
6 to conduct and participate in specified evaluation and as-
7 sessment activities and functions.

8 **SEC. 5505. RESERVATION OF AMOUNTS FOR EVALUATION**
9 **AND RESEARCH.**

10 (a) IN GENERAL.—The Attorney General, with re-
11 spect to titles II, III, and IV shall reserve not less than
12 2 percent, and not more than 4 percent, of the amounts
13 made available pursuant to such titles and the amend-
14 ments made by such titles in each fiscal year to carry out
15 the evaluation and research required by this title.

16 (b) ASSISTANCE TO GRANTEEES AND EVALUATED
17 PROGRAMS.—To facilitate the conduct and defray the
18 costs of crime prevention program evaluation and re-
19 search, the Attorney General shall use amounts reserved
20 under this section to provide compliance assistance to
21 grantees under this Act who are selected to participate in
22 evaluations pursuant to section 5502.

1 **SEC. 5506. SENSE OF SENATE REGARDING FUNDING FOR**
 2 **PROGRAMS DETERMINED TO BE INEFFEC-**
 3 **TIVE.**

4 It is the sense of the Senate that programs identified
 5 in the study performed pursuant to section 5501 as being
 6 ineffective in addressing juvenile crime and substance
 7 abuse should not receive Federal funding in any fiscal year
 8 following the issuance of such study.

9 **TITLE VI—CRIMINAL HISTORY**
 10 **RECORDS**
 11 **Subtitle A—National Criminal**
 12 **History Access**

13 **SEC. 6001. SHORT TITLE.**

14 This title may be cited as the “National Crime Pre-
 15 vention and Privacy Compact Act of 1998”.

16 **SEC. 6002. FINDINGS.**

17 Congress finds that—

18 (1) both the Federal Bureau of Investigation
 19 and State criminal history record repositories main-
 20 tain fingerprint-based criminal history records;

21 (2) these criminal history records are shared
 22 and exchanged for criminal justice purposes through
 23 a Federal-State program known as the Interstate
 24 Identification Index System;

25 (3) although these records are also exchanged
 26 for legally authorized, noncriminal justice uses, such

1 as governmental licensing and employment back-
2 ground checks, the purposes for and procedures by
3 which they are exchanged vary widely from State to
4 State;

5 (4) an interstate and Federal-State compact is
6 necessary to facilitate authorized interstate criminal
7 history record exchanges for noncriminal justice pur-
8 poses on a uniform basis, while permitting each
9 State to effectuate its own dissemination policy with-
10 in its own borders; and

11 (5) such a compact will allow Federal and State
12 records to be provided expeditiously to governmental
13 and nongovernmental agencies that use such records
14 in accordance with pertinent Federal and State law,
15 while simultaneously enhancing the accuracy of the
16 records and safeguarding the information contained
17 therein from unauthorized disclosure or use.

18 **SEC. 6003. DEFINITIONS.**

19 In this title:

20 (1) **ATTORNEY GENERAL.**—The term “Attorney
21 General” means the Attorney General of the United
22 States.

23 (2) **COMPACT.**—The term “Compact” means
24 the National Crime Prevention and Privacy Compact
25 set forth in section 107.

1 (3) COUNCIL.—The term “Council” means the
2 Compact Council established under Article VI of the
3 Compact.

4 (4) FBI.—The term “FBI” means the Federal
5 Bureau of Investigation.

6 (5) PARTY STATE.—The term “Party State”
7 means a State that has ratified the Compact.

8 (6) STATE.—The term “State” means any
9 State, territory, or possession of the United States,
10 the District of Columbia, and the Commonwealth of
11 Puerto Rico.

12 **SEC. 6004. ENACTMENT AND CONSENT OF THE UNITED**
13 **STATES.**

14 The National Crime Prevention and Privacy Com-
15 pact, as set forth in section 107, is enacted into law and
16 entered into by the Federal Government. The consent of
17 Congress is given to States to enter into the Compact.

18 **SEC. 6005. EFFECT ON OTHER LAWS.**

19 (a) PRIVACY ACT OF 1974.—Nothing in the Compact
20 shall affect the obligations and responsibilities of the FBI
21 under section 552a of title 5, United States Code (com-
22 monly known as the “Privacy Act of 1974”).

23 (b) ACCESS TO CERTAIN RECORDS NOT AF-
24 FECTED.—Nothing in the Compact shall interfere in any
25 manner with—

1 (1) access, direct or otherwise, to records pur-
2 suant to—

3 (A) section 9101 of title 5, United States
4 Code;

5 (B) the National Child Protection Act of
6 1993 (42 U.S.C. 5119 et seq.);

7 (C) the Brady Handgun Violence Preven-
8 tion Act (Public Law 103–159; 107 Stat.
9 1536);

10 (D) the Violent Crime Control and Law
11 Enforcement Act of 1994 (Public Law 103–
12 322; 108 Stat. 2074) or any amendment made
13 by that Act;

14 (E) the United States Housing Act of
15 1937 (42 U.S.C. 1437 et seq.); or

16 (F) the Native American Housing Assist-
17 ance and Self-Determination Act of 1996 (25
18 U.S.C. 4101 et seq.); or

19 (2) any direct access to Federal criminal history
20 records authorized by law.

21 (c) AUTHORITY OF FBI UNDER DEPARTMENTS OF
22 STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND
23 RELATED AGENCIES APPROPRIATION ACT, 1973.—Noth-
24 ing in the Compact shall be construed to affect the author-
25 ity of the FBI under the Departments of State, Justice,

1 and Commerce, the Judiciary, and Related Agencies Ap-
2 propriation Act, 1973 (Public Law 92-544 (86 Stat.
3 1115)).

4 (d) FEDERAL ADVISORY COMMITTEE ACT.—The
5 Council shall not be considered to be a Federal advisory
6 committee for purposes of the Federal Advisory Commit-
7 tee Act (5 U.S.C. App.).

8 (e) MEMBERS OF COUNCIL NOT FEDERAL OFFICERS
9 OR EMPLOYEES.—Members of the Council (other than a
10 member from the FBI or any at-large member who may
11 be a Federal official or employee) shall not, by virtue of
12 such membership, be deemed—

13 (1) to be, for any purpose other than to effect
14 the Compact, officers or employees of the United
15 States (as defined in sections 2104 and 2105 of title
16 5, United States Code); or

17 (2) to become entitled by reason of Council
18 membership to any compensation or benefit payable
19 or made available by the Federal Government to its
20 officers or employees.

21 **SEC. 6006. ENFORCEMENT AND IMPLEMENTATION.**

22 All departments, agencies, officers, and employees of
23 the United States shall enforce the Compact and cooperate
24 with one another and with all Party States in enforcing
25 the Compact and effectuating its purposes. For the Fed-

1 eral Government, the Attorney General shall make such
 2 rules, prescribe such instructions, and take such other ac-
 3 tions as may be necessary to carry out the Compact and
 4 this title.

5 **SEC. 6007. NATIONAL CRIME PREVENTION AND PRIVACY**
 6 **COMPACT.**

7 The Contracting Parties agree to the following:

8 OVERVIEW

9 (a) IN GENERAL.—This Compact organizes an elec-
 10 tronic information sharing system among the Federal Gov-
 11 ernment and the States to exchange criminal history
 12 records for noncriminal justice purposes authorized by
 13 Federal or State law, such as background checks for gov-
 14 ernmental licensing and employment.

15 (b) OBLIGATIONS OF PARTIES.—Under this Com-
 16 pact, the FBI and the Party States agree to maintain de-
 17 tailed databases of their respective criminal history
 18 records, including arrests and dispositions, and to make
 19 them available to the Federal Government and to Party
 20 States for authorized purposes. The FBI shall also man-
 21 age the Federal data facilities that provide a significant
 22 part of the infrastructure for the system.

23 ARTICLE I—DEFINITIONS

24 In this Compact:

1 (1) ATTORNEY GENERAL.—The term “Attorney
2 General” means the Attorney General of the United
3 States;

4 (2) COMPACT OFFICER.—The term “Compact
5 officer” means—

6 (A) with respect to the Federal Govern-
7 ment, an official so designated by the Director
8 of the FBI; and

9 (B) with respect to a Party State, the chief
10 administrator of the State’s criminal history
11 record repository or a designee of the chief ad-
12 ministrators who is a regular full-time employee
13 of the repository.

14 (3) COUNCIL.—The term “Council” means the
15 Compact Council established under Article VI.

16 (4) CRIMINAL HISTORY RECORDS.—The term
17 “criminal history records”—

18 (A) means information collected by crimi-
19 nal justice agencies on individuals consisting of
20 identifiable descriptions and notations of ar-
21 rests, detentions, indictments, or other formal
22 criminal charges, and any disposition arising
23 therefrom, including acquittal, sentencing, cor-
24 rectional supervision, or release; and

1 (B) does not include identification informa-
2 tion such as fingerprint records if such informa-
3 tion does not indicate involvement of the indi-
4 vidual with the criminal justice system.

5 (5) CRIMINAL HISTORY RECORD REPOSITORY.—
6 The term “criminal history record repository” means
7 the State agency designated by the Governor or
8 other appropriate executive official or the legislature
9 of a State to perform centralized recordkeeping
10 functions for criminal history records and services in
11 the State.

12 (6) CRIMINAL JUSTICE.—The term “criminal
13 justice” includes activities relating to the detection,
14 apprehension, detention, pretrial release, post-trial
15 release, prosecution, adjudication, correctional super-
16 vision, or rehabilitation of accused persons or crimi-
17 nal offenders. The administration of criminal justice
18 includes criminal identification activities and the col-
19 lection, storage, and dissemination of criminal his-
20 tory records.

21 (7) CRIMINAL JUSTICE AGENCY.—The term
22 “criminal justice agency”—

23 (A) means—

24 (i) courts; and

1 (ii) a governmental agency or any
2 subunit thereof that—

3 (I) performs the administration
4 of criminal justice pursuant to a stat-
5 ute or Executive order; and

6 (II) allocates a substantial part
7 of its annual budget to the adminis-
8 tration of criminal justice; and

9 (B) includes Federal and State inspectors
10 general offices.

11 (8) CRIMINAL JUSTICE SERVICES.—The term
12 “criminal justice services” means services provided
13 by the FBI to criminal justice agencies in response
14 to a request for information about a particular indi-
15 vidual or as an update to information previously pro-
16 vided for criminal justice purposes.

17 (9) CRITERION OFFENSE.—The term “criterion
18 offense” means any felony or misdemeanor offense
19 not included on the list of nonserious offenses pub-
20 lished periodically by the FBI.

21 (10) DIRECT ACCESS.—The term “direct ac-
22 cess” means access to the National Identification
23 Index by computer terminal or other automated
24 means not requiring the assistance of or intervention
25 by any other party or agency.

1 (11) EXECUTIVE ORDER.—The term “Executive
2 order” means an order of the President of the
3 United States or the chief executive officer of a
4 State that has the force of law and that is promul-
5 gated in accordance with applicable law.

6 (12) FBI.—The term “FBI” means the Fed-
7 eral Bureau of Investigation.

8 (13) INTERSTATE IDENTIFICATION SYSTEM.—
9 The term “Interstate Identification Index System”
10 or “III System”—

11 (A) means the cooperative Federal-State
12 system for the exchange of criminal history
13 records; and

14 (B) includes the National Identification
15 Index, the National Fingerprint File and, to the
16 extent of their participation in such system, the
17 criminal history record repositories of the
18 States and the FBI.

19 (14) NATIONAL FINGERPRINT FILE.—The term
20 “National Fingerprint File” means a database of
21 fingerprints, or other uniquely personal identifying
22 information, relating to an arrested or charged indi-
23 vidual maintained by the FBI to provide positive
24 identification of record subjects indexed in the III
25 System.

1 (15) NATIONAL IDENTIFICATION INDEX.—The
2 term “National Identification Index” means an
3 index maintained by the FBI consisting of names,
4 identifying numbers, and other descriptive informa-
5 tion relating to record subjects about whom there
6 are criminal history records in the III System.

7 (16) NATIONAL INDICES.—The term “National
8 indices” means the National Identification Index
9 and the National Fingerprint File.

10 (17) NONPARTY STATE.—The term “Nonparty
11 State” means a State that has not ratified this Com-
12 pact.

13 (18) NONCRIMINAL JUSTICE PURPOSES.—The
14 term “noncriminal justice purposes” means uses of
15 criminal history records for purposes authorized by
16 Federal or State law other than purposes relating to
17 criminal justice activities, including employment
18 suitability, licensing determinations, immigration
19 and naturalization matters, and national security
20 clearances.

21 (19) PARTY STATE.—The term “Party State”
22 means a State that has ratified this Compact.

23 (20) POSITIVE IDENTIFICATION.—The term
24 “positive identification” means a determination,
25 based upon a comparison of fingerprints or other

1 equally reliable biometric identification techniques,
2 that the subject of a record search is the same per-
3 son as the subject of a criminal history record or
4 records indexed in the III System. Identifications
5 based solely upon a comparison of subjects' names
6 or other nonunique identification characteristics or
7 numbers, or combinations thereof, shall not con-
8 stitute positive identification.

9 (21) SEALED RECORD INFORMATION.—The
10 term “sealed record information” means—

11 (A) with respect to adults, that portion of
12 a record that is—

13 (i) not available for criminal justice
14 uses;

15 (ii) not supported by fingerprints or
16 other accepted means of positive identifica-
17 tion; or

18 (iii) subject to restrictions on dissemi-
19 nation for noncriminal justice purposes
20 pursuant to a court order related to a par-
21 ticular subject or pursuant to a Federal or
22 State statute that requires action on a
23 sealing petition filed by a particular record
24 subject; and

1 (B) with respect to juveniles, whatever
2 each State determines is a sealed record under
3 its own law and procedure.

4 (22) STATE.—The term “State” means any
5 State, territory, or possession of the United States,
6 the District of Columbia, and the Commonwealth of
7 Puerto Rico.

8 ARTICLE II—PURPOSES

9 The purposes of this Compact are to—

10 (1) provide a legal framework for the establish-
11 ment of a cooperative Federal-State system for the
12 interstate and Federal-State exchange of criminal
13 history records for noncriminal justice uses;

14 (2) require the FBI to permit use of the Na-
15 tional Identification Index and the National Finger-
16 print File by each Party State, and to provide, in a
17 timely fashion, Federal and State criminal history
18 records to requesting States, in accordance with the
19 terms of this Compact and with rules, procedures,
20 and standards established by the Council under Arti-
21 cle VI;

22 (3) require Party States to provide information
23 and records for the National Identification Index
24 and the National Fingerprint File and to provide
25 criminal history records, in a timely fashion, to

1 criminal history record repositories of other States
2 and the Federal Government for noncriminal justice
3 purposes, in accordance with the terms of this Com-
4 pact and with rules, procedures, and standards es-
5 tablished by the Council under Article VI;

6 (4) provide for the establishment of a Council
7 to monitor III System operations and to prescribe
8 system rules and procedures for the effective and
9 proper operation of the III System for noncriminal
10 justice purposes; and

11 (5) require the FBI and each Party State to
12 adhere to III System standards concerning record
13 dissemination and use, response times, system secu-
14 rity, data quality, and other duly established stand-
15 ards, including those that enhance the accuracy and
16 privacy of such records.

17 ARTICLE III—RESPONSIBILITIES OF COMPACT
18 PARTIES

19 (a) FBI RESPONSIBILITIES.—The Director of the
20 FBI shall—

21 (1) appoint an FBI Compact officer who
22 shall—

23 (A) administer this Compact within the
24 Department of Justice and among Federal
25 agencies and other agencies and organizations

1 that submit search requests to the FBI pursu-
2 ant to Article V(e);

3 (B) ensure that Compact provisions and
4 rules, procedures, and standards prescribed by
5 the Council under Article VI are complied with
6 by the Department of Justice and the Federal
7 agencies and other agencies and organizations
8 referred to in Article III(1)(A); and

9 (C) regulate the use of records received by
10 means of the III System from Party States
11 when such records are supplied by the FBI di-
12 rectly to other Federal agencies;

13 (2) provide to Federal agencies and to State
14 criminal history record repositories, criminal history
15 records maintained in its database for the noncrimi-
16 nal justice purposes described in Article IV, includ-
17 ing—

18 (A) information from Nonparty States;

19 and

20 (B) information from Party States that is
21 available from the FBI through the III System,
22 but is not available from the Party State
23 through the III System;

24 (3) provide a telecommunications network and
25 maintain centralized facilities for the exchange of

1 criminal history records for both criminal justice
2 purposes and the noncriminal justice purposes de-
3 scribed in Article IV, and ensure that the exchange
4 of such records for criminal justice purposes has pri-
5 ority over exchange for noncriminal justice purposes;
6 and

7 (4) modify or enter into user agreements with
8 Nonparty State criminal history record repositories
9 to require them to establish record request proce-
10 dures conforming to those prescribed in Article V.

11 (b) STATE RESPONSIBILITIES.—Each Party State
12 shall—

13 (1) appoint a Compact officer who shall—

14 (A) administer this Compact within that
15 State;

16 (B) ensure that Compact provisions and
17 rules, procedures, and standards established by
18 the Council under Article VI are complied with
19 in the State; and

20 (C) regulate the in-State use of records re-
21 ceived by means of the III System from the
22 FBI or from other Party States;

23 (2) establish and maintain a criminal history
24 record repository, which shall provide—

1 (A) information and records for the Na-
2 tional Identification Index and the National
3 Fingerprint File; and

4 (B) the State's III System-indexed crimi-
5 nal history records for noncriminal justice pur-
6 poses described in Article IV;

7 (3) participate in the National Fingerprint File;
8 and

9 (4) provide and maintain telecommunications
10 links and related equipment necessary to support the
11 services set forth in this Compact.

12 (c) COMPLIANCE WITH III SYSTEM STANDARDS.—

13 In carrying out their responsibilities under this Compact,
14 the FBI and each Party State shall comply with III Sys-
15 tem rules, procedures, and standards duly established by
16 the Council concerning record dissemination and use, re-
17 sponse times, data quality, system security, accuracy, pri-
18 vacy protection, and other aspects of III System operation.

19 (d) MAINTENANCE OF RECORD SERVICES.—

20 (1) Use of the III System for noncriminal jus-
21 tice purposes authorized in this Compact shall be
22 managed so as not to diminish the level of services
23 provided in support of criminal justice purposes.

24 (2) Administration of Compact provisions shall
25 not reduce the level of service available to authorized

1 noncriminal justice users on the effective date of this
2 Compact.

3 ARTICLE IV—AUTHORIZED RECORD

4 DISCLOSURES

5 (a) STATE CRIMINAL HISTORY RECORD REPOSI-
6 TORIES.—To the extent authorized by section 552a of title
7 5, United States Code (commonly known as the “Privacy
8 Act of 1974”), the FBI shall provide on request criminal
9 history records (excluding sealed records) to State crimi-
10 nal history record repositories for noncriminal justice pur-
11 poses allowed by Federal statute, Federal Executive order,
12 or a State statute that has been approved by the Attorney
13 General and that authorizes national indices checks.

14 (b) CRIMINAL JUSTICE AGENCIES AND OTHER GOV-
15 ERNMENTAL OR NONGOVERNMENTAL AGENCIES.—The
16 FBI, to the extent authorized by section 552a of title 5,
17 United States Code (commonly known as the “Privacy Act
18 of 1974”), and State criminal history record repositories
19 shall provide criminal history records (excluding sealed
20 records) to criminal justice agencies and other govern-
21 mental or nongovernmental agencies for noncriminal jus-
22 tice purposes allowed by Federal statute, Federal Execu-
23 tive order, or a State statute that has been approved by
24 the Attorney General, that authorizes national indices
25 checks.

1 (c) PROCEDURES.—Any record obtained under this
2 Compact may be used only for the official purposes for
3 which the record was requested. Each Compact officer
4 shall establish procedures, consistent with this Compact,
5 and with rules, procedures, and standards established by
6 the Council under Article VI, which procedures shall pro-
7 tect the accuracy and privacy of the records, and shall—

8 (1) ensure that records obtained under this
9 Compact are used only by authorized officials for au-
10 thorized purposes;

11 (2) require that subsequent record checks are
12 requested to obtain current information whenever a
13 new need arises; and

14 (3) ensure that record entries that may not le-
15 gally be used for a particular noncriminal justice
16 purpose are deleted from the response and, if no in-
17 formation authorized for release remains, an appro-
18 priate “no record” response is communicated to the
19 requesting official.

20 ARTICLE V—RECORD REQUEST PROCEDURES

21 (a) POSITIVE IDENTIFICATION.—Subject fingerprints
22 or other approved forms of positive identification shall be
23 submitted with all requests for criminal history record
24 checks for noncriminal justice purposes.

1 (b) SUBMISSION OF STATE REQUESTS.—Each re-
2 quest for a criminal history record check utilizing the na-
3 tional indices made under any approved State statute shall
4 be submitted through that State’s criminal history record
5 repository. A State criminal history record repository shall
6 process an interstate request for noncriminal justice pur-
7 poses through the national indices only if such request is
8 transmitted through another State criminal history record
9 repository or the FBI.

10 (c) SUBMISSION OF FEDERAL REQUESTS.—Each re-
11 quest for criminal history record checks utilizing the na-
12 tional indices made under Federal authority shall be sub-
13 mitted through the FBI or, if the State criminal history
14 record repository consents to process fingerprint submis-
15 sions, through the criminal history record repository in the
16 State in which such request originated. Direct access to
17 the National Identification Index by entities other than
18 the FBI and State criminal history records repositories
19 shall not be permitted for noncriminal justice purposes.

20 (d) FEES.—A State criminal history record reposi-
21 tory or the FBI—

22 (1) may charge a fee, in accordance with appli-
23 cable law, for handling a request involving finger-
24 print processing for noncriminal justice purposes;
25 and

1 (2) may not charge a fee for providing criminal
2 history records in response to an electronic request
3 for a record that does not involve a request to proc-
4 ess fingerprints.

5 (e) ADDITIONAL SEARCH.—

6 (1) If a State criminal history record repository
7 cannot positively identify the subject of a record re-
8 quest made for noncriminal justice purposes, the re-
9 quest, together with fingerprints or other approved
10 identifying information, shall be forwarded to the
11 FBI for a search of the national indices.

12 (2) If, with respect to an request forwarded by
13 a State criminal history record repository under
14 paragraph (1), the FBI positively identifies the sub-
15 ject as having a III System-indexed record or
16 records—

17 (A) the FBI shall so advise the State
18 criminal history record repository; and

19 (B) the State criminal history record re-
20 pository shall be entitled to obtain the addi-
21 tional criminal history record information from
22 the FBI or other State criminal history record
23 repositories.

1 ARTICLE VI—ESTABLISHMENT OF COMPACT
2 COUNCIL

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established a coun-
5 cil to be known as the “Compact Council”, which
6 shall have the authority to promulgate rules and
7 procedures governing the use of the III System for
8 noncriminal justice purposes, not to conflict with
9 FBI administration of the III System for criminal
10 justice purposes.

11 (2) ORGANIZATION.—The Council shall—

12 (A) continue in existence as long as this
13 Compact remains in effect;

14 (B) be located, for administrative pur-
15 poses, within the FBI; and

16 (C) be organized and hold its first meeting
17 as soon as practicable after the effective date of
18 this Compact.

19 (b) MEMBERSHIP.—The Council shall be composed of
20 15 members, each of whom shall be appointed by the At-
21 torney General, as follows:

22 (1) Nine members, each of whom shall serve a
23 2-year term, who shall be selected from among the
24 Compact officers of Party States based on the rec-
25 ommendation of the Compact officers of all Party

1 States, except that, in the absence of the requisite
2 number of Compact officers available to serve, the
3 chief administrators of the criminal history record
4 repositories of Nonparty States shall be eligible to
5 serve on an interim basis.

6 (2) Two at-large members, nominated by the
7 Director of the FBI, each of whom shall serve a 3-
8 year term, of whom—

9 (A) 1 shall be a representative of the
10 criminal justice agencies of the Federal Govern-
11 ment and may not be an employee of the FBI;
12 and

13 (B) 1 shall be a representative of the non-
14 criminal justice agencies of the Federal Govern-
15 ment.

16 (3) Two at-large members, nominated by the
17 Chairman of the Council, once the Chairman is
18 elected pursuant to Article VI(c), each of whom shall
19 serve a 3-year term, of whom—

20 (A) 1 shall be a representative of State or
21 local criminal justice agencies; and

22 (B) 1 shall be a representative of State or
23 local noncriminal justice agencies.

24 (4) One member, who shall serve a 3-year term,
25 and who shall simultaneously be a member of the

1 FBI's advisory policy board on criminal justice in-
2 formation services, nominated by the membership of
3 that policy board.

4 (5) One member, nominated by the Director of
5 the FBI, who shall serve a 3-year term, and who
6 shall be an employee of the FBI.

7 (c) CHAIRMAN AND VICE CHAIRMAN.—

8 (1) IN GENERAL.—From its membership, the
9 Council shall elect a Chairman and a Vice Chairman
10 of the Council, respectively. Both the Chairman and
11 Vice Chairman of the Council—

12 (A) shall be a Compact officer, unless
13 there is no Compact officer on the Council who
14 is willing to serve, in which case the Chairman
15 may be an at-large member; and

16 (B) shall serve a 2-year term and may be
17 reelected to only 1 additional 2-year term.

18 (2) DUTIES OF VICE CHAIRMAN.—The Vice
19 Chairman of the Council shall serve as the Chair-
20 man of the Council in the absence of the Chairman.

