

107TH CONGRESS
1ST SESSION

S. 16

To improve law enforcement, crime prevention, and victim assistance in the
21st century.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, Mr. BREAUX, Mrs. CLINTON, Mr. CORZINE, Mr. ROCKEFELLER, Mr. LEVIN, Mr. JOHNSON, Mr. KERRY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve law enforcement, crime prevention, and victim
assistance in the 21st century.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “21st Century Law Enforcement, Crime Prevention, and
6 Victims Assistance Act”.

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

Sec. 1. Short title and table of contents.

TITLE I—SUPPORTING LAW ENFORCEMENT AND THE
EFFECTIVE ADMINISTRATION OF JUSTICE

Subtitle A—Support for Community Personnel

Sec. 1101. 21st Century Community Policing Initiative.

Subtitle B—Protecting Federal, State, and Local Law Enforcement Officers
and the Judiciary

Sec. 1201. Expansion of protection of Federal officers and employees from murder due to their status.

Sec. 1202. Assaulting, resisting, or impeding certain officers or employees.

Sec. 1203. Influencing, impeding, or retaliating against a Federal official by threatening a family member.

Sec. 1204. Mailing threatening communications.

Sec. 1205. Amendment of the sentencing guidelines for assaults and threats against Federal judges and certain other Federal officials and employees.

Sec. 1206. Killing persons aiding Federal investigations or State correctional officers.

Sec. 1207. Killing State correctional officers.

Sec. 1208. Establishment of protective function privilege.

Subtitle C—Disarming Felons and Protecting Children From Violence

PART 1—EXTENSION OF PROJECT EXILE

Sec. 1311. Authorization of funding for additional State and local gun prosecutors.

Sec. 1312. Authorization of funding for additional Federal firearms prosecutors and gun enforcement teams.

PART 2—EXPANSION OF THE YOUTH CRIME GUN INTERDICTION INITIATIVE

Sec. 1321. Youth Crime Gun Interdiction Initiative.

PART 3—GUN OFFENSES

Sec. 1331. Gun ban for dangerous juvenile offenders.

Sec. 1332. Improving firearms safety.

Sec. 1333. Juvenile handgun safety.

Sec. 1334. Serious juvenile drug offenses as armed career criminal predicates.

Sec. 1335. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime.

Sec. 1336. Increased penalty for firearms conspiracy.

PART 4—CLOSING THE GUN SHOW LOOPHOLE

Sec. 1341. Extension of Brady background checks to gun shows.

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

Sec. 1401. Juvenile and violent offender incarceration grants.

Sec. 1402. Certain punishment and graduated sanctions for youth offenders.

Sec. 1403. Pilot program to promote replication of recent successful juvenile crime reduction strategies.

Sec. 1404. Reimbursement of States for costs of incarcerating juvenile alien offenders.

Subtitle E—Ballistics, Law Assistance, and Safety Technology

Sec. 1501. Short title.
 Sec. 1502. Purposes.
 Sec. 1503. Definition of ballistics.
 Sec. 1504. Test firing and automated storage of ballistics records.
 Sec. 1505. Privacy rights of law abiding citizens.
 Sec. 1506. Demonstration firearm crime reduction strategy.

Subtitle F—Offender Reentry and Community Safety

Sec. 1601. Short title.
 Sec. 1602. Findings.
 Sec. 1603. Purposes.

PART 1—FEDERAL REENTRY DEMONSTRATION PROJECTS

Sec. 1611. Federal reentry center demonstration.
 Sec. 1612. Federal high-risk offender reentry demonstration.
 Sec. 1613. District of Columbia Intensive Supervision, Tracking, and Reentry Training (DC iSTART) Demonstration.
 Sec. 1614. Federal Intensive Supervision, Tracking, and Reentry Training (FED iSTART) Demonstration.
 Sec. 1615. Federal enhanced in-prison vocational assessment and training and demonstration.
 Sec. 1616. Research and reports to Congress.
 Sec. 1617. Definitions.
 Sec. 1618. Authorization of appropriations.

PART 2—STATE REENTRY GRANT PROGRAMS

Sec. 1621. Amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

TITLE II—STRENGTHENING THE FEDERAL CRIMINAL LAWS

Subtitle A—Combating Gang Violence

PART 1—ENHANCED PENALTIES FOR GANG-RELATED ACTIVITIES

Sec. 2101. Gang franchising.
 Sec. 2102. Enhanced penalty for use or recruitment of minors in gangs.
 Sec. 2103. Gang franchising as a RICO predicate.
 Sec. 2104. Increase in offense level for participation in crime as gang member.
 Sec. 2105. Enhanced penalty for discharge of firearms in relation to counts of violence or drug trafficking crimes.
 Sec. 2106. Punishment of arson or bombing at facilities receiving Federal financial assistance.
 Sec. 2107. Elimination of statute of limitations for murder.
 Sec. 2108. Extension of statute of limitations for violent and drug trafficking crimes.
 Sec. 2109. Increased penalties under the RICO law for gang and violent crimes.
 Sec. 2110. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.
 Sec. 2111. Facilitating the prosecution of carjacking offenses.

- Sec. 2112. Facilitation of RICO prosecutions.
- Sec. 2113. Assault as a RICO predicate.
- Sec. 2114. Expansion of definition of “racketeering activity” to affect gangs in Indian country.
- 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.

PART 2—TARGETING GANG-RELATED GUN OFFENSES

- Sec. 2121. Transfer of firearm to commit a crime of violence.
- Sec. 2122. Increased penalty for knowingly receiving firearm with obliterated serial number.
- Sec. 2123. Amendment of the sentencing guidelines for transfers of firearms to prohibited persons.

PART 3—USING AND PROTECTING WITNESSES TO HELP PROSECUTE GANGS AND OTHER VIOLENT CRIMINALS

- Sec. 2131. Interstate travel to engage in witness intimidation or obstruction of justice.
- Sec. 2132. Expanding pretrial detention eligibility for serious gang and other violent criminals.
- Sec. 2133. Conspiracy penalty for obstruction of justice offenses involving victims, witnesses, and informants.
- Sec. 2134. Allowing a reduction of sentence for providing useful investigative information although not regarding a particular individual.
- Sec. 2135. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
- Sec. 2136. Expansion of Federal kidnapping offense to cover when death of victim occurs before crossing State line and when facility in interstate commerce or the mails are used.
- Sec. 2137. Assaults or other crimes of violence for hire.
- Sec. 2138. Clarification of interstate threat statute to cover threats to kill.
- Sec. 2139. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.

PART 4—GANG PARAPHERNALIA

- Sec. 2141. Streamlining procedures for law enforcement access to clone numeric pagers.
- Sec. 2142. Sentencing enhancement for using body armor in commission of a felony.
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- Sec. 2144. Government access to location information.
- Sec. 2145. Limitation on obtaining transactional information from pen registers or trap and trace devices.

Subtitle B—Combating Money Laundering

- Sec. 2201. Short title.
- Sec. 2202. Illegal money transmitting businesses.
- Sec. 2203. Restraint of assets of persons arrested abroad.
- Sec. 2204. Civil money laundering jurisdiction over foreign persons.

- Sec. 2205. Punishment of laundering money through foreign banks.
- Sec. 2206. Addition of serious foreign crimes to list of money laundering predicates.
- Sec. 2207. Criminal forfeiture for money laundering conspiracies.
- Sec. 2208. Fungible property in foreign bank accounts.
- Sec. 2209. Admissibility of foreign business records.
- Sec. 2210. Charging money laundering as a course of conduct.
- Sec. 2211. Venue in money laundering cases.
- Sec. 2212. Technical amendment to restore wiretap authority for certain money laundering offenses.
- Sec. 2213. Criminal penalties for violations of anti-money laundering orders.
- Sec. 2214. Encouraging financial institutions to notify law enforcement authorities of suspicious financial transactions.
- Sec. 2215. Coverage of foreign bank branches in the territories.
- Sec. 2216. Conforming statute of limitations amendment for certain bank fraud offenses.
- Sec. 2217. Jurisdiction over certain financial crimes committed abroad.
- Sec. 2218. Knowledge that the property is the proceeds of a felony.
- Sec. 2219. Money laundering transactions; commingled accounts.
- Sec. 2220. Laundering the proceeds of terrorism.
- Sec. 2221. Violations of section 6050i.
- Sec. 2222. Including agencies of tribal governments in the definition of a financial institution.
- Sec. 2223. Penalties for violations of geographic targeting orders and certain recordkeeping requirements.

Subtitle C—Antidrug Provisions

- Sec. 2301. Amendments concerning temporary emergency scheduling.
- Sec. 2302. Amendment to reporting requirement for transactions involving certain listed chemicals.
- Sec. 2303. Drug paraphernalia.
- Sec. 2304. Counterfeit substances/imitation controlled substances.
- Sec. 2305. Conforming amendment concerning marijuana plants.
- Sec. 2306. Serious juvenile drug trafficking offenses as armed career criminal act predicates.
- Sec. 2307. Increased penalties for using Federal property to grow or manufacture controlled substances.
- Sec. 2308. Clarification of length of supervised release terms in controlled substance cases.
- Sec. 2309. Supervised release period after conviction for continuing criminal enterprise.
- Sec. 2310. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes.
- Sec. 2311. Import and export of chemicals used to produce illicit drugs.

Subtitle D—Deterring Cargo Theft

- Sec. 2351. Punishment of cargo theft.
- Sec. 2352. Reports to Congress on cargo theft.
- Sec. 2353. Establishment of Advisory Committee on Cargo Theft.
- Sec. 2354. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage.
- Sec. 2355. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization.

- Sec. 2356. Larceny involving post office boxes and postal stamp vending machines.
- Sec. 2357. Expansion of Federal theft offenses to cover theft of vessels.

Subtitle E—Improvements to Federal Criminal Law

PART 1—SENTENCING IMPROVEMENTS

- Sec. 2411. Application of sentencing guidelines to all pertinent statutes.
- Sec. 2412. Doubling maximum penalty for voluntary manslaughter.
- Sec. 2413. Authorization of imposition of both a fine and imprisonment rather than only either penalty in certain offenses.
- Sec. 2414. Addition of supervised release violation as predicates for certain offenses.
- Sec. 2415. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.
- Sec. 2416. Elimination of proof of value requirement for felony theft or conversion of grand jury material.
- Sec. 2417. Increased maximum corporate penalty for antitrust violations.
- Sec. 2418. Amendment of Federal sentencing guidelines for counterfeit bearer obligations of the United States.

PART 2—ADDITIONAL IMPROVEMENTS TO FEDERAL CRIMINAL LAW

- Sec. 2421. Violence directed at dwellings in Indian country.
- Sec. 2422. Corrections to Amber Hagerman Child Protection Act.
- Sec. 2423. Elimination of “bodily harm” element in assault with a dangerous weapon offense.
- Sec. 2424. Appeals from certain dismissals.
- Sec. 2425. Authority for injunction against disposal of ill-gotten gains from violations of fraud statutes.
- Sec. 2426. Expansion of interstate travel fraud statute to cover interstate travel by perpetrator.
- Sec. 2427. Clarification of scope of unauthorized selling of military medals or decorations.
- Sec. 2428. Amendment to section 669 to conform to Public Law 104–294.
- Sec. 2429. Expansion of jurisdiction over child buying and selling offenses.
- Sec. 2430. Limits on disclosure of wiretap orders.
- Sec. 2431. Prison credit and aging prisoner reform.
- Sec. 2432. Miranda reaffirmation.

TITLE III—PROTECTING AMERICANS AND SUPPORTING VICTIMS
OF CRIME

Subtitle A—Crime Victims Assistance

- Sec. 3101. Short title.

PART 1—VICTIM RIGHTS

- Sec. 3111. Right to notice and to be heard concerning detention.
- Sec. 3112. Right to a speedy trial.
- Sec. 3113. Right to notice and to be heard concerning plea.
- Sec. 3114. Enhanced participatory rights at trial.
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- Sec. 3116. Right to notice and to be heard concerning sentence adjustment.

- Sec. 3117. Right to notice of release or escape.
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- Sec. 3119. Remedies for noncompliance.

PART 2—VICTIM ASSISTANCE INITIATIVES

- Sec. 3121. Pilot programs to establish ombudsman programs for crime victims.
- Sec. 3122. Amendments to Victims of Crime Act of 1984.
- Sec. 3123. Increased training for law enforcement officers and court personnel to respond to the needs of crime victims.
- Sec. 3124. Increased resources to develop State-of-the-art systems for notifying crime victims of important dates and developments.

PART 3—VICTIM-OFFENDER PROGRAMS: “RESTORATIVE JUSTICE”

- Sec. 3131. Pilot program and study on effectiveness of restorative justice approach on behalf of victims of crime.

Subtitle B—Violence Against Women Act Enhancements

- Sec. 3201. Shelter services for battered women and children.
- Sec. 3202. Transitional housing assistance for victims of domestic violence.
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PART 1—COMBATING CRIMES AGAINST SENIORS

- Sec. 3311. Enhanced sentencing penalties based on age of victim.
- Sec. 3312. Study and report on health care fraud sentences.
- Sec. 3313. Increased penalties for fraud resulting in serious injury or death.
- Sec. 3314. Safeguarding pension plans from fraud and theft.
- Sec. 3315. Additional civil penalties for defrauding pension plans.
- Sec. 3316. Punishing bribery and graft in connection with employee benefit plans.

PART 2—PREVENTING TELEMARKETING FRAUD

- Sec. 3321. Centralized complaint and consumer education service for victims of telemarketing fraud.
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- Sec. 3331. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs.
- Sec. 3332. Authorized investigative demand procedures.
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- Sec. 3401. Extension of violent crime reduction trust fund.

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- Sec. 4111. Reauthorization of drug courts program.
- Sec. 4112. Juvenile drug courts.

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- Sec. 4122. Administration.
- Sec. 4123. Applications.
- Sec. 4124. Federal share.
- Sec. 4125. Geographic distribution.
- Sec. 4126. Technical assistance, training, and evaluation.
- Sec. 4127. Authorization of appropriations.
- Sec. 4128. Permanent set-aside for research and evaluation.
- Sec. 4129. Additional requirements for the use of funds under the violent offender incarceration and truth-in-sentencing grant programs.

PART 3—DRUG TREATMENT

- Sec. 4131. Drug treatment alternative to prison programs administered by State or local prosecutors.
- Sec. 4132. Substance abuse treatment in Federal prisons reauthorization.
- Sec. 4133. Residential substance abuse treatment for State prisoners reauthorization
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PART 4—FUNDING FOR DRUG FREE COMMUNITY PROGRAMS

- Sec. 4141. Extension of safe and drug-free schools and communities program.
- Sec. 4142. Say No to Drugs community centers.
- Sec. 4143. Drug education and prevention relating to youth gangs.
- Sec. 4144. Drug education and prevention program for runaway and homeless youth.

Subtitle B—Youth Crime Prevention and Juvenile Courts

PART 1—GRANTS TO YOUTH ORGANIZATIONS

- Sec. 4211. Grant program.
- Sec. 4212. Grants to national organizations.
- Sec. 4213. Grants to States.
- Sec. 4214. Allocation; grant limitation.

- Sec. 4215. Report and evaluation.
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PART 2—REAUTHORIZATION OF INCENTIVE GRANTS FOR LOCAL
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- Sec. 4221. Incentive grants for local delinquency prevention programs.
- Sec. 4222. Research, evaluation, and training.

PART 3—JUMP AHEAD

- Sec. 4231. Short title.
- Sec. 4232. Findings.
- Sec. 4233. Juvenile mentoring grants.
- Sec. 4234. Implementation and evaluation grants.
- Sec. 4235. Evaluations; reports.

PART 4—TRUANCY PREVENTION

- Sec. 4241. Short title.
- Sec. 4242. Findings.
- Sec. 4243. Grants.

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- Sec. 4251. Short title.
- Sec. 4252. Findings.
- Sec. 4253. Purpose.
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- Sec. 4255. Name of office.
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- Sec. 4257. Allocation.
- Sec. 4258. State plans.
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- Sec. 4271. Competitive grants for children's firearm safety education.
- Sec. 4272. Dissemination of best practices via the Internet.
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1 **TITLE I—SUPPORTING LAW EN-**
2 **FORCEMENT AND THE EFFEC-**
3 **TIVE ADMINISTRATION OF**
4 **JUSTICE**

5 **Subtitle A—Support for**
6 **Community Personnel**

7 **SEC. 1101. 21ST CENTURY COMMUNITY POLICING INITIA-**
8 **TIVE.**

9 (a) COPS PROGRAM.—Section 1701(a) of title I of
10 the Omnibus Crime Control and Safe Streets Act of 1968
11 (42 U.S.C. 3796dd(a)) is amended by—

12 (1) inserting “and prosecutor” after “increase
13 police”; and

14 (2) inserting “to enhance law enforcement ac-
15 cess to new technologies, and” after “presence,”.

16 (b) HIRING AND REDEPLOYMENT GRANT
17 PROJECTS.—Section 1701(b) of title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
19 3796dd(b)) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “and” at the end of sub-
22 paragraph (B) and inserting after “Nation,”

23 “or pay overtime to existing career law enforce-
24 ment officers;”;

1 (B) by striking the period at the end of
2 subparagraph (C) and inserting “; and”; and

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

4 “(D) promote higher education among in-
5 service State and local law enforcement officers
6 by reimbursing them for the costs associated
7 with seeking a college or graduate school edu-
8 cation.”; and

9 (2) in paragraph (2), by striking all that follows
10 “SUPPORT SYSTEMS.—” and inserting “Grants pur-
11 suant to paragraph (1)(A) for overtime may not ex-
12 ceed 25 percent of the funds available for grants
13 pursuant to this subsection for any fiscal year;
14 grants pursuant to paragraph (1)(C) may not exceed
15 20 percent of the funds available for grants pursu-
16 ant to this subsection in any fiscal year, and grants
17 pursuant to paragraph (1)(D) may not exceed 5 per-
18 cent of the funds available for grants pursuant to
19 this subsection for any fiscal year.”.

20 (c) ADDITIONAL GRANT PROJECTS.—Section
21 1701(d) of title I of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

23 (1) in paragraph (2)—

24 (A) by inserting “integrity and ethics”
25 after “specialized”; and

1 (B) by inserting “and” after “enforcement
2 officers”;

3 (2) in paragraph (7), by inserting “school offi-
4 cials, religiously affiliated organizations,” after “en-
5 forcement officers”;

6 (3) by striking paragraph (8) and inserting the
7 following:

8 “(8) establish school-based partnerships be-
9 tween local law enforcement agencies and local
10 school systems, by using school resource officers who
11 operate in and around elementary and secondary
12 schools to serve as a law enforcement liaison with
13 other Federal, State, and local law enforcement and
14 regulatory agencies, combat school-related crime and
15 disorder problems, gang membership and criminal
16 activity, firearms and explosives-related incidents, il-
17 legal use and possession of alcohol and illegal pos-
18 session, use, and distribution of drugs;”;

19 (4) in paragraph (10), by striking “and” at the
20 end;

21 (5) in paragraph (11), by striking the period
22 that appears at the end and inserting a semicolon;
23 and

24 (6) by adding at the end the following:

1 “(12) develop and implement innovative pro-
2 grams (such as the TRILAD program) that bring to-
3 gether a community’s sheriff, chief of police, and el-
4 derly residents to address the public safety concerns
5 of older citizens; and

6 “(13) assist State, local, or tribal prosecutors’
7 offices in the implementation of community-based
8 programs that build on local community efforts
9 through the—

10 “(A) hiring of additional indigent defense
11 attorneys to be assigned to community pro-
12 grams; and

13 “(B) establishment of programs to assist
14 local indigent defense offices in the implementa-
15 tion of programs that help them identify and
16 respond to priority needs of a community with
17 specifically tailored solutions.”.

18 (d) TECHNICAL ASSISTANCE.—Section 1701(f) of
19 title I of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (42 U.S.C. 3796dd(f)) is amended—

21 (1) in paragraph (1)—

22 (A) by inserting “use up to 5 percent of
23 the funds appropriated under subsection (a) to”
24 after “The Attorney General may”;

1 (B) by inserting at the end the following:

2 “In addition, the Attorney General may use up
3 to 5 percent of the funds appropriated under
4 subsections (d), (e), and (f) for technical assist-
5 ance and training to States, units of local gov-
6 ernment, Indian tribal governments, and to
7 other public and private entities for those re-
8 spective purposes,”;

9 (2) in paragraph (2), by inserting “under sub-
10 section (a)” after “the Attorney General”; and

11 (3) in paragraph (3)—

12 (A) by striking “the Attorney General
13 may” and inserting “the Attorney General
14 shall”;

15 (B) by inserting “regional community po-
16licing institutes” after “operation of”; and

17 (C) by inserting “representatives of police
18labor and management organizations, commu-
19nity residents,” after “supervisors,”.

20 (e) TECHNOLOGY AND PROSECUTION PROGRAMS.—

21 Section 1701 of title I of the Omnibus Crime Control and
22 Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended
23 by—

24 (1) striking subsection (k);

1 (2) redesignating subsections (f) through (j) as
2 subsections (g) through (k), respectively; and

3 (3) striking subsection (e) and inserting the fol-
4 lowing:

5 “(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—
6 Grants made under subsection (a) may be used to assist
7 police departments, in employing professional, scientific,
8 and technological advancements that will help them—

9 “(1) improve police communications through
10 the use of wireless communications, computers, soft-
11 ware, videocams, databases, and other hardware and
12 software that allow law enforcement agencies to
13 communicate more effectively across jurisdictional
14 boundaries and effectuate interoperability;

15 “(2) develop and improve access to crime-solv-
16 ing technologies, including DNA analysis, photo en-
17 hancement, voice recognition, and other forensic ca-
18 pabilities; and

19 “(3) promote comprehensive crime analysis by
20 utilizing new techniques and technologies, such as
21 crime mapping, that allow law enforcement agencies
22 to use real-time crime and arrest data and other re-
23 lated information, including non-criminal justice
24 data, to improve their ability to analyze, predict, and

1 respond proactively to local crime and disorder prob-
2 lems, as well as to engage in regional crime analysis.

3 “(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

4 Grants made under subsection (a) may be used to assist
5 State, local, or tribal prosecutors’ offices in the implemen-
6 tation of community-based prosecution programs that
7 build on local community policing efforts. Funds made
8 available under this subsection may be used to—

9 “(1) hire additional prosecutors who will be as-
10 signed to community prosecution programs, includ-
11 ing (but not limited to) programs that assign pros-
12 ecutors to handle cases from specific geographic
13 areas, to address specific violent crime and other
14 local crime problems (including intensive illegal
15 gang, gun, and drug enforcement projects and qual-
16 ity of life initiatives), and to address localized violent
17 and other crime problems based on needs identified
18 by local law enforcement agencies, community orga-
19 nizations, and others;

20 “(2) redeploy existing prosecutors to community
21 prosecution programs as described in paragraph (1)
22 of this section by hiring victim and witness coordina-
23 tors, paralegals, community outreach, and other
24 such personnel; and

1 “(3) establish programs to assist local prosecu-
2 tors’ offices in the implementation of programs that
3 help them identify and respond to priority crime
4 problems in a community with specifically tailored
5 solutions.

6 At least 75 percent of the funds made available under this
7 subsection shall be reserved for grants under paragraphs
8 (1) and (2) and of those amounts no more than 10 percent
9 may be used for grants under paragraph (2) and at least
10 25 percent of the funds shall be reserved for grants under
11 paragraphs (1) and (2) to units of local government with
12 a population of less than 50,000.”.

13 (f) RETENTION GRANTS.—Section 1703 of title I of
14 the Omnibus Crime Control and Safe Streets Act of 1968
15 (42 U.S.C. 3796dd–2) is amended by inserting at the end
16 the following:

17 “(d) RETENTION GRANTS.—The Attorney General
18 may use no more than 50 percent of the funds under sub-
19 section (a) to award grants targeted specifically for reten-
20 tion of police officers to grantees in good standing, with
21 preference to those that demonstrate financial hardship or
22 severe budget constraint that impacts the entire local
23 budget and may result in the termination of employment
24 for police officers funded under subsection (b)(1).”.

1 (g) HIRING COSTS.—Section 1704(c) of title I of the
2 Omnibus Crime Control and Safe Streets Act of 1968 (42
3 U.S.C. 3796dd–3(c)) is amended by striking “\$75,000”
4 and inserting “\$125,000”.

5 (h) DEFINITIONS.—

6 (1) CAREER LAW ENFORCEMENT OFFICER.—
7 Section 1709(1) of title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (42 U.S.C.
9 3796dd–8) is amended by inserting after “criminal
10 laws” the following: “including sheriffs’ deputies
11 charged with supervising offenders who are released
12 into the community but also engaged in local com-
13 munity policing efforts.”.

14 (2) SCHOOL RESOURCE OFFICER.—Section
15 1709(4) of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is
17 amended—

18 (A) by striking subparagraph (A) and in-
19 serting the following:

20 “(A) to serve as a law enforcement liaison
21 with other Federal, State, and local law en-
22 forcement and regulatory agencies, to address
23 and document crime and disorder problems in-
24 cluding gangs and drug activities, firearms and
25 explosives-related incidents, and illegal use and

1 possession of alcohol affecting or occurring in
2 or around an elementary or secondary school;”;

3 (B) by striking subparagraph (E) and in-
4 serting the following:

5 “(E) to train students in conflict resolu-
6 tion, restorative justice, and crime awareness,
7 and to provide assistance to and coordinate
8 with other officers, mental health professionals,
9 and youth counselors who are responsible for
10 the implementation of prevention/intervention
11 programs within the schools;” and

12 (C) by adding at the end the following:

13 “(H) to work with school administrators,
14 members of the local parent teacher associa-
15 tions, community organizers, law enforcement,
16 fire departments, and emergency medical per-
17 sonnel in the creation, review, and implementa-
18 tion of a school violence prevention plan;

19 “(I) to assist in documenting the full de-
20 scription of all firearms found or taken into
21 custody on school property and to initiate a
22 firearms trace and ballistics examination for
23 each firearm with the local office of the Bureau
24 of Alcohol, Tobacco, and Firearms;

1 “(J) to document the full description of all
2 explosives or explosive devices found or taken
3 into custody on school property and report to
4 the local office of the Bureau of Alcohol, To-
5 bacco, and Firearms; and

6 “(K) to assist school administrators with
7 the preparation of the Department of Edu-
8 cation, Annual Report on State Implementation
9 of the Gun-Free Schools Act which tracks the
10 number of students expelled per year for bring-
11 ing a weapon, firearm, or explosive to school.”.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
13 1001(a)(11) of title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is
15 amended—

16 (1) by amending subparagraph (A) to read as
17 follows:

18 “(A) There are authorized to be appro-
19 priated to carry out part Q, to remain available
20 until expended—

21 “(i) \$1,150,000,000 for fiscal year
22 2002;

23 “(ii) \$1,150,000,000 for fiscal year
24 2003;

1 “(iii) \$1,150,000,000 for fiscal year
2 2004;

3 “(iv) \$1,150,000,000 for fiscal year
4 2005;

5 “(v) \$1,150,000,000 for fiscal year
6 2006; and

7 “(vi) \$1,150,000,000 for fiscal year
8 2007.”; and

9 (2) in subparagraph (B)—

10 (A) by striking “3 percent” and inserting
11 “5 percent”;

12 (B) by striking “85 percent” and inserting
13 “\$600,000,000”; and

14 (C) by striking “1701(b),” and all that fol-
15 lows through “of part Q” and inserting the fol-
16 lowing: “1701 (b) and (c), \$350,000,000 to
17 grants for the purposes specified in section
18 1701(f), and \$200,000,000 to grants for the
19 purposes specified in section 1701(g).”.

1 **Subtitle B—Protecting Federal,**
2 **State, and Local Law Enforce-**
3 **ment Officers and the Judiciary**

4 **SEC. 1201. EXPANSION OF PROTECTION OF FEDERAL OFFI-**
5 **CERS AND EMPLOYEES FROM MURDER DUE**
6 **TO THEIR STATUS.**

7 Section 1114 of title 18, United States Code, is
8 amended—

9 (1) by inserting “or because of the status of the
10 victim as such an officer or employee,” after “on ac-
11 count of the performance of official duties,”; and

12 (2) by inserting “or, if the person assisting is
13 an officer or employee of a State or local govern-
14 ment, because of the status of the victim as such an
15 officer or employee,” after “on account of that as-
16 sistance,”.

17 **SEC. 1202. ASSAULTING, RESISTING, OR IMPEDING CER-**
18 **TAIN OFFICERS OR EMPLOYEES.**

19 Section 111 of title 18, United States Code, is
20 amended—

21 (1) in subsection (a), by striking “three” and
22 inserting “12”; and

23 (2) in subsection (b), by striking “ten” and in-
24 serting “20”.

1 **SEC. 1203. INFLUENCING, IMPEDING, OR RETALIATING**
2 **AGAINST A FEDERAL OFFICIAL BY THREAT-**
3 **ENING A FAMILY MEMBER.**

4 Section 115(b)(4) of title 18, United States Code, is
5 amended—

6 (1) by striking “five” and inserting “10”; and

7 (2) by striking “three” and inserting “6”.

8 **SEC. 1204. MAILING THREATENING COMMUNICATIONS.**

9 Section 876 of title 18, United States Code, is
10 amended—

11 (1) by designating the first 4 undesignated
12 paragraphs as subsections (a) through (d), respec-
13 tively;

14 (2) in subsection (c), as so designated, by add-
15 ing at the end the following: “If such a communica-
16 tion is addressed to a United States judge, a Fed-
17 eral law enforcement officer, or an official who is
18 covered by section 1114, the individual shall be fined
19 under this title, imprisoned not more than 10 years,
20 or both.”; and

21 (3) in subsection (d), as so designated, by add-
22 ing at the end the following: “If such a communica-
23 tion is addressed to a United States judge, a Fed-
24 eral law enforcement officer, or an official who is
25 covered by section 1114, the individual shall be fined

1 under this title, imprisoned not more than 10 years,
2 or both.”.

3 **SEC. 1205. AMENDMENT OF THE SENTENCING GUIDELINES**
4 **FOR ASSAULTS AND THREATS AGAINST FED-**
5 **ERAL JUDGES AND CERTAIN OTHER FED-**
6 **ERAL OFFICIALS AND EMPLOYEES.**

7 (a) IN GENERAL.—Pursuant to its authority under
8 section 994 of title 28, United States Code, the United
9 States Sentencing Commission shall review and amend the
10 Federal sentencing guidelines and the policy statements
11 of the Commission, if appropriate, to provide an appro-
12 priate sentencing enhancement for offenses involving in-
13 fluencing, assaulting, resisting, impeding, retaliating
14 against, or threatening a Federal judge, magistrate judge,
15 or any other official described in section 111 or 115 of
16 title 18, United States Code.

17 (b) FACTORS FOR CONSIDERATION.—In carrying out
18 this section, the United States Sentencing Commission
19 shall consider, with respect to each offense described in
20 subsection (a)—

21 (1) any expression of congressional intent re-
22 garding the appropriate penalties for the offense;

23 (2) the range of conduct covered by the offense;

24 (3) the existing sentences for the offense;

1 (4) the extent to which sentencing enhance-
2 ments within the Federal sentencing guidelines and
3 the court's authority to impose a sentence in excess
4 of the applicable guideline range are adequate to en-
5 sure punishment at or near the maximum penalty
6 for the most egregious conduct covered by the of-
7 fense;

8 (5) the extent to which Federal sentencing
9 guideline sentences for the offense have been con-
10 strained by statutory maximum penalties;

11 (6) the extent to which Federal sentencing
12 guidelines for the offense adequately achieve the
13 purposes of sentencing as set forth in section
14 3553(a)(2) of title 18, United States Code;

15 (7) the relationship of Federal sentencing
16 guidelines for the offense to the Federal sentencing
17 guidelines for other offenses of comparable serious-
18 ness; and

19 (8) any other factors that the Commission con-
20 siders to be appropriate.

21 **SEC. 1206. KILLING PERSONS AIDING FEDERAL INVESTIGA-**
22 **TIONS OR STATE CORRECTIONAL OFFICERS.**

23 Section 1121(a)(1) of title 18, United States Code,
24 is amended in the matter preceding subparagraph (A), by

1 inserting “, State, or joint Federal-State” after “a Fed-
2 eral”.

3 **SEC. 1207. KILLING STATE CORRECTIONAL OFFICERS.**

4 Section 1121(b)(3) of title 18, United States Code,
5 is amended—

6 (1) in subparagraph (A), by striking “or” at
7 the end;

8 (2) in subparagraph (B), by striking the period
9 at the end and inserting “; or”; and

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

11 “(C) the incarcerated person is incarcer-
12 ated pending an initial appearance, arraign-
13 ment, trial, or appeal for an offense against the
14 United States.”.

15 **SEC. 1208. 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 com-
20 mitted 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 section and the
22 amendments made by this section shall apply to any
23 proceeding commenced on or after the date of enact-
24 ment of this section.

1 **Subtitle C—Disarming Felons and**
2 **Protecting Children From Violence**

3 **PART 1—EXTENSION OF PROJECT EXILE**

4 **SEC. 1311. AUTHORIZATION OF FUNDING FOR ADDITIONAL**
5 **STATE AND LOCAL GUN PROSECUTORS.**

6 (a) GRANTS FOR STATE AND LOCAL GUN PROSECU-
7 TORS.—Title III of the Violent Crime Control and Law
8 Enforcement Act of 1994 is amended by adding at the
9 end the following:

10 **“Subtitle Y—Grants for State and**
11 **Local Gun Prosecutors**

12 **“SEC. 32501. GRANT AUTHORIZATION.**

13 “The Attorney General may award grants to State,
14 Indian tribal, or local prosecutors for the purpose of sup-
15 porting the creation or expansion of community-based jus-
16 tice programs for the prosecution of firearm-related
17 crimes.

18 **“SEC. 32502. USE OF FUNDS.**

19 “Grants awarded by the Attorney General under this
20 subtitle shall be used to fund programs for the hiring of
21 prosecutors and related personnel under which those pros-
22 ecutors and personnel shall utilize an interdisciplinary
23 team approach to prevent, reduce, and respond to firearm-
24 related crimes in partnership with communities.

1 **“SEC. 32503. APPLICATIONS.**

2 “(a) **ELIGIBILITY.**—To be eligible to receive a grant
3 award under this subtitle for a fiscal year, a State, Indian
4 tribal, or local prosecutor, in conjunction with the chief
5 executive officer of the jurisdiction in which the program
6 will be placed, shall submit to the Attorney General an
7 application, in such form and containing such information
8 as the Attorney General may reasonably require.

9 “(b) **REQUIREMENTS.**—Each application submitted
10 under this section shall include—

11 “(1) a request for funds for the purposes de-
12 scribed in section 32502;

13 “(2) a description of the communities to be
14 served by the grant, including the nature of the fire-
15 arm-related crime in such communities; and

16 “(3) assurances that Federal funds received
17 under this subtitle shall be used to supplement, not
18 supplant, non-Federal funds that would otherwise be
19 available for activities funded under this section.

20 **“SEC. 32504. MATCHING REQUIREMENT.**

21 “The Federal share of a grant awarded under this
22 subtitle may not exceed 50 percent of the total cost of
23 the program described in the application submitted under
24 section 32503 for the fiscal year for which the program
25 receives assistance under this subtitle.

1 **“SEC. 32505. AWARD OF GRANTS.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), in awarding grants under this subtitle, the Attorney
4 General shall consider—

5 “(1) the demonstrated need for, and the evi-
6 dence of the ability of the applicant to provide, the
7 services described in section 32503(b)(2), as de-
8 scribed in the application submitted under section
9 32503;

10 “(2) the extent to which, as reflected in the
11 1998 Uniform Crime Report of the Federal Bureau
12 of Investigation, there is a high rate of firearm-re-
13 lated crime in the jurisdiction of the applicant,
14 measured either in total or per capita;

15 “(3) the extent to which the jurisdiction of the
16 applicant has experienced an increase in the total or
17 per capita rate of firearm-related crime, as reported
18 in the 3 most recent annual Uniform Crime Reports
19 of the Federal Bureau of Investigation;

20 “(4) the extent to which State and local law en-
21 forcement agencies in the jurisdiction of the appli-
22 cant have pledged to cooperate with Federal officials
23 in responding to the illegal acquisition, distribution,
24 possession, and use of firearms within the jurisdic-
25 tion; and

1 “(5) The extent to which the jurisdiction of the
2 applicant participates in comprehensive firearm law
3 enforcement strategies, including programs such as
4 the Youth Crime Gun Interdiction Initiative, Project
5 Achilles, Project Disarm, Project Triggerlock,
6 Project Exile, Project Surefire, and Operation
7 Ceasefire.

8 “(b) INDIAN TRIBES.—

9 “(1) FEDERAL GRANTS.—Not less than 5 per-
10 cent of the amount made available for grants under
11 this subtitle for each fiscal year shall be awarded as
12 grants to Indian tribes.

13 “(2) GRANT CRITERIA.—In awarding grants to
14 Indian tribes in accordance with this subsection, the
15 Attorney General shall consider, to the extent prac-
16 ticable, the factors for consideration set forth in sub-
17 section (a).

18 “(c) RESEARCH AND EVALUATION.—Of the amount
19 made available for grants under this subtitle for each fis-
20 cal year, the Attorney General shall use not less than 1
21 percent and not more than 3 percent for research and
22 evaluation of the activities carried out with grants award-
23 ed under this subtitle.

1 **“SEC. 32506. REPORTS.**

2 “(a) REPORT TO ATTORNEY GENERAL.—Not later
3 than March 1 of each fiscal year, each law enforcement
4 agency that receives funds from a grant awarded under
5 this subtitle for that fiscal year shall submit to the Attor-
6 ney General a report describing the progress achieved in
7 carrying out the grant program for which those funds were
8 received.

9 “(b) REPORT TO CONGRESS.—Beginning not later
10 than October 1 of the first fiscal year following the initial
11 fiscal year during which grants are awarded under this
12 subtitle, and not later than October 1 of each fiscal year
13 thereafter, the Attorney General shall submit to Congress
14 a report, which shall contain a detailed statement regard-
15 ing grant awards, activities of grant recipients, a compila-
16 tion of statistical information submitted by applicants, and
17 an evaluation of programs established with amounts from
18 grants awarded under this subtitle during the preceding
19 fiscal year.

20 **“SEC. 32507. DEFINITIONS.**

21 “In this subtitle—

22 “(1) the term ‘firearm’ has the meaning given
23 the term in section 921(a) of title 18, United States
24 Code;

25 “(2) the term ‘Indian tribe’ means a tribe,
26 band, pueblo, nation, or other organized group or

1 community of Indians, including an Alaska Native
 2 village (as defined in or established under the Alaska
 3 Native Claims Settlement Act (43 U.S.C. 1601 et
 4 seq.)), that is recognized as eligible for the special
 5 programs and services provided by the United States
 6 to Indians because of their status as Indians; and
 7 “(3) the term ‘State’ means a State, the Dis-
 8 trict of Columbia, the Commonwealth of Puerto
 9 Rico, the Commonwealth of the Northern Mariana
 10 Islands, American Samoa, Guam, and the United
 11 States Virgin Islands.

12 **“SEC. 32508. AUTHORIZATION OF APPROPRIATIONS.**

13 “There is authorized to be appropriated to carry out
 14 this subtitle \$150,000,000 for fiscal year 2002.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—

16 The table of contents in section 2 of the Violent Crime
 17 Control and Law Enforcement Act of 1994 is amended
 18 by inserting after the item relating to subtitle X the fol-
 19 lowing:

“Subtitle Y—Grants for State and Local Gun Prosecutors

- “Sec. 32501. Grant authorization.
- “Sec. 32502. Use of funds.
- “Sec. 32503. Applications.
- “Sec. 32504. Matching requirement.
- “Sec. 32505. Award of grants.
- “Sec. 32506. Reports.
- “Sec. 32507. Definitions.
- “Sec. 32508. Authorization of appropriations.”.

1 **SEC. 1312. AUTHORIZATION OF FUNDING FOR ADDITIONAL**
2 **FEDERAL FIREARMS PROSECUTORS AND**
3 **GUN ENFORCEMENT TEAMS.**

4 (a) **ADDITIONAL FEDERAL FIREARMS PROSECU-**
5 **TORS.**—The Attorney General shall hire 114 additional
6 Federal prosecutors to prosecute violations of Federal fire-
7 arms laws.

8 (b) **GUN ENFORCEMENT TEAMS.**—

9 (1) **ESTABLISHMENT.**—The Attorney General
10 shall establish in each of the jurisdictions specified
11 in paragraph (3) a gun enforcement team.

12 (2) **GUN ENFORCEMENT TEAM REQUIRE-**
13 **MENTS.**—Each gun enforcement team established
14 under this subsection shall be composed of—

15 (A) 1 coordinator, who shall be respon-
16 sible, with respect to the jurisdiction concerned,
17 for coordinating among Federal, State, and
18 local law enforcement—

19 (i) the appropriate forum for the pros-
20 ecution of crimes relating to firearms; and

21 (ii) efforts for the prevention of such
22 crimes; and

23 (B) 1 analyst, who shall be responsible,
24 with respect to the jurisdiction concerned, for
25 analyzing data relating to such crimes and rec-

1 ommending law enforcement strategies to re-
2 duce such crimes.

3 (3) COVERED JURISDICTIONS.—The jurisdic-
4 tions specified in this subsection are not more than
5 20 jurisdictions designated by the Attorney General
6 for purposes of this subsection as areas having high
7 rates of crimes relating to firearms.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
9 tion to any other amounts authorized to be appropriated
10 that may be used for such purpose, there is authorized
11 to be appropriated to carry out this section \$15,000,000
12 for fiscal year 2002.

13 **PART 2—EXPANSION OF THE YOUTH CRIME GUN**
14 **INTERDICTION INITIATIVE**

15 **SEC. 1321. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

16 (a) IN GENERAL.—

17 (1) EXPANSION OF NUMBER OF CITIES.—The
18 Secretary of the Treasury shall endeavor to expand
19 the number of cities and counties directly partici-
20 pating in the Youth Crime Gun Interdiction Initia-
21 tive (in this section referred to as the “YCGII”) to
22 75 cities or counties by October 1, 2002, to 150 cit-
23 ies or counties by October 1, 2004, and to 250 cities
24 or counties by October 1, 2005.

1 (2) SELECTION.—Cities and counties selected
2 for participation in the YCGII shall be selected by
3 the Secretary of the Treasury and in consultation
4 with Federal, State and local law enforcement offi-
5 cials.

6 (b) IDENTIFICATION OF INDIVIDUALS.—

7 (1) IN GENERAL.—The Secretary of the Treas-
8 ury shall, utilizing the information provided by the
9 YCGII, facilitate the identification and prosecution
10 of individuals illegally trafficking firearms to prohib-
11 ited individuals.

12 (2) SHARING OF INFORMATION.—The Secretary
13 of the Treasury shall share information derived from
14 the YCGII with State and local law enforcement
15 agencies through on-line computer access, as soon as
16 such capability is available.

17 (c) GRANT AWARDS.—

18 (1) IN GENERAL.—The Secretary of the Treas-
19 ury shall award grants (in the form of funds or
20 equipment) to States, cities, and counties for pur-
21 poses of assisting such entities in the tracing of fire-
22 arms and participation in the YCGII.

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

1 (A) hire or assign additional personnel for
2 the gathering, submission and analysis of trac-
3 ing data submitted to the Bureau of Alcohol,
4 Tobacco and Firearms under the YCGII;

5 (B) hire additional law enforcement per-
6 sonnel for the purpose of identifying and arrest-
7 ing individuals illegally trafficking firearms; and

8 (C) purchase additional equipment, includ-
9 ing automatic data processing equipment and
10 computer software and hardware, for the timely
11 submission and analysis of tracing data.

12 **PART 3—GUN OFFENSES**

13 **SEC. 1331. GUN BAN FOR DANGEROUS JUVENILE OFFEND-**
14 **ERS.**

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

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

18 (2) by redesignating subparagraphs (A) and
19 (B) as clauses (i) and (ii), respectively;

20 (3) by inserting after subparagraph (A) the fol-
21 lowing:

22 “(B) For purposes of subsections (d), (g),
23 and (s) of section 922, the term ‘act of juvenile
24 delinquency’ means an adjudication of delin-
25 quency based on a finding of the commission of

1 an act by a person prior to his or her eight-
2 eenth birthday that, if committed by an adult,
3 would be a serious drug offense or violent fel-
4 ony (as defined in section 3559(c)(2) of this
5 title), on or after the date of enactment of this
6 paragraph.”; and

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

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

21 (1) in subsection (d)—

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

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

1 (C) by inserting after paragraph (9) the
2 following:

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

5 (2) in subsection (g)—

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

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

10 (C) by inserting after paragraph (9) the
11 following:

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

14 (3) in subsection (s)(3)(B)—

15 (A) by striking “and” at the end of clause
16 (vi);

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

19 (C) by inserting after clause (vii) the fol-
20 lowing:

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

1 **SEC. 1332. IMPROVING FIREARMS SAFETY.**

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

5 “(35) **SECURE GUN STORAGE OR SAFETY DE-**
6 **VICE.**—The term ‘secure gun storage or safety de-

7 vice’ means—
8 “(A) a device that, when installed on a
9 firearm, is designed to prevent the firearm from
10 being operated without first deactivating the de-
11 vice;

12 “(B) a device incorporated into the design
13 of the firearm that is designed to prevent the
14 operation of the firearm by anyone not having
15 access to the device; or

16 “(C) a safe, gun safe, gun case, lock box,
17 or other device that is designed to be or can be
18 used to store a firearm and that is designed to
19 be unlocked only by means of a key, a combina-
20 tion, or other similar means.”.

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

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

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

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

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

18 (c) REVOCATION OF DEALER’S LICENSE FOR FAIL-
19 URE TO HAVE SECURE GUN STORAGE OR SAFETY DE-
20 VICES AVAILABLE.—The first sentence of section 923(e)
21 of title 18, United States Code, is amended by inserting
22 before the period at the end the following: “or fails to have
23 secure gun storage or safety devices available at any place
24 in which firearms are sold under the license to persons
25 who are not licensees (except that in any case in which

1 a secure gun storage or safety device is temporarily un-
2 available because of theft, casualty loss, consumer sales,
3 backorders from a manufacturer, or any other similar rea-
4 son beyond the control of the licensee, the dealer shall not
5 be considered to be in violation of the requirement to make
6 available such a device)”.
7

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

10 (1) as creating a cause of action against any
11 firearms dealer or any other person for any civil li-
12 ability; or

13 (2) as establishing any standard of care.

14 **SEC. 1333. JUVENILE HANDGUN SAFETY.**

15 (a) JUVENILE HANDGUN SAFETY.—Section
16 924(a)(6) of title 18, United States Code, is amended—

17 (1) by striking subparagraph (A);

18 (2) by redesignating subparagraph (B) as sub-
19 paragraph (A); and

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

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

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

1 **SEC. 1334. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
2 **CAREER CRIMINAL PREDICATES.**

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

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

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

7 and

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

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

12 **SEC. 1335. INCREASED PENALTY FOR TRANSFERRING A**
13 **FIREARM TO A MINOR FOR USE IN CRIME OF**
14 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

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

21 **SEC. 1336. INCREASED PENALTY FOR FIREARMS CON-**
22 **SPIRACY.**

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

25 “(p) Except as otherwise provided in this section, a
26 person who conspires to commit an offense defined in this

1 chapter shall be subject to the same penalties (other than
2 the penalty of death) as those prescribed for the offense
3 the commission of which is the object of the conspiracy.”.

4 **PART 4—CLOSING THE GUN SHOW LOOPHOLE**

5 **SEC. 1341. EXTENSION OF BRADY BACKGROUND CHECKS**
6 **TO GUN SHOWS.**

7 (a) FINDINGS.—Congress finds that—

8 (1) more than 4,400 traditional gun shows are
9 held annually across the United States, attracting
10 thousands of attendees per show and hundreds of
11 Federal firearms licensees and nonlicensed firearms
12 sellers;

13 (2) traditional gun shows, as well as flea mar-
14 kets and other organized events, at which a large
15 number of firearms are offered for sale by Federal
16 firearms licensees and nonlicensed firearms sellers,
17 form a significant part of the national firearms mar-
18 ket;

19 (3) firearms and ammunition that are exhibited
20 or offered for sale or exchange at gun shows, flea
21 markets, and other organized events move easily in
22 and substantially affect interstate commerce;

23 (4) in fact, even before a firearm is exhibited or
24 offered for sale or exchange at a gun show, flea mar-
25 ket, or other organized event, the gun, its component

1 parts, ammunition, and the raw materials from
2 which it is manufactured have moved in interstate
3 commerce;

4 (5) gun shows, flea markets, and other orga-
5 nized events at which firearms are exhibited or of-
6 fered for sale or exchange, provide a convenient and
7 centralized commercial location at which firearms
8 may be bought and sold anonymously, often without
9 background checks and without records that enable
10 gun tracing;

11 (6) at gun shows, flea markets, and other orga-
12 nized events at which guns are exhibited or offered
13 for sale or exchange, criminals and other prohibited
14 persons obtain guns without background checks and
15 frequently use guns that cannot be traced to later
16 commit crimes;

17 (7) many persons who buy and sell firearms at
18 gun shows, flea markets, and other organized events
19 cross State lines to attend these events and engage
20 in the interstate transportation of firearms obtained
21 at these events;

22 (8) gun violence is a pervasive, national prob-
23 lem that is exacerbated by the availability of guns at
24 gun shows, flea markets, and other organized events;

1 (9) firearms associated with gun shows have
2 been transferred illegally to residents of another
3 State by Federal firearms licensees and nonlicensed
4 firearms sellers, and have been involved in subse-
5 quent crimes including drug offenses, crimes of vio-
6 lence, property crimes, and illegal possession of fire-
7 arms by felons and other prohibited persons; and

8 (10) Congress has the power, under the inter-
9 state commerce clause and other provisions of the
10 Constitution of the United States, to ensure that
11 criminals and other prohibited persons do not obtain
12 firearms at gun shows, flea markets, and other orga-
13 nized events.

14 (b) DEFINITIONS.—Section 921(a) of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(35) GUN SHOW.—The term ‘gun show’ means any
18 event—

19 “(A) at which 50 or more firearms are offered
20 or exhibited for sale, transfer, or exchange, if 1 or
21 more of the firearms has been shipped or trans-
22 ported in, or otherwise affects, interstate or foreign
23 commerce; and

24 “(B) at which—

1 “(i) not less than 20 percent of the exhibi-
2 tors are firearm exhibitors;

3 “(ii) there are not less than 10 firearm ex-
4 hibitors; or

5 “(iii) 50 or more firearms are offered for
6 sale, transfer, or exchange.

7 “(36) GUN SHOW PROMOTER.—The term ‘gun show
8 promoter’ means any person who organizes, plans, pro-
9 motes, or operates a gun show.

10 “(37) GUN SHOW VENDOR.—The term ‘gun show
11 vendor’ means any person who exhibits, sells, offers for
12 sale, transfers, or exchanges 1 or more firearms at a gun
13 show, regardless of whether or not the person arranges
14 with the gun show promoter for a fixed location from
15 which to exhibit, sell, offer for sale, transfer, or exchange
16 1 or more firearms.”

17 (c) REGULATION OF FIREARMS TRANSFERS AT GUN
18 SHOWS.—

19 (1) IN GENERAL.—Chapter 44 of title 18,
20 United States Code, is amended by adding at the
21 end the following:

22 **“§ 931. Regulation of firearms transfers at gun shows**

23 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—
24 It shall be unlawful for any person to organize, plan, pro-
25 mote, or operate a gun show unless that person—

1 “(1) registers with the Secretary in accordance
2 with regulations promulgated by the Secretary; and

3 “(2) pays a registration fee, in an amount de-
4 termined by the Secretary.

5 “(b) RESPONSIBILITIES OF GUN SHOW PRO-
6 MOTERS.—It shall be unlawful for any person to organize,
7 plan, promote, or operate a gun show unless that person—

8 “(1) before commencement of the gun show,
9 verifies the identity of each gun show vendor partici-
10 pating in the gun show by examining a valid identi-
11 fication document (as defined in section 1028(d)(1))
12 of the vendor containing a photograph of the vendor;

13 “(2) before commencement of the gun show, re-
14 quires each gun show vendor to sign—

15 “(A) a ledger with identifying information
16 concerning the vendor; and

17 “(B) a notice advising the vendor of the
18 obligations of the vendor under this chapter;
19 and

20 “(3) notifies each person who attends the gun
21 show of the requirements of this chapter, in accord-
22 ance with such regulations as the Secretary shall
23 prescribe; and

24 “(4) maintains a copy of the records described
25 in paragraphs (1) and (2) at the permanent place of

1 business of the gun show promoter for such period
2 of time and in such form as the Secretary shall re-
3 quire by regulation.

4 “(c) RESPONSIBILITIES OF TRANSFERORS OTHER
5 THAN LICENSEES.—

6 “(1) IN GENERAL.—If any part of a firearm
7 transaction takes place at a gun show, it shall be
8 unlawful for any person who is not licensed under
9 this chapter to transfer a firearm to another person
10 who is not licensed under this chapter, unless the
11 firearm is transferred through a licensed importer,
12 licensed manufacturer, or licensed dealer in accord-
13 ance with subsection (e).

14 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
15 son who is subject to the requirement of paragraph
16 (1)—

17 “(A) shall not transfer the firearm to the
18 transferee until the licensed importer, licensed
19 manufacturer, or licensed dealer through which
20 the transfer is made under subsection (e)
21 makes the notification described in subsection
22 (e)(3)(A); and

23 “(B) notwithstanding subparagraph (A),
24 shall not transfer the firearm to the transferee
25 if the licensed importer, licensed manufacturer,

1 or licensed dealer through which the transfer is
2 made under subsection (e) makes the notifica-
3 tion described in subsection (e)(3)(B).

4 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
5 MENTS.—Nothing in this section shall permit or au-
6 thorize the Secretary to impose recordkeeping re-
7 quirements on any nonlicensed vendor.

8 “(d) RESPONSIBILITIES OF TRANSFEREES OTHER
9 THAN LICENSEES.—

10 “(1) IN GENERAL.—If any part of a firearm
11 transaction takes place at a gun show, it shall be
12 unlawful for any person who is not licensed under
13 this chapter to receive a firearm from another per-
14 son who is not licensed under this chapter, unless
15 the firearm is transferred through a licensed im-
16 porter, licensed manufacturer, or licensed dealer in
17 accordance with subsection (e).

18 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
19 son who is subject to the requirement of paragraph
20 (1)—

21 “(A) shall not receive the firearm from the
22 transferor until the licensed importer, licensed
23 manufacturer, or licensed dealer through which
24 the transfer is made under subsection (e)

1 makes the notification described in subsection
2 (e)(3)(A); and

3 “(B) notwithstanding subparagraph (A),
4 shall not receive the firearm from the transferor
5 if the licensed importer, licensed manufacturer,
6 or licensed dealer through which the transfer is
7 made under subsection (e) makes the notifica-
8 tion described in subsection (e)(3)(B).

9 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed
10 importer, licensed manufacturer, or licensed dealer who
11 agrees to assist a person who is not licensed under this
12 chapter in carrying out the responsibilities of that person
13 under subsection (c) or (d) with respect to the transfer
14 of a firearm shall—

15 “(1) enter such information about the firearm
16 as the Secretary may require by regulation into a
17 separate bound record;

18 “(2) record the transfer on a form specified by
19 the Secretary;

20 “(3) comply with section 922(t) as if transfer-
21 ring the firearm from the inventory of the licensed
22 importer, licensed manufacturer, or licensed dealer
23 to the designated transferee (although a licensed im-
24 porter, licensed manufacturer, or licensed dealer
25 complying with this subsection shall not be required

1 to comply again with the requirements of section
2 922(t) in delivering the firearm to the nonlicensed
3 transferor), and notify the nonlicensed transferor
4 and the nonlicensed transferee—

5 “(A) of such compliance; and

6 “(B) if the transfer is subject to the re-
7 quirements of section 922(t)(1), of any receipt
8 by the licensed importer, licensed manufacturer,
9 or licensed dealer of a notification from the na-
10 tional instant criminal background check sys-
11 tem that the transfer would violate section 922
12 or would violate State law;

13 “(4) not later than 10 days after the date on
14 which the transfer occurs, submit to the Secretary a
15 report of the transfer, which report—

16 “(A) shall be on a form specified by the
17 Secretary by regulation; and

18 “(B) shall not include the name of or other
19 identifying information relating to any person
20 involved in the transfer who is not licensed
21 under this chapter;

22 “(5) if the licensed importer, licensed manufac-
23 turer, or licensed dealer assists a person other than
24 a licensee in transferring, at 1 time or during any
25 5 consecutive business days, 2 or more pistols or re-

1 volvers, or any combination of pistols and revolvers
2 totaling 2 or more, to the same nonlicensed person,
3 in addition to the reports required under paragraph
4 (4), prepare a report of the multiple transfers, which
5 report shall be—

6 “(A) prepared on a form specified by the
7 Secretary; and

8 “(B) not later than the close of business
9 on the date on which the transfer occurs, for-
10 warded to—

11 “(i) the office specified on the form
12 described in subparagraph (A); and

13 “(ii) the appropriate State law en-
14 forcement agency of the jurisdiction in
15 which the transfer occurs; and

16 “(6) retain a record of the transfer as part of
17 the permanent business records of the licensed im-
18 porter, licensed manufacturer, or licensed dealer.

19 “(f) RECORDS OF LICENSEE TRANSFERS.—If any
20 part of a firearm transaction takes place at a gun show,
21 each licensed importer, licensed manufacturer, and li-
22 censed dealer who transfers 1 or more firearms to a person
23 who is not licensed under this chapter shall, not later than
24 10 days after the date on which the transfer occurs, sub-

1 mit to the Secretary a report of the transfer, which
2 report—

3 “(1) shall be in a form specified by the Sec-
4 retary by regulation;

5 “(2) shall not include the name of or other
6 identifying information relating to the transferee;
7 and

8 “(3) shall not duplicate information provided in
9 any report required under subsection (e)(4).

10 “(g) FIREARM TRANSACTION DEFINED.—In this sec-
11 tion, the term ‘firearm transaction’—

12 “(1) includes the offer for sale, sale, transfer,
13 or exchange of a firearm; and

14 “(2) does not include the mere exhibition of a
15 firearm.”.

16 (2) PENALTIES.—Section 924(a) of title 18,
17 United States Code, is amended by adding at the
18 end the following:

19 “(7)(A) Whoever knowingly violates section 931(a)
20 shall be fined under this title, imprisoned not more than
21 5 years, or both.

22 “(B) Whoever knowingly violates subsection (b) or (c)
23 of section 931, shall be—

24 “(i) fined under this title, imprisoned not more
25 than 2 years, or both; and

1 “(ii) in the case of a second or subsequent con-
2 viction, such person shall be fined under this title,
3 imprisoned not more than 5 years, or both.

4 “(C) Whoever willfully violates section 931(d), shall
5 be—

6 “(i) fined under this title, imprisoned not more
7 than 2 years, or both; and

8 “(ii) in the case of a second or subsequent con-
9 viction, such person shall be fined under this title,
10 imprisoned not more than 5 years, or both.

11 “(D) Whoever knowingly violates subsection (e) or (f)
12 of section 931 shall be fined under this title, imprisoned
13 not more than 5 years, or both.

14 “(E) In addition to any other penalties imposed
15 under this paragraph, the Secretary may, with respect to
16 any person who knowingly violates any provision of section
17 931—

18 “(i) if the person is registered pursuant to sec-
19 tion 931(a), after notice and opportunity for a hear-
20 ing, suspend for not more than 6 months or revoke
21 the registration of that person under section 931(a);
22 and

23 “(ii) impose a civil fine in an amount equal to
24 not more than \$10,000.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—Chapter 44 of title 18, United States
3 Code, is amended—

4 (A) in the chapter analysis, by adding at
5 the end the following:

“931. Regulation of firearms transfers at gun shows.”;

6 and

7 (B) in the first sentence of section 923(j),
8 by striking “a gun show or event” and inserting
9 “an event”; and

10 (d) INSPECTION AUTHORITY.—Section 923(g)(1) is
11 amended by adding at the end the following:

12 “(E) Notwithstanding subparagraph (B), the Sec-
13 retary may enter during business hours the place of busi-
14 ness of any gun show promoter and any place where a
15 gun show is held for the purposes of examining the records
16 required by sections 923 and 931 and the inventory of
17 licensees conducting business at the gun show. Such entry
18 and examination shall be conducted for the purposes of
19 determining compliance with this chapter by gun show
20 promoters and licensees conducting business at the gun
21 show and shall not require a showing of reasonable cause
22 or a warrant.”.