21 (d) MEETINGS.—

22 (1) IN GENERAL.—The Council shall meet a
23 least once each year at the call of the Chairman.
24 Each meeting of the Council shall be open to the
25 public. The Council shall provide prior public notice

1 in the Federal Register of each meeting of the Coun-
2 cil, including the matters to be addressed at such
3 meeting.

4 (2) QUORUM.—A majority of the Council or any
5 committee of the Council shall constitute a quorum
6 of the Council or of such committee, respectively, for
7 the conduct of business. A lesser number may meet
8 to hold hearings, take testimony, or conduct any
9 business not requiring a vote.

10 (e) RULES, PROCEDURES, AND STANDARDS.—The
11 Council shall make available for public inspection and
12 copying at the Council office within the FBI, and shall
13 publish in the Federal Register, any rules, procedures, or
14 standards established by the Council.

15 (f) ASSISTANCE FROM FBI.—The Council may re-
16 quest from the FBI such reports, studies, statistics, or
17 other information or materials as the Council determines
18 to be necessary to enable the Council to perform its duties
19 under this Compact. The FBI, to the extent authorized
20 by law, may provide such assistance or information upon
21 such a request.

22 (g) COMMITTEES.—The Chairman may establish
23 committees as necessary to carry out this Compact and
24 may prescribe their membership, responsibilities, and du-
25 ration.

1 ARTICLE VII—RATIFICATION OF COMPACT

2 This Compact shall take effect upon being entered
3 into by 2 or more States as between those States and the
4 Federal Government. Upon subsequent entering into this
5 Compact by additional States, it shall become effective
6 among those States and the Federal Government and each
7 Party State that has previously ratified it. When ratified,
8 this Compact shall have the full force and effect of law
9 within the ratifying jurisdictions. The form of ratification
10 shall be in accordance with the laws of the executing State.

11 ARTICLE VIII—MISCELLANEOUS PROVISIONS

12 (a) RELATION OF COMPACT TO CERTAIN FBI AC-
13 TIVITIES.—Administration of this Compact shall not inter-
14 fere with the management and control of the Director of
15 the FBI over the FBI's collection and dissemination of
16 criminal history records and the advisory function of the
17 FBI's advisory policy board chartered under the Federal
18 Advisory Committee Act (5 U.S.C. App.) for all purposes
19 other than noncriminal justice.

20 (b) NO AUTHORITY FOR NONAPPROPRIATED EX-
21 PENDITURES.—Nothing in this Compact shall require the
22 FBI to obligate or expend funds beyond those appro-
23 priated to the FBI.

24 (c) RELATING TO PUBLIC LAW 92-544.—Nothing in
25 this Compact shall diminish or lessen the obligations, re-

1 sponsibilities, and authorities of any State, whether a
2 Party State or a Nonparty State, or of any criminal his-
3 tory record repository or other subdivision or component
4 thereof, under the Departments of State, Justice, and
5 Commerce, the Judiciary, and Related Agencies Appro-
6 priation Act, 1973 (Public Law 92-544), or regulations
7 and guidelines promulgated thereunder, including the
8 rules and procedures promulgated by the Council under
9 Article VI(a), regarding the use and dissemination of
10 criminal history records and information.

11 ARTICLE IX—RENUNCIATION

12 (a) IN GENERAL.—This Compact shall bind each
13 Party State until renounced by the Party State.

14 (b) EFFECT.—Any renunciation of this Compact by
15 a Party State shall—

16 (1) be effected in the same manner by which
17 the Party State ratified this Compact; and

18 (2) become effective 180 days after written no-
19 tice of renunciation is provided by the Party State
20 to each other Party State and to the Federal Gov-
21 ernment.

22 ARTICLE X—SEVERABILITY

23 The provisions of this Compact shall be severable,
24 and if any phrase, clause, sentence, or provision of this
25 Compact is declared to be contrary to the constitution of

1 any participating State, or to the Constitution of the
2 United States, or the applicability thereof to any govern-
3 ment, agency, person, or circumstance is held invalid, the
4 validity of the remainder of this Compact and the applica-
5 bility thereof to any government, agency, person, or cir-
6 cumstance shall not be affected thereby. If a portion of
7 this Compact is held contrary to the constitution of any
8 Party State, all other portions of this Compact shall re-
9 main in full force and effect as to the remaining Party
10 States and in full force and effect as to the Party State
11 affected, as to all other provisions.

12 ARTICLE XI—ADJUDICATION OF DISPUTES

13 (a) IN GENERAL.—The Council shall—

14 (1) have initial authority to make determina-
15 tions with respect to any dispute regarding—

16 (A) interpretation of this Compact;

17 (B) any rule or standard established by the
18 Council pursuant to Article V; and

19 (C) any dispute or controversy between
20 any parties to this Compact; and

21 (2) hold a hearing concerning any dispute de-
22 scribed in paragraph (1) at a regularly scheduled
23 meeting of the Council and only render a decision
24 based upon a majority vote of the members of the

1 Council. Such decision shall be published pursuant
2 to the requirements of Article VI(e).

3 (b) DUTIES OF FBI.—The FBI shall exercise imme-
4 diate and necessary action to preserve the integrity of the
5 III System, maintain system policy and standards, protect
6 the accuracy and privacy of records, and to prevent
7 abuses, until the Council holds a hearing on such matters.

8 (c) RIGHT OF APPEAL.—The FBI or a Party State
9 may appeal any decision of the Council to the Attorney
10 General, and thereafter may file suit in the appropriate
11 district court of the United States, which shall have origi-
12 nal jurisdiction of all cases or controversies arising under
13 this Compact. Any suit arising under this Compact and
14 initiated in a State court shall be removed to the appro-
15 priate district court of the United States in the manner
16 provided by section 1446 of title 28, United States Code,
17 or other statutory authority.

18 **Subtitle B—State Grant Program**
19 **for Criminal Justice Identifica-**
20 **tion, Information, and Commu-**
21 **nication**

22 **SEC. 6101. SHORT TITLE.**

23 This title may be cited as the “Crime Identification
24 Technology Act of 1998”.

1 **SEC. 6102. STATE GRANT PROGRAM.**

2 (a) IN GENERAL.—Subject to the availability of
3 amounts provided in advance in appropriations Acts, the
4 Attorney General, through the Bureau of Justice Statis-
5 tics of the Department of Justice, shall make a grant to
6 each State, which shall be used by the State, in conjunc-
7 tion with units of local government, State and local courts,
8 other States, or combinations thereof, to establish or up-
9 grade an integrated approach to develop information and
10 identification technologies and systems to—

11 (1) upgrade criminal history and criminal jus-
12 tice record systems, including systems operated by
13 law enforcement agencies and courts;

14 (2) improve criminal justice identification;

15 (3) promote compatibility and integration of na-
16 tional, State, and local systems for—

17 (A) criminal justice purposes;

18 (B) firearms eligibility determinations;

19 (C) identification of sexual offenders;

20 (D) identification of domestic violence of-
21 fenders; and

22 (E) background checks for other author-
23 ized purposes unrelated to criminal justice; and

24 (4) capture information for statistical and re-
25 search purposes to improve the administration of
26 criminal justice.

1 (b) USE OF GRANT AMOUNTS.—Grants under this
2 section may be used for programs to establish, develop,
3 update, or upgrade—

4 (1) State centralized, automated, adult and ju-
5 venile criminal history record information systems,
6 including arrest and disposition reporting;

7 (2) automated fingerprint identification systems
8 that are compatible with standards established by
9 the National Institute of Standards and Technology
10 and interoperable with the Integrated Automated
11 Fingerprint Identification System (IAFIS) of the
12 Federal Bureau of Investigation;

13 (3) finger imaging, live scan, and other auto-
14 mated systems to digitize fingerprints and to com-
15 municate prints in a manner that is compatible with
16 standards established by the National Institute of
17 Standards and Technology and interoperable with
18 systems operated by States and by the Federal Bu-
19 reau of Investigation;

20 (4) programs and systems to facilitate full par-
21 ticipation in the Interstate Identification Index of
22 the National Crime Information Center;

23 (5) systems to facilitate full participation in any
24 compact relating to the Interstate Identification
25 Index of the National Crime Information Center;

1 (6) systems to facilitate full participation in the
2 national instant criminal background check system
3 established under section 103(b) of the Brady Hand-
4 gun Violence Prevention Act (18 U.S.C. 922 note)
5 for firearms eligibility determinations;

6 (7) integrated criminal justice information sys-
7 tems to manage and communicate criminal justice
8 information among law enforcement agencies, courts,
9 prosecutors, and corrections agencies;

10 (8) noncriminal history record information sys-
11 tems relevant to firearms eligibility determinations
12 for availability and accessibility to the national in-
13 stant criminal background check system established
14 under section 103(b) of the Brady Handgun Vio-
15 lence Prevention Act (18 U.S.C. 922 note);

16 (9) court-based criminal justice information sys-
17 tems that promote—

18 (A) reporting of dispositions to central
19 State repositories and to the Federal Bureau of
20 Investigation; and

21 (B) compatibility with, and integration of,
22 court systems with other criminal justice infor-
23 mation systems;

1 (10) ballistics identification and information
2 programs that are compatible and integrated with
3 the National Integrated Ballistics Network (NIBN);

4 (11) DNA programs for forensic and identifica-
5 tion purposes, and identification and information
6 programs to improve forensic analysis and to assist
7 in accrediting crime laboratories;

8 (12) sexual offender identification and registra-
9 tion systems;

10 (13) domestic violence offender identification
11 and information systems;

12 (14) programs for fingerprint-supported back-
13 ground checks capability for noncriminal justice pur-
14 poses, including youth service employees and volun-
15 teers and other individuals in positions of respon-
16 sibility, if authorized by Federal or State law and
17 administered by a government agency;

18 (15) criminal justice information systems with a
19 capacity to provide statistical and research products
20 including incident-based reporting systems that are
21 compatible with the National Incident-Based Report-
22 ing System (NIBRS) and uniform crime reports;
23 and

24 (16) multiagency, multijurisdictional commu-
25 nications systems among the States to share routine

1 and emergency information among Federal, State,
2 and local law enforcement agencies.

3 (c) ASSURANCES.—To be eligible to receive a grant
4 under this section, a State shall provide assurances to the
5 Attorney General that the State has the capability to con-
6 tribute pertinent information to the national instant crimi-
7 nal background check system established under section
8 103(b) of the Brady Handgun Violence Prevention Act
9 (18 U.S.C. 922 note).

10 (d) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated to carry out this section \$250,000,000
13 for each of fiscal years 1999 through 2003.

14 (2) LIMITATIONS.—Of the amount made avail-
15 able to carry out this section in any fiscal year—

16 (A) not more than 3 percent may be used
17 by the Attorney General for salaries and admin-
18 istrative expenses;

19 (B) not more than 5 percent may be used
20 for technical assistance, training and evalua-
21 tions, and studies commissioned by Bureau of
22 Justice Statistics of the Department of Justice
23 (through discretionary grants or otherwise) in
24 furtherance of the purposes of this section; and

1 (C) the Attorney General shall ensure the
2 amounts are distributed on an equitable geo-
3 graphic basis.

4 (e) GRANTS TO INDIAN TRIBES.—Notwithstanding
5 any other provision of this section, the Attorney General
6 may use amounts made available under this section to
7 make grants to Indian tribes for use in accordance with
8 this section.

9 **TITLE VII—ENHANCEMENT OF**
10 **RIGHTS AND PROTECTIONS**
11 **FOR VICTIMS OF CRIME**

12 **Subtitle A—Crime Victims**
13 **Assistance**

14 **SEC. 7001. DEFINITIONS.**

15 In this subtitle:

16 (1) ATTORNEY GENERAL.—The term “Attorney
17 General” means the Attorney General of the United
18 States.

19 (2) BODILY INJURY.—The term “bodily injury”
20 has the meaning given that term in section 1365(g)
21 of title 18, United States Code.

22 (3) FAMILY MEMBER.—The term “family mem-
23 ber” means, with respect to a victim, the spouse,
24 parent, brother or sister, or child of the victim, any
25 person to whom the victim stands in loco parentis,

1 or any other person living in the household of the
2 victim and related to the victim by blood or mar-
3 riage.

4 (4) INDIAN TRIBE.—The term “Indian tribe”
5 has the same meaning as in section 4(e) of the In-
6 dian Self-Determination and Education Assistance
7 Act (25 U.S.C. 450b(e)).

8 (5) JUDICIAL CONFERENCE.—The term “Judi-
9 cial Conference” means the Judicial Conference of
10 the United States established under section 331 of
11 title 28, United States Code.

12 (6) LAW ENFORCEMENT OFFICER.—The term
13 “law enforcement officer” means an individual au-
14 thorized by law to engage in or supervise the preven-
15 tion, detection, investigation, or prosecution of any
16 violation of law, and includes corrections, probation,
17 parole, and judicial officers.

18 (7) OFFICE OF VICTIMS OF CRIME.—The term
19 “Office of Victims of Crime” means the Office of
20 Victims of Crime of the Department of Justice.

21 (8) STATE.—The term “State” means each of
22 the several States of the United States, the District
23 of Columbia, the Commonwealth of Puerto Rico, the
24 Virgin Islands, Guam, American Samoa, and the
25 Commonwealth of the Northern Mariana Islands.

1 (9) UNIT OF LOCAL GOVERNMENT.—The term
2 “unit of local government” means any—

3 (A) city, county, township, town, borough,
4 parish, village, or other general purpose politi-
5 cal subdivision of a State; or

6 (B) Indian tribe.

7 (10) VICTIM.—The term “victim”—

8 (A) means an individual harmed as a re-
9 sult of a commission of an offense involving
10 death or bodily injury to any person, a threat
11 of death or bodily injury to any person, a sexual
12 assault, or an attempted sexual assault; or a
13 natural person harmed by any fraud or mis-
14 representation relating to a sale or other con-
15 tract for any item, benefit, product, or service;
16 and

17 (B) includes—

18 (i) in the case of a victim who is less
19 than 18 years of age or incompetent, the
20 parent or legal guardian of the victim;

21 (ii) in the case of a victim who is de-
22 ceased or incapacitated, 1 or more family
23 members designated by the court; and

24 (iii) any other person appointed by
25 the court to represent the victim, except

1 that in no event shall a defendant be ap-
 2 pointed as the representative or guardian
 3 of the victim.

4 (11) QUALIFIED PRIVATE ENTITY.—The term
 5 “qualified private entity” means a private entity
 6 that meets such requirements as the Attorney Gen-
 7 eral may establish.

8 **PART 1—PROTECTION OF CRIME VICTIMS’**
 9 **RIGHTS**

10 **Subpart A—Amendments to Title 18, United States**
 11 **Code**

12 **SEC. 7111. RIGHT TO BE NOTIFIED OF DETENTION HEAR-**
 13 **ING AND RIGHT TO BE HEARD ON THE ISSUE**
 14 **OF DETENTION.**

15 Section 3142 of title 18, United States Code, is
 16 amended by adding at the end the following:

17 “(k) NOTIFICATION OF RIGHT TO BE HEARD.—

18 “(1) IN GENERAL.—In any case involving a de-
 19 fendant who is arrested for an offense involving
 20 death or bodily injury to any person, a threat of
 21 death or bodily injury to any person, or a sexual as-
 22 sault, or an attempted sexual assault, in which a de-
 23 tention hearing is scheduled pursuant to subsection
 24 (f)—

1 “(A) the Government shall make a reason-
2 able effort to notify the victim of the hearing,
3 and of the right of the victim to be heard on
4 the issue of detention; and

5 “(B) at the hearing under subsection (f),
6 the court shall inquire of the Government as to
7 whether the efforts at notification of the victim
8 under subparagraph (A) were successful and, if
9 so, whether the victim wishes to be heard on
10 the issue of detention and, if so, shall afford the
11 victim such an opportunity.

12 “(2) LIMITATION.—Upon motion of either
13 party that identification of the defendant by the vic-
14 tim is a fact in dispute, and that no means of ver-
15 ification has been attempted, the Court shall use ap-
16 propriate measures to protect the integrity of the
17 identification process.

18 “(3) ADDRESS.—With respect to any case de-
19 scribed in paragraph (1), the victim shall notify the
20 appropriate authority of an address to which notifi-
21 cation under this subsection may be sent.”.

1 **SEC. 7112. RIGHT TO A SPEEDY TRIAL AND PROMPT DIS-**
2 **POSITION FREE FROM UNREASONABLE**
3 **DELAY.**

4 Section 3161(h)(8)(B) of title 18, United States
5 Code, is amended by adding at the end the following:

6 “(v) The interests of the victim (or the family
7 of a victim who is deceased or incapacitated) in the
8 prompt and appropriate disposition of the case, free
9 from unreasonable delay.”.

10 **SEC. 7113. ENHANCED RIGHT TO ORDER OF RESTITUTION.**

11 Section 3664(d)(2)(A)(iv) of title 18, United States
12 Code, is amended by inserting “, and the right of the vic-
13 tim (or the family of a victim who is deceased or incapaci-
14 tated) to attend the sentencing hearing and to make a
15 statement to the court at the sentencing hearing” before
16 the semicolon.

17 **SEC. 7114. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE**
18 **OR RELEASE FROM PRISON.**

19 Section 503(c)(5)(B) of the Victims’ Rights and Res-
20 titution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is
21 amended by inserting after “offender” the following: “, in-
22 cluding escape, work release, furlough, or any other form
23 of release from a psychiatric institution or other facility
24 that provides mental health services to offenders”.

1 **Subpart B—Amendments to Federal Rules of**
2 **Criminal Procedure**

3 **SEC. 7121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT**
4 **AND TO BE HEARD ON MERITS OF THE PLEA**
5 **AGREEMENT.**

6 (a) IN GENERAL.—Rule 11 of the Federal Rules of
7 Criminal Procedure is amended by adding at the end the
8 following:

9 “(i) RIGHTS OF VICTIMS.—

10 “(1) IN GENERAL.—In any case involving a de-
11 fendant who is arrested for an offense involving
12 death or bodily injury to any person, a threat of
13 death or bodily injury to any person, a sexual as-
14 sault, or an attempted sexual assault—

15 “(A) the Government, prior to a hearing at
16 which a plea of guilty or nolo contendere is en-
17 tered, shall make a reasonable effort to notify
18 the victim of—

19 “(i) the date and time of the hearing;

20 and

21 “(ii) the right of the victim to attend
22 the hearing and to address the court; and

23 “(B) if the victim attends a hearing de-
24 scribed in subparagraph (A), the court, before
25 accepting a plea of guilty or nolo contendere,

1 shall afford the victim an opportunity to be
2 heard on the proposed plea agreement.

3 “(2) ADDRESS.—With respect to any case de-
4 scribed in paragraph (1), the victim shall notify the
5 appropriate authority of an address to which notifi-
6 cation under this subsection may be sent.

7 “(3) MASS VICTIM CASES.—In any case involv-
8 ing more than 15 victims, the court, after consulta-
9 tion with the Government and the victims, may ap-
10 point a number of victims to serve as representatives
11 of the victims’ interests.”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendment made by
14 subsection (a) shall become effective as provided in
15 paragraph (3).

16 (2) ACTION BY JUDICIAL CONFERENCE.—

17 (A) RECOMMENDATIONS.—Not later than
18 180 days after the date of enactment of this
19 Act, the Judicial Conference shall submit to
20 Congress a report containing recommendations
21 for amending the Federal Rules of Criminal
22 Procedure to provide enhanced opportunities for
23 victims of offenses involving death or bodily in-
24 jury to any person, the threat of death or bodily
25 injury to any person, a sexual assault, or an at-

1 tempted sexual assault, to be heard on the issue
2 of whether or not the court should accept a plea
3 of guilty or nolo contendere.

4 (B) INAPPLICABILITY OF OTHER LAW.—
5 Chapter 131 of title 28, United States Code,
6 does not apply to any recommendation made by
7 the Judicial Conference under this paragraph.

8 (3) CONGRESSIONAL ACTION.—Except as other-
9 wise provided by law, if the Judicial Conference—

10 (A) submits a report in accordance with
11 paragraph (2) containing recommendations de-
12 scribed in that paragraph, and those rec-
13 ommendations are the same as the amendment
14 made by subsection (a), then the amendment
15 made by subsection (a) shall become effective
16 30 days after the date on which the rec-
17 ommendations are submitted to Congress under
18 paragraph (2);

19 (B) submits a report in accordance with
20 paragraph (2) containing recommendations de-
21 scribed in that paragraph, and those rec-
22 ommendations are different in any respect from
23 the amendment made by subsection (a), the rec-
24 ommendations made pursuant to paragraph (2)
25 shall become effective 180 days after the date

1 on which the recommendations are submitted to
 2 Congress under paragraph (2), unless an Act of
 3 Congress is passed overturning the rec-
 4 ommendations; and

5 (C) fails to comply with paragraph (2), the
 6 amendment made by subsection (a) shall be-
 7 come effective 360 days after the date of enact-
 8 ment of this Act.

9 (4) APPLICATION.—Any amendment made pur-
 10 suant to this section (including any amendment
 11 made pursuant to the recommendations of the
 12 United States Sentencing Commission under para-
 13 graph (2)) shall apply in any proceeding commenced
 14 on or after the effective date of the amendment.

15 **SEC. 7122. ENHANCED RIGHTS OF NOTIFICATION AND AL-**
 16 **LOCUTION AT SENTENCING.**

17 (a) IN GENERAL.—Rule 32 of the Federal Rules of
 18 Criminal Procedure is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (4), by striking subpara-
 21 graph (D) and inserting the following:

22 “(D) a victim impact statement, identify-
 23 ing, to the maximum extent practicable—

24 “(i) each victim of the offense (except
 25 that such identification shall not include

1 information relating to any telephone num-
2 ber, place of employment, or residential ad-
3 dress of any victim);

4 “(ii) an itemized account of any eco-
5 nomic loss suffered by each victim as a re-
6 sult of the offense;

7 “(iii) any physical injury suffered by
8 each victim as a result of the offense,
9 along with its seriousness and permanence;

10 “(iv) a description of any change in
11 the personal welfare or familial relation-
12 ships of each victim as a result of the of-
13 fense; and

14 “(v) a description of the impact of the
15 offense upon each victim and the rec-
16 ommendation of each victim regarding an
17 appropriate sanction for the defendant;”;
18 and

19 (B) by adding at the end the following:

20 “(7) VICTIM IMPACT STATEMENTS.—

21 “(A) IN GENERAL.—Any probation officer
22 preparing a presentence report shall—

23 “(i) make a reasonable effort to notify
24 each victim of the offense that such a re-

1 port is being prepared and the purpose of
2 such report; and

3 “(ii) provide the victim with an oppor-
4 tunity to submit an oral or written state-
5 ment, or a statement on audio or videotape
6 outlining the impact of the offense upon
7 the victim.

8 “(B) USE OF STATEMENTS.—Any written
9 statement submitted by a victim under subpara-
10 graph (A) shall be attached to the presentence
11 report and shall be provided to the sentencing
12 court and to the parties.”;

13 (2) in subsection (c)(1), by adding at the end
14 the following: “Before sentencing in any case in
15 which a defendant has been charged with or found
16 guilty of an offense involving death or bodily injury
17 to any person, a threat of death or bodily injury to
18 any person, a sexual assault, or an attempted sexual
19 assault, the Government shall make a reasonable ef-
20 fort to notify the victim of the time and place of sen-
21 tencing and of his right to attend and to be heard.”;
22 and

23 (3) in subsection (f), by inserting “the right to
24 notification and to submit a statement under sub-
25 division (b)(7), the right to notification and to be

1 heard under subdivision (c)(1), and” before “the
2 right of allocution”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by
5 subsection (a) shall become effective as provided in
6 paragraph (3).

7 (2) ACTION BY JUDICIAL CONFERENCE.—

8 (A) RECOMMENDATIONS.—Not later than
9 180 days after the date of enactment of this
10 Act, the Judicial Conference shall submit to
11 Congress a report containing recommendations
12 for amending the Federal Rules of Criminal
13 Procedure to provide enhanced opportunities for
14 victims of offenses involving death or bodily in-
15 jury to any person, a threat of death or bodily
16 injury to any person, a sexual assault, or an at-
17 tempted sexual assault, to participate during
18 the presentencing phase of the criminal process.

19 (B) INAPPLICABILITY OF OTHER LAW.—
20 Chapter 131 of title 28, United States Code,
21 does not apply to any recommendation made by
22 the Judicial Conference under this paragraph.

23 (3) CONGRESSIONAL ACTION.—Except as other-
24 wise provided by law, if the Judicial Conference—

1 (A) submits a report in accordance with
2 paragraph (2) containing recommendations de-
3 scribed in that paragraph, and those rec-
4 ommendations are the same as the amendments
5 made by subsection (a), then the amendments
6 made by subsection (a) shall become effective
7 30 days after the date on which the rec-
8 ommendations are submitted to Congress under
9 paragraph (2);

10 (B) submits a report in accordance with
11 paragraph (2) containing recommendations de-
12 scribed in that paragraph, and those rec-
13 ommendations are different in any respect from
14 the amendments made by subsection (a), the
15 recommendations made pursuant to paragraph
16 (2) shall become effective 180 days after the
17 date on which the recommendations are submit-
18 ted to Congress under paragraph (2), unless an
19 Act of Congress is passed overturning the rec-
20 ommendations; and

21 (C) fails to comply with paragraph (2), the
22 amendments made by subsection (a) shall be-
23 come effective 360 days after the date of enact-
24 ment of this Act.