23 (e) INCREASED PENALTIES FOR SERIOUS RECORD-
24 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)

1 of title 18, United States Code, is amended to read as
2 follows:

3 “(3)(A) Except as provided in subparagraph (B), any
4 licensed dealer, licensed importer, licensed manufacturer,
5 or licensed collector who knowingly makes any false state-
6 ment or representation with respect to the information re-
7 quired by this chapter to be kept in the records of a person
8 licensed under this chapter, or violates section 922(m)
9 shall be fined under this title, imprisoned not more than
10 1 year, or both.

11 “(B) If the violation described in subparagraph (A)
12 is in relation to an offense—

13 “(i) under paragraph (1) or (3) of section
14 922(b), such person shall be fined under this title,
15 imprisoned not more than 5 years, or both; or

16 “(ii) under subsection (a)(6) or (d) of section
17 922, such person shall be fined under this title, im-
18 prisoned not more than 10 years, or both.”.

19 (f) INCREASED PENALTIES FOR VIOLATIONS OF
20 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

21 (1) PENALTIES.—Section 924 of title 18,
22 United States Code, is amended—

23 (A) in paragraph (5), by striking “sub-
24 section (s) or (t) of section 922” and inserting
25 “section 922(s)”; and

1 (B) by adding at the end the following:

2 “(8) Whoever knowingly violates section 922(t) shall
3 be fined under this title, imprisoned not more than 5
4 years, or both.”.

5 (2) ELIMINATION OF CERTAIN ELEMENTS OF
6 OFFENSE.—Section 922(t)(5) of title 18, United
7 States Code, is amended by striking “and, at the
8 time” and all that follows through “State law”.

9 (g) GUN OWNER PRIVACY AND PREVENTION OF
10 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section
11 922(t)(2)(C) of title 18, United States Code, is amended
12 by inserting before the period at the end the following:
13 “, as soon as possible, consistent with the responsibility
14 of the Attorney General under section 103(h) of the Brady
15 Handgun Violence Prevention Act to ensure the privacy
16 and security of the system and to prevent system fraud
17 and abuse, but in no event later than 90 days after the
18 date on which the licensee first contacts the system with
19 respect to the transfer”.

20 (h) EFFECTIVE DATE.—This section and the amend-
21 ments made by this section shall take effect 180 days after
22 the date of enactment of this Act.

1 **Subtitle D—Assistance to States for**
 2 **Prosecuting and Punishing Ju-**
 3 **venile Offenders, and Reducing**
 4 **Juvenile Crime**

5 **SEC. 1401. JUVENILE AND VIOLENT OFFENDER INCARCER-**
 6 **ATION GRANTS.**

7 (a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE
 8 FACILITIES.—

9 (1) DEFINITIONS.—In this subsection:

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

16 (B) SUBSTANTIALLY SEGREGATED.—The
 17 term “substantially segregated” means—

18 (i) complete sight and sound separa-
 19 tion in residential confinement;

20 (ii) use of shared direct care and
 21 management staff, properly trained and
 22 certified by the State to interact with juve-
 23 nile offenders, if the staff does not interact
 24 with adult and juvenile offenders during
 25 the same shift; and

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

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

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

20 (2) AUTHORITY.—

21 (A) IN GENERAL.—The Attorney General
22 may make grants in accordance with this sub-
23 section to States, units of local government, or
24 any combination thereof, to assist them in plan-
25 ning, establishing, and operating secure facili-

1 ties, staff-secure facilities, detention centers,
2 and other correctional programs for violent ju-
3 venile offenders.

4 (B) USE OF AMOUNTS.—Grants under this
5 subsection may be used—

6 (i) for co-located facilities for adult
7 prisoners and violent juvenile offenders;
8 and

9 (ii) only for the construction or oper-
10 ation of facilities in which violent juvenile
11 offenders are substantially segregated from
12 nonviolent juvenile offenders.

13 (3) APPLICATIONS.—

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

20 (B) CONTENTS.—Each application sub-
21 mitted under subparagraph (A) shall provide
22 written assurances that each facility or program
23 funded with a grant under this subsection—

24 (i) will provide appropriate edu-
25 cational and vocational training, appro-

1 appropriate mental health services, a program of
2 substance abuse testing, and substance
3 abuse treatment for appropriate juvenile
4 offenders; and

5 (ii) will afford juvenile offenders in-
6 tensive post-release supervision and serv-
7 ices.

8 (4) MINIMUM AMOUNT.—

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

16 (B) EXCEPTION.—The United States Vir-
17 gin Islands, American Samoa, Guam, and the
18 Northern Mariana Islands shall each be allo-
19 cated 0.2 percent of the total amount made
20 available in each fiscal year for grants under
21 this subsection.

22 (5) PERFORMANCE EVALUATION.—

23 (A) EVALUATION COMPONENTS.—

24 (i) IN GENERAL.—Each facility or
25 program funded under this subsection shall

1 contain an evaluation component developed
2 pursuant to guidelines established by the
3 Attorney General.

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

13 (B) PERIODIC REVIEW AND REPORTS.—

14 (i) REVIEW.—The Attorney General
15 shall review the performance of each grant
16 recipient under this subsection.

17 (ii) REPORTS.—The Attorney General
18 may require a grant recipient to submit to
19 the Office of Justice Programs, Correc-
20 tions Programs Office the results of the
21 evaluations required under subparagraph
22 (A) and such other data and information
23 as are reasonably necessary to carry out
24 the responsibilities of the Attorney General
25 under this subsection.

1 (6) TECHNICAL ASSISTANCE AND TRAINING.—

2 The Attorney General shall provide technical assist-
3 ance and training to grant recipients under this sub-
4 section to achieve the purposes of this subsection.

5 (b) JUVENILE FACILITIES ON TRIBAL LANDS.—

6 (1) RESERVATION OF FUNDS.—Of amounts
7 made available to carry out this section under sec-
8 tion 20108(a)(2)(A) of the Violent Crime Control
9 and Law Enforcement Act of 1994 (42 U.S.C.
10 13708(a)(2)(A)), the Attorney General shall reserve,
11 to carry out this subsection, 0.75 percent for each
12 of fiscal years 2002 through 2005.

13 (2) GRANTS TO INDIAN TRIBES.—Of amounts
14 reserved under paragraph (1), the Attorney General
15 may make grants to Indian tribes or to regional
16 groups of Indian tribes for the purpose of con-
17 structing secure facilities, staff-secure facilities, de-
18 tention centers, and other correctional programs for
19 incarceration of juvenile offenders subject to tribal
20 jurisdiction.

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

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

5 (c) REPORT ON ACCOUNTABILITY AND PERFORM-
6 ANCE MEASURES IN JUVENILE CORRECTIONS PRO-
7 GRAMS.—

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

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

19 (A) the range of performance-based meas-
20 ures that might be utilized as evaluation cri-
21 teria, including measures of recidivism among
22 juveniles who have been incarcerated in facili-
23 ties or have participated in correctional pro-
24 grams;

1 (B) the feasibility of linking Federal juve-
2 nile corrections funding to the satisfaction of
3 performance-based criteria by grantees (includ-
4 ing the use of a Federal matching mechanism
5 under which the share of Federal funding would
6 vary in relation to the performance of a pro-
7 gram or facility);

8 (C) whether, and to what extent, the data
9 necessary for the Attorney General to utilize
10 performance-based criteria in the Attorney Gen-
11 eral's administration of juvenile corrections pro-
12 grams are collected and reported nationally;
13 and

14 (D) the estimated cost and feasibility of es-
15 tablishing minimal, uniform data collection and
16 reporting standards nationwide that would
17 allow for the use of performance-based criteria
18 in evaluating juvenile corrections programs and
19 facilities and administering Federal juvenile
20 corrections funds.

21 **SEC. 1402. CERTAIN PUNISHMENT AND GRADUATED SANC-**
22 **TIONS FOR YOUTH OFFENDERS.**

23 (a) FINDINGS AND PURPOSES.—

24 (1) FINDINGS.—Congress finds that—

1 (A) youth violence constitutes a growing
2 threat to the national welfare requiring imme-
3 diate and comprehensive action by the Federal
4 Government to reduce and prevent youth vio-
5 lence;

6 (B) the behavior of youth who become vio-
7 lent offenders often follows a progression, be-
8 ginning with aggressive behavior in school, tru-
9 ancy, and vandalism, leading to property crimes
10 and then serious violent offenses;

11 (C) the juvenile justice systems in most
12 States are ill-equipped to provide meaningful
13 sanctions to minor, nonviolent offenders be-
14 cause most of their resources are dedicated to
15 dealing with more serious offenders;

16 (D) in most States, some youth commit
17 multiple, nonviolent offenses without facing any
18 significant criminal sanction;

19 (E) the failure to provide meaningful
20 criminal sanctions for first time, nonviolent of-
21 fenders sends the false message to youth that
22 they can engage in antisocial behavior without
23 suffering any negative consequences and that
24 society is unwilling or unable to restrain that
25 behavior;

1 (F) studies demonstrate that interventions
2 during the early stages of a criminal career can
3 halt the progression to more serious, violent be-
4 havior; and

5 (G) juvenile courts need access to a range
6 of sentencing options so that at least some level
7 of sanction is imposed on all youth offenders,
8 including status offenders, and the severity of
9 the sanctions increase along with the serious-
10 ness of the offense.

11 (2) PURPOSES.—The purposes of this section
12 are to provide—

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

16 (B) a selection of graduated sanctions for
17 more serious offenses.

18 (b) DEFINITIONS.—In this section:

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

23 (2) NONVIOLENT OFFENDER.—The term “non-
24 violent offender” means a juvenile who is charged

1 with an offense that does not involve the use of force
2 against the person of another.

3 (3) STATUS OFFENDER.—The term “status of-
4 fender” means a juvenile who is charged with an of-
5 fense that would not be criminal if committed by an
6 adult (other than an offense that constitutes a viola-
7 tion of a valid court order or a violation of section
8 922(x) of title 18, United States Code (or similar
9 State law)).

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

14 (1) providing juvenile courts with a range of
15 sentencing options such that first time juvenile of-
16 fenders, including status offenders such as truants,
17 vandals, and juveniles in violation of State or local
18 curfew laws, face at least some level of punishment
19 as a result of their initial contact with the juvenile
20 justice system; and

21 (2) increasing the sentencing options available
22 to juvenile court judges so that juvenile offenders re-
23 ceive increasingly severe sanctions—

24 (A) as the seriousness of their unlawful
25 conduct increases; and

1 (B) for each additional offense.

2 (d) APPLICATIONS.—

3 (1) ELIGIBILITY.—In order to be eligible to re-
4 ceive a grant under this section, the chief executive
5 of a State, unit of local government, or Indian tribe,
6 or the chief judge of a local court, shall submit an
7 application to the Attorney General in such form
8 and containing such information as the Attorney
9 General may reasonably require.

10 (2) REQUIREMENTS.—Each application sub-
11 mitted in accordance with paragraph (1) shall
12 include—

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

15 (B) a description of the communities to be
16 served by the grant, including the extent of
17 youth crime and violence in those communities;

18 (C) written assurances that Federal funds
19 received under this subtitle will be used to sup-
20 plement, not supplant, non-Federal funds that
21 would otherwise be available for activities fund-
22 ed under this subsection;

23 (D) a comprehensive plan described in
24 paragraph (3) (in this section referred to as the
25 “comprehensive plan”); and

1 (E) any additional information in such
2 form and containing such information as the
3 Attorney General may reasonably require.

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

6 (A) an action plan outlining the manner in
7 which the applicant will achieve the purposes
8 described in subsection (c)(1);

9 (B) a description of any resources available
10 in the jurisdiction of the applicant to implement
11 the action plan described in subparagraph (A);

12 (C) an estimate of the costs of full imple-
13 mentation of the plan; and

14 (D) a plan for evaluating the impact of the
15 grant on the jurisdiction’s juvenile justice sys-
16 tem.

17 (e) GRANT AWARDS.—

18 (1) CONSIDERATIONS.—In awarding grants
19 under this section, the Attorney General shall
20 consider—

21 (A) the ability of the applicant to provide
22 the stated services;

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

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

4 (2) ALLOCATIONS.—

5 (A) IN GENERAL.—The Attorney General
6 shall allot not less than 0.75 percent of the
7 total amount made available to carry out this
8 section in each fiscal year to applicants in each
9 State from which applicants have applied for
10 grants under this section.

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

15 (f) USE OF GRANT AMOUNTS.—

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

18 (A) expand the number of judges, prosecu-
19 tors, and public defenders for the purpose of
20 imposing sanctions on first time juvenile offend-
21 ers and status offenders and for establishing re-
22 storative justice boards involving members of
23 the community;

24 (B) provide expanded sentencing options,
25 such as restitution, community service, drug

1 testing and treatment, mandatory job training,
2 curfews, house arrest, mandatory work projects,
3 and boot camps, for status offenders and non-
4 violent offenders;

5 (C) increase staffing for probation officers
6 to supervise status offenders and nonviolent of-
7 fenders to ensure that sanctions are enforced;

8 (D) provide aftercare and supervision for
9 status and nonviolent offenders, such as drug
10 education and drug treatment, vocational train-
11 ing, job placement, and family counseling;

12 (E) encourage private sector employees to
13 provide training and work opportunities for sta-
14 tus offenders and nonviolent offenders; and

15 (F) provide services and interventions for
16 status and nonviolent offenders designed, in
17 tandem with criminal sanctions, to reduce the
18 likelihood of further criminal behavior.

19 (2) PROHIBITION ON USE OF AMOUNTS.—

20 (A) DEFINITIONS.—In this paragraph:

21 (i) ALIEN.—The term “alien” has the
22 same meaning as in section 101(a) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1101(a)).

1 (ii) SECURE DETENTION FACILITY;
2 SECURE CORRECTIONAL FACILITY.—The
3 terms “secure detention facility” and “se-
4 cure correctional facility” have the same
5 meanings as in section 103 of the Juvenile
6 Justice and Delinquency Prevention Act of
7 1974 (42 U.S.C. 5603).

8 (B) PROHIBITION.—No amounts made
9 available under this subtitle may be used for
10 any program that permits the placement of sta-
11 tus offenders, alien juveniles in custody, or non-
12 offender juveniles (such as dependent, abused,
13 or neglected children) in secure detention facili-
14 ties or secure correctional facilities.

15 (g) GRANT LIMITATIONS.—Not more than 3 percent
16 of the amounts made available to the Attorney General
17 or a grant recipient under this section may be used for
18 administrative purposes.

19 (h) FEDERAL SHARE.—

20 (1) IN GENERAL.—Subject to paragraphs (2)
21 and (3), the Federal share of a grant made under
22 this section may not exceed 90 percent of the total
23 estimated costs of the program described in the com-
24 prehensive plan submitted under subsection (d)(3)

1 for the fiscal year for which the program receives
2 assistance under this section.

3 (2) WAIVER.—The Attorney General may
4 waive, in whole or in part, the requirements of para-
5 graph (1).

6 (3) IN-KIND CONTRIBUTIONS.—For purposes of
7 paragraph (1), in-kind contributions may constitute
8 any portion of the non-Federal share of a grant
9 under this section.

10 (i) REPORT AND EVALUATION.—

11 (1) REPORT TO THE ATTORNEY GENERAL.—
12 Not later than October 1, 2002, and October 1 of
13 each year thereafter, each grant recipient under this
14 section shall submit to the Attorney General a report
15 that describes, for the year to which the report re-
16 lates, any progress achieved in carrying out the com-
17 prehensive plan of the grant recipient.

18 (2) EVALUATION AND REPORT TO CONGRESS.—
19 Not later than March 1, 2003, and March 1 of each
20 year thereafter, the Attorney General shall submit to
21 Congress an evaluation and report that contains a
22 detailed statement regarding grant awards, activities
23 of grant recipients, a compilation of statistical infor-
24 mation submitted by grant recipients under this sec-

1 tion, and an evaluation of programs established by
2 grant recipients under this section.

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

7 (A) a comparison between the number of
8 first time offenders who received a sanction for
9 criminal behavior in the jurisdiction of the
10 grant recipient before and after initiation of the
11 program;

12 (B) changes in the recidivism rate for first
13 time offenders in the jurisdiction of the grant
14 recipient;

15 (C) a comparison of the recidivism rates
16 and the seriousness of future offenses of first
17 time offenders in the jurisdiction of the grant
18 recipient that receive a sanction and those who
19 do not;

20 (D) changes in truancy rates of the public
21 schools in the jurisdiction of the grant recipient;
22 and

23 (E) changes in the arrest rates for van-
24 dalism and other property crimes in the juris-
25 diction of the grant recipient.

1 (4) DOCUMENTS AND INFORMATION.—Each
2 grant recipient under this section shall provide the
3 Attorney General with all documents and informa-
4 tion that the Attorney General determines to be nec-
5 essary to conduct an evaluation of the effectiveness
6 of programs funded under this section.

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

10 (1) such sums as may be necessary for each of
11 fiscal years 2002 and 2003; and

12 (2) \$175,000,000 for each of fiscal years 2004
13 and 2005.

14 **SEC. 1403. PILOT PROGRAM TO PROMOTE REPLICATION OF**
15 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
16 **DUCTION STRATEGIES.**

17 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF
18 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION
19 STRATEGIES.—

20 (1) ESTABLISHMENT.—The Attorney General
21 (or a designee of the Attorney General), in conjunc-
22 tion with the Secretary of the Treasury (or the des-
23 ignee of the Secretary), shall establish a pilot pro-
24 gram (in this section referred to as the “program”)
25 to encourage and support communities that adopt a

1 comprehensive approach to suppressing and pre-
2 venting violent juvenile crime patterned after suc-
3 cessful State juvenile crime reduction strategies.

4 (2) PROGRAM.—In carrying out the program,
5 the Attorney General shall—

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

8 (B) in conjunction with the Secretary of
9 the Treasury, provide for technical assistance
10 and training, data collection, and dissemination
11 of relevant information; and

12 (C) provide for the general administration
13 of the program.

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

19 (4) PROGRAM AUTHORIZATION.—To be eligible
20 to receive an initial grant or a renewal grant under
21 this section, a coalition shall meet each of the fol-
22 lowing criteria:

23 (A) COMPOSITION.—The coalition shall
24 consist of 1 or more representatives of—

- 1 (i) the local police department or sher-
2 iff's department;
- 3 (ii) the local prosecutors' office;
- 4 (iii) the United States Attorney's of-
5 fice;
- 6 (iv) the Federal Bureau of Investiga-
7 tion;
- 8 (v) the Bureau of Alcohol, Tobacco
9 and Firearms;
- 10 (vi) State or local probation officers;
- 11 (vii) religious affiliated or fraternal
12 organizations involved in crime prevention;
- 13 (viii) schools;
- 14 (ix) parents or local grass roots orga-
15 nizations such as neighborhood watch
16 groups; and
- 17 (x) social service agencies involved in
18 crime prevention.

19 (B) OTHER PARTICIPANTS.—If possible, in
20 addition to the representatives from the cat-
21 egories listed in subparagraph (A), the coalition
22 shall include—

- 23 (i) representatives from the business
24 community; and

1 (ii) researchers who have studied
2 criminal justice and can offer technical or
3 other assistance.

4 (C) COORDINATED STRATEGY.—A coalition
5 shall submit to the Attorney General, or the At-
6 torney General’s designee, a comprehensive plan
7 for reducing violent juvenile crime. To be eligi-
8 ble for consideration, a plan shall—

9 (i) ensure close collaboration among
10 all members of the coalition in suppressing
11 and preventing juvenile crime;

12 (ii) place heavy emphasis on coordi-
13 nated enforcement initiatives, such as Fed-
14 eral and State programs that coordinate
15 local police departments, prosecutors, and
16 local community leaders to focus on the
17 suppression of violent juvenile crime involv-
18 ing gangs;

19 (iii) ensure that there is close collabo-
20 ration between police and probation offi-
21 cers in the supervision of juvenile offend-
22 ers, such as initiatives that coordinate the
23 efforts of parents, school officials, and po-
24 lice and probation officers to patrol the
25 streets and make home visits to ensure

1 that offenders comply with the terms of
2 their probation;

3 (iv) ensure that a program is in place
4 to trace all firearms seized from crime
5 scenes or offenders in an effort to identify
6 illegal gun traffickers; and

7 (v) ensure that effective crime preven-
8 tion programs are in place, such as pro-
9 grams that provide after-school safe havens
10 and other opportunities for at-risk youth to
11 escape or avoid gang or other criminal ac-
12 tivity, and to reduce recidivism.

13 (D) ACCOUNTABILITY.—A coalition shall—

14 (i) establish a system to measure and
15 report outcomes consistent with common
16 indicators and evaluation protocols estab-
17 lished by the Administrator and which re-
18 ceives the approval of the Administrator;
19 and

20 (ii) devise a detailed model for meas-
21 uring and evaluating the success of the
22 plan of the coalition in reducing violent ju-
23 venile crime, and provide assurances that
24 the plan will be evaluated on a regular

1 basis to assess progress in reducing violent
2 juvenile crime.

3 (5) GRANT AMOUNTS.—

4 (A) IN GENERAL.—The Administrator may
5 grant to an eligible coalition under this para-
6 graph, an amount not to exceed the amount of
7 non-Federal funds raised by the coalition, in-
8 cluding in-kind contributions, for that fiscal
9 year.

10 (B) NONSUPPLANTING REQUIREMENT.—A
11 coalition seeking funds shall provide reasonable
12 assurances that funds made available under this
13 program to States or units of local government
14 shall be so used as to supplement and increase
15 (but not supplant) the level of the State, local,
16 and other non-Federal funds that would in the
17 absence of such Federal funds be made avail-
18 able for programs described in this section, and
19 shall in no event replace such State, local, or
20 other non-Federal funds.

21 (C) SUSPENSION OF GRANTS.—If a coali-
22 tion fails to continue to meet the criteria set
23 forth in this section, the Administrator may
24 suspend the grant, after providing written no-

1 tice to the grant recipient and an opportunity
2 to appeal.

3 (D) RENEWAL GRANTS.—Subject to sub-
4 paragraph (E), the Administrator may award a
5 renewal grant to a grant recipient under this
6 subparagraph for each fiscal year following the
7 fiscal year for which an initial grant is awarded,
8 in an amount not to exceed the amount of non-
9 Federal funds raised by the coalition, including
10 in-kind contributions, for that fiscal year, dur-
11 ing the 4-year period following the period of the
12 initial grant.

13 (E) LIMITATION.—The amount of a grant
14 award under this section may not exceed
15 \$300,000 for a fiscal year.

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

20 (7) CONGRESSIONAL CONSULTATION.—Two
21 years after the date of implementation of the pro-
22 gram established in this section, the General Ac-
23 counting Office shall submit a report to Congress re-
24 viewing the effectiveness of the program in sup-
25 pressing and reducing violent juvenile crime in the

1 participating communities. The report shall contain
2 an analysis of each community participating in the
3 program, along with information regarding the plan
4 undertaken in the community, and the effectiveness
5 of the plan in reducing violent juvenile crime. The
6 report shall contain recommendations regarding the
7 efficacy of continuing the program.

8 (b) INFORMATION COLLECTION AND DISSEMINATION
9 WITH RESPECT TO COALITIONS.—

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

12 (A) shall have access to any books, docu-
13 ments, papers, and records that are pertinent to
14 any grant or grant renewal request under this
15 section; and

16 (B) may periodically request information
17 from a coalition to ensure that the coalition
18 meets the applicable criteria.

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

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated from the Violent Crime

1 Reduction Trust Fund to carry out this section,
2 \$3,000,000 in each of fiscal years 2002, 2003, and 2004.

3 **SEC. 1404. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
4 **CARCERATING JUVENILE ALIEN OFFENDERS.**

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

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

12 (2) in subsection (b), by inserting “(including
13 any juvenile alien who has been adjudicated delin-
14 quent and has been committed to a correctional fa-
15 cility)” before “who is in the United States unlaw-
16 fully”; and

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

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

1 **Subtitle E—Ballistics, Law**
2 **Assistance, and Safety Technology**

3 **SEC. 1501. SHORT TITLE.**

4 This subtitle may be cited as the “Ballistics, Law As-
5 sistance, and Safety Technology Act” (“BLAST”).

6 **SEC. 1502. PURPOSES.**

7 The purposes of this subtitle are—

8 (1) to increase public safety by assisting law en-
9 forcement in solving more gun-related crimes and of-
10 fering prosecutors evidence to link felons to gun
11 crimes through ballistics technology;

12 (2) to provide for ballistics testing of all new
13 firearms for sale to assist in the identification of
14 firearms used in crimes;

15 (3) to require ballistics testing of all firearms in
16 custody of Federal agencies to assist in the identi-
17 fication of firearms used in crimes; and

18 (4) to add ballistics testing to existing firearms
19 enforcement programs.

20 **SEC. 1503. DEFINITION OF BALLISTICS.**

21 Section 921(a) of title 18, United States Code, is
22 amended by adding at the end the following:

23 “(35) BALLISTICS.—The term ‘ballistics’ means
24 a comparative analysis of fired bullets and cartridge
25 casings to identify the firearm from which bullets

1 were discharged, through identification of the unique
2 characteristics that each firearm imprints on bullets
3 and cartridge casings.”.

4 **SEC. 1504. TEST FIRING AND AUTOMATED STORAGE OF**
5 **BALLISTICS RECORDS.**

6 (a) AMENDMENT.—Section 923 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(m)(1) In addition to the other licensing require-
10 ments under this section, a licensed manufacturer or li-
11 censed importer shall—

12 “(A) test fire firearms manufactured or im-
13 ported by such licensees as specified by the Sec-
14 retary by regulation;

15 “(B) prepare ballistics images of the fired bullet
16 and cartridge casings from the test fire;

17 “(C) make the records available to the Sec-
18 retary for entry in a computerized database; and

19 “(D) store the fired bullet and cartridge casings
20 in such a manner and for such a period as specified
21 by the Secretary by regulation.

22 “(2) Nothing in this subsection creates a cause of ac-
23 tion against any Federal firearms licensee or any other
24 person for any civil liability except for imposition of a civil
25 penalty under this section.

1 “(3)(A) The Attorney General and the Secretary
2 shall assist firearm manufacturers and importers in com-
3 plying with paragraph (1) through—

4 “(i) the acquisition, disposition, and upgrades
5 of ballistics equipment and bullet recovery equip-
6 ment to be placed at or near the sites of licensed
7 manufacturers and importers;

8 “(ii) the hiring or designation of personnel nec-
9 essary to develop and maintain a database of ballis-
10 tics images of fired bullets and cartridge casings, re-
11 search and evaluation;

12 “(iii) providing education about the role of bal-
13 listics as part of a comprehensive firearm crime re-
14 duction strategy;

15 “(iv) providing for the coordination among Fed-
16 eral, State, and local law enforcement and regulatory
17 agencies and the firearm industry to curb firearm-
18 related crime and illegal firearm trafficking; and

19 “(v) any other steps necessary to make ballis-
20 tics testing effective.

21 “(B) The Attorney General and the Secretary shall—

22 “(i) establish a computer system through which
23 State and local law enforcement agencies can
24 promptly access ballistics records stored under this

1 subsection, as soon as such a capability is available;
2 and

3 “(ii) encourage training for all ballistics exam-
4 iners.

5 “(4) Not later than 1 year after the date of enact-
6 ment of this subsection and annually thereafter, the Attor-
7 ney General and the Secretary shall submit to the Com-
8 mittee on the Judiciary of the Senate and the Committee
9 on the Judiciary of the House of Representatives a report
10 regarding the impact of this section, including—

11 “(A) the number of Federal and State criminal
12 investigations, arrests, indictments, and prosecutions
13 of all cases in which access to ballistics records pro-
14 vided under this section served as a valuable inves-
15 tigative tool;

16 “(B) the extent to which ballistics records are
17 accessible across jurisdictions; and

18 “(C) a statistical evaluation of the test pro-
19 grams conducted pursuant to section 1506 of the
20 Ballistics, Law Assistance, and State Technology
21 Act.

22 “(5) There is authorized to be appropriated to the
23 Department of Justice and the Department of the Treas-
24 ury for each of fiscal years 2002 through 2005,
25 \$20,000,000 to carry out this subsection, including—

1 “(A) installation of ballistics equipment and
2 bullet recovery equipment;

3 “(B) establishment of sites for ballistics testing;

4 “(C) salaries and expenses of necessary per-
5 sonnel; and

6 “(D) research and evaluation.

7 “(6) The Secretary and the Attorney General shall
8 conduct mandatory ballistics testing of all firearms ob-
9 tained or in the possession of their respective agencies.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), the amendment made by subsection (a)
13 take effect on the date on which the Attorney Gen-
14 eral and the Secretary of the Treasury, in consulta-
15 tion with the Board of the National Integrated Bal-
16 listics Information Network, certify that the ballis-
17 tics systems used by the Department of Justice and
18 the Department of the Treasury are sufficiently
19 interoperable to make mandatory ballistics testing of
20 new firearms possible.

21 (2) EFFECTIVE ON DATE OF ENACTMENT.—

22 Section 923(m)(6) of title 18, United States Code,
23 as added by subsection (a), shall take effect on the
24 date of enactment of this Act.

1 **SEC. 1505. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.**

2 Ballistics information of individual guns in any form
3 or database established by this Act may not be used for—

4 (1) prosecutorial purposes unless law enforce-
5 ment officials have a reasonable belief that a crime
6 has been committed and that ballistics information
7 would assist in the investigation of that crime; or

8 (2) the creation of a national firearms registry
9 of gun owners.

10 **SEC. 1506. DEMONSTRATION FIREARM CRIME REDUCTION**
11 **STRATEGY.**

12 (a) IN GENERAL.—Not later than 60 days after the
13 date of enactment of this Act, the Secretary of the Treas-
14 ury and the Attorney General shall establish in the juris-
15 dictions selected under subsection (c), a comprehensive
16 firearm crime reduction strategy that meets the require-
17 ments of subsection (b).