1 (4) APPLICATION.—Any amendment made pur-
2 suant to this section (including any amendment
3 made pursuant to the recommendations of the
4 United States Sentencing Commission under para-
5 graph (2)) shall apply in any proceeding commenced
6 on or after the effective date of the amendment.

7 **SEC. 7123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT**
8 **A PROBATION REVOCATION HEARING.**

9 (a) IN GENERAL.—Rule 32.1 of the Federal Rules
10 of Criminal Procedure is amended by adding at the end
11 the following:

12 “(d) RIGHTS OF VICTIMS.—

13 “(1) IN GENERAL.—At any hearing pursuant to
14 subsection (a)(2) involving 1 or more persons who
15 have been convicted of an offense involving death or
16 bodily injury to any person, a threat of death or
17 bodily injury to any person, a sexual assault, or an
18 attempted sexual assault, the government shall make
19 reasonable efforts to notify the victim of the offense
20 (and the victim of any new charges giving rise to the
21 hearings), of—

22 “(A) the date and time of the hearing; and

23 “(B) the right of the victim to attend the
24 hearing and to address the court regarding

1 whether the terms or conditions of probation or
2 supervised release should be modified.

3 “(2) DUTIES OF COURT AT HEARING.—At any
4 hearing described in paragraph (1) at which a victim
5 is present, the court shall—

6 “(A) address each victim personally; and

7 “(B) afford the victim an opportunity to be
8 heard on the proposed terms or conditions of
9 probation or supervised release.

10 “(3) ADDRESS.—In any case described in para-
11 graph (1), the victim shall notify the appropriate au-
12 thority of an address to which notification under this
13 paragraph may be sent.”.

14 (b) EFFECTIVE DATE.—

15 (1) IN GENERAL.—The amendment made by
16 subsection (a) shall become effective as provided in
17 paragraph (3).

18 (2) ACTION BY JUDICIAL CONFERENCE.—

19 (A) RECOMMENDATIONS.—Not later than
20 180 days after the date of enactment of this
21 Act, the Judicial Conference shall submit to
22 Congress a report containing recommendations
23 for amending the Federal Rules of Criminal
24 Procedure to ensure that reasonable efforts are
25 made to notify victims of offenses involving

1 death or bodily injury to any person, a threat
2 of death or bodily injury to any person, a sexual
3 assault, or an attempted sexual assault, of any
4 revocation hearing held pursuant to rule
5 32.1(a)(2) of the Federal Rules of Criminal
6 Procedure.

7 (B) INAPPLICABILITY OF OTHER LAW.—
8 Chapter 131 of title 28, United States Code,
9 does not apply to any recommendation made by
10 the Judicial Conference under this paragraph.

11 (3) CONGRESSIONAL ACTION.—Except as other-
12 wise provided by law, if the Judicial Conference—

13 (A) submits a report in accordance with
14 paragraph (2) containing recommendations de-
15 scribed in that paragraph, and those rec-
16 ommendations are the same as the amendment
17 made by subsection (a), then the amendment
18 made by subsection (a) shall become effective
19 30 days after the date on which the rec-
20 ommendations are submitted to Congress under
21 paragraph (2);

22 (B) submits a report in accordance with
23 paragraph (2) containing recommendations de-
24 scribed in that paragraph, and those rec-
25 ommendations are different in any respect from

1 the amendment made by subsection (a), the rec-
2 ommendations made pursuant to paragraph (2)
3 shall become effective 180 days after the date
4 on which the recommendations are submitted to
5 Congress under paragraph (2), unless an Act of
6 Congress is passed overturning the rec-
7 ommendations; and

8 (C) fails to comply with paragraph (2), the
9 amendment made by subsection (a) shall be-
10 come effective 360 days after the date of enact-
11 ment of this Act.

12 (4) APPLICATION.—Any amendment made pur-
13 suant to this section (including any amendment
14 made pursuant to the recommendations of the
15 United States Sentencing Commission under para-
16 graph (2)) shall apply in any proceeding commenced
17 on or after the effective date of the amendment.

18 **Subpart C—Amendment to Federal Rules of**

19 **Evidence**

20 **SEC. 7131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.**

21 (a) IN GENERAL.—Rule 615 of the Federal Rules of
22 Evidence is amended—

23 (1) by striking “At the request” and inserting
24 the following:

1 “(a) IN GENERAL.—Except as provided in subsection
2 (b), at the request”;

3 (2) by striking “This rule” and inserting the
4 following:

5 “(b) EXCEPTIONS.—Subsection (a)”;

6 (3) by striking “exclusion of (1) a party” and
7 inserting the following: “exclusion of—

8 “(1) a party”;

9 (4) by striking “person, or (2) an officer” and
10 inserting the following: “person;

11 “(2) an officer”;

12 (5) by striking “attorney, or (3) a person” and
13 inserting the following: “attorney;

14 “(3) a person”;

15 (6) by striking the period at the end and insert-
16 ing “; or”; and

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

18 “(4) a person who is a victim of an offense in-
19 volving death or bodily injury to any person, a threat
20 of death or bodily injury to any person, a sexual as-
21 sault, or an attempted sexual assault, for which a
22 defendant is being tried in a criminal trial, unless
23 the court concludes that—

24 “(A) the testimony of the person will be
25 materially affected by hearing the testimony of

1 other witnesses, and the material effect of hear-
2 ing the testimony of other witnesses on the tes-
3 timony of that person will result in unfair prej-
4 udice to any party; or

5 “(B) due to the large number of victims or
6 family members of victims who may be called as
7 witnesses, permitting attendance in the court-
8 room itself when testimony is being heard is not
9 feasible.

10 “(c) DISCRETION OF COURT; EFFECT ON OTHER
11 LAW.—Nothing in subsection (b)(4) shall be construed—

12 “(1) to limit the ability of a court to exclude a
13 witness, if the court determines that such action is
14 necessary to maintain order during a court proceed-
15 ing; or

16 “(2) to limit or otherwise affect the ability of
17 a witness to be present during court proceedings
18 pursuant to section 3510 of title 18, United States
19 Code.”.

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendments made by
22 subsection (a) shall become effective as provided in
23 paragraph (3).

24 (2) ACTION BY JUDICIAL CONFERENCE.—

1 (A) RECOMMENDATIONS.—Not later than
2 180 days after the date of enactment of this
3 Act, the Judicial Conference shall submit to
4 Congress a report containing recommendations
5 for amending the Federal Rules of Criminal
6 Procedure so that reasonable efforts are made
7 to notify victims of offenses involving death or
8 bodily injury to any person, a threat of death
9 or bodily injury to any person, a sexual assault,
10 or an attempted sexual assault, to attend judi-
11 cial proceedings, even if they may testify as a
12 witness at the proceeding.

13 (B) INAPPLICABILITY OF OTHER LAW.—
14 Chapter 131 of title 28, United States Code,
15 does not apply to any recommendation made by
16 the Judicial Conference under this paragraph.

17 (3) CONGRESSIONAL ACTION.—Except as other-
18 wise provided by law, if the Judicial Conference—

19 (A) submits a report in accordance with
20 paragraph (2) containing recommendations de-
21 scribed in that paragraph, and those rec-
22 ommendations are the same as the amendments
23 made by subsection (a), then the amendments
24 made by subsection (a) shall become effective
25 30 days after the date on which the rec-

1 ommendations are submitted to Congress under
2 paragraph (2);

3 (B) submits a report in accordance with
4 paragraph (2) containing recommendations de-
5 scribed in that paragraph, and those rec-
6 ommendations are different in any respect from
7 the amendments made by subsection (a), the
8 recommendations made pursuant to paragraph
9 (2) shall become effective 180 days after the
10 date on which the recommendations are submit-
11 ted to Congress under paragraph (2), unless an
12 Act of Congress is passed overturning the rec-
13 ommendations; and

14 (C) fails to comply with paragraph (2), the
15 amendments made by subsection (a) shall be-
16 come effective 360 days after the date of enact-
17 ment of this Act.

18 (4) APPLICATION.—Any amendment made pur-
19 suant to this section (including any amendment
20 made pursuant to the recommendations of the
21 United States Sentencing Commission under para-
22 graph (2)) shall apply in any proceeding commenced
23 on or after the effective date of the amendment.

1 **Subpart D—Exceptions**

2 **SEC. 7141. EXCEPTIONS.**

3 The rights promulgated by subparts A, B, and C
4 shall not apply to any case in which the court reasonably
5 believes that—

6 (1) the defendant has cooperated with the gov-
7 ernment in other proceedings against the victim or
8 persons acting in concert with the victim; or

9 (2) available evidence raises a significant expec-
10 tation of physical violence or other retaliation by the
11 victim against the defendant.

12 **Subpart E—Remedies for Noncompliance**

13 **SEC. 7151. REMEDIES FOR NONCOMPLIANCE.**

14 (a) GENERAL LIMITATION.—Any failure to comply
15 with any amendment made by this part shall not give rise
16 to a claim for damages, or any other action against the
17 United States, or any employee of the United States, any
18 court official or officer of the court, or an entity contract-
19 ing with the United States, or any action seeking a rehear-
20 ing or other reconsideration of action taken in connection
21 with a defendant.

22 (b) REGULATIONS TO ENSURE COMPLIANCE.—

23 (1) IN GENERAL.—Notwithstanding subsection
24 (a), not later than 1 year after the date of enact-
25 ment of this Act, the Attorney General and the
26 Chairman of the United States Parole Commission

1 shall promulgate regulations to implement and en-
2 force the amendments made by this title.

3 (2) CONTENTS.—The regulations promulgated
4 under paragraph (1) shall—

5 (A) contain disciplinary sanctions, includ-
6 ing suspension or termination from employ-
7 ment, for employees of the Department of Jus-
8 tice (including employees of the United States
9 Parole Commission) who willfully or repeatedly
10 violate the amendments made by this title, or
11 willfully or repeatedly refuse or fail to comply
12 with provisions of Federal law pertaining to the
13 treatment of victims of crime;

14 (B) include an administrative procedure
15 through which parties can file formal com-
16 plaints with the Department of Justice alleging
17 violations of the amendments made by this title;

18 (C) provide that a complainant is prohib-
19 ited from recovering monetary damages against
20 the United States, or any employee of the
21 United States, either in his official or personal
22 capacity; and

23 (D) provide that the Attorney General, or
24 the designee of the Attorney General, shall be
25 the final arbiter of the complaint, and there

1 shall be no judicial review of the final decision
2 of the Attorney General by a complainant.

3 **Subpart F—Victims of Fraud**

4 **SEC. 7161. REGULATIONS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Attorney General shall promulgate regula-
7 tions to implement and enforce this part and the amend-
8 ments made by this part with respect to natural persons
9 against whom a defendant has been charged with commit-
10 ting fraud.

11 **PART 2—ASSISTANCE TO VICTIMS OF FEDERAL,**
12 **STATE, AND LOCAL CRIME**

13 **SEC. 7201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.**

14 There are authorized to be appropriated such sums
15 as may be necessary to enable the Attorney General to—

16 (1) hire 50 full-time or full-time equivalent em-
17 ployees to serve as victim-witness advocates to pro-
18 vide assistance to victims of any criminal offense in-
19 vestigated by any department or agency of the Fed-
20 eral Government; and

21 (2) provide grants through the Office of Victims
22 of Crime to qualified private entities to fund 50 vic-
23 tim-witness advocate positions within those organiza-
24 tions.

1 **SEC. 7202. INCREASED TRAINING FOR STATE AND LOCAL**
 2 **LAW ENFORCEMENT, STATE COURT PERSON-**
 3 **NEL, AND OFFICERS OF THE COURT TO RE-**
 4 **SPOND EFFECTIVELY TO THE NEEDS OF VIC-**
 5 **TIMS OF CRIME.**

6 Notwithstanding any other provision of law, amounts
 7 collected pursuant to sections 3729 through 3731 of title
 8 31, United States Code (commonly known as the “False
 9 Claims Act”), may be used by the Office of Victims of
 10 Crime to make grants to States, units of local government,
 11 and qualified private entities, to provide training and in-
 12 formation to prosecutors, judges, law enforcement officers,
 13 probation officers, and other officers and employees of
 14 Federal and State courts to assist them in responding ef-
 15 fectively to the needs of victims of crime.

16 **SEC. 7203. INCREASED RESOURCES FOR STATE AND LOCAL**
 17 **LAW ENFORCEMENT AGENCIES, COURTS,**
 18 **AND PROSECUTORS’ OFFICES TO DEVELOP**
 19 **STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
 20 **VICTIMS OF CRIME OF IMPORTANT DATES**
 21 **AND DEVELOPMENTS.**

22 (a) IN GENERAL.—Subtitle A of title XXIII of the
 23 Violent Crime Control and Law Enforcement Act of 1994
 24 (Public Law 103–322; 108 Stat. 2077) is amended by
 25 adding at the end the following:

1 **“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
2 **VICTIMS OF CRIME OF IMPORTANT DATES**
3 **AND DEVELOPMENTS.**

4 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Office of Victims
6 of Crime of the Department of Justice such sums as may
7 be necessary for grants to State and local prosecutors’ of-
8 fices, State courts, county jails, State correctional institu-
9 tions, and qualified private entities, to develop and imple-
10 ment state-of-the-art systems for notifying victims of
11 crime of important dates and developments relating to the
12 criminal proceedings at issue.

13 “(b) FALSE CLAIMS ACT.—Notwithstanding any
14 other provision of law, amounts collected pursuant to sec-
15 tions 3729 through 3731 of title 31, United States Code
16 (commonly known as the ‘False Claims Act’), may be used
17 for grants under this section.”.

18 (b) VIOLENT CRIME REDUCTION TRUST FUND.—
19 Section 310004(d) of the Violent Crime Control and Law
20 Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amend-
21 ed—

22 (1) in the first paragraph designated as para-
23 graph (15) (relating to the definition of the term
24 “Federal law enforcement program”), by striking
25 “and” at the end;

1 (2) in the first paragraph designated as para-
2 graph (16) (relating to the definition of the term
3 “Federal law enforcement program”), by striking
4 the period at the end and inserting “; and”; and

5 (3) by inserting after the first paragraph des-
6 ignated as paragraph (16) (relating to the definition
7 of the term “Federal law enforcement program”) the
8 following:

9 “(17) section 230103.”.

10 **SEC. 7204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**
11 **PROGRAMS FOR CRIME VICTIMS.**

12 (a) DEFINITIONS.—In this section:

13 (1) DIRECTOR.—The term “Director” means
14 the Director of the Office of Victims of Crime.

15 (2) OFFICE.—The term “Office” means the Of-
16 fice of Victims of Crime.

17 (3) QUALIFIED PRIVATE ENTITY.—The term
18 “qualified private entity” means a private entity
19 that meets such requirements as the Attorney Gen-
20 eral, acting through the Director, may establish.

21 (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-
22 ERNMENT.—The term “qualified unit of State or
23 local government” means a unit or a State or local
24 government that meets such requirements as the At-

1 torney General, acting through the Director, may es-
2 tablish.

3 (5) VOICE CENTERS.—The term “VOICE Cen-
4 ters” means the Victim Ombudsman Information
5 Centers established under the program under sub-
6 section (b).

7 (b) PILOT PROGRAMS.—

8 (1) IN GENERAL.—Not later than 12 months
9 after the date of enactment of this Act, the Attorney
10 General, acting through the Director, shall establish
11 and carry out a program to provide for pilot pro-
12 grams to establish and operate Victim Ombudsman
13 Information Centers in each of the following States:

14 (A) Massachusetts.

15 (B) South Dakota.

16 (C) Tennessee.

17 (D) Vermont.

18 (E) Washington.

19 (F) Wisconsin.

20 (2) AGREEMENTS.—

21 (A) IN GENERAL.—The Attorney General,
22 acting through the Director, shall enter into an
23 agreement with a qualified private entity or
24 unit of State or local government to conduct a
25 pilot program referred to in paragraph (1).

1 Under the agreement, the Attorney General,
2 acting through the Director, shall provide for a
3 grant to assist the qualified private entity or
4 unit of State or local government in carrying
5 out the pilot program.

6 (B) CONTENTS OF AGREEMENT.—The
7 agreement referred to in subparagraph (A)
8 shall specify that—

9 (i) the VOICE Center shall be estab-
10 lished in accordance with this section; and

11 (ii) except with respect to meeting ap-
12 plicable requirements of this section con-
13 cerning carrying out the duties of a
14 VOICE Center under this section (includ-
15 ing the applicable reporting duties under
16 subsection (c) and the terms of the agree-
17 ment) each VOICE Center shall operate
18 independently of the Office; and

19 (C) NO AUTHORITY OVER DAILY OPER-
20 ATIONS.—The Office shall have no supervisory
21 or decisionmaking authority over the day-to-day
22 operations of a VOICE Center.

23 (c) OBJECTIVES.—

24 (1) MISSION.—The mission of each VOICE
25 Center established under a pilot program under this

1 section shall be to assist a victim of a Federal or
2 State crime to ensure that the victim—

3 (A) is fully apprised of the rights of that
4 victim under applicable Federal or State law;
5 and

6 (B) participates in the criminal justice
7 process to the fullest extent of the law.

8 (2) DUTIES.—The duties of a VOICE Center
9 shall include—

10 (A) providing information to victims of
11 Federal or State crime regarding the right of
12 those victims to participate in the criminal jus-
13 tice process (including information concerning
14 any right that exists under applicable Federal
15 or State law);

16 (B) identifying and responding to situa-
17 tions in which the rights of victims of crime
18 under applicable Federal or State law may have
19 been violated;

20 (C) attempting to facilitate compliance
21 with Federal or State law referred to in sub-
22 paragraph (B);

23 (D) educating police, prosecutors, Federal
24 and State judges, officers of the court, and em-
25 ployees of jails and prisons concerning the

1 rights of victims under applicable Federal or
2 State law; and

3 (E) taking measures that are necessary to
4 ensure that victims of crime are treated with
5 fairness, dignity, and compassion throughout
6 the criminal justice process.

7 (d) OVERSIGHT.—

8 (1) TECHNICAL ASSISTANCE.—The Office may
9 provide technical assistance to each VOICE Center.

10 (2) ANNUAL REPORT.—Each qualified private
11 entity or qualified unit of State or local government
12 that carries out a pilot program to establish and op-
13 erate a VOICE Center under this section shall pre-
14 pare and submit to the Director, not later than 1
15 year after the VOICE Center is established, and an-
16 nually thereafter, a report that—

17 (A) describes in detail the activities of the
18 VOICE Center during the preceding year; and

19 (B) outlines a strategic plan for the year
20 following the year covered under subparagraph
21 (A).

22 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

23 (1) GAO STUDY.—Not later than 2 years after
24 the date on which each VOICE Center established
25 under a pilot program under this section is fully

1 operational, the Comptroller General of the United
2 States shall conduct a review of each pilot program
3 carried out under this section to determine the effec-
4 tiveness of the VOICE Center that is the subject of
5 the pilot program in carrying out the mission and
6 duties described in subsection (c).

7 (2) OTHER STUDIES.—Not later than 2 years
8 after the date on which each VOICE Center estab-
9 lished under a pilot program under this section is
10 fully operational, the Attorney General, acting
11 through the Director, shall enter into an agreement
12 with 1 or more private entities that meet such re-
13 quirements the Attorney General, acting through the
14 Director, may establish, to study the effectiveness of
15 each VOICE Center established by a pilot program
16 under this section in carrying out the mission and
17 duties described in subsection (c).

18 (f) TERMINATION DATE.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), a pilot program established under this
21 section shall terminate on the date that is 4 years
22 after the date of enactment of this Act.

23 (2) RENEWAL.—If the Attorney General deter-
24 mines that any of the pilot programs established
25 under this section should be renewed for an addi-

1 tional period, the Attorney General may renew that
2 pilot program for a period not to exceed 2 years.

3 (g) FUNDING.—Notwithstanding any other provision
4 of law, an aggregate amount not to exceed \$5,000,000 of
5 the amounts collected pursuant to sections 3729 through
6 3731 of title 31, United States Code (commonly known
7 as the “False Claims Act”), may be used by the Director
8 to make grants under subsection (b).

9 **SEC. 7205. AMENDMENTS TO VICTIMS OF CRIME ACT OF**
10 **1984.**

11 (a) CRIME VICTIMS FUND.—Section 1402 of the Vic-
12 tims of Crime Act of 1984 (42 U.S.C. 10601) is amend-
13 ed—

14 (1) in subsection (b)—

15 (A) in paragraph (3), by striking “and” at
16 the end;

17 (B) in paragraph (4), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(5) any gifts, bequests, and donations from
21 private entities or individuals.”; and

22 (2) in subsection (d)—

23 (A) by striking paragraph (1) and insert-
24 ing the following:

1 “(1) All unobligated balances transferred to the
2 judicial branch for administrative costs to carry out
3 functions under sections 3611 and 3612 of title 18,
4 United States Code, shall be returned to the Crime
5 Victims Fund and may be used by the Director to
6 improve services for crime victims in the Federal
7 criminal justice system.”; and

8 (B) in paragraph (4), by adding at the end
9 the following:

10 “(C) States that receive supplemental funding
11 to respond to incidents or terrorism or mass violence
12 under this section shall be required to return to the
13 Crime Victims Fund for deposit in the reserve fund,
14 amounts subrogated to the State as a result of
15 third-party payments to victims.”.

16 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
17 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is
18 amended—

19 (1) in subsection (a)—

20 (A) in each of paragraphs (1) and (2), by
21 striking “40” and inserting “60”; and

22 (B) in paragraph (3), by inserting “and
23 evaluation” after “administration”; and

24 (2) in subsection (b)(7), by inserting “because
25 the identity of the offender was not determined be-

1 yond a reasonable doubt in a criminal trial, because
2 criminal charges were not brought against the of-
3 fender, or” after “deny compensation to any victim”.

4 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the
5 Victims of Crime Act of 1984 (42 U.S.C. 10603) is
6 amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by inserting “or enter into cooper-
10 ative agreements” after “make grants”;

11 (ii) by striking subparagraph (A) and
12 inserting the following:

13 “(A) for demonstration projects, evalua-
14 tion, training, and technical assistance services
15 to eligible organizations;”;

16 (iii) in subparagraph (B), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iv) by adding at the end the follow-
20 ing:

21 “(C) training and technical assistance that
22 address the significance of and effective delivery
23 strategies for providing long-term psychological
24 care.”; and

25 (B) in paragraph (3)—

1 (i) in subparagraph (C), by striking
2 “and” at the end;

3 (ii) in subparagraph (D), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the follow-
7 ing:

8 “(E) use funds made available to the Di-
9 rector under this subsection—

10 “(i) for fellowships and clinical intern-
11 ships; and

12 “(ii) to carry out programs of training
13 and special workshops for the presentation
14 and dissemination of information resulting
15 from demonstrations, surveys, and special
16 projects.”; and

17 (2) in subsection (d)—

18 (A) by striking paragraph (1) and insert-
19 ing the following:

20 “(1) the term ‘State’ includes—

21 “(A) the District of Columbia, the Com-
22 monwealth of Puerto Rico, the United States
23 Virgin Islands, and any other territory or pos-
24 session of the United States; and

1 “(B) for purposes of a subgrant under
2 subsection (a)(1) or a grant or cooperative
3 agreement under subsection (c)(1), the United
4 States Virgin Islands and any agency of the
5 government of the District of Columbia or the
6 Federal Government performing law enforce-
7 ment functions in and on behalf of the District
8 of Columbia.”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (C), by striking
11 “and” at the end;

12 (ii) in subparagraph (B), by striking
13 the semicolon and inserting “; and”; and

14 (iii) by adding at the end the follow-
15 ing:

16 “(E) public awareness and education and
17 crime prevention activities that promote, and
18 are conducted in conjunction with, the provision
19 of victim assistance; and

20 “(F) for purposes of an award under sub-
21 section (c)(1)(A), preparation, publication, and
22 distribution of informational materials and re-
23 sources for victims of crime and crime victims
24 organizations.”;

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) the term ‘crisis intervention services’
4 means counseling and emotional support including
5 mental health counseling, provided as a result of cri-
6 sis situations for individuals, couples, or family
7 members following and related to the occurrence of
8 crime;”;

9 (D) in paragraph (5), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (E) by adding at the end the following:

12 “(6) for purposes of an award under subsection
13 (c)(1), the term ‘eligible organization’ includes
14 any—

15 “(A) national or State organization with a
16 commitment to developing, implementing, evalu-
17 ating, or enforcing victims’ rights and the deliv-
18 ery of services;

19 “(B) State agency or unit of local govern-
20 ment;

21 “(C) tribal organization;

22 “(D) organization—

23 “(i) described in section 501(c) of the
24 Internal Revenue Code of 1986; and

1 “(ii) exempt from taxation under sec-
2 tion 501(a) of such Code; or

3 “(E) other entity that the Director deter-
4 mines to be appropriate.”.

5 (d) COMPENSATION AND ASSISTANCE TO VICTIMS OF
6 TERRORISM OF MASS VIOLENCE.—Section 1404B of the
7 Victims of Crime Act of 1984 (42 U.S.C. 10603b) is
8 amended—

9 (1) in subsection (a), by striking “1404(a)” and
10 inserting “1402(d)(4)(B)”; and

11 (2) in subsection (b), by striking
12 “1404(d)(4)(B)” and inserting “1402(d)(4)(B)”.

13 **SEC. 7206. SERVICES FOR VICTIMS OF CRIME AND DOMES-**
14 **TIC VIOLENCE.**

15 Section 504 of Public Law 104–134 (110 Stat. 1321–
16 132) shall not be construed to prohibit a recipient (as that
17 term is used in that section) from using funds derived
18 from a source other than the Legal Services Corporation
19 to provide related legal assistance to any person with
20 whom an alien (as that term is used in subsection (a)(11)
21 of that section) has a relationship covered by the domestic
22 violence laws of the State in which the alien resides or
23 in which an incidence of violence occurred.

1 **SEC. 7207. PILOT PROGRAM TO STUDY EFFECTIVENESS OF**
2 **RESTORATIVE JUSTICE APPROACH ON BE-**
3 **HALF OF VICTIMS OF CRIME.**

4 (a) **IN GENERAL.**—Notwithstanding any other provi-
5 sion of law, amounts collected pursuant to sections 3729
6 through 3731 of title 31, United States Code (commonly
7 known as the “False Claims Act”), may be used by the
8 Office of Victims of Crime to make grants to States, units
9 of local government, and qualified private entities for the
10 establishment of pilot programs that implement balanced
11 and restorative justice models.

12 (b) **DEFINITION OF BALANCED AND RESTORATIVE**
13 **JUSTICE MODEL.**—In this section, the term “balanced
14 and restorative justice model” means an approach to
15 criminal justice that promotes the maximum degree of in-
16 volvement by a victim, offender, and the community served
17 by a criminal justice system by allowing the criminal jus-
18 tice system and related criminal justice agencies to im-
19 prove the capacity of the system and agencies to—

20 (1) protect the community served by the system
21 and agencies; and

22 (2) ensure accountability of the offender and
23 the system.

1 **Subtitle B—Crime Victims With**
2 **Disabilities Awareness Act**

3 **SEC. 7301. SHORT TITLE.**

4 This subtitle may be cited as the “Crime Victims
5 With Disabilities Awareness Act”.

6 **SEC. 7302. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) although research conducted abroad dem-
9 onstrates that individuals with developmental dis-
10 abilities are at a 4 to 10 times higher risk of becom-
11 ing crime victims than those without disabilities,
12 there have been no significant studies on this subject
13 conducted in the United States;

14 (2) in fact, the National Crime Victim’s Survey,
15 conducted annually by the Bureau of Justice Statis-
16 tics of the Department of Justice, does not specifi-
17 cally collect data relating to crimes against individ-
18 uals with developmental disabilities;

19 (3) studies in Canada, Australia, and Great
20 Britain consistently show that victims with develop-
21 mental disabilities suffer repeated victimization be-
22 cause so few of the crimes against them are re-
23 ported, and even when they are, there is sometimes
24 a reluctance by police, prosecutors, and judges to
25 rely on the testimony of a disabled individual, mak-

1 ing individuals with developmental disabilities a tar-
2 get for criminal predators;

3 (4) research in the United States needs to be
4 done to—

5 (A) understand the nature and extent of
6 crimes against individuals with developmental
7 disabilities;

8 (B) describe the manner in which the jus-
9 tice system responds to crimes against individ-
10 uals with developmental disabilities; and

11 (C) identify programs, policies, or laws
12 that hold promises for making the justice sys-
13 tem more responsive to crimes against individ-
14 uals with developmental disabilities; and

15 (5) the National Academy of Science Committee
16 on Law and Justice of the National Research Coun-
17 cil is a premier research institution with unique ex-
18 perience in developing seminal, multidisciplinary
19 studies to establish a strong research base from
20 which to make public policy.

21 (b) PURPOSES.—The purposes of this subtitle are—

22 (1) to increase public awareness of the plight of
23 victims of crime who are individuals with develop-
24 mental disabilities;

1 (2) to collect data to measure the extent of the
2 problem of crimes against individuals with develop-
3 mental disabilities; and

4 (3) to develop a basis to find new strategies to
5 address the safety and justice needs of victims of
6 crime who are individuals with developmental dis-
7 abilities.

8 **SEC. 7303. DEFINITION OF DEVELOPMENTAL DISABILITY.**

9 In this subtitle, the term “developmental disability”
10 has the meaning given the term in section 102 of the De-
11 velopmental Disabilities Assistance and Bill of Rights Act
12 (42 U.S.C. 6001).

13 **SEC. 7304. STUDY.**

14 (a) **IN GENERAL.**—The Attorney General shall con-
15 duct a study to increase knowledge and information about
16 crimes against individuals with developmental disabilities
17 that will be useful in developing new strategies to reduce
18 the incidence of crimes against those individuals.

19 (b) **ISSUES ADDRESSED.**—The study conducted
20 under this section shall address such issues as—

21 (1) the nature and extent of crimes against in-
22 dividuals with developmental disabilities;

23 (2) the risk factors associated with victimization
24 of individuals with developmental disabilities;

1 (3) the manner in which the justice system re-
2 sponds to crimes against individuals with develop-
3 mental disabilities; and

4 (4) the means by which States may establish
5 and maintain a centralized computer database on
6 the incidence of crimes against individuals with dis-
7 abilities within a State.

8 (c) NATIONAL ACADEMY OF SCIENCES.—In carrying
9 out this section, the Attorney General shall consider con-
10 tracting with the Committee on Law and Justice of the
11 National Research Council of the National Academy of
12 Sciences to provide research for the study conducted under
13 this section.

14 (d) REPORT.—Not later than 18 months after the
15 date of enactment of this Act, the Attorney General shall
16 submit to the Committees on the Judiciary of the Senate
17 and the House of Representatives a report describing the
18 results of the study conducted under this section.

19 **SEC. 7305. NATIONAL CRIME VICTIMS' SURVEY.**

20 Not later than 2 years after the date of enactment
21 of this Act, as part of each National Crime Victims' Sur-
22 vey, the Attorney General shall include statistics relating
23 to—

24 (1) the nature of crimes against individuals
25 with developmental disabilities; and

1 (2) the specific characteristics of the victims of
2 those crimes.

3 **Subtitle C—Victims of Juvenile** 4 **Crimes**

5 **SEC. 7401. VICTIMS OF JUVENILE CRIMES.**

6 (a) IN GENERAL.—The Attorney General shall estab-
7 lish guidelines for States’ programs receiving grants under
8 title I, subtitle D, part 3, of this Act for the establishment
9 of juvenile gun courts to require, as appropriate under ap-
10 plicable State or local laws or rules, that—

11 (1) prior to disposition of adjudicated juvenile
12 delinquents, that victims, or in appropriate cases
13 their official representatives, shall be provided the
14 opportunity to make a statement to the court in per-
15 son or to present any information in relation to the
16 disposition;

17 (2) victims of the juvenile adjudicated delin-
18 quent be given notice of the disposition; and

19 (3) restitution to victims may be ordered as
20 part of the disposition of adjudicated juvenile
21 delinquents.

22 (b) DEFINITION OF VICTIM.—In this section, the
23 term “victim” means any individual against whom a crime
24 of violence has been committed that has as an element
25 the use, attempted use, or threatened use of physical force

1 against the person or property of another or by its nature
2 involves a substantial risk that physical force against the
3 person or property of another may be used in the course
4 of committing the offense.

5 (c) NO CAUSE OF ACTION CREATED.—Nothing in
6 this section shall be construed to create a cause of action
7 against any State or any agency or employee thereof.

8 (d) COMPLIANCE.—

9 (1) COMPLIANCE.—Not later than 3 years after
10 the date of enactment of this Act, each State shall
11 implement this section, except that the Attorney
12 General may grant an additional 2 years to a State
13 if the Attorney General determines that the State is
14 making good faith efforts to implement this section.

15 (2) INELIGIBILITY FOR AMOUNTS.—

16 (A) IN GENERAL.—Beginning on the expi-
17 ration of the period described in paragraph (1)
18 (or such extended period as the Attorney Gen-
19 eral may provide with respect to a State under
20 that paragraph), during each fiscal year that
21 any State fails to comply with this section, that
22 State shall receive not more than 90 percent of
23 the amount that the State would otherwise re-
24 ceive under subtitle C of this title.

1 (B) REALLOCATION OF AMOUNTS.—In
2 each fiscal year, any amounts that are not allo-
3 cated to States described in subparagraph (A)
4 shall be allocated to otherwise eligible States
5 that are in compliance with this section on a
6 pro rata basis.

7 **TITLE VIII—COMBATING MONEY**
8 **LAUNDERING**

9 **SEC. 8001. SHORT TITLE.**

10 This title may be cited as the “Money Laundering
11 Enforcement Act of 1998”.

12 **SEC. 8002. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

13 (a) CIVIL FORFEITURE FOR MONEY TRANSMITTING
14 VIOLATION.—Section 981(a)(1)(A) of title 18, United
15 States Code, is amended by striking “or 1957” and insert-
16 ing “, 1957, or 1960”.

17 (b) SCIENTER REQUIREMENT FOR SECTION 1960
18 VIOLATION.—Section 1960 of title 18, United States
19 Code, is amended by adding at the end the following:

20 “(c) SCIENTER REQUIREMENT.—For the purposes of
21 proving a violation of this section involving an illegal
22 money transmitting business—

23 “(1) it shall be sufficient for the Government to
24 prove that the defendant knew that the money trans-

1 mitting business lacked a license required by State
2 law; and

3 “(2) it shall not be necessary to show that the
4 defendant knew that the operation of such a busi-
5 ness without the required license was an offense
6 punishable as a felony or misdemeanor under State
7 law.”.

8 **SEC. 8003. RESTRAINT OF ASSETS OF PERSONS ARRESTED**
9 **ABROAD.**

10 Section 981(b) of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(3) RESTRAINT OF ASSETS.—

13 “(A) IN GENERAL.—If any person is arrested
14 or charged in a foreign country in connection with
15 an offense that would give rise to the forfeiture of
16 property in the United States under this section or
17 under the Controlled Substances Act (21 U.S.C. 801
18 et seq.), the Attorney General may apply to any
19 Federal judge or magistrate judge in the district in
20 which the property is located for an ex parte order
21 restraining the property subject to forfeiture for not
22 more than 30 days, except that the time may be ex-
23 tended for good cause shown at a hearing conducted
24 in the manner provided in Rule 43(e) of the Federal
25 Rules of Civil Procedure.

1 “(B) APPLICATION.—An application for a re-
2 straining order under subparagraph (A) shall—

3 “(i) set forth the nature and circumstances
4 of the foreign charges and the basis for belief
5 that the person arrested or charged has prop-
6 erty in the United States that would be subject
7 to forfeiture; and

8 “(ii) contain a statement that the restrain-
9 ing order is needed to preserve the availability
10 of property for such time as is necessary to re-
11 ceive evidence from the foreign country or else-
12 where in support of probable cause for the sei-
13 zure of the property under this subsection.”.

14 **SEC. 8004. ACCESS TO RECORDS IN BANK SECRECY JURIS-**
15 **DICTIONS.**

16 Section 986 of title 18, United States Code, is
17 amended by adding at the end the following:

18 “(d) ACCESS TO RECORDS LOCATED ABROAD.—

19 “(1) IN GENERAL.—In any civil forfeiture case,
20 or in any ancillary proceeding in any criminal for-
21 feiture case governed by section 413(n) of the Con-
22 trolled Substances Act (21 U.S.C. 853(n)), the re-
23 fusal of the claimant to provide financial records lo-
24 cated in a foreign country in response to a discovery
25 request or take the action necessary otherwise to

1 make the records available, shall result in the dis-
2 missal of the claim with prejudice, if—

3 “(A) the financial records may be mate-
4 rial—

5 “(i) to any claim or to the ability of
6 the government to respond to such claim;
7 or

8 “(ii) in a civil forfeiture case, to the
9 ability of the government to establish the
10 forfeitability of the property; and

11 “(B) it is within the capacity of the claim-
12 ant to waive his or her rights under such se-
13 crecy laws, or to obtain the financial records
14 himself or herself, so that the financial records
15 may be made available.

16 “(2) PRIVILEGE.—Nothing in this subsection
17 shall be construed to affect the rights of a claimant
18 to refuse production of any records on the basis of
19 any privilege guaranteed by the Constitution of the
20 United States or any other provision of Federal
21 law.”.

22 **SEC. 8005. CIVIL MONEY LAUNDERING JURISDICTION OVER**
23 **FOREIGN PERSONS.**

24 Section 1956(b) of title 18, United States Code, is
25 amended—

1 (1) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and indent-
3 ing each subparagraph appropriately;

4 (2) by striking “(b) Whoever” and inserting the
5 following:

6 “(b) CIVIL PENALTIES.—

7 “(1) IN GENERAL.—Whoever”; and

8 (3) by adding at the end the following:

9 “(2) JURISDICTION.—For purposes of adju-
10 dicating an action filed or enforcing a penalty or-
11 dered under this section, the district courts of the
12 United States shall have jurisdiction over any for-
13 eign person, including any financial institution au-
14 thorized under the laws of a foreign country, that
15 commits an offense under subsection (a) involving a
16 financial transaction that occurs in whole or in part
17 in the United States, if service of process upon such
18 foreign person is made in accordance with the Fed-
19 eral Rules of Civil Procedure or the laws of the for-
20 eign country in which the foreign person is found.

21 “(3) SATISFACTION OF JUDGMENT.—In any ac-
22 tion described in paragraph (2), the court may issue
23 a pretrial restraining order or take any other action
24 necessary to ensure that any bank account or other
25 property held by the defendant in the United States

1 is available to satisfy a judgment under this sec-
2 tion.”.

3 **SEC. 8006. PUNISHMENT OF LAUNDERING MONEY**
4 **THROUGH FOREIGN BANKS.**

5 Section 1956(c)(6) of title 18, United States Code,
6 is amended to read as follows:

7 “(6) the term ‘financial institution’ includes—

8 “(A) any financial institution described in
9 section 5312(a)(2) of title 31, or the regula-
10 tions promulgated thereunder; and

11 “(B) any foreign bank, as defined in sec-
12 tion 1(b)(7) of the International Banking Act of
13 1978 (12 U.S.C. 3101(7));”.

14 **SEC. 8007. ADDITION OF SERIOUS FOREIGN CRIMES TO**
15 **LIST OF MONEY LAUNDERING PREDICATES.**

16 (a) IN GENERAL.—Section 1956(c)(7) of title 18,
17 United States Code, is amended—

18 (1) in subparagraph (B)—

19 (A) by striking clause (ii) and inserting the
20 following:

21 “(ii) any act or acts constituting a
22 crime of violence;”; and

23 (B) by adding at the end the following:

1 “(iv) fraud, or any scheme to defraud,
2 committed against a foreign government or
3 foreign governmental entity;

4 “(v) bribery of a public official, or the
5 misappropriation, theft, or embezzlement
6 of public funds by or for the benefit of a
7 public official;

8 “(vi) smuggling or export control vio-
9 lations involving munitions listed in the
10 United States Munitions List or tech-
11 nologies with military applications as de-
12 fined in the Commerce Control List of the
13 Export Administration Regulations; or

14 “(vii) an offense with respect to which
15 the United States would be obligated by a
16 multilateral treaty either to extradite the
17 alleged offender or to submit the case for
18 prosecution, if the offender were found
19 within the territory of the United States;”;

20 (2) in subparagraph (D)—

21 (A) by inserting “section 541 (relating to
22 goods falsely classified),” before “section 542”;

23 (B) by inserting “section 922(l) (relating
24 to the unlawful importation of firearms), sec-

1 tion 924(m) (relating to firearms trafficking),”
2 before “section 956”;

3 (C) by inserting “section 1030 (relating to
4 computer fraud and abuse),” before “1032”;
5 and

6 (D) by inserting “any felony violation of
7 the Foreign Agents Registration Act of 1938
8 (22 U.S.C. 611 et seq.),” before “or any felony
9 violation of the Foreign Corrupt Practices Act”;
10 and

11 (3) in subparagraph (E), by inserting “the
12 Clean Air Act (42 U.S.C. 6901 et seq.),” after “the
13 Safe Drinking Water Act (42 U.S.C. 300f et seq.),”.

14 **SEC. 8008. CRIMINAL FORFEITURE FOR MONEY LAUNDER-**
15 **ING CONSPIRACIES.**

16 Section 982(a)(1) of title 18, United States Code, is
17 amended by inserting “or a conspiracy to commit any such
18 offense,” after “of this title,”.

19 **SEC. 8009. FUNGIBLE PROPERTY IN FOREIGN BANK AC-**
20 **COUNTS.**

21 Section 984(d) of title 18, United States Code, is
22 amended by adding at the end the following:

23 “(3) In this subsection, the term ‘financial institu-
24 tion’ includes a foreign bank, as defined in section 1(b)(7)

1 of the International Banking Act of 1978 (12 U.S.C.
2 3101(7)).”.

3 **SEC. 8010. SUBPOENAS FOR BANK RECORDS.**

4 Section 986(a) of title 18, United States Code, is
5 amended—

6 (1) by striking “section 1956, 1957, or 1960 of
7 this title, section 5322 or 5324 of title 31, United
8 States Code” and inserting “section 981 of this
9 title”;

10 (2) by inserting “before or” before “after”; and

11 (3) by striking the last sentence.

12 **SEC. 8011. FUGITIVE DISENTITLEMENT.**

13 (a) IN GENERAL.—Chapter 163 of title 28, United
14 States Code, is amended by adding at the end the follow-
15 ing:

16 **“§ 2466. Fugitive disentitlement**

17 “Any person who, in order to avoid criminal prosecu-
18 tion, purposely leaves the jurisdiction of the United States,
19 declines to enter or reenter the United States to submit
20 to the jurisdiction of the United States, or otherwise
21 evades the jurisdiction of a court of the United States in
22 which a criminal case is pending against the person, may
23 not use the resources of the courts of the United States
24 in furtherance of a claim in any related civil forfeiture ac-

1 tion or a claim in any third-party proceeding in any relat-
 2 ed criminal forfeiture action.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
 4 chapter 163 of title 28, United States Code, is amended
 5 by adding at the end the following:

“2466. Fugitive disentitlement.”.

6 **SEC. 8012. ADMISSIBILITY OF FOREIGN BUSINESS**
 7 **RECORDS.**

8 (a) IN GENERAL.—Chapter 163 of title 28, United
 9 States Code, is amended by adding at the end the follow-
 10 ing:

11 **“§ 2467. Foreign records**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘business’ includes business, insti-
 14 tution, association, profession, occupation, and call-
 15 ing of every kind whether or not conducted for prof-
 16 it;

17 “(2) the term ‘foreign certification’ means a
 18 written declaration made and signed in a foreign
 19 country by the custodian of a record of regularly
 20 conducted activity or another qualified person, that
 21 if falsely made, would subject the maker to criminal
 22 penalty under the law of that country;

23 “(3) the term ‘foreign record of regularly con-
 24 ducted activity’ means a memorandum, report,
 25 record, or data compilation, in any form, of acts,

1 events, conditions, opinions, or diagnoses, main-
2 tained in a foreign country; and

3 “(4) the term ‘official request’ means a letter
4 rogatory, a request under an agreement, treaty or
5 convention, or any other request for information or
6 evidence made by a court of the United States or an
7 authority of the United States having law enforce-
8 ment responsibility, to a court or other authority of
9 a foreign country.

10 “(b) ADMISSIBILITY.—In a civil proceeding in a court
11 of the United States, including a civil forfeiture proceeding
12 and a proceeding in the United States Claims Court and
13 the United States Tax Court, unless the source of infor-
14 mation or the method or circumstances of preparation in-
15 dicate lack of trustworthiness, a foreign record of regu-
16 larly conducted activity (or a duplicate of such record),
17 obtained pursuant to an official request, shall not be ex-
18 cluded as evidence by the hearsay rule if a foreign certifi-
19 cation, also obtained pursuant to the same official request
20 or subsequent official request that adequately identifies
21 such foreign record, attests that—

22 “(1) the foreign record was made, at or near
23 the time of the occurrence of the matters set forth,
24 by (or from information transmitted by) a person
25 with knowledge of those matters;

1 “(2) the foreign record was kept in the course
2 of a regularly conducted business activity;

3 “(3) the business activity made such a record
4 as a regular practice; and

5 “(4) if the foreign record is not the original, the
6 record is a duplicate of the original.

7 “(c) FOREIGN CERTIFICATION.—A foreign certifi-
8 cation under this section shall authenticate a record or
9 duplicate described in subsection (b).

10 “(d) NOTICE.—

11 “(1) IN GENERAL.—As soon as practicable
12 after a responsive pleading has been filed, a party
13 intending to offer in evidence under this section a
14 foreign record of regularly conducted activity shall
15 provide written notice of that intention to each other
16 party.

17 “(2) OPPOSITION.—A motion opposing admis-
18 sion in evidence of a record under paragraph (1)
19 shall be made by the opposing party and determined
20 by the court before trial. Failure by a party to file
21 such motion before trial shall constitute a waiver of
22 objection to such record, except that the court for
23 cause shown may grant relief from the waiver.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 163 of title 28, United States Code, is amended
3 by adding at the end the following:

“2467. Foreign records.”.

4 **SEC. 8013. CHARGING MONEY LAUNDERING AS A COURSE**
5 **OF CONDUCT.**

6 Section 1956(h) of title 18, United States Code, is
7 amended—

8 (1) by striking “(h) Any person” and inserting
9 the following:

10 “(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

11 “(1) CONSPIRACY.—Any person”; and

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

13 “(2) MULTIPLE VIOLATIONS.—Any person who
14 commits multiple violations of this section or section
15 1957 that are part of the same scheme or continuing
16 course of conduct may be charged, at the election of
17 the Government, in a single count in an indictment
18 or information.”.

19 **SEC. 8014. VENUE IN MONEY LAUNDERING CASES.**

20 Section 1956 of title 18, United States Code, is
21 amended by adding at the end the following:

22 “(i) VENUE.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), a prosecution for an offense under this
25 section or section 1957 may be brought in any dis-

1 trict in which the financial or monetary transaction
2 is conducted, or in which a prosecution for the un-
3 derlying specified unlawful activity could be brought,
4 if the defendant participates in the transfer of the
5 proceeds of the specified unlawful activity from that
6 district to the district where the financial or mone-
7 tary transaction is conducted.

8 “(2) EXCEPTION.—A prosecution for an at-
9 tempt or conspiracy offense under this section or
10 section 1957 may be brought in the district in which
11 venue would lie for the completed offense under
12 paragraph (1), or in any other district in which an
13 act in furtherance of the attempt or conspiracy took
14 place.”.

15 **SEC. 8015. TECHNICAL AMENDMENT TO RESTORE WIRETAP**

16 **AUTHORITY FOR CERTAIN MONEY LAUNDER-**
17 **ING OFFENSES.**

18 Section 2516(1)(g) of title 18, United States Code,
19 is amended by striking “of title 31, United States Code
20 (dealing with the reporting of currency transactions)” and
21 inserting “or 5324 of title 31 (dealing with the reporting
22 and illegal structuring of currency transactions)”.

1 **SEC. 8016. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-**
2 **MONEY LAUNDERING ORDERS.**

3 (a) REPORTING VIOLATIONS.—Section 5324(a) of
4 title 31, United States Code, is amended—

5 (1) in the matter preceding paragraph (1), by
6 inserting “, or the reporting requirements imposed
7 by an order issued pursuant to section 5326” after
8 “any such section”; and

9 (2) in each of paragraphs (1) and (2), by in-
10 sserting “, or a report required under any order
11 issued pursuant to section 5326” before the semi-
12 colon.

13 (b) PENALTIES.—Sections 5321(a)(1), 5322(a), and
14 5322(b) of title 31, United States Code, are each amended
15 by inserting “or order issued” after “or a regulation pre-
16 scribed” each place that term appears.

17 **SEC. 8017. ENCOURAGING FINANCIAL INSTITUTIONS TO NO-**
18 **TIFY LAW ENFORCEMENT AUTHORITIES OF**
19 **SUSPICIOUS FINANCIAL TRANSACTIONS.**

20 (a) IN GENERAL.—Section 2702(b)(6) of title 18,
21 United States Code, is amended—

22 (1) by inserting “or supervisory agency” after
23 “a law enforcement agency”;

24 (2) in subparagraph (A), by striking “; and”
25 and inserting “and appear to pertain to the commis-
26 sion of the crime; or”; and

1 (3) in subparagraph (B), by striking “appear to
2 pertain to the commission of the crime.” and insert-
3 ing “appear to reveal a suspicious transaction rel-
4 evant to a possible violation of law or regulation.”

5 (b) DEFINITIONS.—Section 2711 of title 18, United
6 States Code, is amended—

7 (1) in paragraph (1), by striking “and” at the
8 end;

9 (2) in paragraph (2), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(3) the terms ‘suspicious transaction’ and ‘rel-
13 evant to a possible violation of the law or regulation’
14 shall be interpreted in the same manner as those
15 terms have been interpreted for purposes of section
16 5318(g) of title 31; and

17 “(4) the term ‘supervisory agency’ has the
18 meaning given the term in section 1101(7) of the
19 Right to Financial Privacy Act of 1978.”.

20 **SEC. 8018. COVERAGE OF FOREIGN BANK BRANCHES IN**
21 **THE TERRITORIES.**

22 Section 20(9) of title 18, United States Code, is
23 amended by inserting before the period the following:
24 “, except that for purposes of this section the definition
25 of the term ‘State’ in such Act shall be deemed to include

1 a commonwealth, territory, or possession of the United
2 States”.