18 (b) PROGRAM ELEMENTS.—Each program estab-
19 lished under subsection (a) shall, for the jurisdiction
20 concerned—

21 (1) provide for ballistics testing, in accordance
22 with criteria set forth by the National Integrated
23 Ballistics Information Network, of all firearms re-
24 covered during criminal investigations, in order to—

25 (A) identify the types and origins of the
26 firearms;

1 (B) identify suspects; and

2 (C) link multiple crimes involving the same
3 firearm;

4 (2) require that all identifying information re-
5 lating to firearms recovered during criminal inves-
6 tigation be promptly submitted to the Secretary of
7 the Treasury, in order to identify the types and ori-
8 gins of the firearms and to identify illegal firearms
9 traffickers;

10 (3) provide for coordination among Federal,
11 State, and local law enforcement officials, firearm
12 examiners, technicians, laboratory personnel, inves-
13 tigators, and prosecutors in the tracing and ballistics
14 testing of firearms and the investigation and pros-
15 ecution of firearms-related crimes including illegal
16 firearms trafficking; and

17 (4) require analysis of firearm tracing and bal-
18 listics data in order to establish trends in firearm-
19 related crime and firearm trafficking.

20 (c) PARTICIPATING JURISDICTIONS.—

21 (1) IN GENERAL.—The Secretary of the Treas-
22 ury and the Attorney General shall select not fewer
23 than 10 jurisdictions for participation in the pro-
24 gram under this section.

1 (2) CONSIDERATIONS.—In selecting jurisdic-
2 tions under this subsection, the Secretary of the
3 Treasury and the Attorney General shall give pri-
4 ority to jurisdictions that—

5 (A) participate in comprehensive firearm
6 law enforcement strategies, including programs
7 such as the Youth Crime Gun Interdiction Ini-
8 tiative, Project Achilles, Project Disarm,
9 Project Triggerlock, Project Exile, Project
10 Surefire, and Operation Ceasefire;

11 (B) draft a plan to share ballistics records
12 with nearby jurisdictions that require ballistics
13 testing of firearms recovered during criminal in-
14 vestigations; and

15 (C) pledge to match Federal funds for the
16 expansion of ballistics testing on a one-on-one
17 basis.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated for each of fiscal years 2002
20 through 2005, \$20,000,000 to carry out this section,
21 including—

22 (1) installation of ballistics equipment; and

23 (2) salaries and expenses for personnel (includ-
24 ing personnel from the Department of Justice and
25 the Bureau of Alcohol, Tobacco, and Firearms).

1 **Subtitle F—Offender Reentry and**
2 **Community Safety**

3 **SEC. 1601. SHORT TITLE.**

4 This subtitle may be cited as the “Offender Reentry
5 and Community Safety Act of 2001”.

6 **SEC. 1602. FINDINGS.**

7 Congress finds the following:

8 (1) There are now nearly 1,900,000 individuals
9 in our country’s prisons and jails, including over
10 140,000 individuals under the jurisdiction of the
11 Federal Bureau of Prisons.

12 (2) Enforcement of offender violations of condi-
13 tions of releases has sharply increased the number
14 of offenders who return to prison—while revocations
15 comprised 17 percent of State prison admissions in
16 1980, they rose to 36 percent in 1998.

17 (3) Although prisoners generally are serving
18 longer sentences than they did a decade ago, most
19 eventually reenter communities; for example, in
20 1999, approximately 538,000 State prisoners and
21 over 50,000 Federal prisoners, a record number,
22 were returned to American communities. Approxi-
23 mately 100,000 State offenders who returned to
24 communities received no supervision whatsoever.

1 (4) Historically, two-thirds of returning State
2 prisoners have been rearrested for new crimes within
3 three years, so these individuals pose a significant
4 public safety risk and a continuing financial burden
5 to society.

6 (5) A key element to effective post-incarceration
7 supervision is an immediate, predetermined, and ap-
8 propriate response to violations of the conditions of
9 supervision.

10 (6) An estimated 187,000 State and Federal
11 prison inmates have been diagnosed with mental
12 health problems; about 70 percent of State prisoners
13 and 57 percent of Federal prisoners have a history
14 of drug use or abuse; and nearly 75 percent of re-
15 leased offenders with heroin or cocaine problems re-
16 turn to using drugs within three months if un-
17 treated; however, few States link prison mental
18 health treatment programs with those in the return
19 community.

20 (7) Between 1987 and 1997, the volume of ju-
21 venile adjudicated cases resulting in court-ordered
22 residential placements rose 56 percent. In 1997
23 alone, there were a total of 163,200 juvenile court-
24 ordered residential placements. The steady increase
25 of youth exiting residential placement has strained

1 the juvenile justice aftercare system, however, with-
2 out adequate supervision and services, youth are
3 likely to relapse, recidivate, and return to confine-
4 ment at the public's expense.

5 (8) Emerging technologies and multidisciplinary
6 community-based strategies present new opportuni-
7 ties to alleviate the public safety risk posed by re-
8 leased prisoners while helping offenders to reenter
9 their communities successfully.

10 **SEC. 1603. PURPOSES.**

11 The purposes of this subtitle are to—

12 (1) establish demonstration projects in several
13 Federal judicial districts, the District of Columbia,
14 and in the Federal Bureau of Prisons, using new
15 strategies and emerging technologies that alleviate
16 the public safety risk posed by released prisoners by
17 promoting their successful reintegration into the
18 community;

19 (2) establish court-based programs to monitor
20 the return of offenders into communities, using
21 court sanctions to promote positive behavior;

22 (3) establish offender reentry demonstration
23 projects in the states using government and commu-
24 nity partnerships to coordinate cost efficient strate-
25 gies that ensure public safety and enhance the suc-

1 cessful reentry into communities of offenders who
2 have completed their prison sentences;

3 (4) establish intensive aftercare demonstration
4 projects that address public safety and ensure the
5 special reentry needs of juvenile offenders by coordi-
6 nating the resources of juvenile correctional agen-
7 cies, juvenile courts, juvenile parole agencies, law en-
8 forcement agencies, social service providers, and
9 local Workforce Investment Boards; and

10 (5) rigorously evaluate these reentry programs
11 to determine their effectiveness in reducing recidi-
12 vism and promoting successful offender reintegra-
13 tion.

14 **PART 1—FEDERAL REENTRY DEMONSTRATION**

15 **PROJECTS**

16 **SEC. 1611. FEDERAL REENTRY CENTER DEMONSTRATION.**

17 (a) AUTHORITY AND ESTABLISHMENT OF DEM-
18 ONSTRATION PROJECT.—From funds made available to
19 carry out this section, the Attorney General, in consulta-
20 tion with the Director of the Administrative Office of the
21 United States Courts, shall establish the Federal Reentry
22 Center Demonstration project. The project shall involve
23 appropriate prisoners from the Federal prison population
24 and shall utilize community corrections facilities, home
25 confinement, and a coordinated response by Federal agen-

1 cies to assist participating prisoners, under close moni-
2 toring and more seamless supervision, in preparing for
3 and adjusting to reentry into the community.

4 (b) PROJECT ELEMENTS.—The project authorized by
5 subsection (a) shall include—

6 (1) a Reentry Review Team for each prisoner,
7 consisting of representatives from the Bureau of
8 Prisons, the United States Probation System, and
9 the relevant community corrections facility, who
10 shall initially meet with the prisoner to develop a re-
11 entry plan tailored to the needs of the prisoner and
12 incorporating victim impact information, and will
13 thereafter meet regularly to monitor the prisoner’s
14 progress toward reentry and coordinate access to ap-
15 propriate reentry measures and resources;

16 (2) regular drug testing, as appropriate;

17 (3) a system of graduated levels of supervision
18 within the community corrections facility to promote
19 community safety, provide incentives for prisoners to
20 complete the reentry plan, including victim restitu-
21 tion, and provide a reasonable method for imposing
22 immediate sanctions for a prisoner’s minor or tech-
23 nical violation of the conditions of participation in
24 the project;

1 (4) substance abuse treatment and aftercare,
2 mental and medical health treatment and aftercare,
3 vocational and educational training, life skills in-
4 struction, conflict resolution skills training, batterer
5 intervention programs, assistance obtaining suitable
6 affordable housing, and other programming to pro-
7 mote effective reintegration into the community as
8 needed;

9 (5) to the extent practicable, the recruitment
10 and utilization of local citizen volunteers, including
11 volunteers from the faith-based and business com-
12 munities, to serve as advisers and mentors to pris-
13 oners being released into the community;

14 (6) a description of the methodology and out-
15 come measures that will be used to evaluate the pro-
16 gram; and

17 (7) notification to victims on the status and na-
18 ture of offenders' reentry plan.

19 (c) PROBATION OFFICERS.—From funds made avail-
20 able to carry out this section, the Director of the Adminis-
21 trative Office of the United States Courts shall assign one
22 or more probation officers from each participating judicial
23 district to the Reentry Demonstration project. Such offi-
24 cers shall be assigned to and stationed at the community

1 corrections facility and shall serve on the Reentry Review
2 Teams.

3 (d) PROJECT DURATION.—The Reentry Center Dem-
4 onstration project shall begin not later than 6 months fol-
5 lowing the availability of funds to carry out this section,
6 and shall last 3 years. The Attorney General may extend
7 the project for a period of up to 6 months to enable partic-
8 ipant prisoners to complete their involvement in the
9 project.

10 (e) SELECTION OF DISTRICTS.—The Attorney Gen-
11 eral, in consultation with the Judicial Conference of the
12 United States, shall select an appropriate number of Fed-
13 eral judicial districts in which to carry out the Reentry
14 Center Demonstration project.

15 (f) COORDINATION OF PROJECTS.—The Attorney
16 General, may, if appropriate, include in the Reentry Cen-
17 ter Demonstration project offenders who participated in
18 the Enhanced In-Prison Vocational Assessment and
19 Training Demonstration project established by section
20 1615 of this Act.

21 **SEC. 1612. FEDERAL HIGH-RISK OFFENDER REENTRY DEM-**
22 **ONSTRATION.**

23 (a) AUTHORITY AND ESTABLISHMENT OF DEM-
24 ONSTRATION PROJECT.—From funds made available to
25 carry out this section, the Director of the Administrative

1 Office of the United States Courts, in consultation with
2 the Attorney General, shall establish the Federal High-
3 Risk Offender Reentry Demonstration project. The project
4 shall involve Federal offenders under supervised release
5 who have previously violated the terms of their release fol-
6 lowing a term of imprisonment and shall utilize, as appro-
7 priate and indicated, community corrections facilities,
8 home confinement, appropriate monitoring technologies,
9 and treatment and programming to promote more effec-
10 tive reentry into the community.

11 (b) PROJECT ELEMENTS.—The project authorized by
12 subsection (a) shall include—

13 (1) participation by Federal prisoners who have
14 previously violated the terms of their release fol-
15 lowing a term of imprisonment;

16 (2) use of community corrections facilities and
17 home confinement that, together with the technology
18 referenced in paragraph (5), will be part of a system
19 of graduated levels of supervision;

20 (3) substance abuse treatment and aftercare,
21 mental and medical health treatment and aftercare,
22 vocational and educational training, life skills in-
23 struction, conflict resolution skills training, batterer
24 intervention programs, and other programming to

1 promote effective reintegration into the community
2 as appropriate;

3 (4) involvement of a victim advocate and the
4 family of the prisoner, if it is safe for the victim(s),
5 especially in domestic violence cases, to be involved;

6 (5) the use of monitoring technologies, as ap-
7 propriate and indicated, to monitor and supervise
8 participating offenders in the community;

9 (6) a description of the methodology and out-
10 come measures that will be used to evaluate the pro-
11 gram; and

12 (7) notification to victims on the status and na-
13 ture of a prisoner's reentry plan.

14 (c) MANDATORY CONDITION OF SUPERVISED RE-
15 LEASE.—In each of the judicial districts in which the dem-
16 onstration project is in effect, appropriate offenders who
17 are found to have violated a previously imposed term of
18 supervised release and who will be subject to some addi-
19 tional term of supervised release, shall be designated to
20 participate in the demonstration project. With respect to
21 these offenders, the court shall impose additional manda-
22 tory conditions of supervised release that each offender
23 shall, as directed by the probation officer, reside at a com-
24 munity corrections facility or participate in a program of

1 home confinement, or both, and submit to appropriate
2 monitoring, and otherwise participate in the project.

3 (d) PROJECT DURATION.—The Federal High-Risk
4 Offender Reentry Demonstration shall begin not later
5 than six months following the availability of funds to carry
6 out this section, and shall last 3 years. The Director of
7 the Administrative Office of the United States Courts may
8 extend the project for a period of up to six months to en-
9 able participating prisoners to complete their involvement
10 in the project.

11 (e) SELECTION OF DISTRICTS.—The Judicial Con-
12 ference of the United States, in consultation with the At-
13 torney General, shall select an appropriate number of Fed-
14 eral judicial districts in which to carry out the Federal
15 High-Risk Offender Reentry Demonstration project.

16 **SEC. 1613. DISTRICT OF COLUMBIA INTENSIVE SUPER-**
17 **VISION, TRACKING, AND REENTRY TRAINING**
18 **(DC ISTART) DEMONSTRATION.**

19 (a) AUTHORITY AND ESTABLISHMENT OF DEM-
20 ONSTRATION PROJECT.—From funds made available to
21 carry out this section, the Trustee of the Court Services
22 and Offender Supervision Agency of the District of Colum-
23 bia, as authorized by the National Capital Revitalization
24 and Self Government Improvement Act of 1997 (Public
25 Law 105–33; 111 Stat. 712) shall establish the District

1 of Columbia Intensive Supervision, Tracking and Reentry
2 Training Demonstration (DC iSTART) project. The
3 project shall involve high risk District of Columbia parol-
4 ees who would otherwise be released into the community
5 without a period of confinement in a community correc-
6 tions facility and shall utilize intensive supervision, moni-
7 toring, and programming to promote such parolees' suc-
8 cessful reentry into the community.

9 (b) PROJECT ELEMENTS.—The project authorized by
10 subsection (a) shall include—

11 (1) participation by appropriate high risk parol-
12 ees;

13 (2) use of community corrections facilities and
14 home confinement;

15 (3) a Reentry Review Team that includes a vic-
16 tim witness professional for each parolee which shall
17 meet with the parolee—by video conference or other
18 means as appropriate—before the parolee's release
19 from the custody of the Federal Bureau of Prisons
20 to develop a reentry plan that incorporates victim
21 impact information and is tailored to the needs of
22 the parolee and which will thereafter meet regularly
23 to monitor the parolee's progress toward reentry and
24 coordinate access to appropriate reentry measures
25 and resources;

1 (4) regular drug testing, as appropriate;

2 (5) a system of graduated levels of supervision
3 within the community corrections facility to promote
4 community safety, encourage victim restitution, pro-
5 vide incentives for prisoners to complete the reentry
6 plan, and provide a reasonable method for imme-
7 diately sanctioning a prisoner's minor or technical
8 violation of the conditions of participation in the
9 project;

10 (6) substance abuse treatment and aftercare,
11 mental and medical health treatment and aftercare,
12 vocational and educational training, life skills in-
13 struction, conflict resolution skills training, batterer
14 intervention programs, assistance obtaining suitable
15 affordable housing, and other programming to pro-
16 mote effective reintegration into the community as
17 needed and indicated;

18 (7) the use of monitoring technologies, as ap-
19 propriate;

20 (8) to the extent practicable, the recruitment
21 and utilization of local citizen volunteers, including
22 volunteers from the faith-based communities, to
23 serve as advisers and mentors to prisoners being re-
24 leased into the community; and

1 (9) notification to victims on the status and na-
2 ture of a prisoner's reentry plan.

3 (c) MANDATORY CONDITION OF PAROLE.—For those
4 offenders eligible to participate in the demonstration
5 project, the United States Parole Commission shall impose
6 additional mandatory conditions of parole such that the
7 offender when on parole shall, as directed by the commu-
8 nity supervision officer, reside at a community corrections
9 facility or participate in a program of home confinement,
10 or both, submit to electronic and other remote monitoring,
11 and otherwise participate in the project.

12 (d) PROGRAM DURATION.—The District of Columbia
13 Intensive Supervision, Tracking and Reentry Training
14 Demonstration shall begin not later than 6 months fol-
15 lowing the availability of funds to carry out this section,
16 and shall last 3 years. The Trustee of the Court Services
17 and Offender Supervision Agency of the District of Colum-
18 bia may extend the project for a period of up to 6 months
19 to enable participating prisoners to complete their involve-
20 ment in the project.

21 **SEC. 1614. FEDERAL INTENSIVE SUPERVISION, TRACKING,**
22 **AND REENTRY TRAINING (FED ISTART) DEM-**
23 **ONSTRATION.**

24 (a) AUTHORITY AND ESTABLISHMENT OF DEM-
25 ONSTRATION PROJECT.—From funds made available to

1 carry out this section, the Director of the Administrative
2 Office of the United States Courts shall establish the Fed-
3 eral Intensive Supervision, Tracking and Reentry Training
4 Demonstration (FED iSTART) project. The project shall
5 involve appropriate high risk Federal offenders who are
6 being released into the community without a period of con-
7 finement in a community corrections facility.

8 (b) PROJECT ELEMENTS.—The project authorized by
9 subsection (a) shall include—

10 (1) participation by appropriate high risk Fed-
11 eral offenders;

12 (2) significantly smaller caseloads for probation
13 officers participating in the demonstration project;

14 (3) substance abuse treatment and aftercare,
15 mental and medical health treatment and aftercare,
16 vocational and educational training, life skills in-
17 struction, conflict resolution skills training, batterer
18 intervention programs, assistance obtaining suitable
19 affordable housing, and other programming to pro-
20 mote effective reintegration into the community as
21 needed; and

22 (4) notification to victims on the status and na-
23 ture of a prisoner's reentry plan.

24 (c) PROGRAM DURATION.—The Federal Intensive
25 Supervision, Tracking and Reentry Training Demonstra-

1 tion shall begin not later than 6 months following the
2 availability of funds to carry out this section, and shall
3 last 3 years. The Director of the Administrative Office of
4 the United States Courts may extend the project for a pe-
5 riod of up to six months to enable participating prisoners
6 to complete their involvement in the project.

7 (d) **SELECTION OF DISTRICTS.**—The Judicial Con-
8 ference of the United States, in consultation with the At-
9 torney General, shall select an appropriate number of Fed-
10 eral judicial districts in which to carry out the Federal
11 Intensive Supervision, Tracking and Reentry Training
12 Demonstration project.

13 **SEC. 1615. FEDERAL ENHANCED IN-PRISON VOCATIONAL**
14 **ASSESSMENT AND TRAINING DEMONSTRA-**
15 **TION.**

16 (a) **AUTHORITY AND ESTABLISHMENT OF DEM-**
17 **ONSTRATION PROJECT.**—From funds made available to
18 carry out this section, the Attorney General shall establish
19 the Federal Enhanced In-Prison Vocational Assessment
20 and Training Demonstration project in selected institu-
21 tions. The project shall provide in-prison assessments of
22 prisoners' vocational needs and aptitudes, enhanced work
23 skills development, enhanced release readiness program-
24 ming, and other components as appropriate to prepare

1 Federal prisoners for release and reentry into the commu-
2 nity.

3 (b) PROGRAM DURATION.—The Enhanced In-Prison
4 Vocational Assessment and Training Demonstration shall
5 begin not later than six months following the availability
6 of funds to carry out this section, and shall last 3 years.
7 The Attorney General may extend the project for a period
8 of up to 6 months to enable participating prisoners to
9 complete their involvement in the project.

10 **SEC. 1616. RESEARCH AND REPORTS TO CONGRESS.**

11 (a) ATTORNEY GENERAL.—Not later than 2 years
12 after the enactment of this Act, the Attorney General shall
13 report to Congress on the progress of the demonstration
14 projects authorized by sections 1611 and 1615. Not later
15 than 1 year after the end of the demonstration projects
16 authorized by sections 1611 and 1615, the Director of the
17 Federal Bureau of Prisons shall report to Congress on the
18 effectiveness of the reentry projects authorized by sections
19 1611 and 1615 on post-release outcomes and recidivism.
20 The report shall address post-release outcomes and recidi-
21 vism for a period of 3 years following release from custody.
22 The reports submitted pursuant to this section shall be
23 submitted to the Committees on the Judiciary in the
24 House of Representatives and the Senate.

1 (b) ADMINISTRATIVE OFFICE OF THE UNITED
2 STATES COURTS.—Not later than 2 years after the enact-
3 ment of this Act, Director of the Administrative Office of
4 the United States Courts shall report to Congress on the
5 progress of the demonstration projects authorized by sec-
6 tions 1612 and 1614. Not later than 180 days after the
7 end of the demonstration projects authorized by sections
8 1612 and 1614, the Director of the Administrative Office
9 of the United States Courts shall report to Congress on
10 the effectiveness of the reentry projects authorized by sec-
11 tions 1612 and 1614 on post-release outcomes and recidi-
12 vism. The report should address post-release outcomes and
13 recidivism for a period of 3 years following release from
14 custody. The reports submitted pursuant to this section
15 shall be submitted to the Committees on the Judiciary in
16 the House of Representatives and the Senate.

17 (c) DC ISTART.—Not later than 2 years after the
18 enactment of this Act, the Executive Director of the cor-
19 poration or institute authorized by section 11281(2) of the
20 National Capital Revitalization and Self-Government Im-
21 provement Act of 1997 (Pub. Law 105–33; 111 Stat. 712)
22 shall report to Congress on the progress of the demonstra-
23 tion project authorized by section 1613 of this Act. Not
24 later than 1 year after the end of the demonstration
25 project authorized by section 1613, the Executive Director

1 of the corporation or institute authorized by section
2 11281(2) of the National Capital Revitalization and Self-
3 Government Improvement Act of 1997 (Pub. Law 105-
4 33; 111 Stat. 712) shall report to Congress on the effec-
5 tiveness of the reentry project authorized by section 1613
6 of this Act on post-release outcomes and recidivism. The
7 report shall address post-release outcomes and recidivism
8 for a period of three years following release from custody.
9 The reports submitted pursuant to this section shall be
10 submitted to the Committees on the Judiciary in the
11 House of Representatives and the Senate. In the event
12 that the corporation or institute authorized by section
13 11281(2) of the National Capital Revitalization and Self-
14 Government Improvement Act of 1997 (Pub. Law 105-
15 33; 111 Stat. 712) is not in operation 1 year after the
16 enactment of this Act, the Director of the National Insti-
17 tute of Justice shall prepare and submit the reports re-
18 quired by this section and may do so from funds made
19 available to the Court Services and Offender Supervision
20 Agency of the District of Columbia, as authorized by the
21 National Capital Revitalization and Self-Government Im-
22 provement Act of 1997 (Pub. Law 105-33; 111 Stat.
23 712).

24 **SEC. 1617. DEFINITIONS.**

25 In this part—

1 (1) the term “appropriate prisoner” means a
2 person who is considered by prison authorities—

3 (A) to pose a medium to high risk of com-
4 mitting a criminal act upon reentering the com-
5 munity, and

6 (B) to lack the skills and family support
7 network that facilitate successful reintegration
8 into the community; and

9 (2) the term “appropriate high risk parolees”
10 means parolees considered by prison authorities—

11 (A) to pose a medium to high risk of com-
12 mitting a criminal act upon reentering the com-
13 munity; and

14 (B) to lack the skills and family support
15 network that facilitate successful reintegration
16 into the community.

17 **SEC. 1618. AUTHORIZATION OF APPROPRIATIONS.**

18 To carry out this part, there are authorized to be ap-
19 propriated, to remain available until expended, the fol-
20 lowing amounts:

21 (1) To the Federal Bureau of Prisons—

22 (A) \$1,375,000 for fiscal year 2002;

23 (B) \$1,110,000 for fiscal year 2003;

24 (C) \$1,130,000 for fiscal year 2004;

25 (D) \$1,155,000 for fiscal year 2005; and

1 (E) \$1,230,000 for fiscal year 2006.

2 (2) To the Federal Judiciary—

3 (A) \$3,380,000 for fiscal year 2002;

4 (B) \$3,540,000 for fiscal year 2003;

5 (C) \$3,720,000 for fiscal year 2004;

6 (D) \$3,910,000 for fiscal year 2005; and

7 (E) \$4,100,000 for fiscal year 2006.

8 (3) To the Court Services and Offender Super-
9 vision Agency of the District of Columbia, as author-
10 ized by the National Capital Revitalization and Self-
11 Government Improvement Act of 1997 (Pub. Law
12 105–33; 111 Stat. 712)—

13 (A) \$4,860,000 for fiscal year 2002;

14 (B) \$4,510,000 for fiscal year 2003;

15 (C) \$4,620,000 for fiscal year 2004;

16 (D) \$4,740,000 for fiscal year 2005; and

17 (E) \$4,860,000 for fiscal year 2006.

18 **PART 2—STATE REENTRY GRANT PROGRAMS**

19 **SEC. 1621. AMENDMENTS TO THE OMNIBUS CRIME CON-**
20 **TROL AND SAFE STREETS ACT OF 1968.**

21 (a) IN GENERAL.—Title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
23 et seq.) as amended, is amended by inserting after part
24 CC the following new part:

1 “PART DD—OFFENDER REENTRY AND COM-
2 MUNITY SAFETY

3 **“SEC. 2951. ADULT OFFENDER STATE AND LOCAL REENTRY**
4 **PARTNERSHIPS.**

5 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
6 eral shall make grants of up to \$1,000,000 to States, Ter-
7 ritories, and Indian tribes, in partnership with units of
8 local government and nonprofit organizations, for the pur-
9 pose of establishing adult offender reentry demonstration
10 projects. Funds may be expended by the projects for the
11 following purposes:

12 “(1) oversight/monitoring of released offenders;

13 “(2) providing returning offenders with drug
14 and alcohol testing and treatment and mental health
15 assessment and services;

16 “(3) convening community impact panels, vic-
17 tim impact panels or victim impact educational
18 classes;

19 “(4) providing and coordinating the delivery of
20 other community services to offenders such as hous-
21 ing assistance, education, employment training, con-
22 flict resolution skills training, batterer intervention
23 programs, and other social services as appropriate;
24 and

1 “(5) establishing and implementing graduated
2 sanctions and incentives.

3 “(b) SUBMISSION OF APPLICATION.—In addition to
4 any other requirements that may be specified by the Attor-
5 ney General, an application for a grant under this subpart
6 shall—

7 “(1) describe a long-term strategy and detailed
8 implementation plan, including how the jurisdiction
9 plans to pay for the program after the Federal fund-
10 ing ends;

11 “(2) identify the governmental and community
12 agencies that will be coordinated by this project;

13 “(3) certify that there has been appropriate
14 consultation with all affected agencies and there will
15 be appropriate coordination with all affected agen-
16 cies in the implementation of the program, including
17 existing community corrections and parole; and

18 “(4) describe the methodology and outcome
19 measures that will be used in evaluating the pro-
20 gram.

21 “(c) APPLICANTS.—The applicants as designated
22 under subsection (a)—

23 “(1) shall prepare the application as required
24 under subsection (b); and

1 “(2) shall administer grant funds in accordance
2 with the guidelines, regulations, and procedures pro-
3 mulgated by the Attorney General, as necessary to
4 carry out the purposes of this part.

5 “(d) MATCHING FUNDS.—The Federal share of a
6 grant received under this title may not exceed 25 percent
7 of the costs of the project funded under this title unless
8 the Attorney General waives, wholly or in part, the re-
9 quirements of this section.

10 “(e) REPORTS.—Each entity that receives a grant
11 under this part shall submit to the Attorney General, for
12 each year in which funds from a grant received under this
13 part is expended, a report at such time and in such man-
14 ner as the Attorney General may reasonably require that
15 contains:

16 “(1) a summary of the activities carried out
17 under the grant and an assessment of whether such
18 activities are meeting the needs identified in the ap-
19 plication funded under this part; and

20 “(2) such other information as the Attorney
21 General may require.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to carry out this section \$40,000,000
25 in fiscal years 2002 and 2003; and such sums as

1 may be necessary for each of the fiscal years 2004,
2 2005, and 2006.

3 “(2) LIMITATIONS.—Of the amount made avail-
4 able to carry out this section in any fiscal year—

5 “(A) not more than 2 percent or less than
6 1 percent may be used by the Attorney General
7 for salaries and administrative expenses; and

8 “(B) not more than 3 percent or less than
9 2 percent may be used for technical assistance
10 and training.

11 **“SEC. 2952. STATE AND LOCAL REENTRY COURTS.**

12 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
13 eral shall make grants of up to \$500,000 to State and
14 local courts or state agencies, municipalities, public agen-
15 cies, nonprofit organizations, and tribes that have agree-
16 ments with courts to take the lead in establishing a re-
17 entry court. Funds may be expended by the projects for
18 the following purposes:

19 “(1) monitoring offenders returning to the com-
20 munity;

21 “(2) providing returning offenders with drug
22 and alcohol testing and treatment and mental and
23 medical health assessment and services;

1 “(3) convening community impact panels, vic-
2 tim impact panels, or victim impact educational
3 classes;

4 “(4) providing and coordinating the delivery of
5 other community services to offenders, such as hous-
6 ing assistance, education, employment training, con-
7 flict resolution skills training, batterer intervention
8 programs, and other social services as appropriate;
9 and

10 “(5) establishing and implementing graduated
11 sanctions and incentives.

12 “(b) SUBMISSION OF APPLICATION.—In addition to
13 any other requirements that may be specified by the Attor-
14 ney General, an application for a grant under this subpart
15 shall—

16 “(1) describe a long-term strategy and detailed
17 implementation plan, including how the jurisdiction
18 plans to pay for the program after the Federal fund-
19 ing ends;

20 “(2) identify the governmental and community
21 agencies that will be coordinated by this project;

22 “(3) certify that there has been appropriate
23 consultation with all affected agencies, including ex-
24 isting community corrections and parole, and there

1 will be appropriate coordination with all affected
2 agencies in the implementation of the program;

3 “(4) describe the methodology and outcome
4 measures that will be used in evaluation of the pro-
5 gram.

6 “(c) APPLICANTS.—The applicants as designated
7 under subsection (a)—

8 “(1) shall prepare the application as required
9 under subsection (b); and

10 “(2) shall administer grant funds in accordance
11 with the guidelines, regulations, and procedures pro-
12 mulgated by the Attorney General, as necessary to
13 carry out the purposes of this part.