3 **SEC. 8019. CONFORMING STATUTE OF LIMITATIONS**
4 **AMENDMENT FOR CERTAIN BANK FRAUD OF-**
5 **FENSES.**

6 Section 3293 of title 18, United States Code, is
7 amended—

8 (1) by inserting “225,” after “215,”; and

9 (2) by inserting “1032,” before “1033”.

10 **SEC. 8020. JURISDICTION OVER CERTAIN FINANCIAL**
11 **CRIMES COMMITTED ABROAD.**

12 Section 1029 of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(h) **JURISDICTION OVER CERTAIN FINANCIAL**
15 **CRIMES COMMITTED ABROAD.**—Any person who, outside
16 the jurisdiction of the United States, engages in any act
17 that, if committed within the jurisdiction of the United
18 States, would constitute an offense under subsection (a)
19 or (b), shall be subject to the same penalties as if that
20 offense had been committed in the United States, if the
21 act—

22 “(1) involves an access device issued, owned,
23 managed, or controlled by a financial institution, ac-
24 count issuer, credit card system member, or other

1 entity within the jurisdiction of the United States;
2 and

3 “(2) causes, or if completed would have caused,
4 a transfer of funds from or a loss to an entity listed
5 in paragraph (1).”.

6 **TITLE IX—COMBATING**
7 **INTERNATIONAL CRIME**
8 **Subtitle A—Investigating and Pun-**
9 **ishing Violent Crimes Against**
10 **United States Nationals Abroad**

11 **SEC. 9001. MURDER AND EXTORTION AGAINST UNITED**
12 **STATES NATIONALS ABROAD IN FURTHER-**
13 **ANCE OF ORGANIZED CRIME.**

14 Section 2332 of title 18, United States Code, is
15 amended—

16 (1) by redesignating subsection (d) as sub-
17 section (e);

18 (2) by inserting after subsection (c) the follow-
19 ing:

20 “(d) EXTORTION OF UNITED STATES NATIONALS
21 ABROAD.—Whoever commits or attempts to commit extor-
22 tion against a national of the United States, while the na-
23 tional is outside the United States, shall be fined under
24 this title, imprisoned not more than 20 years, or both.”;

1 (3) in subsection (e), as redesignated, by insert-
2 ing “, or was intended to further the objectives of
3 an organized criminal group. A certification under
4 this paragraph shall not be subject to judicial re-
5 view” before the period at the end; and

6 (4) by adding at the end the following:

7 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed as indicating an intent on the part
9 of Congress—

10 “(1) to interfere with the exercise of criminal
11 jurisdiction by the nation or nations in which the
12 criminal act occurred; or

13 “(2) to mandate that each potential violation
14 should be the subject of investigation or prosecution
15 by the United States.

16 “(g) DEFINITIONS.—In this section—

17 “(1) the term ‘extortion’ means the obtaining of
18 property worth \$100,000 or more from another by
19 threatening or placing another person in fear that
20 any person will be subjected to bodily injury or kid-
21 napping or that any property will be damaged or de-
22 stroyed; and

23 “(2) the term ‘organized criminal group’ means
24 a group that has a hierarchical structure or is a con-
25 tinuing enterprise, and that is engaged in or has as

1 a purpose the commission of an act or acts that
 2 would constitute racketeering activity (as defined in
 3 section 1961) if committed within the United
 4 States.”.

5 **SEC. 9002. MURDER OR SERIOUS ASSAULT OF A STATE OR**
 6 **LOCAL OFFICIAL ABROAD.**

7 (a) IN GENERAL.—Chapter 51 of title 18, United
 8 States Code, is amended by adding at the end the
 9 following:

10 **“§ 1123. Murder or serious assault of a State or local**
 11 **law enforcement, judicial, or other offi-**
 12 **cial abroad**

13 “(a) DEFINITIONS.—In this section:

14 “(1) SERIOUS BODILY INJURY.—The term ‘seri-
 15 ous bodily injury’ has the meaning given the term in
 16 section 2119.

17 “(2) STATE.—The term ‘State’ has the mean-
 18 ing given the term in section 245(d).

19 “(b) PENALTIES.—Whoever, in the circumstance de-
 20 scribed in subsection (c)—

21 “(1) kills or attempts to kill an official of a
 22 State or a political subdivision thereof shall be pun-
 23 ished as provided in sections 1111, 1112, and 1113;
 24 or

1 “(2) assaults an official of a State or a political
2 subdivision thereof, if that assault results in serious
3 bodily injury shall be punished as provided in section
4 113.

5 “(c) CIRCUMSTANCE DESCRIBED.—The circumstance
6 described in this subsection is that the official of a State
7 or political subdivision—

8 “(1) is outside the territorial jurisdiction of the
9 United States; and

10 “(2) is engaged in, or the prohibited activity oc-
11 curs on account of the performance by that official
12 of training, technical assistance, or other assistance
13 to the United States or a foreign government in con-
14 nection with any program funded, in whole or in
15 part, by the Federal Government.

16 “(d) LIMITATIONS ON PROSECUTION.—No prosecu-
17 tion may be instituted against any person under this sec-
18 tion except upon the written approval of the Attorney Gen-
19 eral, the Deputy Attorney General, or an Assistant Attor-
20 ney General, which function of approving prosecutions
21 may not be delegated and shall not be subject to judicial
22 review.

23 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to indicate an intent on the part
25 of Congress—

1 “(1) to interfere with the exercise of criminal
2 jurisdiction by the nation or nations in which the
3 criminal act occurred; or

4 “(2) to mandate that each potential violation
5 should be the subject of investigation or prosecution
6 by the United States.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—
8 The analysis for chapter 51 of title 18, United States
9 Code, is amended by adding at the end the following:

 “1123. Murder or serious assault of a State or local law enforcement, judicial,
 or other official abroad.”.

10 **Subtitle B—Denying Safe Havens**
11 **to International Criminals**

12 **SEC. 9101. EXTRADITION FOR OFFENSES NOT COVERED BY**
13 **A LIST TREATY.**

14 Chapter 209 of title 18, United States Code, is
15 amended by adding at the end the following:

16 **“§ 3197. Extradition for offenses not covered by a list**
17 **treaty**

18 “(a) SERIOUS OFFENSE DEFINED.—In this section,
19 the term ‘serious offense’ means conduct that would be—

20 “(1) an offense described in any multilateral
21 treaty to which the United States is a party that ob-
22 ligates parties—

23 “(A) to extradite alleged offenders found
24 in the territory of the parties; or

1 “(B) submit the case to the competent au-
2 thorities of the parties for prosecution; or

3 “(2) conduct that, if that conduct occurred in
4 the United States, would constitute—

5 “(A) a crime of violence (as defined in sec-
6 tion 16);

7 “(B) the distribution, manufacture, impor-
8 tation or exportation of a controlled substance
9 (as defined in section 201 of the Controlled
10 Substances Act (21 U.S.C. 802);

11 “(C) bribery of a public official; misappro-
12 priation, embezzlement or theft of public funds
13 by or for the benefit of a public official;

14 “(D) obstruction of justice, including pay-
15 ment of bribes to jurors or witnesses;

16 “(E) the laundering of monetary instru-
17 ments, as described in section 1956, if the value
18 of the monetary instruments involved exceeds
19 \$100,000;

20 “(F) fraud, theft, embezzlement, or com-
21 mercial bribery if the aggregate value of prop-
22 erty that is the object of all of the offenses re-
23 lated to the conduct exceeds \$100,000;

1 “(G) counterfeiting, if the obligations, se-
2 curities or other items counterfeited, have an
3 apparent value that exceeds \$100,000;

4 “(H) a conspiracy or attempt to commit
5 any of the offenses described in any of subpara-
6 graphs (A) through (G), or aiding and abetting
7 a person who commits any such offense; or

8 “(I) a crime against children under chap-
9 ter 109A or section 2251, 2251A, 2252, or
10 2252A.

11 “(b) AUTHORIZATION OF FILING.—

12 “(1) IN GENERAL.—If a foreign government
13 makes a request for the extradition of a person who
14 is charged with or has been convicted of an offense
15 within the jurisdiction of that foreign government,
16 and an extradition treaty between the United States
17 and the foreign government is in force, but the trea-
18 ty does not provide for extradition for the offense
19 with which the person has been charged or for which
20 the person has been convicted, the Attorney General
21 may authorize the filing of a complaint for extra-
22 dition pursuant to subsections (c) and (d).

23 “(2) FILING OF COMPLAINTS.—

1 “(A) IN GENERAL.—A complaint author-
2 ized under paragraph (1) shall be filed pursu-
3 ant to section 3184.

4 “(B) PROCEDURES.—With respect to a
5 complaint filed under paragraph (1), the proce-
6 dures contained in sections 3184 and 3186 and
7 the terms of the relevant extradition treaty
8 shall apply as if the offense were a crime pro-
9 vided for by the treaty, in a manner consistent
10 with section 3184.

11 “(c) CRITERIA FOR AUTHORIZATION OF COM-
12 PLAINTS.—

13 “(1) IN GENERAL.—The Attorney General may
14 authorize the filing of a complaint under subsection
15 (b) only upon a certification—

16 “(A) by the Attorney General, that in the
17 judgment of the Attorney General—

18 “(i) the offense for which extradition
19 is sought is a serious offense; and

20 “(ii) submission of the extradition re-
21 quest would be important to the law en-
22 forcement interests of the United States or
23 otherwise in the interests of justice; and

24 “(B) by the Secretary of State, that in the
25 judgment of the Secretary of State, submission

1 of the request would be consistent with the for-
2 eign policy interests of the United States.

3 “(2) FACTORS FOR CONSIDERATION.—In mak-
4 ing any certification under paragraph (1)(B), the
5 Secretary of State may consider whether the facts
6 and circumstances of the request then known appear
7 likely to present any significant impediment to the
8 ultimate surrender of the person who is the subject
9 of the request for extradition, if that person is found
10 to be extraditable.

11 “(3) LIMITATION ON JUDICIAL REVIEW.—Any
12 decision or exercise of authority by the Attorney
13 General or the Secretary of State pursuant to this
14 subsection shall not be subject to judicial review.

15 “(d) CASES OF URGENCY.—

16 “(1) IN GENERAL.—In any case of urgency, the
17 Attorney General may, with the concurrence of the
18 Secretary of State and before any formal certifi-
19 cation under subsection (c), authorize the filing of a
20 complaint seeking the provisional arrest and deten-
21 tion of the person sought for extradition before the
22 receipt of documents or other proof in support of the
23 request for extradition.

24 “(2) APPLICABILITY OF RELEVANT TREATY.—

25 With respect to a case described in paragraph (1),

1 a provision regarding provisional arrest in the rel-
2 evant treaty shall apply.

3 “(3) FILING AND EFFECT OF FILING OF COM-
4 PLAINTS.—

5 “(A) IN GENERAL.—A complaint author-
6 ized under this subsection shall be filed in the
7 same manner as provided in section 3184.

8 “(B) ISSUANCE OF ORDERS.—Upon the fil-
9 ing of a complaint under this subsection, the
10 appropriate judicial officer may issue an order
11 for the provisional arrest and detention of the
12 person as provided in section 3184.

13 “(e) CONDITIONS OF SURRENDER; ASSURANCES.—

14 “(1) IN GENERAL.—Before issuing a warrant of
15 surrender under section 3184 or 3186, the Secretary
16 of State may—

17 “(A) impose conditions upon the surrender
18 of the person that is the subject of the warrant;
19 and

20 “(B) require those assurances of compli-
21 ance with those conditions, as are determined
22 by the Secretary to be appropriate.

23 “(2) ADDITIONAL ASSURANCES.—

24 “(A) IN GENERAL.—In addition to impos-
25 ing conditions and requiring assurances under

1 paragraph (1), the Secretary of State shall de-
2 mand, as a condition of the extradition of the
3 person in every case, an assurance described in
4 subparagraph (B) that the Secretary deter-
5 mines to be satisfactory.

6 “(B) DESCRIPTION OF ASSURANCES.—An
7 assurance described in this subparagraph is an
8 assurance that the person that is sought for ex-
9 tradition shall not be tried or punished for an
10 offense other than that for which the person
11 has been extradited, absent the consent of the
12 United States.”.

13 **SEC. 9102. EXTRADITION ABSENT A TREATY.**

14 Chapter 209 of title 18, United States Code, as
15 amended by section 9101 of this Act, is amended by add-
16 ing at the end the following:

17 **“§ 3198. Extradition absent a treaty**

18 “(a) SERIOUS OFFENSE DEFINED.—In this section,
19 the term ‘serious offense’ has the meaning given that term
20 in section 3197(a).

21 “(b) AUTHORIZATION OF FILING.—

22 “(1) IN GENERAL.—If a foreign government
23 makes a request for the extradition of a person who
24 is charged with or has been convicted of an offense
25 within the jurisdiction of that foreign government,

1 and no extradition treaty is in force between the
2 United States and the foreign government, the At-
3 torney General may authorize the filing of a com-
4 plaint for extradition pursuant to subsections (c)
5 and (d).

6 “(2) FILING AND TREATMENT OF COM-
7 PLAINTS.—

8 “(A) IN GENERAL.—A complaint author-
9 ized under paragraph (1) shall be filed pursu-
10 ant to section 3184.

11 “(B) PROCEDURES.—With respect to a
12 complaint filed under paragraph (1), procedures
13 of sections 3184 and 3186 shall be followed as
14 if the offense were a ‘crime provided for by
15 such treaty’ as described in section 3184.

16 “(c) CRITERIA FOR AUTHORIZATION OF COM-
17 PLAINTS.—The Attorney General may authorize the filing
18 of a complaint described in subsection (b) only upon a cer-
19 tification—

20 “(1) by the Attorney General, that in the judg-
21 ment of the Attorney General—

22 “(A) the offense for which extradition is
23 sought is a serious offense; and

24 “(B) submission of the extradition request
25 would be important to the law enforcement in-

1 terests of the United States or otherwise in the
2 interests of justice; and

3 “(2) by the Secretary of State, that in the judg-
4 ment of the certifying official, based on information
5 then known—

6 “(A) submission of the request would be
7 consistent with the foreign policy interests of
8 the United States;

9 “(B) the facts and circumstances of the re-
10 quest, including humanitarian considerations,
11 do not appear likely to present a significant im-
12 pediment to the ultimate surrender of the per-
13 son if found extraditable; and

14 “(C) the foreign government submitting
15 the request is not submitting the request in
16 order to try or punish the person sought for ex-
17 tradition primarily on the basis of the race, reli-
18 gion, nationality, or political opinions of that
19 person.

20 “(d) LIMITATIONS ON DELEGATION AND JUDICIAL
21 REVIEW.—

22 “(1) DELEGATION BY ATTORNEY GENERAL; JU-
23 DICIAL REVIEW.—The authorities and responsibil-
24 ities of the Attorney General under subsection (c)

1 may be delegated only to the Deputy Attorney Gen-
2 eral.

3 “(2) DELEGATION.—The authorities and re-
4 sponsibilities of the Secretary of State set forth in
5 this subsection may be delegated only to the Deputy
6 Secretary of State.

7 “(3) LIMITATION ON JUDICIAL REVIEW.—The
8 authorities and responsibilities set forth in this sub-
9 section are not subject to judicial review.

10 “(e) CASES OF URGENCY.—

11 “(1) IN GENERAL.—In any case of urgency, the
12 Attorney General may, with the concurrence of the
13 Secretary of State and before any formal certifi-
14 cation under subsection (e), authorize the filing of a
15 complaint seeking the provisional arrest and deten-
16 tion of the person sought for extradition before the
17 receipt of documents or other proof in support of the
18 request for extradition.

19 “(2) FILING OF COMPLAINTS; ORDER BY JUDI-
20 CIAL OFFICER.—

21 “(A) FILING.—A complaint filed under
22 this subsection shall be filed in the same man-
23 ner as provided in section 3184.

24 “(B) ORDERS.—Upon the filing of a com-
25 plaint under subparagraph (A), the appropriate

1 judicial officer may issue an order for the provi-
2 sional arrest and detention of the person.

3 “(C) RELEASES.—If, not later than 45
4 days after the arrest, the formal request for ex-
5 tradition and documents in support of that are
6 not received by the Department of State, the
7 appropriate judicial officer may order that a
8 person detained pursuant to this subsection be
9 released from custody.

10 “(f) HEARINGS.—

11 “(1) IN GENERAL.—Subject to subsection (h),
12 upon the filing of a complaint for extradition and re-
13 ceipt of documents or other proof in support of the
14 request of a foreign government for extradition, the
15 appropriate judicial officer shall hold a hearing to
16 determine whether the person sought for extradition
17 is extraditable.

18 “(2) CRITERIA FOR EXTRADITION.—Subject to
19 subsection (g), in a hearing conducted under para-
20 graph (1), the judicial officer shall find a person ex-
21 traditable if the officer finds—

22 “(A) probable cause to believe that the
23 person before the judicial officer is the person
24 sought in the foreign country of the requesting
25 foreign government;

1 “(B) probable cause to believe that the
2 person before the judicial officer committed the
3 offense for which that person is sought, or was
4 duly convicted of that offense in the foreign
5 country of the requesting foreign government;

6 “(C) that the conduct upon which the re-
7 quest for extradition is based, if that conduct
8 occurred within the United States, would be a
9 serious offense punishable by imprisonment for
10 more than 10 years under the laws of—

11 “(i) the United States;

12 “(ii) the majority of the States in the
13 United States; or

14 “(iii) of the State in which the fugi-
15 tive is found; and

16 “(D) no defense to extradition under sub-
17 section (f) has been established.

18 “(g) LIMITATION OF EXTRADITION.—

19 “(1) IN GENERAL.—A judicial officer shall not
20 find a person extraditable under this section if the
21 person has established that the offense for which ex-
22 tradition is sought is—

23 “(A) an offense for which the person is
24 being proceeded against, or has been tried or
25 punished, in the United States; or

1 “(B) a political offense.

2 “(2) POLITICAL OFFENSES.—For purposes of
3 this section, a political offense does not include—

4 “(A) a murder or other violent crime
5 against the person of a head of state of a for-
6 eign state, or of a member of the family of the
7 head of state;

8 “(B) an offense for which both the United
9 States and the requesting foreign government
10 have the obligation pursuant to a multilateral
11 international agreement to—

12 “(i) extradite the person sought; or

13 “(ii) submit the case to the competent
14 authorities for decision as to prosecution;

15 or

16 “(C) a conspiracy or attempt to commit
17 any of the offenses referred to in subparagraph
18 (A) or (B), or aiding or abetting a person who
19 commits or attempts to commit any such of-
20 fenses.

21 “(h) LIMITATIONS ON FACTORS FOR CONSIDERATION
22 AT HEARINGS.—

23 “(1) IN GENERAL.—At a hearing conducted
24 under subsection (a), the judicial officer conducting
25 the hearing shall not consider issues regarding—

1 “(A) humanitarian concerns;

2 “(B) the nature of the judicial system of
3 the requesting foreign government; and

4 “(C) whether the foreign government is
5 seeking extradition of a person for the purpose
6 of prosecuting or punishing the person because
7 of the race, religion, nationality or political
8 opinions of that person.

9 “(2) CONSIDERATION BY SECRETARY OF
10 STATE.—The issues referred to in paragraph (1)
11 shall be reserved for consideration exclusively by the
12 Secretary of State as described in subsection (c)(2).

13 “(3) ADDITIONAL CONSIDERATION.—Notwith-
14 standing the certification requirements described in
15 subsection (c)(2), the Secretary of State may, within
16 the sole discretion of the Secretary—

17 “(A) in addition to considering the issues
18 referred to in paragraph (1) for purposes of
19 certifying the filing of a complaint under this
20 section, consider those issues again in exercis-
21 ing authority to surrender the person sought
22 for extradition in carrying out the procedures
23 under section 3184 and 3186; and

24 “(B) impose conditions on surrender in-
25 cluding those provided in subsection (i).

1 “(i) CONDITIONS OF SURRENDER; ASSURANCES.—

2 “(1) IN GENERAL.—The Secretary of State
3 may—

4 “(A) impose conditions upon the surrender
5 of a person sought for extradition under this
6 section; and

7 “(B) require such assurances of compli-
8 ance with those conditions, as the Secretary de-
9 termines to be appropriate.

10 “(2) ADDITIONAL ASSURANCES.—In addition to
11 imposing conditions and requiring assurances under
12 paragraph (1), the Secretary shall demand, as a con-
13 dition of the extradition of the person that is sought
14 for extradition—

15 “(A) in every case, an assurance the Sec-
16 retary determines to be satisfactory that the
17 person shall not be tried or punished for an of-
18 fense other than the offense for which the per-
19 son has been extradited, absent the consent of
20 the United States; and

21 “(B) in a case in which the offense for
22 which extradition is sought is punishable by
23 death in the foreign country of the requesting
24 foreign government and is not so punishable
25 under the applicable laws in the United States,

1 an assurance the Secretary determines to be
2 satisfactory that the death penalty—

3 “(i) shall not be imposed; or

4 “(ii) if imposed, shall not be carried
5 out.”.

6 **SEC. 9103. TECHNICAL AND CONFORMING AMENDMENTS.**

7 (a) IN GENERAL.—Chapter 209 of title 18, United
8 States Code, is amended—

9 (1) in section 3181, by inserting “, other than
10 sections 3197 and 3198,” after “The provisions of
11 this chapter” each place that term appears; and

12 (2) in section 3186, by striking “or 3185” and
13 inserting “, 3185, 3197 or 3198”.

14 (b) CHAPTER ANALYSIS.—The analysis for chapter
15 209 of title 18, United States Code, is amended by adding
16 at the end the following:

“3197. Extradition for offenses not covered by a list treaty.
“3198. Extradition absent a treaty.”.

17 **SEC. 9104. TEMPORARY TRANSFER OF PERSONS IN CUS-**
18 **TODY FOR PROSECUTION.**

19 (a) IN GENERAL.—Chapter 306 of title 18, United
20 States Code, is amended by adding at the end the follow-
21 ing:

22 **“§ 4116. Temporary transfer for prosecution**

23 “(a) STATE DEFINED.—In this section, the term
24 ‘State’ includes a State of the United States, the District

1 of Columbia, and a commonwealth, territory, or possession
2 of the United States.

3 “(b) AUTHORITY OF ATTORNEY GENERAL WITH RE-
4 SPECT TO TEMPORARY TRANSFERS.—

5 “(1) IN GENERAL.—Subject to subsection (d),
6 if a person is in pretrial detention or is otherwise
7 being held in custody in a foreign country based
8 upon a violation of the law in that foreign country,
9 and that person is found extraditable to the United
10 States by the competent authorities of that foreign
11 country while still in the pretrial detention or cus-
12 tody, the Attorney General shall have the author-
13 ity—

14 “(A) to request the temporary transfer of
15 that person to the United States in order to
16 proceed with prosecution of that person in a
17 Federal or State criminal proceeding;

18 “(B) to maintain the custody of that per-
19 son while the person is in the United States;
20 and

21 “(C) to return that person to the foreign
22 country at the conclusion of the criminal pros-
23 ecution, including any imposition of sentence.

24 “(2) REQUIREMENTS FOR REQUESTS BY AT-
25 TORNEY GENERAL.—The Attorney General shall

1 make a request under paragraph (1) only if the At-
2 torney General determines, after consultation with
3 the Secretary of State, that the return of that per-
4 son to the foreign country in question would be con-
5 sistent with international obligations of the United
6 States.

7 “(3) LIMITATION ON JUDICIAL REVIEW.—Any
8 decision or exercise of authority by the Attorney
9 General under this subsection shall not be subject to
10 judicial review.

11 “(c) AUTHORITY OF ATTORNEY GENERAL WITH RE-
12 SPECT TO PRETRIAL DETENTIONS.—

13 “(1) IN GENERAL.—

14 “(A) AUTHORITY OF ATTORNEY GEN-
15 ERAL.—Subject to paragraph (2) and sub-
16 section (d), the Attorney General shall have the
17 authority to carry out the actions described in
18 subparagraph (B), if—

19 “(i) a person is in pretrial detention
20 or is otherwise being held in custody in the
21 United States based upon a violation of
22 Federal or State law, and that person is
23 found extraditable to a foreign country
24 while still in the pretrial detention or cus-

1 tody pursuant to section 3184, 3197, or
2 3198; and

3 “(ii) a determination is made by the
4 Secretary of State and the Attorney Gen-
5 eral that the person will be surrendered.

6 “(B) ACTIONS.—If the conditions de-
7 scribed in subparagraph (A) are met, the Attor-
8 ney General shall have the authority to—

9 “(i) temporarily transfer the person
10 described in subparagraph (A) to the for-
11 eign country of the foreign government re-
12 questing the extradition of that person in
13 order to face prosecution;

14 “(ii) transport that person from the
15 United States in custody; and

16 “(iii) return that person in custody to
17 the United States from the foreign coun-
18 try.

19 “(2) CONSENT BY STATE AUTHORITIES.—If the
20 person is being held in custody for a violation of
21 State law, the Attorney General may exercise the au-
22 thority described in paragraph (1) if the appropriate
23 State authorities give their consent to the Attorney
24 General.

1 “(3) CRITERION FOR REQUEST.—The Attorney
2 General shall make a request under paragraph (1)
3 only if the Attorney General determines, after con-
4 sultation with the Secretary of State, that the return
5 of the person sought for extradition to the foreign
6 country of the foreign government requesting the ex-
7 tradition would be consistent with United States
8 international obligations.

9 “(4) JUDICIAL REVIEW.—Any decision or exer-
10 cise of authority by the Attorney General under this
11 subsection shall not be subject to judicial review.

12 “(5) EFFECT OF TEMPORARY TRANSFER.—
13 With regard to any person in pretrial detention—

14 “(A) a temporary transfer under this sub-
15 section shall result in an interruption in the
16 pretrial detention status of that person; and

17 “(B) the right to challenge the conditions
18 of confinement pursuant to section 3142(f) does
19 not extend to the right to challenge the condi-
20 tions of confinement in a foreign country while
21 in that foreign country temporarily under this
22 subsection.

23 “(d) CONSENT BY PARTIES TO WAIVE PRIOR FIND-
24 ING OF WHETHER A PERSON IS EXTRADITABLE.—The
25 Attorney General may exercise the authority described in

1 subsections (b) and (c) absent a prior finding that the per-
2 son in custody is extraditable, if the person, any appro-
3 priate State authorities in a case under subsection (c), and
4 the requesting foreign government give their consent to
5 waive that requirement.

6 “(e) RETURN OF PERSONS.—

7 “(1) IN GENERAL.—If the temporary transfer
8 to or from the United States of a person in custody
9 for the purpose of prosecution is provided for by this
10 section, that person shall be returned to the United
11 States or to the foreign country from which the per-
12 son is transferred on completion of the proceedings
13 upon which the transfer was based.

14 “(2) STATUTORY INTERPRETATION WITH RE-
15 SPECT TO IMMIGRATION LAWS.—In no event shall
16 the return of a person under paragraph (1) require
17 extradition proceedings or proceedings under the im-
18 migration laws.

19 “(3) CERTAIN RIGHTS AND REMEDIES
20 BARRED.—Notwithstanding any other provision of
21 law, a person temporarily transferred to the United
22 States pursuant to this section shall not be entitled
23 to apply for or obtain any right or remedy under the
24 Immigration and Nationality Act (8 U.S.C. 1101 et

1 seq.), including the right to apply for or be granted
2 asylum or withholding of deportation.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The analysis for chapter 306 of title 18, United States
5 Code, is amended by adding at the end the following:

“4116. Temporary transfer for prosecution.”.

6 **SEC. 9105. TRANSFER OF FOREIGN PRISONERS TO SERVE**
7 **SENTENCES IN COUNTRY OF ORIGIN.**

8 Section 4100(b) of title 18, United States Code, is
9 amended in the third sentence by inserting “, unless other-
10 wise provided by treaty,” before “an offender”.

11 **SEC. 9106. TRANSIT OF FUGITIVES FOR PROSECUTION IN**
12 **FOREIGN COUNTRIES.**

13 (a) **IN GENERAL.**—Chapter 305 of title 18, United
14 States Code, is amended by adding at the end the follow-
15 ing:

16 **“§ 4087. Transit through the United States of persons**
17 **wanted in a foreign country**

18 “(a) **IN GENERAL.**—The Attorney General may, in
19 consultation with the Secretary of State, permit the tem-
20 porary transit through the United States of a person
21 wanted for prosecution or imposition of sentence in a for-
22 eign country.

23 “(b) **LIMITATION ON JUDICIAL REVIEW.**—A deter-
24 mination by the Attorney General to permit or not to per-

1 mit a temporary transit described in subsection (a) shall
 2 not be subject to judicial review.

3 “(c) CUSTODY.—If the Attorney General permits a
 4 temporary transit under subsection (a), Federal law en-
 5 forcement personnel may hold the person subject to that
 6 transit in custody during the transit of the person through
 7 the United States.

8 “(d) CONDITIONS APPLICABLE TO PERSONS SUB-
 9 JECT TO TEMPORARY TRANSIT.—Notwithstanding any
 10 other provision of law, a person who is subject to a tem-
 11 porary transit through the United States under this sec-
 12 tion shall—

13 “(1) be required to have only such documents
 14 as the Attorney General shall require;

15 “(2) not be considered to be admitted or pa-
 16 roled into the United States; and

17 “(3) not be entitled to apply for or obtain any
 18 right or remedy under the Immigration and Nation-
 19 ality Act (8 U.S.C. 1101 et seq.), including the right
 20 to apply for or be granted asylum or withholding of
 21 deportation.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 23 The analysis for chapter 305 of title 18, United States
 24 Code, is amended by adding at the end the following:

“4087. Transit through the United States of persons wanted in a foreign coun-
 try.”.

1 **Subtitle C—Seizing and Forfeiting**
2 **the Assets of International**
3 **Criminals**

4 **SEC. 9201. FORFEITURE OF ASSETS IN INTERNATIONAL**
5 **MONEY LAUNDERING AND DRUG CRIMES.**

6 (a) FORFEITURE OF PROCEEDS OF FOREIGN
7 CRIMES.—Section 981(a)(1)(B) of title 18, United States
8 Code, is amended by inserting “or involving any other con-
9 duct described in section 1956(c)(7)(D),” after “Con-
10 trolled Substances Act),”.

11 (b) FORFEITURE OF PROPERTY USED TO COMMIT
12 DRUG CRIMES ABROAD.—Section 981(a)(1)(B) of title
13 18, United States Code, is amended by inserting “, or any
14 property used to facilitate an offense described in subpara-
15 graph (i)” before the period at the end.

16 (c) FORFEITURE OF PROPERTY USED TO VIOLATE
17 FEDERAL EXPLOSIVES LAWS.—

18 (1) IN GENERAL.—Section 981(a)(1) of title
19 18, United States Code, is amended by adding at
20 the end the following:

21 “(I) Any conveyance, chemical, laboratory
22 equipment, or other material, article, apparatus, de-
23 vice, or thing made, possessed, fitted, used, or in-
24 tended to be used to commit a violation of sub-
25 section (a)(1), (a)(3), (b), (c), (d), (h), (i), (l), (m),

1 or (n) of section 842, or any of subsections (d)
2 through (m) of section 844, or a conspiracy to com-
3 mit any such offense, and any property traceable to
4 any such item.”.

5 (2) CONFORMING AMENDMENT.—Section
6 982(a) of title 18, United States Code, is amended
7 by adding at the end the following:

8 “(9) In imposing a sentence on a person con-
9 victed of an offense punishable for a violation of
10 chapter 40, or a conspiracy to commit such an of-
11 fense, the court shall order the person to forfeit to
12 the United States any—

13 “(A) conveyance, chemical, laboratory
14 equipment, or other material, article, apparatus,
15 device, or thing made, possessed, fitted, used,
16 or intended to be used to commit such offense;
17 and

18 “(B) property traceable to any item de-
19 scribed in subparagraph (A).”

20 **SEC. 9202. AUTHORITY TO ORDER CONVICTED CRIMINALS**
21 **TO RETURN PROPERTY LOCATED ABROAD.**

22 (a) ORDER OF FORFEITURE.—Section 413(p) of the
23 Controlled Substances Act (21 U.S.C. 853(p)) is amended
24 by adding at the end the following: “In the case of prop-
25 erty described in paragraph (3), the court may, in addi-

1 tion, order the defendant to return the property to the
2 jurisdiction of the court so that the property may be seized
3 and forfeited.”.

4 (b) PRETRIAL RESTRAINING ORDER.—Section
5 413(e) of the Controlled Substances Act (21 U.S.C.
6 853(e)) is amended by inserting after paragraph (3) the
7 following:

8 “(4)(A) Pursuant to its authority to enter a
9 pretrial restraining order under this section, includ-
10 ing its authority to restrain any property forfeitable
11 as substitute assets, the court may also order the de-
12 fendant to repatriate any property subject to forfeit-
13 ure pending trial, and to deposit that property in the
14 registry of the court, or with the United States Mar-
15 shals Service or the Secretary of the Treasury, in an
16 interest-bearing account.

17 “(B) Failure to comply with an order under
18 this subsection, or an order to repatriate property
19 under subsection (p), shall be punishable as a civil
20 or criminal contempt of court, and may also result
21 in an enhancement of the sentence for the offense
22 giving rise to the forfeiture under the obstruction of
23 justice provision of section 3C1.1 of the Federal
24 Sentencing Guidelines.”.

1 **SEC. 9203. ENFORCEMENT OF FOREIGN FORFEITURE JUDG-**
2 **MENTS.**

3 (a) IN GENERAL.—Chapter 163 of title 28, United
4 States Code, as amended by section 8012, is amended by
5 adding at the end the following:

6 **“§ 2468. Enforcement of foreign forfeiture judgment**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘foreign nation’ means a country
9 that has become a party to the United Nations Con-
10 vention Against Illicit Traffic in Narcotic Drugs and
11 Psychotropic Substances (hereafter ‘the United Na-
12 tions Convention’) or a foreign jurisdiction with
13 which the United States has a treaty or other formal
14 international agreement in effect providing for mu-
15 tual forfeiture assistance; and

16 “(2) the term ‘value based confiscation judg-
17 ment’ shall mean a final order of a foreign nation
18 compelling a defendant, as a consequence of the
19 criminal conviction of the defendant for an offense
20 described in Article 3, paragraph 1, of the United
21 Nations Convention, to pay a sum of money rep-
22 resenting the proceeds of the offense, or property the
23 value of which corresponds to those proceeds.

24 “(b) REVIEW BY ATTORNEY GENERAL.—

25 “(1) IN GENERAL.—A foreign nation seeking to
26 have its value based confiscation judgment reg-

1 istered and enforced by a United States district
2 court under this section shall first submit to the At-
3 torney General or the designee of the Attorney Gen-
4 eral a request, which shall include—

5 “(A) a summary of the facts of the case
6 and a description of the criminal proceeding
7 that resulted in the value based confiscation
8 judgment;

9 “(B) certified copies of the judgment of
10 conviction and value based confiscation judg-
11 ment;

12 “(C) an affidavit or sworn declaration es-
13 tablishing that the defendant received notice of
14 the proceedings in sufficient time to enable the
15 defendant to defend against the charges and
16 that the value based confiscation judgment ren-
17 dered is in force and is not subject to appeal;

18 “(D) an affidavit or sworn declaration that
19 reasonable efforts have been undertaken to en-
20 force the value based confiscation judgment
21 against the property of the defendant, if any, in
22 the foreign country; and

23 “(E) such additional information and evi-
24 dence as may be required by the Attorney Gen-
25 eral or the designee of the Attorney General.

1 “(2) CERTIFICATION.—The Attorney General
2 or the designee of the Attorney General, in consulta-
3 tion with the Secretary of State or the designee of
4 the Secretary, shall determine whether to certify the
5 request, and such decision shall be final and not
6 subject to either judicial review or review under
7 chapter 5 of title 5, United States Code (commonly
8 known as the ‘Administrative Procedures Act’).

9 “(c) JURISDICTION AND VENUE.—

10 “(1) IN GENERAL.—If the Attorney General or
11 the designee of the Attorney General certifies a re-
12 quest under paragraph (b), the foreign nation may
13 file a civil proceeding in United States district court
14 seeking to enforce the foreign value based confisca-
15 tion judgment as if the judgment had been entered
16 by a court in the United States.

17 “(2) RULES GOVERNING PROCEEDINGS.—In a
18 civil proceeding under paragraph (1)—

19 “(A) the foreign nation shall be the plain-
20 tiff and the person against whom the value
21 based confiscation judgment was entered shall
22 be the defendant;

23 “(B) venue shall lie in the district court
24 for the District of Columbia or in any other dis-
25 trict in which the defendant or the property

1 that may be the basis for satisfaction of a judg-
2 ment under this section may be found; and

3 “(C) the district court shall have personal
4 jurisdiction over a defendant residing outside of
5 the United States if the defendant is served
6 with process in accordance with Rule 4 of the
7 Federal Rules of Civil Procedure.

8 “(d) ENTRY AND ENFORCEMENT OF JUDGMENT.—

9 “(1) IN GENERAL.—In any civil action under
10 subsection (c), the district court shall enter such or-
11 ders as may be necessary to enforce the value based
12 confiscation judgment on behalf of the foreign na-
13 tion, if the court determines that—

14 “(A) the value based confiscation judgment
15 was rendered under a system that provides im-
16 partial tribunals or procedures compatible with
17 the requirements of due process of law;

18 “(B) the foreign court had personal juris-
19 diction over the defendant;

20 “(C) the foreign court had jurisdiction over
21 the subject matter;

22 “(D) the defendant in the proceedings in
23 the foreign court received notice of the proceed-
24 ings in sufficient time to enable the defendant
25 to defend; and

1 U.S.C. 1705(a)), is amended by striking “\$10,000” and
2 inserting “\$50,000”.

3 (b) INCREASED CRIMINAL FINE.—Section 206(b) of
4 the International Emergency Economic Powers Act (50
5 U.S.C. 1705(b)), is amended to read as follows:

6 “(b) Whoever willfully violates any license, order, or
7 regulation issued under this chapter shall be fined not
8 more than \$1,000,000 if an organization (as defined in
9 section 18 of title 18, United States Code), and not more
10 than \$250,000, imprisoned not more than 10 years, or
11 both, if an individual.”

12 **SEC. 9205. ATTEMPTED VIOLATIONS OF THE TRADING WITH**
13 **THE ENEMY ACT.**

14 Section 16 of the Trading with the Enemy Act (50
15 U.S.C. App. 16) is amended—

16 (1) in subsection (a), by inserting “or attempt
17 to violate” after “violate” each time it appears; and

18 (2) in subsection (b)(1), by inserting “or at-
19 tempts to violate” after “violates”.

1 **Subtitle D—Responding to Emerg-**
2 **ing International Crime Threats**

3 **PART 1—COMPUTER AND HIGH-TECH CRIME**

4 **SEC. 9310. ENHANCED AUTHORITY TO INVESTIGATE COM-**
5 **PUTER FRAUD AND ATTACKS ON COMPUTER**
6 **SYSTEMS.**

7 Section 2516(1)(c) of title 18, United States Code,
8 is amended by inserting “, a felony violation of section
9 1030 (relating to computer fraud and attacks on computer
10 systems)” before “section 1992 (relating to wrecking
11 trains)”.

12 **SEC. 9311. LAW ENFORCEMENT ACCESS TO STORED INFOR-**
13 **MATION ON COMPUTER NETWORKS.**

14 Section 2703 of title 18, United States Code, as
15 amended by section 2403, is amended by adding at the
16 end the following:

17 “(h) ACCESS TO STORED ELECTRONIC INFORMA-
18 TION.—

19 “(1) DISCLOSURE.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), a governmental entity may require
22 the disclosure by a provider of a remote com-
23 puting service of the contents of an electronic
24 record in networked electronic storage only if
25 the person who created the record is accorded

1 the same protections that would be available if
2 the record had remained in that person's pos-
3 session.

4 “(B) NETWORKED ELECTRONIC STOR-
5 AGE.—In addition to the requirements of sub-
6 paragraph (A) and subject to paragraph (2), a
7 governmental entity may require the disclosure
8 of the contents of an electronic record in
9 networked electronic storage only—

10 “(i) pursuant to a warrant issued
11 under the Federal Rules of Criminal Pro-
12 cedure or equivalent State warrant, a copy
13 of which warrant shall be served on the
14 person who created the record prior to or
15 at the same time the warrant is served on
16 the provider of the remote computing serv-
17 ice;

18 “(ii) pursuant to a subpoena issued
19 under the Federal Rules of Criminal Pro-
20 cedure or equivalent State warrant, a copy
21 of which subpoena shall be served on the
22 person who created the record, under cir-
23 cumstances allowing that person a mean-
24 ingful opportunity to challenge the sub-
25 poena; or

1 “(iii) upon the consent of the person
2 who created the record.

3 “(2) DEFINITION.—In this subsection, an elec-
4 tronic record is in ‘networked electronic storage’ if—

5 “(A) it is not covered by subsection (a) of
6 this section;

7 “(B) the person holding the record is not
8 authorized to access the contents of such record
9 for any purposes other than in connection with
10 providing the service of storage; and

11 “(C) the person who created the record is
12 able to access and modify it remotely through
13 electronic means.”.

14 **PART 2—ENHANCING ANTITERRORISM LAWS**

15 **SEC. 9320. EXTENSION OF AUTHORITY.**

16 Section 233(d) of the Antiterrorism and Effective
17 Death Penalty Act of 1996 (110 Stat. 1245) is amended
18 by striking “1 year after the date of enactment of this
19 Act” and inserting “on October 1, 1999”.

20 **SEC. 9321. CLARIFICATION OF BIOLOGICAL WEAPONS DEFINITIONS.**

21 **(a) BIOLOGICAL AGENTS; TOXINS.**—Section 178 of
22 title 18, United States Code, is amended by—

23 (1) in paragraph (1), striking “means any
24 microorganism, virus, or infectious substance, or bio-
25 microorganism, virus, or infectious substance, or bio-

1 logical product that may be engineered as a result
2 of biotechnology or any naturally occurring or bio-
3 engineered component of any such microorganism,
4 virus, infectious substance, or biological product”
5 and inserting the following: “means any microorga-
6 nism (including, but not limited to, bacteria, viruses,
7 fungi, rickettsiae or protozoa), or infectious sub-
8 stance, or any naturally occurring, bioengineered or
9 synthesized component of any such microorganism
10 or infectious substance”;

11 (2) in paragraph (2), striking “means the toxic
12 material of plants, animals, microorganisms, viruses,
13 fungi, or infectious substances, or a recombinant
14 molecule, whatever its origin or method of produc-
15 tion, including” and inserting the following: “means
16 the toxic material or product of plants, animals,
17 microorganisms (including, but not limited to, bac-
18 teria, viruses, fungi, rickettsiae or protozoa), or in-
19 fectionous substances, or a recombinant or synthesized
20 molecule, whatever their origin and method of pro-
21 duction, and includes”; and

22 (3) in paragraph (4), striking “recombinant
23 molecule, or biological product that may be engi-
24 neered as a result of biotechnology” and inserting
25 “recombinant or synthesized molecule”.

1 (b) USE OF WEAPONS OF MASS DESTRUCTION.—
 2 Section 2332a of title 18, United States Code, is amend-
 3 ed—

4 (1) in subsection (a), striking “, including any
 5 biological agent, toxin, or vector (as those terms are
 6 defined in section 178)”;

7 (2) in subsection (c)(2)(C), striking “disease or-
 8 ganism” and inserting “any biological agent, toxin,
 9 or vector (as those terms are defined in section 178
 10 of this title)”.

11 **SEC. 9322. PUNISHMENT OF THREATS TO USE CHEMICAL**
 12 **WEAPONS.**

13 Section 2332c(a)(1) of title 18, United States Code,
 14 is amended by striking “uses, or attempts” and inserting
 15 “uses, or threatens, attempts”.

16 **Subtitle E—Promoting Global Co-**
 17 **operation in the Fight Against**
 18 **International Crime**

19 **SEC. 9401. SHARING PROCEEDS OF JOINT FORFEITURE OP-**
 20 **ERATIONS WITH COOPERATING FOREIGN**
 21 **AGENCIES.**

22 (a) IN GENERAL.—Section 981(i)(1) of title 18,
 23 United States Code, is amended by striking “this chapter”
 24 and inserting “any provision of Federal law”.

1 (b) CONFORMING AMENDMENT.—Section 511(e)(1)
2 of the Controlled Substances Act (21 U.S.C. 881(e)(1))
3 is amended—

4 (1) in subparagraph (C), by adding “or” at the
5 end;

6 (2) in subparagraph (D), by striking “; or” and
7 inserting a period; and

8 (3) by striking subparagraph (E).

9 **SEC. 9402. STREAMLINED PROCEDURES FOR EXECUTION**
10 **OF MLAT REQUESTS.**

11 (a) IN GENERAL.—Chapter 117 of title 28, United
12 States Code, is amended by adding at the end the follow-
13 ing:

14 **“§ 1785. Assistance to foreign authorities**

15 **“(a) IN GENERAL.—**

16 **“(1) PRESENTATION OF REQUESTS.—**The At-
17 torney General may present a request made by a
18 foreign government for assistance with respect to a
19 foreign investigation, prosecution, or proceeding re-
20 garding a criminal matter pursuant to a treaty, con-
21 vention, or executive agreement for mutual legal as-
22 sistance between the United States and that govern-
23 ment or in accordance with section 1782, the execu-
24 tion of which requires or appears to require the use

1 of compulsory measures in more than 1 judicial dis-
2 trict, to a judge or judge magistrate of—

3 “(A) any 1 of the districts in which per-
4 sons who may be required to appear to testify
5 or produce evidence or information reside or are
6 found, or in which evidence or information to be
7 produced is located; or

8 “(B) the United States District Court for
9 the District of Columbia.

10 “(2) AUTHORITY OF COURT.—A judge or judge
11 magistrate to whom a request for assistance is pre-
12 sented under paragraph (1) shall have the authority
13 to issue those orders necessary to execute the re-
14 quest including orders appointing a person to direct
15 the taking of testimony or statements and the pro-
16 duction of evidence or information, of whatever na-
17 ture and in whatever form, in execution of the re-
18 quest.

19 “(b) AUTHORITY OF APPOINTED PERSONS.—A per-
20 son appointed under subsection (a)(2) shall have the au-
21 thority to—

22 “(1) issue orders for the taking of testimony or
23 statements and the production of evidence or infor-
24 mation, which orders may be served at any place
25 within the United States;

1 “(2) administer any necessary oath; and

2 “(3) take testimony or statements and receive
3 evidence and information.

4 “(c) PERSONS ORDERED TO APPEAR.—A person or-
5 dered pursuant to subsection (b)(1) to appear outside the
6 district in which that person resides or is found may, not
7 later than 10 days after receipt of the order—

8 “(1) file with the judge or judge magistrate who
9 authorized execution of the request a motion to ap-
10 pear in the district in which that person resides or
11 is found or in which the evidence or information is
12 located; or

13 “(2) provide written notice, requesting appear-
14 ance in the district in which the person resides or
15 is found or in which the evidence or information is
16 located, to the person issuing the order to appear,
17 who shall advise the judge or judge magistrate au-
18 thorizing execution.

19 “(d) TRANSFER OF REQUESTS.—

20 “(1) IN GENERAL.—The judge or judge mag-
21 istrate may transfer a request under subsection (c),
22 or that portion requiring the appearance of that per-
23 son, to the other district if—

24 “(A) the inconvenience to the person is
25 substantial; and

1 “(B) the transfer is unlikely to adversely
2 affect the effective or timely execution of the re-
3 quest or a portion thereof.

4 “(2) EXECUTION.—Upon transfer, the judge or
5 judge magistrate to whom the request or a portion
6 thereof is transferred shall complete its execution in
7 accordance with subsections (a) and (b).”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 The analysis for chapter 117 of title 28, United States
10 Code, is amended by adding at the end the following:

 “1785. Assistance to foreign authorities.”.

11 **SEC. 9403. TEMPORARY TRANSFER TO FOREIGN COUNTRY**
12 **OF INCARCERATED WITNESSES.**

13 (a) IN GENERAL.—Section 3508 of title 18, United
14 States Code, is amended—

15 (1) by striking the section heading and insert-
16 ing the following:

17 **“§ 3508. Temporary transfer of witnesses in custody”;**

18 (2) by striking subsections (b) and (c) and in-
19 serting the following:

20 “(b) TRANSFER AUTHORITY.—

21 “(1) IN GENERAL.—If the testimony of a per-
22 son who is serving a sentence, in pretrial detention,
23 or otherwise being held in custody in the United
24 States, is needed in a foreign criminal proceeding,
25 the Attorney General shall have the authority to—

1 “(A) temporarily transfer that person to
2 the foreign country for the purpose of giving
3 the testimony;

4 “(B) transport that person from the
5 United States in custody;

6 “(C) make appropriate arrangements for
7 custody for that person while outside the
8 United States; and

9 “(D) return that person in custody to the
10 United States from the foreign country.

11 “(2) PERSONS HELD FOR STATE LAW VIOLA-
12 TIONS.—If the person is being held in custody for a
13 violation of State law, the Attorney General may ex-
14 ercise the authority described in this subsection if
15 the appropriate State authorities give their consent.

16 “(c) RETURN OF PERSONS TRANSFERRED.—

17 “(1) IN GENERAL.—If the transfer to or from
18 the United States of a person in custody for the pur-
19 pose of giving testimony is provided for by treaty or
20 convention, by this section, or both, that person shall
21 be returned to the United States, or to the foreign
22 country from which the person is transferred.

23 “(2) LIMITATION.—In no event shall the return
24 of a person under this subsection require any re-
25 quest for extradition or extradition proceedings, or

1 require that person to be subject to deportation or
2 exclusion proceedings under the laws of the United
3 States, or the foreign country from which the person
4 is transferred.

5 “(d) APPLICABILITY OF INTERNATIONAL AGREE-
6 MENTS.—If there is an international agreement between
7 the United States and the foreign country in which a wit-
8 ness is being held in custody or to which the witness will
9 be transferred from the United States, that provides for
10 the transfer, custody, and return of those witnesses, the
11 terms and conditions of that international agreement shall
12 apply. If there is no such international agreement, the At-
13 torney General may exercise the authority described in
14 subsections (a) and (b) if both the foreign country and
15 the witness give their consent.

16 “(e) RIGHTS OF PERSONS TRANSFERRED.—

17 “(1) Notwithstanding any other provision of
18 law, a person held in custody in a foreign country
19 who is transferred to the United States pursuant to
20 this section for the purpose of giving testimony—

21 “(A) shall not by reason of that transfer,
22 during the period that person is present in the
23 United States pursuant to that transfer, be en-
24 titled to apply for or obtain any right or remedy
25 under the Immigration and Nationality Act (8

1 U.S.C. 1101 et seq.), including the right to
2 apply for or be granted asylum or withholding
3 of deportation or any right to remain in the
4 United States under any other law; and

5 “(B) may be summarily removed from the
6 United States upon order of the Attorney Gen-
7 eral.