14 “(d) MATCHING FUNDS.—The Federal share of a
15 grant received under this title may not exceed 25 percent
16 of the costs of the project funded under this title unless
17 the Attorney General waives, wholly or in part, the re-
18 quirements of this section.

19 “(e) REPORTS.—Each entity that receives a grant
20 under this part shall submit to the Attorney General, for
21 each year in which funds from a grant received under this
22 part is expended, a report at such time and in such man-
23 ner as the Attorney General may reasonably require that
24 contains:

1 “(1) a summary of the activities carried out
2 under the grant and an assessment of whether such
3 activities are meeting the needs identified in the ap-
4 plication funded under this part; and

5 “(2) such other information as the Attorney
6 General may require.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to carry out this section \$10,000,000
10 in fiscal years 2002 and 2003, and such sums as
11 may be necessary for each of the fiscal years 2004,
12 2005, and 2006.

13 “(2) LIMITATIONS.—Of the amount made avail-
14 able to carry out this section in any fiscal year—

15 “(A) not more than 2 percent or less than
16 1 percent may be used by the Attorney General
17 for salaries and administrative expenses; and

18 “(B) not more than 3 percent or less than
19 2 percent may be used for technical assistance
20 and training.

21 **“SEC. 2953. JUVENILE OFFENDER STATE AND LOCAL RE-
22 ENTRY PROGRAMS.**

23 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
24 eral shall make grants of up to \$250,000 to States, in
25 partnership with local units of governments or nonprofit

1 organizations, for the purpose of establishing juvenile of-
2 fender reentry programs. Funds may be expended by the
3 projects for—

4 “(1) providing returning juvenile offenders with
5 drug and alcohol testing and treatment and mental
6 and medical health assessment and services;

7 “(2) convening victim impact panels, restorative
8 justice panels, or victim impact educational classes
9 for juvenile offenders;

10 “(3) oversight/monitoring of released juvenile
11 offenders; and

12 “(4) providing for the planning of reentry serv-
13 ices when the youth is initially incarcerated and co-
14 ordinating the delivery of community-based services,
15 such as education, conflict resolution skills training,
16 batterer intervention programs, employment training
17 and placement, efforts to identify suitable living ar-
18 rangements, family involvement and support, and
19 other services.

20 “(b) SUBMISSION OF APPLICATION.—In addition to
21 any other requirements that may be specified by the Attor-
22 ney General, an application for a grant under this subpart
23 shall—

24 “(1) describe a long-term strategy and detailed
25 implementation plan, including how the jurisdiction

1 plans to pay for the program after the Federal fund-
2 ing ends;

3 “(2) identify the governmental and community
4 agencies that will be coordinated by this project;

5 “(3) certify that there has been appropriate
6 consultation with all affected agencies and there will
7 be appropriate coordination with all affected agen-
8 cies, including existing community corrections and
9 parole, in the implementation of the program;

10 “(4) describe the methodology and outcome
11 measures that will be used in evaluating the pro-
12 gram.

13 “(c) APPLICANTS.—The applicants as designated
14 under subsection (a)—

15 “(1) shall prepare the application as required
16 under subsection (b); and

17 “(2) shall administer grant funds in accordance
18 with the guidelines, regulations, and procedures pro-
19 mulgated by the Attorney General, as necessary to
20 carry out the purposes of this part.

21 “(d) MATCHING FUNDS.—The Federal share of a
22 grant received under this title may not exceed 25 percent
23 of the costs of the project funded under this title unless
24 the Attorney General waives, wholly or in part, the re-
25 quirements of this section.

1 “(e) REPORTS.—Each entity that receives a grant
2 under this part shall submit to the Attorney General, for
3 each year in which funds from a grant received under this
4 part is expended, a report at such time and in such man-
5 ner as the Attorney General may reasonably require that
6 contains:

7 “(1) a summary of the activities carried out
8 under the grant and an assessment of whether such
9 activities are meeting the needs identified in the ap-
10 plication funded under this part; and

11 “(2) such other information as the Attorney
12 General may require.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There are authorized to be
15 appropriated to carry out this section \$5,000,000 in
16 fiscal years 2002 and 2003, and such sums as are
17 necessary for each of the fiscal years 2004, 2005,
18 and 2006.

19 “(2) LIMITATIONS.—Of the amount made avail-
20 able to carry out this section in any fiscal year—

21 “(A) not more than 2 percent or less than
22 1 percent may be used by the Attorney General
23 for salaries and administrative expenses; and

1 “(B) not more than 3 percent or less than
2 2 percent may be used for technical assistance
3 and training.

4 **“SEC. 2954. STATE REENTRY PROGRAM RESEARCH, DEVEL-**
5 **OPMENT, AND EVALUATION.**

6 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
7 eral shall make grants to conduct research on a range of
8 issues pertinent to reentry programs, the development and
9 testing of new reentry components and approaches, se-
10 lected evaluation of projects authorized in the preceding
11 sections, and dissemination of information to the field.

12 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$5,000,000 in fiscal years 2002 and 2003, and such sums
15 as are necessary to carry out this section in fiscal years
16 2004, 2005, and 2006.”.

17 (b) TECHNICAL AMENDMENT.—The table of contents
18 of title I of the Omnibus Crime Control and Safe Street
19 Act of 1968 (42 U.S.C. 3711 et seq.), as amended, is
20 amended by inserting after the matter relating to part CC
21 the following:

 “PART DD—OFFENDER REENTRY AND COMMUNITY SAFETY ACT

 “Sec. 2951. Adult Offender State and Local Reentry Partnerships.

 “Sec. 2952. State and Local Reentry Courts.

 “Sec. 2953. Juvenile Offender State and Local Reentry Programs.

 “Sec. 2954. State Reentry Program Research and Evaluation.”.

1 **TITLE II—STRENGTHENING THE**
2 **FEDERAL CRIMINAL LAWS**
3 **Subtitle A—Combating Gang**
4 **Violence**

5 **PART 1—ENHANCED PENALTIES FOR GANG-**
6 **RELATED ACTIVITIES**

7 **SEC. 2101. GANG FRANCHISING.**

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

10 **“SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL**
11 **STREET GANGS.**

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

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

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

21 “(2) **FRANCHISE.**—The term ‘franchise’ means
22 an organized group of individuals related by name,
23 moniker, or other identifier, that engages in coordi-
24 nated violent crime or drug trafficking activities in

1 interstate or foreign commerce with a criminal street
2 gang in another State.

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

6 **SEC. 2102. ENHANCED PENALTY FOR USE OR RECRUIT-**
7 **MENT OF MINORS IN GANGS.**

8 (a) IN GENERAL.—Chapter 26 of title 18, United
9 States Code, as amended by section 2101 of this title, is
10 amended by adding at the end the following:

11 **“§ 523. Sentencing enhancement for use or recruit-**
12 **ment of minors**

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

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

“522. Interstate franchising of criminal street gangs.

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

22 **SEC. 2103. GANG FRANCHISING AS A RICO PREDICATE.**

23 Section 1961(1) of title 18, United States Code, is
24 amended—

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

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

5 **SEC. 2104. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
6 **TION IN CRIME AS GANG MEMBER.**

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

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

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. 2105. ENHANCED PENALTY FOR DISCHARGE 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. 2106. PUNISHMENT OF ARSON OR BOMBING 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. 2107. 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. 2108. 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 fol-
24 lowing:

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 sserting “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. 2109. 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 max-
2 imum 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. 2110. 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 “threat-
15 ening to commit a crime of violence”, and by strik-
16 ing “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. 2111. 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. 2112. 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 racket-
16 eering activity.”.

17 **SEC. 2113. ASSAULT AS A RICO PREDICATE.**

18 Section 1961(1)(A) of title 18, United States Code,
19 is amended by adding after “extortion,” “assault”.

20 **SEC. 2114. EXPANSION OF DEFINITION OF “RACKETEERING**
21 **ACTIVITY” TO AFFECT GANGS IN INDIAN**
22 **COUNTRY.**

23 Section 1961(1)(A) of title 18, United States Code,
24 is amended by inserting “or, with respect to an act or
25 threat occurring solely in Indian country, as defined in

1 section 1151 of this title, Federal” after “chargeable
2 under State”.

3 **SEC. 2115. INCREASED PENALTIES FOR VIOLENCE IN THE**
4 **COURSE OF RIOT OFFENSES.**

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

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

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

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

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

20 Section 1791(d)(4) of title 18, United States Code,
21 is amended by inserting before the period at the end the
22 following: “, including privately owned facilities housing
23 Federal prisoners or prisoners who are serving a term of
24 imprisonment under a commitment order from a State
25 other than the State in which the penal facility is located”.

1 **PART 2—TARGETING GANG-RELATED GUN**
2 **OFFENSES**

3 **SEC. 2121. TRANSFER OF FIREARM TO COMMIT A CRIME OF**
4 **VIOLENCE.**

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

8 **SEC. 2122. INCREASED PENALTY FOR KNOWINGLY RECEIV-**
9 **ING FIREARM WITH OBLITERATED SERIAL**
10 **NUMBER.**

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

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

16 **SEC. 2123. AMENDMENT OF THE SENTENCING GUIDELINES**
17 **FOR TRANSFERS OF FIREARMS TO PROHIB-**
18 **ITED PERSONS.**

19 Pursuant to its authority under section 994(p) of title
20 28, United States Code, the United States Sentencing
21 Commission shall amend the Federal sentencing guidelines
22 to increase the base offense level for offenses subject to
23 section 2K2.1 of those guidelines (Unlawful Receipt, Pos-
24 session, or Firearms or Ammunitions) to assume that a
25 person who transferred a firearm or ammunition and who
26 knew or had reasonable cause to believe that the trans-

1 feree was a prohibited person is subject to the same base
 2 offense level as the transferee. The amended guidelines
 3 shall not require the same offense level for the transferor
 4 and transferee to the extent that the transferee's base of-
 5 fense level is subject to an additional increase on the basis
 6 of a past criminal conviction of either a crime of violence
 7 or a controlled substance offense.

8 **PART 3—USING AND PROTECTING WITNESSES TO**
 9 **HELP PROSECUTE GANGS AND OTHER VIO-**
 10 **LENT CRIMINALS**

11 **SEC. 2131. INTERSTATE TRAVEL TO ENGAGE IN WITNESS**
 12 **INTIMIDATION OR OBSTRUCTION OF JUS-**
 13 **TICE.**

14 Section 1952 of title 18, United States Code, is
 15 amended—

16 (1) by redesignating subsections (b) and (c) as
 17 (c) and (d), respectively; and

18 (2) by inserting after subsection (a) the fol-
 19 lowing:

20 “(b) Whoever travels in interstate or foreign com-
 21 merce with intent by bribery, force, intimidation, or
 22 threat, directed against any person, to delay or influence
 23 the testimony of or prevent from testifying a witness in
 24 a State criminal proceeding or by any such means to cause
 25 any person to destroy, alter, or conceal a record, docu-

1 ment, or other object, with intent to impair the object's
 2 integrity or availability for use in such a proceeding, and
 3 thereafter engages or endeavors to engage in such con-
 4 duct, shall—

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

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

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

13 **SEC. 2132. EXPANDING PRETRIAL DETENTION ELIGIBILITY**
 14 **FOR SERIOUS GANG AND OTHER VIOLENT**
 15 **CRIMINALS.**

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

19 “For purposes of subparagraph (D), the term ‘con-
 20 victed’ includes a finding, under Federal or State
 21 law, that a person has committed an act of juvenile
 22 delinquency;”.

23 (b) **OFFENSES.**—Section 3156(a)(4) of title 18,
 24 United States Code, is amended—

1 (1) by striking “or” at the end of subparagraph
2 (B);

3 (2) by striking the period at the end of sub-
4 paragraph (C) and inserting “; or”; and

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

6 “(D) an offense that is a violation of sec-
7 tion 842(i)(1) or 922(g)(1) of this title (relating
8 to possession of explosives or firearms by con-
9 victed felons).”.

10 (c) FACTORS.—Section 3142(g)(3)(B) of title 18,
11 United States Code, is amended—

12 (1) by striking “the person was on probation”
13 and inserting “the person was—

14 “(i) on probation”;

15 (2) by striking “local law; and” and inserting
16 “local law; or”; and

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

18 “(ii) was a member of or participated
19 in a criminal street gang or racketeering
20 enterprise; and”.

21 **SEC. 2133. CONSPIRACY PENALTY FOR OBSTRUCTION OF**
22 **JUSTICE OFFENSES INVOLVING VICTIMS,**
23 **WITNESSES, AND INFORMANTS.**

24 Section 1512 of title 18, United States Code, is
25 amended by adding at the end the following:

1 “(j) Whoever conspires to commit any offense defined
 2 in this section or section 1513 of this title shall be subject
 3 to the same penalties as those prescribed for the offense
 4 the commission of which was the object of the con-
 5 spiracy.”.

6 **SEC. 2134. ALLOWING A REDUCTION OF SENTENCE FOR**
 7 **PROVIDING USEFUL INVESTIGATIVE INFOR-**
 8 **MATION ALTHOUGH NOT REGARDING A PAR-**
 9 **TICULAR INDIVIDUAL.**

10 (a) TITLE 18.—Section 3553(e) of title 18, United
 11 States Code, is amended by striking “substantial assist-
 12 ance in the investigation or prosecution of another person
 13 who has committed an offense” and inserting “substantial
 14 assistance in an investigation of any offense or the pros-
 15 ecution of another person who has committed an offense”.

16 (b) TITLE 28.—Section 994(n) of title 28, United
 17 States Code, is amended by striking “substantial assist-
 18 ance in the investigation or prosecution of another person
 19 who has committed an offense” and inserting “substantial
 20 assistance in an investigation of any offense or the pros-
 21 ecution of another person who has committed an offense”.

22 (c) FEDERAL RULES OF CRIMINAL PROCEDURE.—
 23 Rule 35(b) of the Federal Rules of Criminal Procedure
 24 is amended by striking “substantial assistance in the in-
 25 vestigation or prosecution of another person who has com-

1 mitted an offense” and inserting “substantial assistance
2 in an investigation of any offense or the prosecution of
3 another person who has committed an offense”.

4 **SEC. 2135. INCREASING THE PENALTY FOR USING PHYS-**
5 **ICAL FORCE TO TAMPER WITH WITNESSES,**
6 **VICTIMS, OR INFORMANTS.**

7 Section 1512 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1), by striking “as pro-
11 vided in paragraph (2)” and inserting “as pro-
12 vided in paragraph (3)”;

13 (B) by redesignating paragraph (2) as
14 paragraph (3);

15 (C) by inserting after paragraph (1) the
16 following:

17 “(2) Whoever uses physical force or the threat
18 of physical force, or attempts to do so, with intent
19 to—

20 “(A) influence, delay, or prevent the testi-
21 mony of any person in an official proceeding;

22 “(B) cause or induce any person to—

23 “(i) withhold testimony, or withhold a
24 record, document, or other object, from an
25 official proceeding;

1 “(ii) alter, destroy, mutilate, or con-
2 ceal an object with intent to impair the ob-
3 ject’s integrity or availability for use in an
4 official proceeding;

5 “(iii) evade legal process summoning
6 that person to appear as a witness, or to
7 produce a record, document, or other ob-
8 ject, in an official proceeding; and

9 “(iv) be absent from an official pro-
10 ceeding to which such person has been
11 summoned by legal process; or

12 “(C) hinder, delay, or prevent the commu-
13 nication to a law enforcement officer or judge
14 of the United States of information relating to
15 the commission or possible commission of a
16 Federal offense or a violation of conditions of
17 probation, parole, or release pending judicial
18 proceedings;

19 shall be punished as provided in paragraph (3).”;
20 and

21 (D) by striking paragraph (3)(B), as re-
22 designated, and inserting the following:

23 “(B) an attempt to murder, the use of
24 physical force, the threat of physical force, or

1 an attempt to do so, imprisonment for not more
2 than 20 years.”; and

3 (2) in subsection (b), by striking “or physical
4 force”.

5 **SEC. 2136. EXPANSION OF FEDERAL KIDNAPPING OFFENSE**
6 **TO COVER WHEN DEATH OF VICTIM OCCURS**
7 **BEFORE CROSSING STATE LINE AND WHEN**
8 **FACILITY IN INTERSTATE COMMERCE OR**
9 **THE MAILS ARE USED.**

10 Section 1201(a) of title 18, United States Code, is
11 amended—

12 (1) by inserting before the semicolon at the end
13 of paragraph (1) the following: “, without regard to
14 whether such person was alive when transported
15 across a State boundary if the person was alive
16 when the transportation began”;

17 (2) by striking “or” at the end of paragraph
18 (4); and

19 (3) by inserting after paragraph (5) the fol-
20 lowing:

21 “(6) an individual travels in interstate or for-
22 eign commerce in furtherance of the offense; or

23 “(7) the mail or a facility in interstate or for-
24 eign commerce is used in furtherance of the of-
25 fense;”.

1 **SEC. 2137. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR**
2 **HIRE.**

3 Section 1958(a) of title 18, United States Code, is
4 amended by inserting “or other felony crime of violence
5 against the person” after “murder”.

6 **SEC. 2138. CLARIFICATION OF INTERSTATE THREAT STAT-**
7 **UTE TO COVER THREATS TO KILL.**

8 Subsections (b) and (c) of section 875 of title 18,
9 United States Code, and the second and third undesig-
10 nated paragraphs of sections 876 and 877 of title 18,
11 United States Code, are each amended by striking “any
12 threat to injure” and inserting “any threat to kill or in-
13 jure”.

14 **SEC. 2139. CONFORMING AMENDMENT TO LAW PUNISHING**
15 **OBSTRUCTION OF JUSTICE BY NOTIFICATION**
16 **OF EXISTENCE OF A SUBPOENA FOR**
17 **RECORDS IN CERTAIN TYPES OF INVESTIGA-**
18 **TIONS.**

19 Section 1510(b)(3)(B) of title 18, United States
20 Code, is amended—

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

22 (2) in clause (ii), by striking the period at the
23 end and inserting “; or”; and

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

25 “(iii) the Controlled Substances Act
26 (21 U.S.C. 801 et seq.), the Controlled

1 Substances Import and Export Act (21
2 U.S.C. 951 et seq.), or section 6050I of
3 the Internal Revenue Code of 1986; and

4 “(iv) section 286, 287, 669, 1001,
5 1027, 1035, 1341, 1343, 1347, 1518, or
6 1954 relating to a Federal health care of-
7 fense.”.

8 **PART 4—GANG PARAPHERNALIA**

9 **SEC. 2141. STREAMLINING PROCEDURES FOR LAW EN-**
10 **FORCEMENT ACCESS TO CLONE NUMERIC**
11 **PAGERS.**

12 (a) AMENDMENT TO CHAPTER 206.—Chapter 206 of
13 title 18, United States Code, is amended—

14 (1) in the chapter heading, by striking “AND
15 TRAP AND TRACE DEVICES” and inserting:
16 “TRAP AND TRACE DEVICES, AND CLONE
17 NUMERIC PAGERS”;

18 (2) in section 3121—

19 (A) in the section heading, by striking
20 “and trap and trace device” and inserting “,
21 trap and trace device, and clone pager”;

22 (B) in subsection (a)—

23 (i) by striking “or a trap and trace
24 device” each place that term appears and

1 inserting “, a trap and trace device, or a
2 clone pager”;

3 (ii) after “3123” by inserting “or sec-
4 tion 3129”; and

5 (C) in subsections (b) and (c), by striking
6 “or trap and trace device” each place that term
7 appears and inserting “, a trap and trade de-
8 vice or a cone pager”;

9 (3) in section 3124—

10 (A) in the section heading, by striking “or
11 a trap and trace device” and inserting “, a trap
12 and trace device, or a clone pager”;

13 (B) by redesignating subsections (c)
14 through (f) as subsections (d) through (g), re-
15 spectively; and

16 (C) by inserting after subsection (b) the
17 following:

18 “(c) CLONE PAGER.—Upon the request of an attor-
19 ney for the Government or an officer of a law enforcement
20 agency authorized to use a clone pager under this chapter,
21 a provider of a paging service or electronic communication
22 service shall furnish such investigative or law enforcement
23 officer, all information, facilities, and technical assistance
24 necessary to accomplish the use of the clone pager unob-
25 trusively and with a minimum of interference with the

1 services that the person so ordered by the court provides
2 to the subscriber, if such assistance is directed by a court
3 order as provided in section 3129(b)(2) of this chapter.”;

4 (4) in section 3125—

5 (A) in the section heading, by striking
6 “and trap and trace device” and inserting “,
7 trap and trace device, and clone pager”;

8 (B) in subsection (a)—

9 (i) by striking “or trap and trace de-
10 vice” each place that term appears and in-
11 sserting “, a trap and trace device, or a
12 clone pager”; and

13 (ii) by striking “an order approving
14 the installation or use is issued in accord-
15 ance with section 3123 of this title” and
16 inserting “an application is made for an
17 order approving the installation or use in
18 accordance with section 3123 or section
19 3128 of this title”; and

20 (C) in subsection (b), by adding at the end
21 the following: “In the event such application for
22 the use of a clone pager is denied, or in any
23 other case where the use of the clone pager is
24 terminated without an order having been

1 issued, an inventory shall be served as provided
2 for in section 3129(e).”;

3 (5) in section 3126—

4 (A) in the section heading, by striking
5 “and trap and trace devices” and inserting “,
6 trap and trace devices, and clone pagers”; and

7 (B) by striking “pen register orders and
8 orders for trap and trace devices” and inserting
9 “orders for pen registers, trap and trace de-
10 vices, and clone pagers”; and

11 (6) in section 3127—

12 (A) in paragraph (2), by striking “pen reg-
13 ister or a trap and trace device” and inserting
14 “pen register, a trap and trace device, or a
15 clone pager”;

16 (B) by redesignating paragraphs (5) and
17 (6) as paragraphs (6) and (7), respectively; and

18 (C) by inserting after paragraph (4) the
19 following:

20 “(5) the term ‘clone pager’ means a numeric
21 display device that receives transmissions intended
22 for another numeric display paging device.”.

23 (b) APPLICATIONS FOR ORDERS.—Chapter 206 of
24 title 18, United States Code, is amended by adding at the
25 end the following:

1 **“§ 3128. Application for an order for use of a clone**
2 **pager**

3 “(a) APPLICATION.—(1) An attorney for the Govern-
4 ment may apply to a court of competent jurisdiction for
5 an order or an extension of an order under section 3129
6 of this title authorizing the use of a clone pager.

7 “(2) A State investigative or law enforcement officer
8 may, if authorized by State law, apply to a court of com-
9 petent jurisdiction of such State for an order or an exten-
10 sion of an order under section 3129 of this title author-
11 izing the use of a clone pager.

12 “(b) CONTENTS OF APPLICATION.—An application
13 under subsection (a) of this section shall include—

14 “(1) the identify of the attorney for the Govern-
15 ment or the State law enforcement or investigative
16 officer making the application and the identify of the
17 law enforcement agency conducting the investiga-
18 tion;

19 “(2) the identify, if known, of the person using
20 the numeric display paging device to be cloned;

21 “(3) a description of the numeric display paging
22 device to be cloned;

23 “(4) the identify, if known, of the person who
24 is the subject of the criminal investigation; and

25 “(5) an affidavit, sworn to before the court of
26 competent jurisdiction, establishing probable cause

1 for belief that information relevant to an ongoing
2 criminal investigation being conducted by that agen-
3 cy will be obtained through use of the clone pager.

4 **“§ 3129. Issuance of an order for use of a clone pager**

5 “(a) IN GENERAL.—Upon an application made under
6 section 3128 of this title, the court shall enter an ex parte
7 order authorizing the use of a clone pager within the juris-
8 diction of the court if the court finds that the application
9 has established probable cause to believe that information
10 relevant to an ongoing criminal investigation being con-
11 ducted by that agency will be obtained through use of the
12 clone pager.

13 “(b) CONTENTS OF AN ORDER.—An order issued
14 under this section—

15 “(1) shall specify—

16 “(A) the identity, if known, of each indi-
17 vidual using the numeric display paging device
18 to be cloned;

19 “(B) the numeric display paging device to
20 be cloned;

21 “(C) the identity, if known, of the person
22 who is the subject of the criminal investigation;
23 and

1 “(D) the offense to which the information
2 likely to be obtained by the clone pager relates;
3 and

4 “(2) shall direct, upon the request of the appli-
5 cant, the furnishing of information, facilities, and
6 technical assistance necessary to use the clone pager
7 under section 3124 of this title.

8 “(c) TIME PERIOD AND EXTENSIONS.—(1) An order
9 issued under this section shall authorize the use of a clone
10 pager for a period not to exceed 30 days.

11 “(2) Extensions of an order referred to in paragraph
12 (1) may be granted, but only upon an application for an
13 order under section 3128 of this title and upon the judicial
14 finding required by subsection (a). The period of extension
15 shall be for a period not to exceed 30 days.

16 “(3) Within a reasonable time after the termination
17 of the period of a clone pager order or any extensions
18 thereof, the applicant shall report to the issuing judge the
19 number of numeric pager messages acquired through the
20 use of the clone pager during such period.

21 “(d) NONDISCLOSURE OF EXISTENCE OF CLONE
22 PAGER.—An order authorizing the use of a clone pager
23 shall direct that—

24 “(1) the order be sealed until otherwise ordered
25 by the court; and

1 “(2) the person who has been ordered by the
2 court to provide assistance to the applicant not dis-
3 close the existence of the clone pager or the exist-
4 ence of the investigation to the listed subscriber, or
5 to any other person, until otherwise ordered by the
6 court.

7 “(e) NOTIFICATION.—Within a reasonable time but
8 not later than 90 days after the termination of the period
9 of a clone pager order or any extensions thereof, the
10 issuing judge shall cause to be served, on each individual
11 using the numeric display paging device which was cloned,
12 an inventory including notice of—

13 “(1) the fact of the entry of the order or the
14 application;

15 “(2) the date of the entry and the period of
16 clone pager use authorized, or the denial of the ap-
17 plication; and

18 “(3) whether or not information was obtained
19 through the use of the clone pager.

20 Upon an ex parte showing of good cause, a court of com-
21 petent jurisdiction may in its discretion postpone the serv-
22 ing of the notice required by this section.”.

23 (c) CONFORMING AMENDMENT.—The analysis for
24 chapter 206 of title 18, United States Code, is amended—

1 (1) by striking the item relating to section 3121
2 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.”;

3 (2) by striking the item relating to section 3124
4 and inserting the following:

“3124. Assistance in installation and use of a pen register, a trap and trace device, or clone pager.”;

5 (3) by striking the item relating to section 3125
6 and inserting the following:

“3125. Emergency pen register, trap and trace device, and clone pager installation and use.”;

7 (4) by striking the item relating to section 3126
8 and inserting the following:

“3126. Reports concerning pen registers, trap and trace devices, and clone pagers.”;

9 and

10 (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.”.

11 (d) CONFORMING AMENDMENTS.—

12 (1) Section 2511(2)(h) of title 18, United
13 States Code, is amended by striking clause (i) and
14 inserting the following:

15 “(i) to use a pen register, a trap and
16 trace device, or a clone pager (as those
17 terms are defined for the purposes of chap-
18 ter 206 (relating to pen registers, trap and

1 trace devices, and clone pagers) of this
2 title); or”.

3 (2) Section 2510(12) of title 18, United States
4 Code, is amended—

5 (A) in subparagraph (C), by striking “or”
6 at the end;

7 (B) by inserting “or” after subparagraph
8 (D); and

9 (C) by adding at the end the following:

10 “(E) any transmission made through a
11 clone pager (as defined in section 3127(5) of
12 this title).”.

13 (3) Section 705(a) of the Communications Act
14 of 1934 (47 U.S.C. 605(a)) is amended by striking
15 “chapter 119” and inserting “chapters 119 and
16 206”.

17 **SEC. 2142. SENTENCING ENHANCEMENT FOR USING BODY**
18 **ARMOR IN COMMISSION OF A FELONY.**

19 (a) DEFINITIONS.—In this section:

20 (1) BODY ARMOR.—The term “body armor”
21 means any product sold or offered for sale as per-
22 sonal protective body covering intended to protect
23 against gunfire, regardless of whether the product is
24 to be worn alone or is sold as a complement to an-
25 other product or garment; and

1 (2) LAW ENFORCEMENT OFFICER.—The term
2 “law enforcement officer” means any officer, agent,
3 or employee of the United States, a State, or a polit-
4 ical subdivision of a State, authorized by law or by
5 a government agency to engage in or supervise the
6 prevention, detection, investigation, or prosecution of
7 any violation of criminal law.

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 sentencing enhancement for any offense in which
13 the defendant used body armor.

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

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

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

20 (d) APPLICABILITY.—No Federal sentencing guide-
21 line amendment made under this section shall apply if the
22 Federal crime in which the body armor is used constitutes
23 a violation of, attempted violation of, or conspiracy to vio-
24 late the civil rights of a person by a law enforcement offi-

1 cer acting under color of the authority of such law enforce-
2 ment officer.

3 **SEC. 2143. SENTENCING ENHANCEMENT FOR USING LASER**
4 **SIGHTING DEVICES IN COMMISSION OF A**
5 **FELONY.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “firearm” has the same meaning
8 as in section 921 of title 18, United States Code;
9 and

10 (2) the term “laser-sighting device” includes
11 any device designed to be attached to a firearm that
12 uses technology, such as laser sighting, red-dot-
13 sighting, night sighting, telescopic sighting, or other
14 similarly effective technology, in order to enhance
15 target acquisition.

16 (b) SENTENCING ENHANCEMENT.—Pursuant to its
17 authority under section 994(p) of title 28, United States
18 Code, the United States Sentencing Commission shall
19 amend the Federal sentencing guidelines to provide an ap-
20 propriate sentencing enhancement for any serious violent
21 felony or serious drug offense, as defined in section 3559
22 of title 18, United States Code, in which the defendant—

23 (1) possessed a firearm equipped with a laser-
24 sighting device; or

1 (2) possessed a firearm and the defendant pos-
2 sessed a laser-sighting device (capable of being read-
3 ily attached to the firearm).

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

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

8 (2) avoid duplicative punishment for substan-
9 tially the same offense.