8 “(2) RULE OF CONSTRUCTION.—Nothing in
9 this subsection may be construed to create any sub-
10 stantive or procedural right or benefit to remain in
11 the United States that is legally enforceable in a
12 court of law of the United States or of a State by
13 any party against the United States or its agencies
14 or officers.

15 “(f) CONSISTENCY WITH INTERNATIONAL OBLIGA-
16 TIONS.—The Attorney General shall not take any action
17 under this section to transfer or return a person to a for-
18 eign country unless the Attorney General determines, after
19 consultation with the Secretary of State, that transfer or
20 return would be consistent with the international obliga-
21 tions of the United States. A determination by the Attor-
22 ney General under this subsection shall not be subject to
23 judicial review by any court.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
25 The analysis for chapter 223 of title 18, United States

1 Code, is amended by striking the item relating to section
2 3508 and inserting the following:

“3508. Temporary transfer of witnesses in custody.”.

3 **SEC. 9404. DISCRETIONARY AUTHORITY TO USE FORFEIT-**
4 **URE PROCEEDS.**

5 Section 524(c)(1) of title 28, United States Code, is
6 amended by—

7 (1) redesignating subparagraph (I) beginning
8 with “after all” as subparagraph (J);

9 (2) in subparagraph (J) as redesignated, strik-
10 ing the period and inserting “, and”; and

11 (3) adding at the end the following:

12 “(K) at the discretion of the Attorney Gen-
13 eral, payments to return forfeited property re-
14 patriated to the United States by a foreign gov-
15 ernment or others acting at the direction of a
16 foreign government, and interest earned on the
17 property, if—

18 “(i) a final foreign judgment entered
19 against a foreign government or those act-
20 ing at its direction, which foreign judgment
21 was based on the measures, such as sei-
22 zure and repatriation of property, that re-
23 sulted in deposit of the funds into the
24 Fund;

1 “(ii) the foreign judgment was entered
2 and presented to the Attorney General not
3 later than 5 years after the date on which
4 the property was repatriated to the United
5 States;

6 “(iii) the foreign government or those
7 acting at its direction vigorously defended
8 its actions under its own laws; and

9 “(iv) the amount of the disbursement
10 does not exceed the amount of funds de-
11 posited to the Fund, plus interest earned
12 on those funds pursuant to section
13 524(c)(5), less any awards and equitable
14 shares paid by the Fund to the foreign
15 government or those acting at its direction
16 in connection with a particular case.”.

17 **Subtitle F—Streamlining the Inves-**
18 **tigation and Prosecution of**
19 **International Crimes in United**
20 **States Courts**

21 **SEC. 9501. REIMBURSEMENT OF STATE AND LOCAL LAW**
22 **ENFORCEMENT AGENCIES IN INTER-**
23 **NATIONAL CRIME CASES.**

24 The Attorney General may obligate, as necessary ex-
25 penses, from any appropriate appropriation account avail-

1 able to the Department of Justice in fiscal year 1999 or
 2 any fiscal year thereafter, the cost of reimbursement to
 3 State or local law enforcement agencies for translation
 4 services and related expenses, including transportation ex-
 5 penses, in cases involving extradition or requests for mu-
 6 tual legal assistance from foreign governments.

7 **SEC. 9502. STRENGTHEN WAR CRIMES OFFENSE.**

8 Section 2441 of title 18, United States Code, is
 9 amended in subsection (b), by inserting “: (1)” after
 10 “are”, and by adding the following before the period: “;
 11 (2) the perpetrator is found in the United States after
 12 the crime is committed; or (3) the crime occurs within the
 13 United States”.

14 **SEC. 9503. SAFE CONDUCT FOR FOREIGN WITNESSES TES-**
 15 **TIFYING IN UNITED STATES COURTS.**

16 (a) IN GENERAL.—Chapter 305 of title 18, United
 17 States Code, as amended by section 9106 of this Act, is
 18 amended by adding at the end the following:

19 **“§ 4088. Safe conduct for witnesses temporarily in the**
 20 **United States**

21 “(a) DEFINITIONS.—In this section:

22 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
 23 The term ‘Federal law enforcement officer’ has the
 24 meaning given the term in section 115.

1 “(2) MAGISTRATE JUDGE.—The term ‘mag-
2 istrate judge’ has the meaning given the term in
3 Rule 54 of the Federal Rules of Criminal Procedure.

4 “(3) STATE.—The term ‘State’ means a State
5 of the United States, the District of Columbia, and
6 any commonwealth, territory, or possession of the
7 United States.

8 “(b) SAFE CONDUCT.—The Attorney General may
9 determine that, if a person located outside the United
10 States is requested by a magistrate judge or Federal law
11 enforcement officer to appear and provide testimony or
12 answer questions in the United States in connection with
13 any Federal or State criminal matter, the person shall not
14 be subject to service of process, or be detained or subjected
15 to any restriction of personal liberty, by reason of any acts
16 or convictions that preceded the departure of that person
17 from the foreign jurisdiction.

18 “(c) TERMS AND CONDITIONS.—

19 “(1) IN GENERAL.—The Attorney General may
20 specify in any grant of safe conduct the appropriate
21 duration and conditions of the grant.

22 “(2) TIME PERIOD.—Absent contrary direction
23 by the Attorney General, the safe conduct provided
24 for by this section shall expire not later the earlier
25 of—

1 “(A) the date on which the person leaves
2 the United States; or

3 “(B) 7 days after the earlier of—

4 “(i) the date on which the person
5 completes the testimony of that person or
6 the answers of that person to the ques-
7 tions; or

8 “(ii) the date on which the requesting
9 magistrate judge or Federal law enforce-
10 ment officer has notified either the person
11 or the appropriate authorities in the for-
12 eign jurisdiction that the presence of that
13 person in the United States is no longer
14 required.

15 “(3) IMMIGRATION STATUS AND REMOVAL.—
16 Absent contrary direction by the Attorney General,
17 persons granted safe conduct—

18 “(A) shall not be entitled to apply for or
19 obtain any light or remedy under the Immigra-
20 tion and Nationality Act, for so long as they are
21 present in the United States pursuant to those
22 grants; and

23 “(B) may be summarily removed from the
24 United States at the expiration of the safe con-
25 duct period upon order of the Attorney General,

1 and those orders shall not be subject to admin-
2 istrative or judicial review.

3 “(d) JUDICIAL REVIEW.—A determination by the At-
4 torney General to grant, deny, or condition safe conduct
5 under this section shall not be subject to judicial review.

6 “(e) TREATY PROVISIONS.—To the extent the provi-
7 sions of an applicable mutual legal assistance treaty are
8 inconsistent with this section, the treaty provisions shall
9 apply.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—
11 The analysis for chapter 305 of title 18, United States
12 Code, is amended by adding at the end the following:

“4088. Safe conduct for witnesses temporarily in the United States.”.

13 **SEC. 9504. PROHIBITING FUGITIVES FROM BENEFITING**
14 **FROM TIME SERVED ABROAD.**

15 Section 3585 of title 18, United States Code, is
16 amended by adding at the end the following:

17 “(c) EXCLUSION FOR TIME SERVED ABROAD.—Not-
18 withstanding subsection (b), a defendant shall receive no
19 credit for any time spent in official detention in a foreign
20 country if—

21 “(1) the defendant fled from, or remained out-
22 side of, the United States to avoid prosecution or
23 imprisonment;

1 “(2) the United States officially requested the
2 return of the defendant to the United States for
3 prosecution or imprisonment; and

4 “(3) the defendant is in custody in the foreign
5 country pending surrender to the United States for
6 prosecution or imprisonment.”.

7 **SEC. 9505. SUSPENSION OF STATUTE OF LIMITATIONS FOR**
8 **COLLECTION OF EVIDENCE LOCATED**
9 **ABROAD.**

10 Section 3292(b) of title 18, United States Code, is
11 amended to read as follows:

12 “(b) PERIOD OF SUSPENSION.—Except as provided
13 in subsection (c), a period of suspension under this section
14 shall begin on the date on which the official request is
15 made and end on the date on which, the foreign court or
16 authority having taken final action on the request and
17 having transmitted the decision or results to the United
18 States, the decision or results are delivered to the request-
19 ing United States authority.”.

20 **SEC. 9506. CLARIFICATION OF DISCRETIONARY NATURE OF**
21 **PAYMENTS TO INFORMANTS.**

22 Section 619(a)(2) of the Tariff Act of 1930 (19
23 U.S.C. 1619(a)(2)) is amended, in the flush matter follow-
24 ing subparagraph (B), by inserting “(or a designee of the

1 Secretary), in the sole discretion of the Secretary (or des-
2 ignee), ” after “the Secretary”.

3 **SEC. 9507. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**
4 **UNITED STATES BY PERSONS ACCOMPANY-**
5 **ING THE ARMED FORCES.**

6 (a) IN GENERAL.—Title 18, United States Code, is
7 amended by inserting after chapter 211 the following:

8 **“CHAPTER 212—CRIMINAL OFFENSES**
9 **COMMITTED OUTSIDE THE UNITED**
10 **STATES**

11 **“§ 3261. Criminal offenses committed by persons for-**
12 **merly serving with, or presently em-**
13 **ployed by or accompanying, the Armed**
14 **Forces outside the United States**

15 “(a) Whoever, while serving with, employed by, or ac-
16 companying the Armed Forces outside the United States,
17 engages in conduct which would constitute an offense pun-
18 ishable by imprisonment for more than 1 year if the con-
19 duct had been engaged in within the special maritime and
20 territorial jurisdiction of the United States, shall be guilty
21 of a like offense and subject to a like punishment.

22 “(b) Nothing contained in this chapter deprives
23 courts-martial, military commissions, provost courts, or
24 other military tribunals of concurrent jurisdiction with re-
25 spect to offenders or offenses that by statute or by the

1 law of war may be tried by courts-martial, military com-
2 missions, provost courts, or other military tribunals.

3 “(c) No prosecution may be commenced under this
4 section if a foreign government, in accordance with juris-
5 diction recognized by the United States, has prosecuted
6 or is prosecuting such person for the conduct constituting
7 such offense, except upon the approval of the Attorney
8 General of the United States or the Deputy Attorney Gen-
9 eral of the United States (or a person acting in either such
10 capacity), which function of approval may not be dele-
11 gated.

12 “(d)(1) The Secretaries of Defense and Transpor-
13 tation may designate and authorize any person serving in
14 a law enforcement position in the Department of Defense
15 and the Department of Transportation when the Coast
16 Guard is not operating as part of the Navy to arrest out-
17 side the United States any person described in subsection
18 (a) of this section who there is probable cause to believe
19 engaged in conduct which constitutes a criminal offense
20 under such section.

21 “(2) A person arrested under paragraph (1) of this
22 section shall be released to the custody of civilian law en-
23 forcement authorities of the United States for removal to
24 the United States for judicial proceedings in relation to
25 conduct referred to in such paragraph unless—

1 “(A) such person is delivered to authorities of
2 a foreign country under section 3262 of this title; or

3 “(B) charges are preferred against such person
4 under chapter 47 of title 10 for such conduct.

5 **“§ 3262. Delivery to authorities of foreign countries**

6 “(a) A person described in section 3261(a) of this
7 title may be delivered to the appropriate authorities of a
8 foreign country in which such person is alleged to have
9 engaged in conduct described in such subsection (a) of this
10 section if—

11 “(1) the appropriate authorities of that country
12 request the delivery of the person to such country
13 for trial for such conduct as an offense under the
14 laws of that country; and

15 “(2) the delivery of such person to that country
16 is authorized by a treaty or other international
17 agreement to which the United States is a party.

18 “(b) The Secretary of Defense, in consultation with
19 the Secretary of State, shall determine what officials of
20 a foreign country constitute appropriate authorities for
21 the purpose of this section.

22 **“§ 3263. Regulations**

23 “‘The Secretary of Defense, in consultation with the
24 Secretary of State, shall issue regulations governing the
25 apprehension, detention, and removal of persons under

1 this chapter. Such regulations shall be uniform throughout
2 the Department of Defense.

3 **“§ 3264. Definitions for chapter**

4 “As used in this chapter—

5 “(1) a person is ‘employed by the Armed
6 Forces outside the United States’—

7 “(A) if he or she is employed as a civilian
8 employee of a military department or of the De-
9 partment of Defense, as a Department of De-
10 fense contractor, or as an employee of a De-
11 partment of Defense contractor;

12 “(B) is present or residing outside the
13 United States in connection with such employ-
14 ment; and

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

16 “(2) a person is ‘accompanying the Armed
17 Forces outside the United States’ if he or she—

18 “(A) is a dependent of a member of the
19 Armed Forces or of a civilian employee of a
20 military department or of the Department of
21 Defense;

22 “(B) is residing with the member or civil-
23 ian employee outside the United States; and

24 “(C) is not a national of the host nation.”.

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

“**212. Criminal Offenses Committed Outside the United
 States 3261**”.

4 **TITLE X—STRENGTHENING THE**
 5 **AIR, LAND, AND SEA BOR-**
 6 **DERS OF THE UNITED STATES**
 7 **Subtitle A—Violence Committed**
 8 **Along United States Borders**

9 **SEC. 1001. FELONY PUNISHMENT FOR VIOLENCE COMMIT-**
 10 **TED ALONG THE UNITED STATES BORDERS.**

11 (a) **IN GENERAL.**—Chapter 27 of title 18, United
 12 States Code, is amended by adding at the end the follow-
 13 ing:

14 **“§ 554. Violence while eluding inspection or during**
 15 **violation of arrival, reporting, entry, or**
 16 **clearance requirements**

17 “(a) **IN GENERAL.**—Whoever attempts to commit or
 18 commits a crime of violence or recklessly operates any con-
 19 veyance during and in relation to—

20 “(1)(A) attempting to elude or eluding immi-
 21 gration, customs, or agriculture inspection; or

22 “(B) failing to stop at the command of an offi-
 23 cer or employee of the United States charged with
 24 enforcing the immigration, customs, or other laws of

1 the United States along any border of the United
2 States; or

3 “(2) an intentional violation of arrival, report-
4 ing, entry, or clearance requirements, as set forth in
5 section 107 of the Federal Plant Pest Act (7 U.S.C.
6 150ff), section 10 of the Act of August 20, 1912
7 (commonly known as the ‘Plant Quarantine Act’ (7
8 U.S.C. 164a)), section 7 of the Federal Noxious
9 Weed Act of 1974 (7 U.S.C. 2807), section 431,
10 433, 434, or 459 of the Tariff Act of 1930 (19
11 U.S.C. 1431, 1433, 1434, and 1459), section 10 of
12 the Act of August 30, 1890 (26 Stat. 417; chapter
13 839 (21 U.S.C. 105), section 2 of the Act of Feb-
14 ruary 2, 1903 (32 Stat. 792; chapter 349; 21 U.S.C.
15 111), section 4197 of the Revised Statutes (46
16 U.S.C. App. 91), or sections 231, 232, and 234
17 through 238 of the Immigration and Nationality Act
18 (8 U.S.C. 1221, 1222, and 1224 through 1228)
19 shall be—

20 “(A) fined under this title, imprisoned not
21 more than 5 years, or both;

22 “(B) if bodily injury (as defined in section
23 1365(g)) results, fined under this title, impris-
24 oned not more than 10 years, or both; or

1 “(C) if death results, fined under this title,
2 imprisoned for any term of years or for life, or
3 both, and may be sentenced to death.

4 “(b) CONSPIRACY.—If 2 or more persons conspire to
5 commit an offense under subsection (a), and 1 or more
6 of those persons do any act to effect the object of the con-
7 spiracy, each shall be punishable as a principal, except
8 that a sentence of death may not be imposed.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
10 The analysis for chapter 27 of title 18, United States
11 Code, is amended by adding at the end the following:

 “554. Violence while eluding inspection or during violation of arrival, reporting,
 entry, or clearance requirements.”.

12 (c) RECKLESS ENDANGERMENT.—Section 111 of
13 title 18, United States Code, is amended—

14 (1) by redesignating subsection (b) as sub-
15 section (c); and

16 (2) by inserting after subsection (a) the follow-
17 ing:

18 “(b) RECKLESS ENDANGERMENT.—Whoever—

19 “(1) knowingly disregards or disobeys the law-
20 ful authority or command of any officer or employee
21 of the United States charged with enforcing the im-
22 migration, customs, or other laws of the United
23 States along any border of the United States while

1 engaged in, or on account of, the performance of of-
 2 ficial duties of that officer or employee; and

3 “(2) as a result of disregarding or disobeying
 4 an authority or command referred to in paragraph
 5 (1), endangers the safety of any person or property,
 6 shall be fined under this title, imprisoned not more than
 7 6 months, or both.”.

8 **Subtitle B—Strengthening Mari-**
 9 **time Law Enforcement Along**
 10 **United States Borders**

11 **SEC. 11001. SANCTIONS FOR FAILURE TO HEAVE TO, OB-**
 12 **STRUCTING A LAWFUL BOARDING, AND PRO-**
 13 **VIDING FALSE INFORMATION.**

14 (a) IN GENERAL.—Chapter 109 of title 18, United
 15 States Code, is amended by adding at the end the follow-
 16 ing:

17 **“§ 2237. Sanctions for failure to heave to; sanctions**
 18 **for obstruction of boarding or providing**
 19 **false information**

20 “(a) DEFINITIONS.—In this section:

21 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
 22 The term ‘Federal law enforcement officer’ has the
 23 meaning given that term in section 115(c).

24 “(2) HEAVE TO.—The term ‘heave to’ means,
 25 with respect to a vessel, to cause that vessel to slow

1 or come to a stop to facilitate a law enforcement
2 boarding by adjusting the course and speed of the
3 vessel to account for the weather conditions and the
4 sea state.

5 “(3) VESSEL OF THE UNITED STATES; VESSEL
6 SUBJECT TO THE JURISDICTION OF THE UNITED
7 STATES.—The terms ‘vessel of the United States’
8 and ‘vessel subject to the jurisdiction of the United
9 States’ have the meanings given those terms in sec-
10 tion 3 of the Maritime Drug Law Enforcement Act
11 (46 U.S.C. App. 1903).

12 “(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

13 “(1) IN GENERAL.—It shall be unlawful for the
14 master, operator, or person in charge of a vessel of
15 the United States or a vessel subject to the jurisdic-
16 tion of the United States, to fail to obey an order
17 to heave to that vessel on being ordered to do so by
18 an authorized Federal law enforcement officer.

19 “(2) IMPEDING BOARDING; PROVIDING FALSE
20 INFORMATION IN CONNECTION WITH A BOARDING.—
21 It shall be unlawful for any person on board a vessel
22 of the United States or a vessel subject to the juris-
23 diction of the United States knowingly or willfully
24 to—

1 “(A) fail to comply with an order of an au-
2 thorized Federal law enforcement officer in con-
3 nection with the boarding of the vessel;

4 “(B) impede or obstruct a boarding or ar-
5 rest, or other law enforcement action authorized
6 by any Federal law; or

7 “(C) provide false information to a Federal
8 law enforcement officer during a boarding of a
9 vessel regarding the destination, origin, owner-
10 ship, registration, nationality, cargo, or crew of
11 the vessel.

12 “(c) STATUTORY CONSTRUCTION.—Nothing in this
13 section may be construed to limit the authority granted
14 before the date of enactment of the Safe Schools, Safe
15 Streets, and Secure Borders Act of 1998 to—

16 “(1) a customs officer under section 581 of the
17 Tariff Act of 1930 (19 U.S.C. 1581) or any other
18 provision of law enforced or administered by the
19 United States Customs Service; or

20 “(2) any Federal law enforcement officer under
21 any Federal law to order a vessel to heave to.

22 “(d) CONSENT OR WAIVER OF OBJECTION BY A FOR-
23 EIGN COUNTRY.—

24 “(1) IN GENERAL.—A foreign country may con-
25 sent to or waive objection to the enforcement of

1 United States law by the United States under this
2 section by international agreement or, on a case-by-
3 case basis, by radio, telephone, or similar oral or
4 electronic means.

5 “(2) PROOF OF CONSENT OR WAIVER.—The
6 Secretary of State or a designee of the Secretary of
7 State may prove a consent or waiver described in
8 paragraph (1) by certification.

9 “(e) PENALTIES.—Any person who intentionally vio-
10 lates any provision of this section shall be fined under this
11 title, imprisoned not more than 5 years, or both.

12 “(f) SEIZURE OF VESSELS.—

13 “(1) IN GENERAL.—A vessel that is used in vio-
14 lation of this section may be seized and forfeited.

15 “(2) APPLICABILITY OF LAWS.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (C), the laws described in subparagraph
18 (B) shall apply to seizures and forfeitures un-
19 dertaken, or alleged to have been undertaken,
20 under any provision of this section.

21 “(B) LAWS DESCRIBED.—The laws de-
22 scribed in this subparagraph are the laws relat-
23 ing to the seizure, summary, judicial forfeiture,
24 and condemnation of property for violation of
25 the customs laws, the disposition of the prop-

1 erty or the proceeds from the sale thereof, the
2 remission or mitigation of the forfeitures, and
3 the compromise of claims.

4 “(C) EXECUTION OF DUTIES BY OFFICERS
5 AND AGENTS.—Any duty that is imposed upon
6 a customs officer or any other person with re-
7 spect to the seizure and forfeiture of property
8 under the customs laws shall be performed with
9 respect to a seizure or forfeiture of property
10 under this section by the officer, agent, or other
11 person that is authorized or designated for that
12 purpose.

13 “(3) IN REM LIABILITY.—A vessel that is used
14 in violation of this section shall, in addition to any
15 other liability prescribed under this subsection, be
16 liable in rem for any fine or civil penalty imposed
17 under this section.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The analysis for chapter 109 of title 18, United States
20 Code, is amended by adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding
or providing false information.”.

1 **SEC. 11002. CIVIL PENALTIES TO SUPPORT MARITIME LAW**
2 **ENFORCEMENT.**

3 (a) IN GENERAL.—Chapter 17 of title 14, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 675. Civil penalty for failure to comply with a law-**
7 **ful boarding, obstruction of boarding, or**
8 **providing false information**

9 “(a) IN GENERAL.—Any person who violates section
10 2237(b) of title 18 shall be liable for a civil penalty of
11 not more than \$25,000.

12 “(b) IN REM LIABILITY.—In addition to being sub-
13 ject to the liability under subsection (a), a vessel used to
14 violate an order relating to the boarding of a vessel issued
15 under the authority of section 2237 of title 18 shall be
16 liable in rem and may be seized, forfeited, and sold in ac-
17 cordance with section 594 of the Tariff Act of 1930 (19
18 U.S.C. 1594).”

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 The analysis for chapter 17 of title 14, United States
21 Code, is amended by adding at the end the following:

“675. Civil penalty for failure to comply with a lawful boarding, obstruction of
boarding, or providing false information.”

22 **SEC. 11003. CUSTOMS ORDERS.**

23 Section 581 of the Tariff Act of 1930 (19 U.S.C.
24 1581) is amended by adding at the end the following:

1 “(2) receives, conceals, buys, sells, or in any
2 manner facilitates the transportation, concealment,
3 or sale of that merchandise, article, or object, prior
4 to exportation, knowing that merchandise, article, or
5 object to be intended for exportation contrary to any
6 law of the United States,
7 shall be fined under this title, imprisoned not more than
8 5 years, or both.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The analysis for chapter 27 of title 18,
11 United States Code, is amended by adding at the
12 end the following:

“555. Smuggling goods from the United States.”.

13 (b) LAUNDERING OF MONETARY INSTRUMENTS.—
14 Section 1956(c)(7)(D) of title 18, United States Code, is
15 amended by inserting “section 555 (relating to smuggling
16 goods from the United States),” before “section 641 (re-
17 lating to public money, property, or records),”.

18 (c) MERCHANDISE EXPORTED FROM UNITED
19 STATES.—Section 596 of the Tariff Act of 1930 (19
20 U.S.C. 1595a) is amended by adding at the end the follow-
21 ing:

22 “(d) MERCHANDISE EXPORTED FROM THE UNITED
23 STATES.—Merchandise exported or sent from the United
24 States or attempted to be exported or sent from the
25 United States contrary to law, or the value thereof, and

1 property used to facilitate the receipt, purchase, transpor-
2 tation, concealment, or sale of that merchandise prior to
3 exportation shall be forfeited to the United States.”.

4 **SEC. 12002. CONTROLLING ILLICIT LIQUOR TRAFFICKING.**

5 (a) IN GENERAL.—Title 18, United States Code, is
6 amended—

7 (1) in section 546—

8 (A) by inserting “, vehicle, aircraft, con-
9 veyance or other mode of transportation” after
10 “vessel” each place it appears; and

11 (B) by striking “if under the laws of such
12 foreign government any penalty or forfeiture is
13 provided for violation of the laws of the United
14 States respecting the customs revenue,”;

15 (2) by striking section 1261 and inserting the
16 following:

17 **“§ 1261. Enforcement**

18 “The Secretary of the Treasury shall enforce this
19 chapter and may promulgate such regulations as the Sec-
20 retary determines to be necessary to carry out this chap-
21 ter.”;

22 (3) in section 1956(c)(7)(D), by inserting be-
23 fore “section 549 (relating to removing goods from
24 Customs custody)” the following: “section 546 (re-

1 lating to smuggling goods into foreign countries),”;
2 and

3 (4) in chapter 59, by adding at the end the fol-
4 lowing:

5 **“§ 1266. Trafficking in contraband liquor**

6 “(a) STATE DEFINED.—In this section, the term
7 ‘State’ includes a State of the United States, the District
8 of Columbia, and a commonwealth, territory, or possession
9 of the United States.

10 “(b) PROHIBITION.—It shall be unlawful for any per-
11 son to ship or transport or attempt to ship or transport,
12 or introduce or attempt to introduce, more than 360 liters
13 of distilled spirits from 1 State into another State or for-
14 eign country, or receive or possess more than 360 liters
15 of distilled spirits that have been transported in interstate
16 or foreign commerce in violation of Federal or State law.

17 “(c) PENALTIES.—

18 “(1) IN GENERAL.—Whoever knowingly violates
19 subsection (b)—

20 “(A) in the case of a violation involving a
21 quantity of distilled spirits of 15,000 liters or
22 less, shall be fined under this title, imprisoned
23 not more than 5 years, or both; or

24 “(B) in the case of a violation involving a
25 quantity of distilled spirits of more than 15,000

1 liters, shall be fined under this title, imprisoned
2 not more than 10 years, or both.

3 “(2) SEIZURE AND FORFEITURE.—Subject to
4 paragraph (3), the Secretary of the Treasury shall
5 seize and forfeit, in accordance with section 9703(o)
6 of title 31, any—

7 “(A) conveyance, liquor, or monetary in-
8 strument (that is included under the definition
9 of ‘monetary instruments’ in section 5312 of
10 title 31) involved in a violation of this section;
11 or

12 “(B) property (real or personal) that con-
13 stitutes or is derived from proceeds traceable to
14 a violation of this section.

15 “(3) LIMITATION.—No property shall be for-
16 feited under this section to the extent of the interest
17 of an owner or lien holder by reason of any act or
18 omission established by that owner or lien holder to
19 have been committed without the knowledge of that
20 owner or lien holder.

21 “(4) SEIZURE AND FORFEITURE.—

22 “(A) IN GENERAL.—In imposing sentence
23 on a person convicted of violating this section,
24 the court shall order that person to forfeit to

1 the United States any property described in
2 paragraph (2) involved in the violation.

3 “(B) APPLICABLE LAWS.—The seizure and
4 forfeiture of property referred to in subpara-
5 graph (A) shall be governed by subsections (b),
6 (c), and (e) through (p) of section 413 of the
7 Comprehensive Drug Abuse Prevention and
8 Control Act of 1970 (21 U.S.C. 853).

9 “(d) STATUTORY CONSTRUCTION.—Nothing in this
10 chapter may be construed to affect the concurrent jurisdic-
11 tion of a State to enact and enforce liquor laws, to provide
12 for the confiscation of liquor and other property seized for
13 violation of those laws, and to provide for penalties for
14 the violation of those laws.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
16 The analysis for chapter 59 of title 18, United States
17 Code, is amended—

18 (1) by striking the item relating to section 1261
19 and inserting the following:

“1261. Enforcement.”; and

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

“1266. Trafficking in contraband liquor.”.

1 **SEC. 12003. STRENGTHENING OF STATUTE PUNISHING EVA-**
2 **SION OR EMBEZZLEMENT OF CUSTOMS DU-**
3 **TIES.**

4 (a) IN GENERAL.—Section 542 of title 18, United
5 States Code, is amended—

6 (1) in the section heading, by adding “**theft,**
7 **embezzlement, or misapplication of du-**
8 **ties**” at the end;

9 (2) by redesignating the fourth and fifth undes-
10 ignated paragraphs as subsections (b) and (c), re-
11 spectively;

12 (3) in the third undesignated paragraph—

13 (A) by striking “Shall be fined” and in-
14 serting the following:

15 “shall be fined”; and

16 (B) by striking “two years” and inserting
17 “5 years”;

18 (4) in the second undesignated paragraph—

19 (A) by striking “Whoever is guilty” and in-
20 serting the following:

21 “(2) is guilty”; and

22 (B) by striking “act or omission—” and
23 inserting “act or omission; or”;

24 (5) in the first undesignated paragraph, by
25 striking “Whoever knowingly effects” and inserting
26 the following:

1 “(a) Whoever—

2 “(1) knowingly effects”; and

3 (6) in subsection (a), (as so designated by para-
4 graph (5) of this subsection) by inserting after para-
5 graph (2) (as so designated by paragraph (4) of this
6 subsection) the following:

7 “(3) embezzles, steals, abstracts, purloins, will-
8 fully misapplies, willfully permits to be misapplied,
9 or wrongfully converts to his own use, or to the use
10 of another, moneys, funds, credits, assets, securities
11 or other property entrusted to his or her custody or
12 care, or to the custody or care of another for the
13 purpose of paying any lawful duties;”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
15 The analysis for chapter 27 of title 18, United States
16 Code, is amended by striking the item relating to section
17 542 and inserting the following:

“542. Entry of goods by means of false statements, theft, embezzlement, or
misapplication of duties.”.

18 **SEC. 12004. FALSE CERTIFICATIONS RELATING TO EX-**
19 **PORTS.**

20 (a) IN GENERAL.—Chapter 27 of title 18, United
21 States Code, as amended by section 2301 of this Act, is
22 amended by adding at the end the following:

1 **“§ 556. False certifications relating to exports**

2 “Whoever knowingly transmits in interstate or for-
 3 eign commerce any false or fraudulent certificate of origin,
 4 invoice, declaration, affidavit, letter, paper, or statement
 5 (whether written or otherwise), that represents explicitly
 6 or implicitly that goods, wares, or merchandise to be ex-
 7 ported qualify for purposes of any international trade
 8 agreement to which the United States is a signatory shall
 9 be fined under this title, imprisoned not more than 5
 10 years, or both.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 12 The analysis for chapter 27 of title 18, United States
 13 Code, is amended by adding at the end the following:

“556. False certifications relating to exports.”.

14 **Subtitle D—Strengthening Immi-**
 15 **gration Laws To Exclude Inter-**
 16 **national Criminals From the**
 17 **United States**

18 **SEC. 13001. INADMISSIBILITY OF PERSONS FLEEING PROS-**
 19 **ECUTION IN OTHER COUNTRIES.**

20 (a) NEW GROUNDS OF INADMISSIBILITY.—Section
 21 212(a)(2) of the Immigration and Nationality Act (8
 22 U.S.C. 1182(a)(2)) is amended by adding at the end the
 23 following:

24 “(G) UNLAWFUL FLIGHT TO AVOID PROS-
 25 ECUTION.—Any alien who is coming to the

1 United States solely, principally, or incidentally
2 to avoid lawful prosecution in a foreign country
3 for a crime involving moral turpitude (other
4 than a purely political offense) is inadmis-
5 sible.”.

6 (b) COUNTRIES TO WHICH ALIENS MAY BE RE-
7 MOVED.—Section 241(b) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1231(b)) is amended—

9 (1) in paragraph (3), by striking “paragraphs
10 (1) and (2)” and inserting “paragraphs (1), (2), and
11 (4)”; and

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

13 “(4) ALIENS SOUGHT FOR PROSECUTION.—
14 Notwithstanding paragraphs (1) and (2) of this sub-
15 section, any alien who is found removable under sec-
16 tion 212(a)(2)(G) (or section 212(a)(2)(G) as ap-
17 plied pursuant to section 237(a)(1)(A)), shall be re-
18 moved to the country seeking prosecution of that
19 alien unless, in the discretion of the Attorney Gen-
20 eral, the removal is determined to be impracticable,
21 inadvisable, or impossible. In that case, removal
22 shall be directed according to paragraphs (1) and
23 (2) of this subsection.”.

1 **SEC. 13002. INADMISSIBILITY OF PERSONS INVOLVED IN**
2 **RACKETEERING AND ARMS TRAFFICKING.**

3 (a) NEW GROUNDS OF INADMISSIBILITY.—Section
4 212(a)(2) of the Immigration and Nationality Act (8
5 U.S.C. 1182(a)(2)) is amended by adding at the end the
6 following:

7 “(G) RACKETEERING ACTIVITIES.—Any
8 alien is inadmissible if the consular officer or
9 the Attorney General knows or has reason to
10 believe that the alien—

11 “(i) is or has been engaged in activi-
12 ties that, if engaged in within the United
13 States, would constitute ‘pattern of rack-
14 eteering activity’ (as defined in section
15 1961 of title 18, United States Code) or
16 has been a knowing assister, abettor, or
17 conspirator with others in any such illicit
18 activity; or

19 “(ii) is the spouse or adult child of an
20 alien inadmissible under clause (i), has,
21 during the preceding 5-year period, ob-
22 tained any financial or other benefit from
23 the illicit activity of that alien, and knew
24 or reasonably should have known that the
25 financial or other benefit was the product
26 of the illicit activity.

1 “(H) TRAFFICKING IN FIREARMS OR NU-
2 CLEAR OR EXPLOSIVE MATERIALS.—Any alien
3 inadmissible if the consular officer or the Attor-
4 ney General knows or has reason to believe that
5 the alien—

6 “(i) is or has been engaged in illicit
7 trafficking of firearms (as defined in sec-
8 tion 921 of title 18, United States Code),
9 nuclear materials (as defined in section
10 831 of title 18, United States Code), or ex-
11 plosive materials (as defined in section 841
12 of title 18, United States Code); or has
13 been a knowing assister, abettor, conspira-
14 tor, or colluder with others in the illicit ac-
15 tivity; or

16 “(ii) is the spouse or adult child of an
17 alien inadmissible under clause (i), has,
18 during the preceding 5-year period, ob-
19 tained any financial or other benefit from
20 the illicit activity of that alien, and knew
21 or reasonably should have known that the
22 financial or other benefit was the product
23 of the illicit activity.”.

1 (b) WAIVER AUTHORITY.—Section 212(h) of the Im-
 2 migration and Nationality Act (8 U.S.C. 1182) is amend-
 3 ed, in the matter preceding paragraph (1)—

4 (1) by striking “The Attorney General” and all
 5 that follows through “of subsection (a)(2)” and in-
 6 serting the following: “The Attorney General may,
 7 as a matter of discretion, waive the application of
 8 subparagraphs (A)(i)(I), (B), (C)(ii), (D), (E),
 9 (G)(ii), and (H)(ii) of subsection (a)(2),”; and

10 (2) by inserting before “if—” the following: “,
 11 and subparagraph (G)(i) of that subsection insofar
 12 as it relates to an offense other than an aggravated
 13 felony”.

14 **SEC. 13003. INADMISSIBILITY OF PERSONS WHO HAVE BEN-**
 15 **EFITED FROM ILLICIT ACTIVITIES OF DRUG**
 16 **TRAFFICKERS.**

17 Section 212(a)(2)(C) of the Immigration and Nation-
 18 ality Act (8 U.S.C.1182 (a)(2)(C)) is amended to read as
 19 follows:

20 “(C) CONTROLLED SUBSTANCE TRAFFICK-
 21 ERS.—Any alien is inadmissible if the consular
 22 officer or the Attorney General knows or has
 23 reason to believe that the alien—

24 “(i) is or has been an illicit trafficker
 25 in any controlled substance or in any listed

1 chemical or listed precursor chemical (as
2 defined in section 102 of the Controlled
3 Substances Act (21 U.S.C. 802)), or is or
4 has been a knowing assister, abettor, or
5 conspirator with others in the illicit traf-
6 ficking in any such controlled or listed sub-
7 stance or chemical; or

8 “(ii) is the spouse or adult child of an
9 alien inadmissible under clause (i), has,
10 during the preceding 5-year period, ob-
11 tained any financial or other benefit from
12 the illicit activity of that alien, and knew
13 or reasonably should have known that the
14 financial or other benefit was the product
15 of the illicit activity.”.

16 **SEC. 13004. INADMISSIBILITY OF PERSONS INVOLVED IN**
17 **INTERNATIONAL ALIEN SMUGGLING.**

18 Section 212 of the Immigration and Nationality Act
19 (8 U.S.C. 1182) is amended—

20 (1) in subsection (a)(6), by striking subpara-
21 graph (E) and inserting the following:

22 “(E) SMUGGLERS.—Any alien is inadmis-
23 sible if, at any time, the alien has knowingly en-
24 couraged, induced, assisted, abetted, or aided
25 for financial gain or profit any other alien—

1 “(i) to enter or try to enter the
2 United States in violation of law; or

3 “(ii) to enter or try to enter any other
4 country, if that alien knew or reasonably
5 should have known that the entry or at-
6 tempted entry was likely to be in further-
7 ance of the entry or attempted entry by
8 that alien into the United States in viola-
9 tion of law.”; and

10 (2) in subsection (d)(11), by inserting “or to
11 enter any other country in furtherance of an entry
12 or attempted entry into the United States in viola-
13 tion of law” before the period at the end.

14 **Subtitle E—Alien Smuggling**

15 **SEC. 14001. FORFEITURE FOR ALIEN SMUGGLING.**

16 (a) CIVIL FORFEITURE.—Section 274(b) of the Im-
17 migration and Nationality Act (8 U.S.C. 1324(b)) is
18 amended—

19 (1) by striking paragraphs (1) and (2) and in-
20 serting the following:

21 “(1) The following property shall be subject to
22 seizure and forfeiture:

23 “(A) Any conveyance, including any vessel,
24 vehicle, or aircraft, that has been or is being

1 used in the commission of a violation of sub-
2 section (a).

3 “(B) Any property, real or personal—

4 “(i) that constitutes, or is derived
5 from or is traceable to the proceeds ob-
6 tained directly or indirectly from the com-
7 mission of a violation of subsection (a); or

8 “(ii) that is used to facilitate, or is in-
9 tended to be used to facilitate, the commis-
10 sion of a violation of subsection (a).

11 “(2) Any property subject to forfeiture to the
12 United States under this section may be seized by
13 the Attorney General in the manner set forth in sec-
14 tion 981(b) of title 18, United States Code.”; and

15 (2) in paragraphs (4) and (5), by striking “a
16 conveyance” and “conveyance” each place it appears
17 and inserting “property”.

18 (b) CRIMINAL FORFEITURE.—Section 274 of the Im-
19 migration and Nationality Act (8 U.S.C. 1324) is amend-
20 ed—

21 (1) by redesignating subsections (c) and (d) as
22 subsections (e) and (f), respectively; and

23 (2) by inserting after subsection (b) the follow-
24 ing:

25 “(c) CRIMINAL FORFEITURE.—

1 “(1) Any person convicted of a violation of sub-
2 section (a) shall forfeit to the United States, irre-
3 spective of any provision of State law—

4 “(A) any conveyance, including any vessel,
5 vehicle, or aircraft used in the commission of a
6 violation of subsection (a); and

7 “(B) any property real or personal—

8 “(i) that constitutes, or is derived
9 from or is traceable to the proceeds ob-
10 tained directly or indirectly from the com-
11 mission of a violation of subsection (a); or

12 “(ii) that is used to facilitate, or is in-
13 tended to be used to facilitate, the commis-
14 sion of a violation of subsection (a).

15 “(2) The court, in imposing sentence on a per-
16 son described in paragraph, shall order that the per-
17 son forfeit to the United States all property de-
18 scribed in this subsection.

19 “(3) The criminal forfeiture of property under
20 this subsection, including any seizure and disposition
21 of the property and any related administrative or ju-
22 dicial proceeding, shall be governed by the provisions
23 of section 413 of the Comprehensive Drug Abuse
24 Prevention and Control Act of 1970 (21 U.S.C.

1 853), except for subsection 413(d) which shall not
2 apply to forfeitures under this subsection.”.

3 **Subtitle F—Trafficking in**
4 **Chemicals Used To Produce Drugs**

5 **SEC. 15001. IMPORT AND EXPORT OF CHEMICALS USED TO**
6 **PRODUCE ILLICIT DRUGS.**

7 (a) NOTIFICATION PRIOR TO TRANSACTION.—Sec-
8 tion 1018 of the Controlled Substances Import and Export
9 Act (21 U.S.C. 971) is amended—

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

12 “(a) NOTIFICATION PRIOR TO TRANSACTION.—Each
13 person who proposes to engage in a transaction involving
14 the importation or exportation of a listed chemical that
15 requires advance notification pursuant to the regulations
16 of the Attorney General or the importation or exportation
17 of a tableting machine, or an encapsulating machine shall
18 notify the Attorney General of the importation or expor-
19 tation not later than 15 days before the transaction is to
20 take place in such form and supplying such information
21 as the Attorney General shall require by regulation. In the
22 case of an importation for transfer or transshipment pur-
23 suant to section 1004, such notice shall be made as pro-
24 vided in that section.”;

25 (2) in subsection (c)(1)—

1 (A) by striking “(other than a regulated
2 transaction to which the requirement of sub-
3 section (a) does not apply by reason of sub-
4 section (b))”;

5 (B) by inserting “, a tableting machine, or
6 an encapsulating machine” after “a listed
7 chemical”; and

8 (C) by inserting “, tableting machine, or
9 encapsulating machine” after “the chemical”;
10 and

11 (3) in subsection (e)—

12 (A) by redesignating paragraphs (2) and
13 (3) as paragraphs (4) and (5), respectively; and

14 (B) by inserting after paragraph (1) the
15 following:

16 “(2) The Attorney General may by regulation
17 require that the 15-day notification requirement of
18 subsection (a) apply to all imports of a listed chemi-
19 cal, regardless of the status of certain importers of
20 that listed chemical as regular importers, if the At-
21 torney General finds that such notification is nec-
22 essary to support effective chemical diversion control
23 programs or is required by treaty or other inter-
24 national agreement to which the United States is a
25 party.

1 “(A) evidence is furnished that enables the
2 Attorney General to determine that the sub-
3 stance being so imported, transferred, or trans-
4 shipped will be used for scientific, medical, or
5 other legitimate purposes in the country of des-
6 tination; and

7 “(B) the substance is imported, trans-
8 ferred, or transshipped with the prior written
9 approval of the Attorney General (which shall
10 be granted or denied not later than 21 days
11 after the date on which the request is made)
12 based on a determination that the requirements
13 of this section and the applicable subsections of
14 sections 952 and 953 have been satisfied; and

15 “(2) a controlled substance in schedule II, III,
16 or IV or a listed chemical may be imported, trans-
17 ferred, or transshipped only if—

18 “(A) evidence is furnished that enables the
19 Attorney General to determine that the sub-
20 stance or chemical being imported, transferred,
21 or transshipped will be used for scientific, medi-
22 cal, or other legitimate purposes in the country
23 of destination; and

24 “(B) advance notification (in such form
25 and containing such information as the Attor-

1 ney General may require by regulation) is given
2 to the Attorney General not later than 15 days
3 prior to the exportation of the substance or
4 chemical from the foreign port of embarkation
5 (the notification period for imports other than
6 for transfer or transshipment pursuant to sec-
7 tion 1002 or 1018 is not affected by this sub-
8 section).

9 “(b) APPLICABILITY OF OTHER LAW.—

10 “(1) SECTIONS 1002 AND 1003.—Any importa-
11 tion, transfer, or transshipment described in sub-
12 section (a) of a controlled substance shall be subject
13 to the applicable provisions of sections 1002 and
14 1003. The importation, transfer, transshipment, or
15 exportation of any controlled substance may be sus-
16 pended on the ground that the controlled substance
17 may be diverted to other than scientific, medical or
18 other legitimate purposes.

19 “(2) SECTION 1018.—Any importation, transfer,
20 or transshipment described in subsection (a) of a
21 listed chemical shall be subject to all the require-
22 ments of section 1018, except that in no case shall
23 the 15 day advance notification requirement be
24 waived. The importation, transfer, transshipment, or
25 exportation of a listed chemical may be suspended

1 on the ground that the chemical may be diverted to
2 the clandestine manufacture of a controlled sub-
3 stance.

4 “(3) SUSPENSION.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), the importation, transfer, or trans-
7 shipment of a controlled substance or listed
8 chemical may be suspended if any requirement
9 of subsection (a) is not satisfied.

10 “(B) WITHDRAWAL.—The Attorney Gen-
11 eral may withdraw a suspension order issued
12 under this paragraph if—

13 “(i) the requirements of subsection (a)
14 are ultimately satisfied; and

15 “(ii) no grounds exist under para-
16 graphs (1) or (2) of this subsection to sus-
17 pend the shipment.

18 “(c) SUSPENSION OF EXPORTATION.—The suspen-
19 sion of any exportation of a controlled substance or listed
20 chemical shall be subject to the procedures and require-
21 ments established in section 1018(c).

22 “(d) PLACING UNDER SEAL.—

23 “(1) IN GENERAL.—The Attorney General may
24 place under seal any shipment of a controlled sub-
25 stance or listed chemical that—

1 “(A) has been imported or is subject to the
2 jurisdiction of the United States; and

3 “(B) is subject to a suspension order sus-
4 pending the importation, transfer, trans-
5 shipment, or exportation of the controlled sub-
6 stance or listed chemical.

7 “(2) PROHIBITION ON DISPOSITION.—No dis-
8 position may be made of any controlled substance or
9 listed chemical under seal subject to paragraph (1)
10 until the suspension order becomes final.

11 “(3) ORDER OF SALE.—Notwithstanding para-
12 graphs (1) and (2), a court, upon application, may
13 at any time order the sale of a perishable controlled
14 substance or listed chemical. Any such order shall
15 require the deposit of the proceeds of the sale with
16 the court.

17 “(4) DISPOSAL.—Upon a suspension order be-
18 coming final under this subsection, the shipment, at
19 the discretion of the Attorney General and subject to
20 such conditions as the Attorney General may im-
21 pose, may be disposed of as follows:

22 “(A) The titleholder may be allowed to re-
23 turn the shipment to any of the facilities of the
24 original exporter in the country of exportation.

1 “(B) The shipment may be exported, sub-
2 ject to the requirements of section 1003 or
3 1018, as appropriate, to a new consignee.

4 “(5) SURRENDER.—The shipment may be sur-
5 rendered to the Attorney General for appropriate
6 disposition and all costs associated with this disposi-
7 tion shall be the responsibility of the titleholder. If
8 there are any proceeds from the disposition, the pro-
9 ceeds shall be applied to the repayment of the costs
10 and any excess proceeds shall be returned to the ti-
11 tleholder.

12 “(6) FORFEITURE.—If sufficient cause exists,
13 the shipment of controlled substances or listed
14 chemicals (or proceeds of sale deposited in court)
15 may be forfeited to the United States pursuant to
16 section 511 of title II and may be disposed of in ac-
17 cordance with that section.

18 “(e) EFFECT ON OTHER LAW.—Nothing in this sec-
19 tion may be used by any party to defend against a forfeit-
20 ure action against a shipment of controlled substances or
21 listed chemicals initiated by the United States or by any
22 State. This section does not affect the liability of any party
23 for storage and transportation costs incurred by the Gov-
24 ernment as a result of the suspension of a shipment.”.

1 (c) PENALTIES.—Section 1010(d) of the Controlled
2 Substances Import and Export Act (21 U.S.C. 960(d)) is
3 amended—

4 (1) by redesignating paragraphs (5) through
5 (7) as paragraphs (6) through (8), respectively;

6 (2) in paragraph (6), as redesignated, by strik-
7 ing “1018(e) (2) or (3)” and inserting “1018(e)(4)
8 or (5)”;

9 (3) in paragraph (7), as redesignated, by insert-
10 ing “or violates section 1004,” after “1007 or 1018
11 of this title”; and

12 (4) by inserting after paragraph (4) the follow-
13 ing:

14 “(5) imports or exports a listed chemical, with
15 the intent to evade the reporting or recordkeeping
16 requirements of section 1018 applicable to such im-
17 portation or exportation by—

18 “(A) falsely representing to the Attorney
19 General that the importation or exportation is
20 not subject to the 15-day advance notification
21 required by section 1018(a) or to any reporting
22 requirements established by the Attorney Gen-
23 eral pursuant to paragraph (1), (2), or (3) of
24 section 1018(e); or

1 “(B) misrepresenting the actual country of
2 final destination of the listed chemical, or the
3 actual listed chemical being imported or ex-
4 ported;”.

5 (d) INJUNCTIONS.—Section 1011 of the Controlled
6 Substances Import and Export Act (21 U.S.C. 961) is
7 amended to read as follows:

8 **“SEC. 1011. INJUNCTIONS.**

9 “In addition to any other applicable penalty, any per-
10 son convicted of a felony violation of this title or title II
11 relating to the receipt, distribution, manufacture, importa-
12 tion or exportation of a listed chemical may be enjoined
13 from engaging in any transaction involving a listed chemi-
14 cal for not more than 10 years.”.

15 **Subtitle G—Arms Trafficking**

16 **SEC. 16001. ENHANCED TOOLS TO INVESTIGATE ILLICIT**
17 **ARMS TRAFFICKING.**

18 Section 40(h) of the Arms Export Control Act (22
19 U.S.C. 2780(h)) is amended to read as follows:

20 “(h) EXEMPTIONS FOR TRANSACTIONS SUBJECT TO
21 NATIONAL SECURITY ACT REPORTING REQUIREMENTS
22 OR ARISING OUT OF A CRIMINAL INVESTIGATION.—The
23 prohibitions contained in this section do not apply with
24 respect to any transaction—

1 “(1) subject to reporting requirements under
2 title V of the National Security Act of 1947 (50
3 U.S.C. 413 et seq.); or

4 “(2) arising out of an investigation by a Fed-
5 eral law enforcement agency concerning possible
6 criminal violations of United States law.”.

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