10 **SEC. 2144. GOVERNMENT ACCESS TO LOCATION INFORMA-**
11 **TION.**

12 (a) COURT ORDER REQUIRED.—Section 2703 of title
13 18, United States Code, is amended by adding at the end
14 the following:

15 “(g) REQUIREMENTS FOR DISCLOSURE OF LOCATION
16 INFORMATION.—A provider of mobile electronic commu-
17 nication service shall provide to a governmental entity in-
18 formation generated by and disclosing, on a real time
19 basis, the physical location of a subscriber’s equipment
20 only if the governmental entity obtains a court order
21 issued upon a finding that there is probable cause to be-
22 lieve that an individual using or possessing the subscriber
23 equipment is committing, has committed, or is about to
24 commit a felony offense.”.

1 (b) CONFORMING AMENDMENT.—Section
2 2703(c)(1)(B) of title 18, United States Code, is amended
3 by inserting “or wireless location information covered by
4 subsection (g) of this section” after “(b) of this section”.

5 **SEC. 2145. LIMITATION ON OBTAINING TRANSACTIONAL IN-**
6 **FORMATION FROM PEN REGISTERS OR TRAP**
7 **AND TRACE DEVICES.**

8 Subsection 3123(a) of title 18, United States Code,
9 is amended to read as follows:

10 “(a) IN GENERAL.—Upon an application made under
11 section 3122, the court may enter an ex parte order—

12 “(1) authorizing the installation and use of a
13 pen register or a trap and trace device within the ju-
14 risdiction of the court if the court finds, based on
15 the certification by the attorney for the Government
16 or the State law enforcement or investigative officer,
17 that the information likely to be obtained by such in-
18 stallation and use is relevant to an ongoing criminal
19 investigation; and

20 “(2) directing that the use of the pen register
21 or trap and trace device be conducted in such a way
22 as to minimize the recording or decoding of any elec-
23 tronic or other impulses that are not related to the
24 dialing and signaling information utilized in call
25 processing.”.

1 **Subtitle B—Combating Money**
2 **Laundering**

3 **SEC. 2201. SHORT TITLE.**

4 This subtitle may be cited as the “Money Laundering
5 Enforcement Act of 2001”.

6 **SEC. 2202. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

7 (a) CIVIL FORFEITURE FOR MONEY TRANSMITTING
8 VIOLATION.—Section 981(a)(1)(A) of title 18, United
9 States Code, is amended by striking “or 1957” and insert-
10 ing “, 1957, or 1960”.

11 (b) SCIENTER REQUIREMENT FOR SECTION 1960
12 VIOLATION.—Section 1960 of title 18, United States
13 Code, is amended by adding at the end the following:

14 “(c) SCIENTER REQUIREMENT.—For the purposes of
15 proving a violation of this section involving an illegal
16 money transmitting business—

17 “(1) it shall be sufficient for the Government to
18 prove that the defendant knew that the money trans-
19 mitting business lacked a license required by State
20 law; and

21 “(2) it shall not be necessary to show that the
22 defendant knew that the operation of such a busi-
23 ness without the required license was an offense
24 punishable as a felony or misdemeanor under State
25 law.”.

1 **SEC. 2203. RESTRAINT OF ASSETS OF PERSONS ARRESTED**
2 **ABROAD.**

3 Section 981(b) of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(3) RESTRAINT OF ASSETS.—

6 “(A) IN GENERAL.—If any person is arrested
7 or charged in a foreign country in connection with
8 an offense that would give rise to the forfeiture of
9 property in the United States under this section or
10 under the Controlled Substances Act (21 U.S.C. 801
11 et seq.), the Attorney General may apply to any
12 Federal judge or magistrate judge in the district in
13 which the property is located for an ex parte order
14 restraining the property subject to forfeiture for not
15 more than 30 days, except that the time may be ex-
16 tended for good cause shown at a hearing conducted
17 in the manner provided in Rule 43(e) of the Federal
18 Rules of Civil Procedure.

19 “(B) APPLICATION.—An application for a re-
20 straining order under subparagraph (A) shall—

21 “(i) set forth the nature and circumstances
22 of the foreign charges and the basis for belief
23 that the person arrested or charged has prop-
24 erty in the United States that would be subject
25 to forfeiture; and

1 “(ii) contain a statement that the restrain-
2 ing order is needed to preserve the availability
3 of property for such time as is necessary to re-
4 ceive evidence from the foreign country or else-
5 where in support of probable cause for the sei-
6 zure of the property under this subsection.”.

7 **SEC. 2204. CIVIL MONEY LAUNDERING JURISDICTION OVER**
8 **FOREIGN PERSONS.**

9 Section 1956(b) of title 18, United States Code, is
10 amended—

11 (1) by redesignating paragraphs (1) and (2) as
12 subparagraphs (A) and (B), respectively, and indent-
13 ing each subparagraph appropriately;

14 (2) by striking “(b) Whoever” and inserting the
15 following:

16 “(b) CIVIL PENALTIES.—

17 “(1) IN GENERAL.—Whoever”; and

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

19 “(2) JURISDICTION.—For purposes of adjudi-
20 cating an action filed or enforcing a penalty ordered
21 under this section, the district courts of the United
22 States shall have jurisdiction over any foreign per-
23 son, including any financial institution authorized
24 under the laws of a foreign country, that commits an
25 offense under subsection (a) involving a financial

1 transaction that occurs in whole or in part in the
2 United States, if service of process upon such for-
3 eign person is made in accordance with the Federal
4 Rules of Civil Procedure or the laws of the foreign
5 country in which the foreign person is found.

6 “(3) SATISFACTION OF JUDGMENT.—In any ac-
7 tion described in paragraph (2), the court may issue
8 a pretrial restraining order or take any other action
9 necessary to ensure that any bank account or other
10 property held by the defendant in the United States
11 is available to satisfy a judgment under this sec-
12 tion.”.

13 **SEC. 2205. PUNISHMENT OF LAUNDERING MONEY**
14 **THROUGH FOREIGN BANKS.**

15 Section 1956(c)(6) of title 18, United States Code,
16 is amended to read as follows:

17 “(6) the term ‘financial institution’ includes—

18 “(A) any financial institution described in
19 section 5312(a)(2) of title 31, or the regula-
20 tions promulgated thereunder; and

21 “(B) any foreign bank, as defined in sec-
22 tion 1(b)(7) of the International Banking Act of
23 1978 (12 U.S.C. 3101(7));”.

1 **SEC. 2206. ADDITION OF SERIOUS FOREIGN CRIMES TO**
2 **LIST OF MONEY LAUNDERING PREDICATES.**

3 (a) IN GENERAL.—Section 1956(c)(7) of title 18,
4 United States Code, is amended—

5 (1) in subparagraph (B)—

6 (A) by striking clause (ii) and inserting the
7 following:

8 “(ii) any act or acts constituting a
9 crime of violence;” and

10 (B) by adding at the end the following:

11 “(iv) fraud, or any scheme to defraud,
12 committed against a foreign government or
13 foreign governmental entity;

14 “(v) bribery of a public official, or the
15 misappropriation, theft, or embezzlement
16 of public funds by or for the benefit of a
17 public official;

18 “(vi) smuggling or export control vio-
19 lations involving munitions listed in the
20 United States Munitions List or tech-
21 nologies with military applications as de-
22 fined in the Commerce Control List of the
23 Export Administration Regulations; or

24 “(vii) an offense with respect to which
25 the United States would be obligated by a
26 multilateral treaty either to extradite the

1 alleged offender or to submit the case for
2 prosecution, if the offender were found
3 within the territory of the United States;”;

4 (2) in subparagraph (D)—

5 (A) by inserting “section 541 (relating to
6 goods falsely classified),” before “section 542”;

7 (B) by inserting “section 922(l) (relating
8 to the unlawful importation of firearms), sec-
9 tion 924(m) (relating to firearms trafficking),”
10 before “section 956”;

11 (C) by inserting “section 1030 (relating to
12 computer fraud and abuse),” before “1032”;
13 and

14 (D) by inserting “any felony violation of
15 the Foreign Agents Registration Act of 1938
16 (22 U.S.C. 611 et seq.),” before “or any felony
17 violation of the Foreign Corrupt Practices Act”;
18 and

19 (3) in subparagraph (E), by inserting “the
20 Clean Air Act (42 U.S.C. 6901 et seq.),” after “the
21 Safe Drinking Water Act (42 U.S.C. 300f et seq.),”.

1 **SEC. 2207. CRIMINAL FORFEITURE FOR MONEY LAUN-**
 2 **DERING CONSPIRACIES.**

3 Section 982(a)(1) of title 18, United States Code, is
 4 amended by inserting “or a conspiracy to commit any such
 5 offense,” after “of this title.”

6 **SEC. 2208. FUNGIBLE PROPERTY IN FOREIGN BANK AC-**
 7 **COUNTS.**

8 Section 984(d) of title 18, United States Code, is
 9 amended by adding at the end the following:

10 “(3) In this subsection, the term ‘financial institu-
 11 tion’ includes a foreign bank, as defined in section 1(b)(7)
 12 of the International Banking Act of 1978 (12 U.S.C.
 13 3101(7)).”

14 **SEC. 2209. ADMISSIBILITY OF FOREIGN BUSINESS**
 15 **RECORDS.**

16 (a) IN GENERAL.—Chapter 163 of title 28, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

19 **“§ 2467. Foreign records**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘business’ includes business, insti-
 22 tution, association, profession, occupation, and call-
 23 ing of every kind whether or not conducted for prof-
 24 it;

25 “(2) the term ‘foreign certification’ means a
 26 written declaration made and signed in a foreign

1 country by the custodian of a record of regularly
2 conducted activity or another qualified person, that
3 if falsely made, would subject the maker to criminal
4 penalty under the law of that country;

5 “(3) the term ‘foreign record of regularly con-
6 ducted activity’ means a memorandum, report,
7 record, or data compilation, in any form, of acts,
8 events, conditions, opinions, or diagnoses, main-
9 tained in a foreign country; and

10 “(4) the term ‘official request’ means a letter
11 rogatory, a request under an agreement, treaty or
12 convention, or any other request for information or
13 evidence made by a court of the United States or an
14 authority of the United States having law enforce-
15 ment responsibility, to a court or other authority of
16 a foreign country.

17 “(b) ADMISSIBILITY.—In a civil proceeding in a court
18 of the United States, including a civil forfeiture proceeding
19 and a proceeding in the United States Claims Court and
20 the United States Tax Court, unless the source of infor-
21 mation or the method or circumstances of preparation in-
22 dicate lack of trustworthiness, a foreign record of regu-
23 larly conducted activity (or a duplicate of such record),
24 obtained pursuant to an official request, shall not be ex-
25 cluded as evidence by the hearsay rule if a foreign certifi-

1 cation, also obtained pursuant to the same official request
2 or subsequent official request that adequately identifies
3 such foreign record, attests that—

4 “(1) the foreign record was made, at or near
5 the time of the occurrence of the matters set forth,
6 by (or from information transmitted by) a person
7 with knowledge of those matters;

8 “(2) the foreign record was kept in the course
9 of a regularly conducted business activity;

10 “(3) the business activity made such a record
11 as a regular practice; and

12 “(4) if the foreign record is not the original, the
13 record is a duplicate of the original.

14 “(c) FOREIGN CERTIFICATION.—A foreign certifi-
15 cation under this section shall authenticate a record or
16 duplicate described in subsection (b).

17 “(d) NOTICE.—

18 “(1) IN GENERAL.—As soon as practicable
19 after a responsive pleading has been filed, a party
20 intending to offer in evidence under this section a
21 foreign record of regularly conducted activity shall
22 provide written notice of that intention to each other
23 party.

24 “(2) OPPOSITION.—A motion opposing admis-
25 sion in evidence of a record under paragraph (1)

1 shall be made by the opposing party and determined
2 by the court before trial. Failure by a party to file
3 such motion before trial shall constitute a waiver of
4 objection to such record, except that the court for
5 cause shown may grant relief from the waiver.”.

6 (b) CONFORMING AMENDMENT.—The analysis for
7 chapter 163 of title 28, United States Code, is amended
8 by adding at the end the following:

“2467. Foreign records.”.

9 **SEC. 2210. CHARGING MONEY LAUNDERING AS A COURSE**
10 **OF CONDUCT.**

11 Section 1956(h) of title 18, United States Code, is
12 amended—

13 (1) by striking “(h) Any person” and inserting
14 the following:

15 “(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

16 “(1) CONSPIRACY.—Any person”; and

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

18 “(2) MULTIPLE VIOLATIONS.—Any person who
19 commits multiple violations of this section or section
20 1957 that are part of the same scheme or continuing
21 course of conduct may be charged, at the election of
22 the Government, in a single count in an indictment
23 or information.”.

1 **SEC. 2211. VENUE IN MONEY LAUNDERING CASES.**

2 Section 1956 of title 18, United States Code, is
3 amended by adding at the end the following:

4 “(i) VENUE.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), a prosecution for an offense under this
7 section or section 1957 may be brought in any dis-
8 trict in which the financial or monetary transaction
9 is conducted, or in which a prosecution for the un-
10 derlying specified unlawful activity could be brought,
11 if the defendant participates in the transfer of the
12 proceeds of the specified unlawful activity from that
13 district to the district where the financial or mone-
14 tary transaction is conducted.

15 “(2) EXCEPTION.—A prosecution for an at-
16 tempt or conspiracy offense under this section or
17 section 1957 may be brought in the district in which
18 venue would lie for the completed offense under
19 paragraph (1), or in any other district in which an
20 act in furtherance of the attempt or conspiracy took
21 place.”.

22 **SEC. 2212. TECHNICAL AMENDMENT TO RESTORE WIRETAP**
23 **AUTHORITY FOR CERTAIN MONEY LAUN-**
24 **DERING OFFENSES.**

25 Section 2516(1)(g) of title 18, United States Code,
26 is amended by striking “of title 31, United States Code

1 (dealing with the reporting of currency transactions)” and
2 inserting “or 5324 of title 31 (dealing with the reporting
3 and illegal structuring of currency transactions)”.

4 **SEC. 2213. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-**
5 **MONEY LAUNDERING ORDERS.**

6 (a) REPORTING VIOLATIONS.—Section 5324(a) of
7 title 31, United States Code, is amended—

8 (1) in the matter preceding paragraph (1), by
9 inserting “, or the reporting requirements imposed
10 by an order issued pursuant to section 5326” after
11 “any such section”; and

12 (2) in each of paragraphs (1) and (2), by in-
13 sserting “, or a report required under any order
14 issued pursuant to section 5326” before the semi-
15 colon.

16 (b) PENALTIES.—Sections 5321(a)(1), 5322(a), and
17 5322(b) of title 31, United States Code, are each amended
18 by inserting “or order issued” after “or a regulation pre-
19 scribed” each place that term appears.

20 **SEC. 2214. ENCOURAGING FINANCIAL INSTITUTIONS TO NO-**
21 **TIFY LAW ENFORCEMENT AUTHORITIES OF**
22 **SUSPICIOUS FINANCIAL TRANSACTIONS.**

23 (a) IN GENERAL.—Section 2702(b)(6) of title 18,
24 United States Code, is amended—

1 (1) by inserting “or supervisory agency” after
2 “a law enforcement agency”;

3 (2) in subparagraph (A), by striking “; and”
4 and inserting “and appear to pertain to the commis-
5 sion of the crime; or”; and

6 (3) in subparagraph (B), by striking “appear to
7 pertain to the commission of the crime.” and insert-
8 ing “appear to reveal a suspicious transaction rel-
9 evant to a possible violation of law or regulation.”

10 (b) DEFINITIONS.—Section 2711 of title 18, United
11 States Code, is amended—

12 (1) in paragraph (1), by striking “and” at the
13 end;

14 (2) in paragraph (2), by striking the period at
15 the end and inserting “; and”; and

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

17 “(3) the terms ‘suspicious transaction’ and ‘rel-
18 evant to a possible violation of the law or regulation’
19 shall be interpreted in the same manner as those
20 terms have been interpreted for purposes of section
21 5318(g) of title 31; and

22 “(4) the term ‘supervisory agency’ has the
23 meaning given the term in section 1101(7) of the
24 Right to Financial Privacy Act of 1978.”.

1 **SEC. 2215. COVERAGE OF FOREIGN BANK BRANCHES IN**
2 **THE TERRITORIES.**

3 Section 20(9) of title 18, United States Code, is
4 amended by inserting before the period the following: “,
5 except that for purposes of this section the definition of
6 the term ‘State’ in such Act shall be deemed to include
7 a commonwealth, territory, or possession of the United
8 States”.

9 **SEC. 2216. CONFORMING STATUTE OF LIMITATIONS**
10 **AMENDMENT FOR CERTAIN BANK FRAUD OF-**
11 **FENSES.**

12 Section 3293 of title 18, United States Code, is
13 amended—

14 (1) by inserting “225,” after “215,”; and

15 (2) by inserting “1032,” before “1033”.

16 **SEC. 2217. JURISDICTION OVER CERTAIN FINANCIAL**
17 **CRIMES COMMITTED ABROAD.**

18 Section 1029 of title 18, United States Code, is
19 amended by adding at the end the following:

20 “(h) JURISDICTION OVER CERTAIN FINANCIAL
21 CRIMES COMMITTED ABROAD.—Any person who, outside
22 the jurisdiction of the United States, engages in any act
23 that, if committed within the jurisdiction of the United
24 States, would constitute an offense under subsection (a)
25 or (b), shall be subject to the same penalties as if that

1 offense had been committed in the United States, if the
2 act—

3 “(1) involves an access device issued, owned,
4 managed, or controlled by a financial institution, ac-
5 count issuer, credit card system member, or other
6 entity within the jurisdiction of the United States;
7 and

8 “(2) causes, or if completed would have caused,
9 a transfer of funds from or a loss to an entity listed
10 in paragraph (1).”.

11 **SEC. 2218. KNOWLEDGE THAT THE PROPERTY IS THE PRO-**
12 **CEEDS OF A FELONY.**

13 Section 1956(c)(1) of title 18, United States Code,
14 is amended by inserting “, and regardless of whether or
15 not the person knew that the activity constituted a felony”
16 before the semicolon at the end.

17 **SEC. 2219. MONEY LAUNDERING TRANSACTIONS; COMMUN-**
18 **ICATED ACCOUNTS.**

19 (a) SECTION 1956.—Section 1956 of title 18, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 “(i) A transaction, transportation, transmission, or
23 transfer of funds shall be considered for the purposes of
24 this section to be one involving the proceeds of specified
25 unlawful activity, or property represented to be the pro-

1 ceeds of specified unlawful activity, if the transaction,
2 transportation, transmission, or transfer involves—

3 “(1) funds directly traceable to the specified
4 unlawful activity, or represented to be directly trace-
5 able to the specified unlawful activity;

6 “(2) a bank account in which the proceeds of
7 specified unlawful activity, or property represented
8 to be the proceeds of specified unlawful activity,
9 have been commingled with other funds; or

10 “(3) 2 or more bank accounts, where the pro-
11 ceeds of specified unlawful activity, or property rep-
12 resented to be the proceeds of specified unlawful ac-
13 tivity, are deposited into 1 bank account and there
14 is a contemporaneous, related withdrawal from, or
15 debit to, another bank account controlled by the
16 same person, or by a person acting in concert with
17 that person.”.

18 (b) SECTION 1957.—Section 1957(f) of title 18,
19 United States Code, is amended by inserting after para-
20 graph (3) the following:

21 “(4) the term ‘monetary transaction in crimi-
22 nally derived property that is of a value greater than
23 \$10,000’ includes—

24 “(A) a monetary transaction involving the
25 transfer, withdrawal, encumbrance or other dis-

1 position of more than \$10,000 from a bank ac-
 2 count in which more than \$10,000 in proceeds
 3 of specified unlawful activity have been commin-
 4 gled with other funds;

5 “(B) a series of monetary transactions in
 6 amounts under \$10,000 that exceed \$10,000 in
 7 the aggregate and that are closely related to
 8 each other in terms of time, the identity of the
 9 parties involved, the nature of the transactions
 10 and the manner in which they are conducted;
 11 and

12 “(C) any financial transaction described in
 13 section 1956(i)(3) that involves more than
 14 \$10,000 in proceeds of specified unlawful activ-
 15 ity.”.

16 (c) TECHNICAL AMENDMENT.—Section
 17 1956(c)(7)(F) of title 18, United States Code, is amended
 18 by inserting “, as defined in section 24” before the period.

19 **SEC. 2220. LAUNDERING THE PROCEEDS OF TERRORISM.**

20 Section 1956(c)(7)(D) of title 18, United States
 21 Code, is amended by inserting “or 2339B” after “2339A”.

22 **SEC. 2221. VIOLATIONS OF SECTION 6050I.**

23 Sections 981(a)(1)(A) and 982(a)(1) of title 18,
 24 United States Code, are amended by inserting “, or of sec-

1 tion 6050I of the Internal Revenue Code of 1986 (26
2 U.S.C. § 6050I)” after “of title 31”.

3 **SEC. 2222. INCLUDING AGENCIES OF TRIBAL GOVERN-**
4 **MENTS IN THE DEFINITION OF A FINANCIAL**
5 **INSTITUTION.**

6 Section 5312(a)(2)(W) of title 31, United States
7 Code, is amended by striking “State or local” and insert-
8 ing “State, local or tribal”.

9 **SEC. 2223. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC**
10 **TARGETING ORDERS AND CERTAIN RECORD-**
11 **KEEPING REQUIREMENTS.**

12 (a) CIVIL PENALTY FOR VIOLATION OF TARGETING
13 ORDER.—Section 5321(a)(1) of title 31, United States
14 Code, is amended—

15 (1) by inserting “or order issued” after “sub-
16 chapter or a regulation prescribed”; and

17 (2) by inserting A, or willfully violating a regu-
18 lation prescribed under section 21 of the Federal
19 Deposit Insurance Act or section 123 of Public Law
20 91–508,” after “section 5314 and 5315”).

21 (b) CRIMINAL PENALTIES FOR VIOLATION OF TAR-
22 GETING ORDER.—Section 5322 of title 31, United States
23 Code, is amended—

24 (1) in subsection (a)—

1 (A) by inserting “or order issued” after
 2 “willfully violating this subchapter or a regula-
 3 tion prescribed”; and

4 (B) by inserting “or willfully violating a
 5 regulation prescribed under section 21 of the
 6 Federal Deposit Insurance Act or section 123
 7 of Public Law 91–508,” after “under section
 8 5315 or 5324,”;

9 (2) in subsection (b)—

10 (A) by inserting “or order issued” after
 11 “willfully violating this subchapter or a regula-
 12 tion prescribed”; and

13 (B) by inserting “willfully violating a regu-
 14 lation prescribed under section 21 of the Fed-
 15 eral Deposit Insurance Act or section 123 of
 16 Public Law 91–508,” after “under section 5315
 17 or 5324,”;

18 (c) STRUCTURING TRANSACTIONS TO EVADE TAR-
 19 GETING ORDER OR CERTAIN RECORDKEEPING REQUIRE-
 20 MENTS.—Section 5324 of title 31, United States Code, is
 21 amended—

22 (1) in the title by inserting “or recordkeeping”
 23 after “reporting”.

24 (2) in subsection (a)—

25 (A) by inserting a comma after “shall”;

1 (B) by striking “section—” and inserting
 2 “section, the reporting or recordkeeping re-
 3 quirements imposed by any order issued under
 4 section 5326, or the recordkeeping requirements
 5 imposed by any regulation prescribed under sec-
 6 tion 21 of the Federal Deposit Insurance Act or
 7 section 123 of Public Law 91–508—”;

8 (C) in paragraphs (1) and (2), by inserting
 9 “, to file a report or maintain a record required
 10 by any order issued under section 5326, or to
 11 maintain a record required pursuant to any reg-
 12 ulation prescribed under section 21 of the Fed-
 13 eral Deposit Insurance Act or section 123 of
 14 Public Law 91–508” after “regulation pre-
 15 scribed under any such section” each place that
 16 term appears.

17 **Subtitle C—Antidrug Provisions**

18 **SEC. 2301. AMENDMENTS CONCERNING TEMPORARY EMER-** 19 **GENCY SCHEDULING.**

20 Section 201(h) of the Controlled Substances Act (21
 21 U.S.C. 811(h)) is amended to read as follows:

22 “(h) TEMPORARY SCHEDULING TO AVOID IMMINENT
 23 HAZARDS TO PUBLIC SAFETY.—

24 “(1) IN GENERAL.—If the Attorney General
 25 finds that the control of a substance on a temporary

1 basis is necessary to avoid an imminent hazard to
2 the public safety, the Attorney General may, by
3 order and without regard to the requirements of
4 subsection (b) of this section relating to the Sec-
5 retary of Health and Human Services, and without
6 regard to the findings required under section 202(b)
7 (21 U.S.C. 812(b)), temporarily schedule such sub-
8 stance in accordance with this subsection if no ap-
9 proval is in effect for the substance under section
10 505(i) of the Federal Food, Drug, and Cosmetic Act
11 (hereafter in this subsection referred to as the FDC
12 Act) (21 U.S.C. 355(i)).

13 “(A) If the substance is not contained in
14 a drug for which an investigational new drug
15 exemption is in effect under section 505(i) of
16 the FDC Act, the temporary scheduling order
17 shall place such substance in schedule I.

18 “(B) If the substance is contained in a
19 drug for which an investigational new drug ex-
20 emption is in effect under section 505(i) of the
21 FDC Act, the temporary scheduling order shall
22 place such substance in schedule II, subject to
23 the conditions set forth in paragraph (6) of this
24 subsection.

1 “(C) A temporary scheduling order, or
2 order renewing such order, may not take effect
3 before the expiration of thirty days from—

4 “(i) the date of the publication by the
5 Attorney General of a notice in the Federal
6 Register of the intention to issue such
7 order and the grounds upon which such
8 order is to be issued; and

9 “(ii) the date the Attorney General
10 has transmitted the notice required by
11 paragraph (4).

12 “(2) DURATION OF TEMPORARY SCHEDULING;
13 RENEWAL OF ORDERS.—

14 “(A) A temporary scheduling order issued
15 under subparagraph (1)(A) of this subsection
16 shall expire at the end of one year from the ef-
17 fective date of the order, except that the Attor-
18 ney General may, during the pendency of pro-
19 ceedings under subsection (a)(1) of this section
20 with respect to the substance, extend the tem-
21 porary scheduling order for up to six months.

22 “(B) A temporary scheduling order issued
23 under subparagraph (1)(B) of this subsection
24 shall expire at the end of 18 months from the
25 effective date of the order, except that, if the

1 Attorney General determines that continuation
2 of the temporary scheduling order is necessary
3 to avoid an imminent hazard to the public safe-
4 ty, the Attorney General may issue a renewal
5 order, 30 days prior to expiration of the tem-
6 porary scheduling order, extending the original
7 order for an additional 18 months, provided the
8 following conditions are met—

9 “(i) an exemption with respect to such
10 substance remains in effect under section
11 505(i) of the FDC Act; and—

12 “(ii) the holder of such exemption is
13 actively pursuing the clinical investigation
14 of the substance.

15 The Secretary shall certify to the Attorney Gen-
16 eral whether or not each of conditions (i) and
17 (ii) continue to be met no later than 90 days
18 prior to the date on which the temporary sched-
19 uling order is scheduled to a expire. As long as
20 both conditions continue to be met, the Attor-
21 ney General may, every 18 months, continue to
22 issue orders renewing the temporary scheduling
23 of a particular substance. If either of the fore-
24 going conditions are no longer met for a par-
25 ticular substance, the temporary scheduling of

1 that substance may not be renewed and shall
2 expire 12 months after the date on which such
3 condition fails to be met, except that the Attor-
4 ney General may, during the pendency of pro-
5 ceedings under subsection (a)(1) of this section
6 with respect to the substance, extend the tem-
7 porary scheduling for an additional six months.

8 “(3) FACTORS DETERMINATIVE OF TEMPORARY
9 SCHEDULING.—When issuing an order under para-
10 graph (1), the Attorney General shall be required to
11 consider, with respect to the finding of an imminent
12 hazard to the public safety, only those factors set
13 forth in paragraphs (4), (5), and (6) of subsection
14 (c) of this section, including actual abuse, diversion
15 from legitimate channels, and clandestine importa-
16 tion, manufacture, or distribution.

17 “(4) CONSULTATION WITH THE SECRETARY OF
18 HEALTH AND HUMAN SERVICES.—The Attorney
19 General shall transmit notice of an order proposed
20 to be issued under paragraph (1) to the Secretary of
21 Health and Human Services. In issuing an order
22 under paragraph (1), the Attorney General shall
23 take into consideration any comments submitted by
24 the Secretary in response to a notice transmitted
25 pursuant to this paragraph.

1 “(5) EFFECT OF PERMANENT SCHEDULING
2 PROCEEDINGS.—An order issued under paragraph
3 (1) with respect to a substance shall be vacated
4 upon the conclusion of a subsequent rule making
5 proceeding initiated under subsection (a) of this sec-
6 tion with respect to such substance.

7 “(6) SPECIAL RULES APPLICABLE TO TEMPO-
8 RARILY SCHEDULED INVESTIGATIONAL DRUGS.—

9 (A) In the case of a substance that is tem-
10 porarily scheduled under subparagraph (l)(B) of
11 this subsection that was controlled under this
12 subchapter prior to its temporary scheduling,
13 any person who manufactures, distributes, dis-
14 penses, possesses, or uses such substance within
15 the scope of the exemption under section 505(i)
16 of the FDC Act shall be subject to the same re-
17 quirements of this subchapter that were in ef-
18 fect prior to the temporary scheduling.

19 “(B) In the case of a substance that is
20 temporarily scheduled under subparagraph
21 (l)(B) of this subsection that was not controlled
22 under this subchapter prior to its temporary
23 scheduling, any person who manufactures, dis-
24 tributes, dispenses, possesses, or uses such sub-
25 stance within the scope of the exemption under

1 section 505(i) of the FDC Act shall not be re-
2 quired to comply with the requirements of part
3 C of this subchapter, except as provided in this
4 paragraph—

5 “(i) Such person shall be subject to
6 sections 302, 303, and 304 (21 U.S.C.
7 822, 823, and 824), relating to registra-
8 tion.

9 “(ii) Compliance with applicable
10 record keeping and reporting requirements
11 of the FDC Act, as determined by the Sec-
12 retary, shall constitute compliance with
13 section 307 (21 U.S.C. 827). A violation of
14 such requirements shall constitute a viola-
15 tion of section 307 and shall subject a vio-
16 lator to applicable penalties under Part D
17 of this subchapter, in addition to any other
18 penalties provided by law. Records or docu-
19 ments required to be kept for such pur-
20 poses under the FDC Act shall be deemed
21 records or documents required under this
22 subchapter, and places where such records
23 or documents are kept or required to be
24 kept shall be deemed controlled premises
25 for purposes of administrative inspections

1 and warrants under section 510 (21
2 U.S.C. 880).

3 “(iii) A registrant handling an inves-
4 tigational drug that has been temporarily
5 scheduled under this section shall be sub-
6 ject to the requirements established under
7 section 307(f), relating to procedures nec-
8 essary to insure the security and account-
9 ability of controlled substances used in re-
10 search and to prevent theft or diversion of
11 the drug into illegal channels of distribu-
12 tion.

13 “(C) Each person that is a sponsor of an
14 investigation of a new drug for which a re-
15 search exemption is in effect under section
16 505(i) of the FDC Act with respect to such
17 substance shall be required to certify to the
18 Secretary of Health and Human Services, by
19 one month after the effective date of the tem-
20 porary scheduling order with respect to the sub-
21 stance, and by the end of each succeeding six
22 month period, that such person is able to ac-
23 count for the location and use of all quantities
24 of such substance that are or have been manu-
25 factured, distributed, dispensed, possessed, or

1 used under such exemption on or before the
2 date of such certification.

3 “(D) In the case of a substance that is
4 temporarily scheduled under subparagraph
5 (1)(B) of this subsection, the disclosure of the
6 existence of an exemption under section 505(i)
7 of the FDC Act with respect to such substance
8 shall not be considered to be disclosure prohib-
9 ited by section 301(j) of the FDC Act or sec-
10 tion 1905 of title 18 of the United States Code.

11 “(E) The manufacture, possession, dis-
12 tribution, or use of such substance within the
13 scope of such exception shall not be subject to
14 any requirements or penalty under State or
15 local law more stringent than the provisions of
16 this chapter or other applicable Federal law.

17 “(7) JUDICIAL REVIEW.—An order issued
18 under paragraph (1) is not subject to judicial review,
19 except that a renewal order issued under subpara-
20 graph (2)(B) of this subsection is subject to judicial
21 review in accordance with section 507 (21 U.S.C.
22 877).”.

1 **SEC. 2302. AMENDMENT TO REPORTING REQUIREMENT**
2 **FOR TRANSACTIONS INVOLVING CERTAIN**
3 **LISTED CHEMICALS.**

4 Section 310(b)(3) of the Controlled Substances Act
5 (21 U.S.C. 830(b)(3)) is amended by—

6 (1) redesignating subparagraphs (A) and (B) as
7 subparagraphs (B) and (C);

8 (2) inserting a new subparagraph (A) as fol-
9 lows:

10 “(A) As used in this section, the term
11 ‘drug product’ means a pharmaceutical sub-
12 stance in dosage form that has been approved
13 under the Food, Drug and Cosmetic Act for
14 distribution in the United States.”;

15 (3) in the redesignated (B) by inserting “or
16 who engages in an export transaction” after “non-
17 regulated person”; and

18 (4) adding at the end the following—

19 “(D) Except as provided in subparagraph
20 (E), the following distributions to a nonregu-
21 lated person and the following export trans-
22 actions shall not be subject to the reporting re-
23 quirement established in subparagraph (B):

24 “(i) distributions of sample packages
25 of drug products when such packages con-
26 tain not more than 2 solid dosage units or

1 the equivalent of 2 dosage units in liquid
2 form, not to exceed 10 milliliters of liquid
3 per package, and not more than one pack-
4 age is distributed to an individual or resi-
5 dential address in any 30-day time period;

6 “(ii) distributions of drug products by
7 retail distributors to the extent that such
8 distributions are consistent with the activi-
9 ties authorized for a retail distributor as
10 set out in section 102(46) of this title;

11 “(iii) distributions of drug products to
12 a resident of a Long Term Care Facility
13 (as that term is defined in the regulations
14 of the Attorney General) or distributions of
15 drug products to a Long Term Care Facil-
16 ity for dispensing to or for use by a resi-
17 dent of that facility;

18 “(iv) distributions of drug products
19 pursuant to a valid prescription (as used in
20 this section, the term ‘valid prescription’ is
21 one which is issued for a legitimate med-
22 ical purpose by individual practitioner li-
23 censed by law to administer and prescribe
24 such drugs and acting in the usual course
25 of his/her professional practice);

1 “(v) exports which have been reported
2 to the Attorney General pursuant to sec-
3 tion 1004 or 1018 of title III or which are
4 subject to a waiver granted under section
5 1018(e)(2) of title III; and

6 “(vi) any quantity, method or type of
7 distribution or any quantity, method or
8 type of distribution of a specific listed
9 chemical (including specific formulations or
10 drug products) or of a group of listed
11 chemicals (including specific formulations
12 or drug products) which the Attorney Gen-
13 eral has excluded by regulation from this
14 reporting requirement on the basis that
15 such reporting is not necessary to the en-
16 forcement of this title or title III.

17 “(E) The Attorney General may revoke
18 any or all of the exemptions listed in (C) for an
19 individual regulated person if he finds that drug
20 products distributed by that person are being
21 used in violation of this title or title III. The
22 regulated person shall be notified of this revoca-
23 tion, which will be effective upon receipt by the
24 regulated person of such notice, as provided in
25 section 1018(c)(1) of title III and has the right

1 to an expedited hearing as provided in section
2 1018(c)(2) of title III.”.

3 **SEC. 2303. DRUG PARAPHERNALIA.**

4 (a) IN GENERAL.—Section 422(d) of the Controlled
5 Substances Act (21 U.S.C. 863(d)) is amended by insert-
6 ing “packaging,” after “concealing,”.

7 (b) DETERMINATION OF DRUG PARAPHERNALIA.—
8 Section 422(e)(4) of the Controlled Substances Act (21
9 U.S.C. 863(e)(4)) is amended by adding the following
10 after “sale”: “including, but not limited to, whether the
11 item displays any name brand, insignia or other indicator
12 which is associated with illegal drugs or which is used to
13 advertise or identify an illegal drug”.

14 (c) CLERICAL AMENDMENTS.—(1) Section
15 511(a)(10) of the Controlled Substances Act (21 U.S.C.
16 881(a)(10)) is amended by striking all after “as defined
17 in” and inserting “section 422 of this title.”.

18 (2) Section 422 of the Controlled Substances
19 Act (21 U.S.C. 881(a)(10)) is amended—

20 (A) by deleting subsection (c); and

21 (B) by redesignating subsections (d), (e),
22 and (f) as subsections (c), (d), and (e), respec-
23 tively.

1 **SEC. 2304. COUNTERFEIT SUBSTANCES/IMITATION CON-**
2 **TROLLED SUBSTANCES.**

3 (a) Section 102(7) of the Controlled Substances Act
4 (21 U.S.C. 802(7)) is amended by—

5 (1) inserting “(A)” after “(7)”;

6 (2) designating the text after “a controlled sub-
7 stance” as clause (i);

8 (3) inserting “characteristic,” after “number,”;

9 (4) striking the period at the end and inserting
10 a semicolon; and

11 (5) adding at the end the following:

12 “(ii) which falsely purports or is rep-
13 resented to be a different controlled substance;

14 or

15 “(iii) which is manufactured or designed in
16 such a manner, or is distributed, dispensed, or
17 otherwise transferred under such circumstances,
18 such that a reasonable person would believe
19 that the substance is a different controlled sub-
20 stance.

21 “(B) The term ‘imitation controlled substance’
22 means a substance, which is not a controlled sub-
23 stance, that is represented (expressly or by implica-
24 tion) to be a controlled substance.

25 “(C) The term ‘imitation controlled substance’
26 does not include a placebo which is directly applied

1 to the body of a research subject or a patient or
2 which is delivered to a research subject or a person
3 for his own use, by, or pursuant to the order of, a
4 practitioner for a lawful purpose.”.

5 (b) Section 102(8) of the Controlled Substances Act
6 (21 U.S.C. 802(8)) is amended by inserting “, an imita-
7 tion controlled substance,” after “controlled substance”.

8 (c) Section 102(11) of the Controlled Substances Act
9 (21 U.S.C. 802(11)) is amended by—

10 (1) inserting “to deliver an imitation controlled
11 substance or” after “controlled substance or” in the
12 first sentence; and

13 (2) inserting “, an imitation controlled sub-
14 stance,” after “controlled substance” in the second
15 sentence.

16 (d) Section 102(44) of the Controlled Substances Act
17 (21 U.S.C. 802(44)) is amended by—

18 (1) striking “or” after “marihuana,”; and

19 (2) inserting “, anabolic agents, or listed chemi-
20 cals, or an offense that is punishable by imprison-
21 ment for more than one year under any provision of
22 this title or title III” after “stimulant substances”.

23 (e) Section 401(a) of the Controlled Substances Act
24 (21 U.S.C. 841(a)) is amended by—

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

1 (2) striking “create” in paragraph (2) and in-
2 serting “manufacture”;

3 (3) inserting “manufacture,” after “intent to”
4 in paragraph (2);

5 (4) striking the period at the end of paragraph
6 (2) and inserting “; or” ; and

7 (5) adding at the end the following paragraph:

8 “(3) to manufacture, distribute, or dispense, or
9 possess with intent to manufacture, distribute or dis-
10 pense, an imitation controlled substance.”.

11 (f) Section 401(b) of the Controlled Substances Act
12 (21 U.S.C. 841(b) is amended by redesignating para-
13 graphs (4) through (7) as paragraphs (6) through (9) and
14 inserting after paragraph (3) the following:

15 “(4)(A) In the case of a counterfeit substance,
16 such person shall be sentenced in accordance with
17 this section based on the controlled substance which
18 the counterfeit substance is represented to be or
19 based on the controlled substance which is actually
20 contained in the counterfeit substance, whichever
21 provides the greater sentence.

22 “(B) Paragraph (5)(B) of this subsection may
23 be applied to make a determination that a controlled
24 substance is a counterfeit substance.

1 “(5)(A) In the case of an imitation controlled
2 substance, such person shall be sentenced to a term
3 of imprisonment or a fine, or both, which does not
4 exceed one-half of the maximum term of imprison-
5 ment and fine which would apply under this section
6 to the controlled substance which the imitation con-
7 trolled substance is represented to be. The minimum
8 period of supervised release for such person shall be
9 one-half of that which would apply under this sec-
10 tion to the controlled substance which the imitation
11 controlled substance is represented to be.

12 “(B) In the case of a violation of this title or
13 title III involving an imitation controlled substance,
14 the following provisions shall apply:

15 “(i) The trier of fact may consider the fol-
16 lowing factors in addition to any other factor
17 that may be relevant for purposes of deter-
18 mining whether a substance was an imitation
19 controlled substance. The presence of any two
20 of the following factors shall be prima facie evi-
21 dence that the substance was an imitation con-
22 trolled substance; however, the presence of two
23 factors is not required for a determination that
24 a substance is an imitation controlled sub-
25 stance:

1 “(I) The person in control of the sub-
2 stance expressly or impliedly represents
3 that the substance is a controlled sub-
4 stance or has the effect of a controlled sub-
5 stance;

6 “(II) The person in control of the
7 substance expressly or impliedly represents
8 that the substance because of its nature or
9 appearance can be sold, delivered or used
10 as a controlled substance or as a substitute
11 for a controlled substance;

12 “(III) The person in control of the
13 substance utilizes evasive tactics or actions
14 to avoid detection by law enforcement au-
15 thorities or other authorities such as school
16 authorities;

17 “(IV) The physical appearance of the
18 substance is, or is designed to be, substan-
19 tially identical to a specific controlled sub-
20 stance. This may be determined by such
21 factors as color, shape, size, markings,
22 taste, odor, consistency, packaging, label-
23 ing, or other identifying characteristics;

24 “(V) The substance is packaged or
25 distributed in a manner normally used for

1 the illegal distribution of controlled sub-
2 stances; or

3 “(VI) The distribution or attempted
4 distribution includes an exchange or de-
5 mand for money or other property as con-
6 sideration, and the amount of the consider-
7 ation is substantially greater than the rea-
8 sonable retail market value of the sub-
9 stance.

10 “(ii) It shall not constitute a defense that
11 the accused believed the imitation controlled
12 substance to actually be a controlled sub-
13 stance.”.

14 (g) Section 403 of the Controlled Substances Act (21
15 U.S.C. 843) is amended—

16 (1) in paragraph (a)(2), by inserting “or list I
17 chemical” after “controlled substance” each place it
18 appears;

19 (2) in paragraph (a)(3), by inserting “or a lab-
20 oratory supply (as defined in section 402(a) of this
21 title)” after “controlled substance”; and

22 (3) in paragraph (a)(5) by—

23 (A) inserting “or substance” after “drug”
24 both places it appears; and

1 (B) inserting “or an imitation controlled
2 substance” after “counterfeit substance”.

3 (h) Section 506(a) of the Controlled Substances Act
4 (21 U.S.C. 876(a)) is amended by inserting “, imitation
5 controlled substances,” after “controlled substances”.

6 (i) Section 509 of the Controlled Substances Act (21
7 U.S.C. 879) is amended by inserting “imitation controlled
8 substances, or listed chemicals” after “controlled sub-
9 stances”.

10 (j)(1) Section 511(a) of the Controlled Substances
11 Act (21 U.S.C. 881(a)) is amended—

12 (A) in paragraph (1), by inserting “and imita-
13 tion controlled substances” after “controlled sub-
14 stances”;

15 (B) in paragraph (2), by inserting “, imitation
16 controlled substance,” after “controlled substance”;

17 (C) in paragraph (6), by inserting “, imitation
18 controlled substance,” after “controlled substance”;

19 and

20 (D) in paragraph (8), by inserting “and imita-
21 tion controlled substances” after “controlled sub-
22 stances”.

23 (2) Section 607(a)(3) of the Tariff Act of 1930 (19
24 U.S.C. 1607(a)(3)) is amended by inserting “, imitation
25 controlled substance,” after “controlled substance”.

1 (3) Section 607(b) of the Tariff Act of 1930 (19
2 U.S.C. 1607(b)) is amended by inserting “, ‘imitation con-
3 trolled substance’,” after “‘controlled substance’”.

4 (k) Section 1010(a) of the Controlled Substances Act
5 (21 U.S.C. 960(a)) is amended—

6 (1) in paragraph (2), by striking “or” at the
7 end;

8 (2) in paragraph (3), by inserting “or” after
9 “substance,”; and

10 (3) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) knowingly or intentionally imports or ex-
13 ports a counterfeit substance or an imitation con-
14 trolled substance,”.

15 (l) Section 2516(1)(e) of title 18, United States Code,
16 is amended by inserting “or a violation of the Controlled
17 Substances Act (21 U.S.C. 801 et seq.) or the Controlled
18 Substances Import and Export Act (21 U.S.C. 851, et
19 seq.)” after “United States”.

20 **SEC. 2305. CONFORMING AMENDMENT CONCERNING MARI-
21 JUANA PLANTS.**

22 Section 1010(b)(4) of the Controlled Substances Im-
23 port and Export Act (21 U.S.C. 960(b)(4)) is amended
24 by striking “except in the case of 100 or more marijuana

1 plants” and inserting “except in the case of 50 or more
2 marijuana plants”.

3 **SEC. 2306. SERIOUS JUVENILE DRUG TRAFFICKING OF-**
4 **FENSES AS ARMED CAREER CRIMINAL ACT**
5 **PREDICATES.**

6 Section 924(e)(2)(C) of title 18, United States Code,
7 is amended by inserting “or serious drug offense” after
8 “violent felony”.

9 **SEC. 2307. INCREASED PENALTIES FOR USING FEDERAL**
10 **PROPERTY TO GROW OR MANUFACTURE**
11 **CONTROLLED SUBSTANCES.**

12 (a) IN GENERAL.—Section 401(b)(5) of the Con-
13 trolled Substances Act (21 U.S.C. 841(b)(5)) is amended
14 to read as follows:

15 “(5) Any person who violates subsection (a) of
16 this section by cultivating or manufacturing a con-
17 trolled substance on any property in whole or in part
18 owned by or leased to the United States or any de-
19 partment or agency thereof shall be subject to twice
20 the maximum punishment otherwise authorized for
21 the offense.”.

22 (b) SENTENCING ENHANCEMENT.—

23 (1) IN GENERAL.—Pursuant to its authority
24 under section 994(p) of title 28, United States Code,
25 the United States Sentencing Commission shall

1 amend the Federal sentencing guidelines to provide
2 an appropriate sentencing enhancement for any of-
3 fense under section 401(b)(5) of the Controlled Sub-
4 stances Act (21 U.S.C. 841(b)(5)) that occurs on
5 Federal property.

6 (2) CONSISTENCY.—In carrying out this sec-
7 tion, the United States Sentencing Commission
8 shall—

9 (A) ensure that there is reasonable consist-
10 ency with other Federal sentencing guidelines;
11 and

12 (B) avoid duplicative punishment for sub-
13 stantially the same offense.

14 **SEC. 2308. CLARIFICATION OF LENGTH OF SUPERVISED RE-**
15 **LEASE TERMS IN CONTROLLED SUBSTANCE**
16 **CASES.**

17 Subparagraphs (A) through (D) of section 401(b)(1)
18 of the Controlled Substances Act (21 U.S.C. 841(b)(1))
19 are each amended by striking “Any sentence” and insert-
20 ing “Notwithstanding section 3583 of title 18, any sen-
21 tence”.

1 **SEC. 2309. SUPERVISED RELEASE PERIOD AFTER CONVIC-**
2 **TION FOR CONTINUING CRIMINAL ENTER-**
3 **PRISE.**

4 Section 848(a) of title 21, United States Code, is
5 amended by adding to the end of the following: “Any sen-
6 tence under this paragraph shall, in the absence of such
7 a prior conviction, impose a term of supervised release of
8 not less than 10 years in addition to such term of impris-
9 onment and shall, if there was such a prior conviction,
10 impose a term of supervised release of not less than 15
11 years in addition to such term of imprisonment.”.

12 **SEC. 2310. TECHNICAL CORRECTION TO ENSURE COMPLI-**
13 **ANCE OF SENTENCING GUIDELINES WITH**
14 **PROVISIONS OF ALL FEDERAL STATUTES.**

15 Section 994(a) of title 28, United States Code, is
16 amended by striking “consistent with all pertinent provi-
17 sions of this title and title 18, United States Code,” and
18 inserting “consistent with all pertinent provisions of any
19 Federal statute”.

20 **SEC. 2311. IMPORT AND EXPORT OF CHEMICALS USED TO**
21 **PRODUCE ILLICIT DRUGS.**

22 (a) NOTIFICATION REQUIREMENTS.—Section 1018
23 of the Controlled Substances Import and Export Act (21
24 U.S.C. 971) is amended—

25 (1) by amending subsection (a) to read as fol-
26 lows:

1 “(a) Each person who proposes to engage in a trans-
2 action involving the importation or exportation of a listed
3 chemical which requires advance notification pursuant to
4 the regulations of the Attorney General or the importation
5 or exportation of a tableting machine or an encapsulating
6 machine shall notify the Attorney General of the importa-
7 tion or exportation not later than 15 days before the
8 transaction is to take place in such form and supplying
9 such information as the Attorney General shall require by
10 regulation; in the case of an importation for transfer or
11 transshipment pursuant to section 1004 of this title, such
12 notice will be made as provided in that section.”;

13 (2) in subsection (c)(1)—

14 (A) by striking the phrase “(other than a
15 regulated transaction to which the requirement
16 of subsection (a) of this section does not apply
17 by reason of subsection (b) of this section)”;

18 (B) by inserting “, a tableting machine or
19 an encapsulating machine” after “a listed
20 chemical”; and

21 (C) by inserting “, tableting machine, or
22 encapsulating machine” after “the chemical”;
23 and

24 (3) in subsection (e)—

1 (A) by redesignating paragraphs (2) and
2 (3) as paragraphs (4) and (5);

3 (B) by inserting after paragraph (1) new
4 paragraphs (2) and (3) as follows:

5 “(2) The Attorney General may by regulation
6 require that the 15-day notification requirement of
7 subsection (a) apply to all imports of a listed chem-
8 ical, regardless of the status of certain importers of
9 that listed chemical as regular importers, if the At-
10 torney General finds that such notification is nec-
11 essary to support effective chemical diversion control
12 programs or is required by treaty or other inter-
13 national agreement to which the United States is a
14 party.

15 “(3) The Attorney General may require that
16 the notification requirement of subsection (a) for
17 certain importations or exportations, including those
18 subject to section 1004 of this title, include addi-
19 tional information to enable a determination to be
20 made that the listed chemical being imported or ex-
21 ported will be used for a legitimate purpose or when
22 such information is needed to satisfy requirements
23 of the importing or exporting country. The Attorney
24 General will provide notice of these additional re-

1 requirements specifically identifying the listed chemi-
2 cals and countries involved.”.

3 (b) TRANSSHIPMENT.—Section 1004 of the Con-
4 trolled Substances Import and Export Act (21 U.S.C.
5 954) is amended to read as follows:

6 **“§ 954. Transshipment and in-transit shipment of con-**
7 **trolled substances**

8 “(a) Notwithstanding sections 952, 953, 957 and 971
9 of this title, except as provided below—

10 “(1) A controlled substance in schedule I may
11 be imported into the United States—

12 “(A) for transshipment to another country,
13 or

14 “(B) for transference or transshipment
15 from one vessel, vehicle, or aircraft to another
16 vessel, vehicle, or aircraft within the United
17 States for immediate exportation, if and only if
18 (i) evidence is furnished which enables the At-
19 torney General to determine that the substance
20 being so imported, transferred, or transshipped
21 will be used for scientific, medical, or other le-
22 gitimate purposes in the country of destination,
23 and (ii) it is so imported, transferred, or trans-
24 shipped with the prior written approval of the
25 Attorney General (which shall be granted or de-

1 nied within 21 days of the request) based on a
2 determination that the requirements of this sec-
3 tion and the applicable subsections of sections
4 952 and 953 have been satisfied.

5 “(2) A controlled substance in schedule II, III,
6 or IV or a listed chemical may be so imported,
7 transferred, or transshipped if and only evidence is
8 furnished which enables the Attorney General to de-
9 termine that the substance or chemical being so im-
10 ported, transferred, or transshipped will be used for
11 scientific, medical, or other legitimate purposes in
12 the country of destination and (ii) advance notifica-
13 tion is given to the Attorney General not later than
14 15 days prior to the exportation of the substance or
15 chemical from the foreign port of embarkation (the
16 notification period for imports other than for trans-
17 fer or transshipment pursuant to section 1002 or
18 1018 of this title is not affected by this subsection).
19 Such notification shall be in such form and contain
20 such information as the Attorney General may re-
21 quire by regulation.

22 “(b)(1) Any such importation, transfer or trans-
23 shipment of a controlled substance shall be subject to the
24 applicable subsections of sections 1002 and 1003 of this
25 title. The importation, transfer, transshipment or expor-

1 tation of any controlled substance may be suspended on
2 the ground that the controlled substance may be diverted
3 to other than scientific, medical or other legitimate pur-
4 poses.

5 “(2) Any such importation, transfer or transshipment
6 of a listed chemical shall be subject to all the requirements
7 of section 1018 of this title, except that in no case shall
8 the 15-day advance notification requirement be waived.
9 The importation, transfer, transshipment or exportation
10 of a listed chemical may be suspended on the ground that
11 the chemical may be diverted to the clandestine manufac-
12 ture of a controlled substance.

13 “(3) Any such importation, transfer or transshipment
14 of a controlled substance or listed chemical may be sus-
15 pended if any requirement of subsection (a) is not satis-
16 fied. The Attorney General may withdraw a suspension
17 order issued under this paragraph if (A) the requirements
18 of subsection (a) are ultimately satisfied and (B) no
19 grounds exist under paragraphs (1) or (2) of this sub-
20 section to suspend the shipment.

21 “(c) The suspension of any exportation of a con-
22 trolled substance or listed chemical will be subject to the
23 procedures and requirements established in section
24 1018(c) of this title.

1 “(d) Any shipment of a controlled substance or listed
2 chemical which has been imported or is subject to the ju-
3 risdiction of the United States whose importation, trans-
4 fer, transshipment or exportation has been suspended
5 may, in the discretion of the Attorney General, be placed
6 under seal. No disposition may be made of any such con-
7 trolled substance or listed chemical until the suspension
8 order becomes final. However, a court, upon application
9 therefor, may at any time order the sale of a perishable
10 controlled substance or listed chemical. Any such order
11 shall require the deposit of the proceeds of the sale with
12 the court. Upon a suspension order becoming final, the
13 shipment may be disposed of as follows, at the discretion
14 of the Attorney General and subject to such conditions as
15 the Attorney General may impose:

16 “(1) The title holder may be allowed to return
17 the shipment to any of the original exporter’s facili-
18 ties in the country of exportation;

19 “(2) The shipment may be exported, subject to
20 the requirements of section 1003 or 1018 of this
21 title, as appropriate, to a new consignee;

22 “(3) The shipment may be surrendered to the
23 Attorney General for appropriate disposition; all
24 costs associated with this disposition will be the re-
25 sponsibility of the title holder, however if there are

1 any proceeds from the disposition, these will be ap-
2 plied to the repayment of the costs and any excess
3 proceeds will be returned to the titleholder;

4 “(4) If sufficient cause exists, the shipment of
5 controlled substances or listed chemicals (or pro-
6 ceeds of sale deposited in court) may be forfeited to
7 the United States pursuant to section 511 of title II
8 and may be disposed of in accordance with that sec-
9 tion.

10 “(e) Nothing in this section may be used by any party
11 to defend against a forfeiture action against a shipment
12 of controlled substances or listed chemicals initiated by the
13 United States or by any state. This section does not affect
14 the liability of any party for storage and transportation
15 costs incurred by the Government as a result of the sus-
16 pension of a shipment.”.

17 (c) PENALTIES.—Section 1010(d) of the Controlled
18 Substances Import and Export Act (21 U.S.C. 960(d)) is
19 amended—

20 (1) by redesignating paragraphs (5), (6) and
21 (7) as paragraphs (6), (7) and (8);

22 (2) in the redesignated paragraph (6), by strik-
23 ing “1018(e)(2) or (3)” and inserting “1018(e)(4)
24 or (5)”;

1 (3) in the redesignated paragraph (7), by in-
2 serting “or violates section 1004 of this title,” after
3 “1007 or 1018 of this title”; and

4 (4) by inserting after paragraph (4) a new
5 paragraph (5) as follows:

6 “(5) imports or exports a listed chemical, with
7 the intent to evade the reporting or recordkeeping
8 requirements of section 1018 applicable to such im-
9 portation or exportation by falsely representing to
10 the Attorney General that the importation or expor-
11 tation is not subject to the 15-day advance notifica-
12 tion required by section 1018(a) or to any reporting
13 requirements established by the Attorney General
14 pursuant to section 1018(e) (1), (2) or (3) by mis-
15 representing the actual country of final destination
16 of the listed chemical, or the actual listed chemical
17 being imported or exported; or”.

18 (d) Section 1011 of the Controlled Substances Import
19 and Export Act (21 U.S.C. 961) is amended to read as
20 follows:

21 **“§ 1011. Injunctions**

22 “In addition to any other applicable penalty, any per-
23 son convicted of a felony violation of this title or title II
24 relating to the receipt, distribution, manufacture, importa-
25 tion or exportation of a listed chemical may be enjoined

1 from engaging in any transaction involving a listed chem-
2 ical for not more than ten years.”.

3 **Subtitle D—Deterring Cargo Theft**

4 **SEC. 2351. 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. 2352. 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 subtitle.

3 **SEC. 2353. 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 3801(a) of this title); 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 Com-
16 mittee 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. 2354. 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
9 amended—

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. 2355. 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. 2356. 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. 2357. 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 E—Improvements to**
5 **Federal Criminal Law**

6 **PART 1—SENTENCING IMPROVEMENTS**

7 **SEC. 2411. 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. 2412. 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. 2413. 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 (c) OTHER SECTIONS.—Sections 1916, 2234, and
5 2235 of title 18, United States Code, are each amended
6 by inserting “, or both” after “year”.

7 **SEC. 2414. ADDITION OF SUPERVISED RELEASE VIOLATION**
8 **AS PREDICATES FOR CERTAIN OFFENSES.**

9 (a) IN GENERAL.—Sections 1512(a)(1)(C),
10 1512(b)(3), 1512(c)(2), 1513(a)(1)(B), and 1513(b)(2)
11 are each amended by striking “violation of conditions of
12 probation, parole or release pending judicial proceedings”
13 and inserting “violation of conditions of probation, super-
14 vised release, parole, or release pending judicial pro-
15 ceedings”.

16 (b) RELEASE OR DETENTION OF DEFENDANT PEND-
17 ING TRIAL.—Section 3142 of title 18, United States Code,
18 is amended—

19 (1) in subsection (d)(1)(A)(iii), by inserting “,
20 supervised release,” after “probation”; and

21 (2) in subsection (g)(3)(B), by inserting “or su-
22 pervised release” after “probation”.

1 **SEC. 2415. AUTHORITY OF COURT TO IMPOSE A SENTENCE**
2 **OF PROBATION OR SUPERVISED RELEASE**
3 **WHEN REDUCING A SENTENCE OF IMPRISON-**
4 **MENT IN CERTAIN CASES.**

5 Section 3582(c)(1)(A) of title 18, United States
6 Code, is amended by inserting “(and may impose a sen-
7 tence of probation or supervised release with or without
8 conditions)” after “may reduce the term of imprison-
9 ment”.

10 **SEC. 2416. ELIMINATION OF PROOF OF VALUE REQUIRE-**
11 **MENT FOR FELONY THEFT OR CONVERSION**
12 **OF GRAND JURY MATERIAL.**

13 Section 641 of title 18, United States Code, is
14 amended by striking “but if the value of such property
15 does not exceed the sum of \$1,000, he” and inserting “but
16 if the value of such property, other than property consti-
17 tuting ‘matters occurring before the grand jury’ within the
18 meaning of Rule 6(e) of the Federal Rules of Criminal
19 Procedure, does not exceed the sum of \$1,000,”.

20 **SEC. 2417. INCREASED MAXIMUM CORPORATE PENALTY**
21 **FOR ANTITRUST VIOLATIONS.**

22 (a) **RESTRAINT OF TRADE AMONG THE STATES.—**
23 Section 1 of the Sherman Act (15 U.S.C. 1) is amended
24 by striking “\$10,000,000” and inserting “\$100,000,000”.

1 (b) MONOPOLIZING TRADE.—Section 2 of the Sher-
2 man Act (15 U.S.C. 2) is amended by striking
3 “\$10,000,000” and inserting “\$100,000,000”.

4 (c) OTHER RESTRAINTS.—Section 3 of the Sherman
5 Act (15 U.S.C. 3) is amended by striking “\$10,000,000”
6 and inserting “\$100,000,000”.

7 **SEC. 2418. AMENDMENT OF FEDERAL SENTENCING GUIDE-**
8 **LINES FOR COUNTERFEIT BEARER OBLIGA-**
9 **TIONS OF THE UNITED STATES.**

10 (a) IN GENERAL.—Pursuant to its authority under
11 section 994(p) of title 28, United States Code, the United
12 States Sentencing Commission shall review and if appro-
13 priate, amend the Federal sentencing guidelines generally
14 to enhance the penalty for offenses involving counterfeit
15 bearer obligation of the United States.

16 (b) FACTORS FOR CONSIDERATION.—In carrying out
17 this section, the Commission shall consider, with respect
18 to the offenses described in subsection (a)—

19 (1) whether the base offense level in the current
20 guidelines is adequate to address the serious nature
21 of these offenses and the public interest in pro-
22 tecting the integrity of United States currency, espe-
23 cially in light of recent technological advancements
24 in counterfeiting methods that decrease the cost and

1 increase the availability of such counterfeiting meth-
 2 ods to criminals;

3 (2) whether the current specific offense char-
 4 acteristic applicable to manufacturing counterfeit ob-
 5 ligations fails to take into account the range of of-
 6 fenses in this category; and

7 (3) any other factor that the Commission con-
 8 siders to be appropriate.

9 (c) EMERGENCY AUTHORITY TO SENTENCING COM-
 10 MISSION.—The Commission shall promulgate the guide-
 11 lines or amendments provided for under this section as
 12 soon as is practicable in accordance with the procedure
 13 set forth in section 21(a) of the Sentencing Act of 1987,
 14 as though the authority under that Act had not expired.

15 **PART 2—ADDITIONAL IMPROVEMENTS TO**

16 **FEDERAL CRIMINAL LAW**

17 **SEC. 2421. VIOLENCE DIRECTED AT DWELLINGS IN INDIAN**
 18 **COUNTRY.**

19 Section 1153(a) of title 18, United States Code, is
 20 amended by inserting “or 1363” after “section 661”.

21 **SEC. 2422. CORRECTIONS TO AMBER HAGERMAN CHILD**
 22 **PROTECTION ACT.**

23 (a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c)
 24 of title 18, United States Code, is amended by striking

1 “younger than that person” and inserting “younger than
2 the person so engaging”.

3 (b) SEXUAL ABUSE OF A MINOR OR WARD.—Section
4 2243(a) of title 18, United States Code, is amended—

5 (1) by striking “Whoever” and inserting “Ex-
6 cept as provided in section 2241(c) of this title, who-
7 ever”; and

8 (2) by striking “crosses a State line with intent
9 to engage in a sexual act with a person who has not
10 attained the age of 12 years, or”.

11 (c) DEFINITIONS.—Section 2246 of title 18, United
12 States Code, is amended—

13 (1) in paragraph (4), by striking the period and
14 inserting a semicolon;

15 (2) in paragraph (5), by striking the period and
16 inserting “; and”; and

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

18 “(6) the term ‘State’ means a State of the
19 United States, the District of Columbia, and any
20 commonwealth, possession, or territory of the United
21 States.”.

1 **SEC. 2423. ELIMINATION OF “BODILY HARM” ELEMENT IN**
2 **ASSAULT WITH A DANGEROUS WEAPON OF-**
3 **FENSE.**

4 Section 113(a)(3) of title 18, United States Code, is
5 amended by striking “with intent to do bodily harm, and”.

6 **SEC. 2424. APPEALS FROM CERTAIN DISMISSALS.**

7 Section 3731 of title 18, United States Code, is
8 amended by inserting “or any part thereof” after “as to
9 any one or more counts”.

10 **SEC. 2425. AUTHORITY FOR INJUNCTION AGAINST DIS-**
11 **POSAL OF ILL-GOTTEN GAINS FROM VIOLA-**
12 **TIONS OF FRAUD STATUTES.**

13 Section 1345(a)(2) of title 18, United States Code,
14 is amended by inserting “violation of this chapter or sec-
15 tion 287, 371 (insofar as such violation involves a con-
16 spiracy to defraud the United States or any agency there-
17 of), or 1001 of this title or of a” after “as a result of
18 a”.

19 **SEC. 2426. EXPANSION OF INTERSTATE TRAVEL FRAUD**
20 **STATUTE TO COVER INTERSTATE TRAVEL BY**
21 **PERPETRATOR.**

22 Section 2314 of title 18, United States Code, is
23 amended in the second undesignated paragraph—

24 (1) by inserting “travels in,” before “transports
25 or causes to be transported, or induce any person or
26 persons to travel in”; and

1 (2) by inserting a comma after “transports”.

2 **SEC. 2427. CLARIFICATION OF SCOPE OF UNAUTHORIZED**
3 **SELLING OF MILITARY MEDALS OR DECORA-**
4 **TIONS.**

5 Section 704(b)(2) of title 18, United States Code, is
6 amended by striking “with respect to a Congressional
7 Medal of Honor”.

8 **SEC. 2428. AMENDMENT TO SECTION 669 TO CONFORM TO**
9 **PUBLIC LAW 104-294.**

10 Section 669 of title 18, United States Code, is
11 amended by striking “\$100” and inserting “\$1,000”.

12 **SEC. 2429. EXPANSION OF JURISDICTION OVER CHILD BUY-**
13 **ING AND SELLING OFFENSES.**

14 Section 2251A(c)(3) of title 18, United States Code,
15 is amended by striking “in any territory or possession of
16 the United States” and inserting “in the special maritime
17 and territorial jurisdiction of the United States or in any
18 commonwealth, territory, or possession of the United
19 States”.

20 **SEC. 2430. LIMITS ON DISCLOSURE OF WIRETAP ORDERS.**

21 Section 2518(9) of title 18, United States Code, is
22 amended by inserting “aggrieved” before the word
23 “party” wherever it appears.

1 **SEC. 2431. PRISON CREDIT AND AGING PRISONER REFORM.**

2 (a) PRISON CREDITS IN GENERAL.—Section 3585(b)
3 of title 18, United States Code, is amended to read as
4 follows:

5 “(b) CREDIT FOR PRIOR CUSTODY.—A defendant
6 shall be given credit toward the service of a term of impris-
7 onment for any time spent in official detention prior to
8 the date the sentence commences only if that official de-
9 tention is as a result of the offense for which the sentence
10 was imposed and has not been—

11 “(1) credited toward another sentence; or

12 “(2) applied in any manner to an undischarged
13 concurrent term of imprisonment.”.

14 (b) GOOD TIME CREDITS FOR FOREIGN PRISONERS
15 TRANSFERRED TO THE UNITED STATES.—Section
16 4105(c) of title 18, United States Code, is amended—

17 (1) in paragraph (1), by inserting “by the Bu-
18 reau of Prisons and deducted from the sentence im-
19 posed by the foreign court” after “These credits
20 shall be combined”;

21 (2) by redesignating paragraphs (3) and (4) as
22 paragraphs (5) and (6), respectively; and

23 (3) by inserting after paragraph (2) the fol-
24 lowing:

25 “(3) If the term of imprisonment under section
26 4106A(b)(1)(A) is less than or equal to the total

1 sentence imposed and certified by the foreign au-
2 thorities on the basis of considerations other than
3 the limitation arising under section 4106A(b)(1)(C),
4 the Bureau of Prisons shall calculate credits for sat-
5 isfactory behavior at the rate provided in section
6 3624(b) and computed on the basis of the term of
7 imprisonment under section 4106A(b)(1)(A). If the
8 credits calculated under this paragraph produce a
9 release date that is earlier than the release date oth-
10 erwise determined under this section, the release
11 date calculated under this paragraph shall apply to
12 the transferred offender.

13 “(4) Upon release from imprisonment, the of-
14 fender shall commence service of any period of su-
15 pervised release established pursuant to section
16 4106A(b)(1)(A), and the balance of the foreign sen-
17 tence remaining at the time of release from prison
18 shall not be reduced by credits for satisfactory be-
19 havior, or labor, or any other credit that has been
20 applied to establish the offender’s release date.”.

21 (c) CONFORMING AMENDMENT.—Section
22 4106A(b)(1)(A) of title 18, United States Code, is amend-
23 ed by striking “release date” and inserting “term of im-
24 prisonment”.

1 (d) EXPANSION OF PROVISION ALLOWING FOR RE-
2 LEASE OF NONDANGEROUS OFFENDERS WHO HAVE
3 SERVED AT LEAST 30 YEARS IN PRISON AND ARE AT
4 LEAST 70 YEARS OLD.—Section 3582(c)(1)(A) of title
5 18, United States Code, is amended—

6 (1) by inserting “(and may impose a sentence
7 of probation or supervised release with or without
8 conditions)” after “may reduce the term of impris-
9 onment”;

10 (2) in subparagraph (ii), by inserting “(other
11 than an offense or offenses under chapter 109A of
12 this title)” after “the offense or offenses”; and

13 (3) in subparagraph (ii), by striking “, pursu-
14 ant to a sentence imposed under section 3559(c),”.

15 **SEC. 2432. MIRANDA REAFFIRMATION.**

16 Section 3501 of title 18, United States Code, is
17 amended—

18 (1) by striking subsections (a) and (b); and

19 (2) by redesignating subsections (c), (d), and
20 (e) as subsections (a), (b), and (c), respectively.

1 **TITLE III—PROTECTING AMERI-**
2 **CANS AND SUPPORTING VIC-**
3 **TIMS OF CRIME**

4 **Subtitle A—Crime Victims**
5 **Assistance**

6 **SEC. 3101. SHORT TITLE.**

7 This subtitle may be cited as the “Crime Victims As-
8 sistance Act of 2001”.

9 **PART 1—VICTIM RIGHTS**

10 **SEC. 3111. RIGHT TO NOTICE AND TO BE HEARD CON-**
11 **CERNING DETENTION.**

12 (a) IN GENERAL.—Section 3142 of title 18, United
13 States Code, is amended—

14 (1) in subsection (g)—

15 (A) in paragraph (3), by striking “and” at
16 the end;

17 (B) by redesignating paragraph (4) as
18 paragraph (5); and

19 (C) by inserting after paragraph (3) the
20 following:

21 “(4) the views of the victim; and”; and

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

23 “(k) NOTICE AND RIGHT TO BE HEARD.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 with respect to each hearing under subsection (f)—

1 “(A) before the hearing, the Government
2 shall make reasonable efforts to notify the vic-
3 tim of—

4 “(i) the date and time of the hearing;
5 and

6 “(ii) the right of the victim to be
7 heard on the issue of detention; and

8 “(B) at the hearing, the court shall inquire
9 of the Government whether the victim wishes to
10 be heard on the issue of detention and, if so,
11 shall afford the victim such an opportunity.

12 “(2) EXCEPTIONS.—The requirements of para-
13 graph (1) shall not apply to any case in which the
14 Government or the court reasonably believes—

15 “(A) available evidence raises a significant
16 expectation of physical violence or other retalia-
17 tion by the victim against the defendant; or

18 “(B) identification of the defendant by the
19 victim is a fact in dispute, and no means of
20 verification has been attempted.”.

21 (b) VICTIM DEFINED.—Section 3156(a) of title 18,
22 United States Code, is amended—

23 (1) in paragraph (4), by striking “and” at the
24 end;

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

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

4 “(6) the term ‘victim’—

5 “(A) means an individual harmed as a re-
6 sult of a commission of an offense involving
7 death or bodily injury to any person, a threat
8 of death or bodily injury to any person, a sexual
9 assault, or an attempted sexual assault; and

10 “(B) includes—

11 “(i) in the case of a victim who is less
12 than 18 years of age or incompetent, the
13 parent or legal guardian of the victim;

14 “(ii) in the case of a victim who is de-
15 ceased or incapacitated, 1 or more family
16 members designated by the court; and

17 “(iii) any other person appointed by
18 the court to represent the victim.”.

19 **SEC. 3112. RIGHT TO A SPEEDY TRIAL.**

20 Section 3161(h)(8)(B) of title 18, United States
21 Code, is amended by adding at the end the following:

22 “(v) The interests of the victim (or the family
23 of a victim who is deceased or incapacitated) in the
24 prompt and appropriate disposition of the case, free
25 from unreasonable delay.”.

1 **SEC. 3113. RIGHT TO NOTICE AND TO BE HEARD CON-**
2 **CERNING PLEA.**

3 (a) IN GENERAL.—Rule 11 of the Federal Rules of
4 Criminal Procedure is amended—

5 (1) by redesignating subdivision (h) as subdivi-
6 sion (i); and

7 (2) by inserting after subdivision (g) the fol-
8 lowing:

9 “(h) RIGHTS OF VICTIMS.—

10 “(1) VICTIM DEFINED.—In this subdivision, the
11 term ‘victim’ means an individual harmed as a result
12 of a commission of an offense involving death or
13 bodily injury to any person, a threat of death or
14 bodily injury to any person, a sexual assault, or an
15 attempted sexual assault, and also includes—

16 “(A) in the case of a victim who is less
17 than 18 years of age or incompetent, the parent
18 or legal guardian of the victim;

19 “(B) in the case of a victim who is de-
20 ceased or incapacitated, 1 or more family mem-
21 bers designated by the court; and

22 “(C) any other person appointed by the
23 court to represent the victim.

24 “(2) NOTICE.—The Government, before a pro-
25 ceeding at which a plea of guilty or nolo contendere

1 is entered, shall make reasonable efforts to notify
2 the victim of—

3 “(A) the date and time of the proceeding;

4 “(B) the elements of the proposed plea or
5 plea agreement;

6 “(C) the right of the victim to attend the
7 proceeding; and

8 “(D) the right of the victim to address the
9 court personally, through counsel, or in writing
10 on the issue of the proposed plea or plea agree-
11 ment.

12 “(3) OPPORTUNITY TO BE HEARD.—The court,
13 before accepting a plea of guilty or nolo contendere,
14 shall afford the victim an opportunity to be heard,
15 personally, through counsel, or in writing, on the
16 proposed plea or plea agreement.

17 “(4) EXCEPTIONS.—Notwithstanding any other
18 provision of this subdivision—

19 “(A) in any case in which a victim is a de-
20 fendant in the same or a related case, or in
21 which the Government certifies to the court
22 under seal that affording such victim any right
23 provided under this rule will jeopardize an on-
24 going investigation, the victim shall not have
25 such right;

1 “(B) a victim who, at the time of a pro-
2 ceeding at which a plea of guilty or nolo
3 contendere is entered, is incarcerated in any
4 Federal, State, or local correctional or detention
5 facility, shall not have the right to appear in
6 person, but, subject to subparagraph (A), shall
7 be afforded a reasonable opportunity to present
8 views or participate by alternate means; and

9 “(C) in any case involving more than 15
10 victims, the court, after consultation with the
11 Government and the victims, may appoint a
12 number of victims to represent the interests of
13 the victims, except that all victims shall retain
14 the right to submit a written statement under
15 paragraph (2).”.

16 (b) EFFECTIVE DATE.—

17 (1) IN GENERAL.—The amendments made by
18 subsection (a) shall become effective as provided in
19 paragraph (3).

20 (2) ACTION BY JUDICIAL CONFERENCE.—

21 (A) RECOMMENDATIONS.—Not later than
22 180 days after the date of enactment of this
23 Act, the Judicial Conference of the United
24 States shall submit to Congress a report con-
25 taining recommendations for amending the

1 Federal Rules of Criminal Procedure to provide
2 enhanced opportunities for victims to be heard
3 on the issue of whether or not the court should
4 accept a plea of guilty or nolo contendere.

5 (B) INAPPLICABILITY OF OTHER LAW.—
6 Chapter 131 of title 28, United States Code,
7 does not apply to any recommendation made by
8 the Judicial Conference of the United States
9 under this paragraph.

10 (3) CONGRESSIONAL ACTION.—Except as other-
11 wise provided by law, if the Judicial Conference of
12 the United States—

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 amendments
17 made by subsection (a), then the amendments
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 amendments made by subsection (a), the
2 recommendations made pursuant to paragraph
3 (2) shall become effective 180 days after the
4 date on which the recommendations are sub-
5 mitted to Congress under paragraph (2), unless
6 an Act of Congress is passed overturning the
7 recommendations; and

8 (C) fails to comply with paragraph (2), the
9 amendments 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 Judi-
15 cial Conference of the United States under para-
16 graph (2)) shall apply in any proceeding commenced
17 on or after the effective date of the amendment.

18 **SEC. 3114. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.**

19 (a) AMENDMENT TO VICTIM RIGHTS CLARIFICATION
20 ACT.—Section 3510 of title 18, United States Code, is
21 amended by adding at the end the following:

22 “(d) APPLICATION TO TELEVISED PROCEEDINGS.—
23 This section applies to any victim viewing proceedings pur-
24 suant to section 235 of the Antiterrorism and Effective

1 Death Penalty Act of 1996 (42 U.S.C. 10608), or any
2 rule issued thereunder.”.

3 (b) AMENDMENT TO VICTIMS’ RIGHTS AND RESTITU-
4 TION ACT OF 1990.—Section 502(b) of the Victims’
5 Rights and Restitution Act of 1990 (42 U.S.C. 10606(b))
6 is amended—

7 (1) by striking paragraph (4) and inserting the
8 following:

9 “(4) The right to be present at all public court
10 proceedings related to the offense, unless the court
11 determines that testimony by the victim at trial
12 would be materially affected if the victim heard the
13 testimony of other witnesses.”; and

14 (2) in paragraph (5), by striking “attorney”
15 and inserting “the attorney”.

16 **SEC. 3115. RIGHT TO NOTICE AND TO BE HEARD CON-**
17 **CERNING SENTENCE.**

18 (a) ENHANCED NOTICE AND CONSIDERATION OF
19 VICTIMS’ VIEWS.—

20 (1) IMPOSITION OF SENTENCE.—Section
21 3553(a) of title 18, United States Code, is
22 amended—

23 (A) in paragraph (6), by striking “and” at
24 the end;

1 (B) by redesignating paragraph (7) as
2 paragraph (8); and

3 (C) by inserting after paragraph (6) the
4 following:

5 “(7) the views of any victims of the offense, if
6 such views are presented to the court; and”.

7 (2) ISSUANCE AND ENFORCEMENT OF ORDER
8 OF RESTITUTION.—Section 3664(d)(2)(A) of title
9 18, United States Code is amended—

10 (A) by redesignating clauses (v) and (vi) as
11 clauses (vii) and (viii) respectively; and

12 (B) by inserting after clause (iv) the fol-
13 lowing:

14 “(v) the opportunity of the victim to attend the
15 sentencing hearing;

16 “(vi) the opportunity of the victim, personally
17 or through counsel, to make a statement or present
18 any information to the court in relation to the sen-
19 tence;”.

20 (b) ENHANCED PARTICIPATORY RIGHTS.—Rule 32
21 of the Federal Rules of Criminal Procedure is amended—

22 (1) in subdivision (b)—

23 (A) by redesignating paragraphs (4), (5),
24 and (6) as paragraphs (5), (6), and (7), respec-
25 tively;

1 (B) by inserting after paragraph (3) the
2 following:

3 “(4) NOTICE TO VICTIM.—The probation officer
4 must, before submitting the presentence report, pro-
5 vide notice to the victim as provided by section
6 3664(d)(2)(A) of title 18, United States Code.”; and

7 (C) in paragraph (5), as redesignated—

8 (i) by redesignating subparagraphs
9 (E) through (H) as subparagraphs (F)
10 through (I), respectively; and

11 (ii) by inserting after subparagraph
12 (D) the following:

13 “(E) any victim impact statement sub-
14 mitted by a victim to the probation officer;”;

15 (2) in subdivision (c)(3), by striking subpara-
16 graph (E) and inserting the following:

17 “(E) afford the victim, personally or
18 through counsel, an opportunity to make a
19 statement or present any information in rela-
20 tion to the sentence, including information con-
21 cerning the extent and scope of the victim’s in-
22 jury or loss, and the impact of the offense on
23 the victim or the family of the victim, except
24 that the court may reasonably limit the number
25 of victims permitted to address the court if the

1 number is so large that affording each victim
2 such right would result in cumulative victim im-
3 pact information or would unreasonably prolong
4 the sentencing process.”; and

5 (3) in subdivision (f)(1)—

6 (A) by striking “the right of allocution
7 under subdivision (c)(3)(E)” and inserting “the
8 notice and participatory rights under subdivi-
9 sions (b)(4) and (c)(3)(E)”;

10 (B) by striking “if such person or persons
11 are present at the sentencing hearing, regard-
12 less of whether the victim is present;”.

13 (c) EFFECTIVE DATE.—

14 (1) IN GENERAL.—The amendments made by
15 subsection (b) shall become effective as provided in
16 paragraph (3).

17 (2) ACTION BY JUDICIAL CONFERENCE.—

18 (A) RECOMMENDATIONS.—Not later than
19 180 days after the date of enactment of this
20 Act, the Judicial Conference of the United
21 States shall submit to Congress a report con-
22 taining recommendations for amending the
23 Federal Rules of Criminal Procedure to provide
24 enhanced opportunities for victims to partici-

1 pate during the presentencing and sentencing
2 phase of the criminal process.

3 (B) INAPPLICABILITY OF OTHER LAW.—
4 Chapter 131 of title 28, United States Code,
5 does not apply to any recommendation made by
6 the Judicial Conference of the United States
7 under this paragraph.

8 (3) CONGRESSIONAL ACTION.—Except as other-
9 wise provided by law, if the Judicial Conference of
10 the United States—

11 (A) submits a report in accordance with
12 paragraph (2) containing recommendations de-
13 scribed in that paragraph, and those rec-
14 ommendations are the same as the amendments
15 made by subsection (b), then the amendments
16 made by subsection (b) shall become effective
17 30 days after the date on which the rec-
18 ommendations are submitted to Congress under
19 paragraph (2);

20 (B) submits a report in accordance with
21 paragraph (2) containing recommendations de-
22 scribed in that paragraph, and those rec-
23 ommendations are different in any respect from
24 the amendments made by subsection (b), the
25 recommendations made pursuant to paragraph

1 (2) shall become effective 180 days after the
2 date on which the recommendations are sub-
3 mitted to Congress under paragraph (2), unless
4 an Act of Congress is passed overturning the
5 recommendations; and

6 (C) fails to comply with paragraph (2), the
7 amendments made by subsection (b) shall be-
8 come effective 360 days after the date of enact-
9 ment of this Act.

10 (4) APPLICATION.—Any amendment made pur-
11 suant to this section (including any amendment
12 made pursuant to the recommendations of the Judi-
13 cial Conference of the United States under para-
14 graph (2)) shall apply in any proceeding commenced
15 on or after the effective date of the amendment.

16 **SEC. 3116. RIGHT TO NOTICE AND TO BE HEARD CON-**
17 **CERNING SENTENCE ADJUSTMENT.**

18 (a) IN GENERAL.—Rule 32.1(a) of the Federal Rules
19 of Criminal Procedure is amended by adding at the end
20 the following:

21 “(3) NOTICE TO VICTIM.—At any hearing pur-
22 suant to paragraph (2) involving 1 or more persons
23 who have been convicted of an offense involving
24 death or bodily injury to any person, a threat of
25 death or bodily injury to any person, a sexual as-

1 sault, or an attempted sexual assault, the Govern-
2 ment shall make reasonable efforts to notify the vic-
3 tim of the offense (and the victim of any new
4 charges giving rise to the hearing), of—

5 “(A) the date and time of the hearing; and

6 “(B) the right of the victim to attend the
7 hearing and to address the court regarding
8 whether the terms or conditions of probation or
9 supervised release should be modified.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—The amendment made by
12 subsection (a) shall become effective as provided in
13 paragraph (3).

14 (2) ACTION BY JUDICIAL CONFERENCE.—

15 (A) RECOMMENDATIONS.—Not later than
16 180 days after the date of enactment of this
17 Act, the Judicial Conference of the United
18 States shall submit to Congress a report con-
19 taining recommendations for amending the
20 Federal Rules of Criminal Procedure to ensure
21 that reasonable efforts are made to notify vic-
22 tims of violent offenses of any revocation hear-
23 ing held pursuant to Rule 32.1(a)(2), and to af-
24 ford such victims an opportunity to participate.

1 (B) INAPPLICABILITY OF OTHER LAW.—
2 Chapter 131 of title 28, United States Code,
3 does not apply to any recommendation made by
4 the Judicial Conference of the United States
5 under this paragraph.

6 (3) CONGRESSIONAL ACTION.—Except as other-
7 wise provided by law, if the Judicial Conference of
8 the United States—

9 (A) submits a report in accordance with
10 paragraph (2) containing recommendations de-
11 scribed in that paragraph, and those rec-
12 ommendations are the same as the amendment
13 made by subsection (a), then the amendment
14 made by subsection (a) shall become effective
15 30 days after the date on which the rec-
16 ommendations are submitted to Congress under
17 paragraph (2);

18 (B) submits a report in accordance with
19 paragraph (2) containing recommendations de-
20 scribed in that paragraph, and those rec-
21 ommendations are different in any respect from
22 the amendment made by subsection (a), the rec-
23 ommendations made pursuant to paragraph (2)
24 shall become effective 180 days after the date
25 on which the recommendations are submitted to

1 Congress under paragraph (2), unless an Act of
2 Congress is passed overturning the rec-
3 ommendations; and

4 (C) fails to comply with paragraph (2), the
5 amendment made by subsection (a) shall be-
6 come effective 360 days after the date of enact-
7 ment of this Act.

8 (4) APPLICATION.—Any amendment made pur-
9 suant to this section (including any amendment
10 made pursuant to the recommendations of the Judi-
11 cial Conference of the United States under para-
12 graph (2)) shall apply in any proceeding commenced
13 on or after the effective date of the amendment.

14 **SEC. 3117. RIGHT TO NOTICE OF RELEASE OR ESCAPE.**

15 (a) IN GENERAL.—Subchapter C of chapter 229 of
16 title 18, United States Code, is amended by adding at the
17 end the following:

18 **“§ 3627. Notice to victims of release or escape of de-**
19 **fendants**

20 “(a) IN GENERAL.—The Bureau of Prisons shall en-
21 sure that reasonable notice is provided to each victim of
22 an offense for which a person is in custody pursuant to
23 this subchapter—

24 “(1) not less than 30 days before the release of
25 such person under section 3624, assignment of such

1 person to pre-release custody under section 3624(c),
2 or transfer of such person under section 3623;

3 “(2) not less than 10 days before the temporary
4 release of such person under section 3622;

5 “(3) not later than 12 hours after discovery
6 that such person has escaped;

7 “(4) not later than 12 hours after the return to
8 custody of such person after an escape; and

9 “(5) at such other times as may be reasonable
10 before any other form of release of such person as
11 may occur.

12 “(b) APPLICABILITY.—This section applies to any es-
13 cape, work release, furlough, or any other form of release
14 from a psychiatric institution or other facility that pro-
15 vides mental or other health services to persons in the cus-
16 tody of the Bureau of Prisons.

17 “(c) VICTIM CONTACT INFORMATION.—It shall be
18 the responsibility of a victim to notify the Bureau of Pris-
19 ons, by means of a form to be provided by the Attorney
20 General, of any change in the mailing address of the vic-
21 tim, or other means of contacting the victim, while the
22 defendant is in the custody of the Bureau of Prisons. The
23 Bureau of Prisons shall ensure the confidentiality of any
24 information relating to a victim.”

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The analysis for subchapter C of chapter 229 of title 18,
 3 United States Code, is amended by adding at the end the
 4 following:

“3627. Notice to victims of release or escape of defendants.”.

5 **SEC. 3118. RIGHT TO NOTICE AND TO BE HEARD CON-**
 6 **CERNING EXECUTIVE CLEMENCY.**

7 (a) NOTIFICATION.—Subchapter C of chapter 229 of
 8 title 18, United States Code, is amended by adding after
 9 section 3627, as added by section 3117, the following:

10 **“§ 3628. Notice to victims concerning grant of execu-**
 11 **tive clemency**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘executive clemency’—

14 “(A) means any exercise by the President
 15 of the power to grant reprieves and pardons
 16 under clause 1 of section 2 of article II of the
 17 Constitution of the United States; and

18 “(B) includes any pardon, reprieve, com-
 19 mutation of sentence, or remission of fine; and

20 “(2) the term ‘victim’ has the same meaning
 21 given that term in section 503(e) of the Victims’
 22 Rights and Restitution Act of 1990 (42 U.S.C.
 23 10607(e)).

24 “(b) NOTICE OF GRANT OF EXECUTIVE CLEM-
 25 ENCY.—

1 “(1) If a petition for executive clemency is
2 granted, the Attorney General shall make reasonable
3 efforts to notify any victim of any offense that is the
4 subject of the grant of executive clemency that such
5 grant has been made as soon as practicable after
6 that grant is made.

7 “(2) If a grant of executive clemency will result
8 in the release of any person from custody, notice
9 under paragraph (1) shall be prior to that release
10 from custody, if practicable.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The analysis for subchapter C of chapter 229 of title 18,
13 United States Code, is amended by adding at the end the
14 following:

 “3628. Notice to victims concerning grant of executive clemency.”.

15 (c) REPORTING REQUIREMENTS.—The Attorney
16 General shall submit biannually to the Committees on the
17 Judiciary of the House of Representatives and the Senate
18 a report on executive clemency matters or cases delegated
19 for review or investigation to the Attorney General by the
20 President, including for each year—

21 (1) the number of petitions so delegated;

22 (2) the number of reports submitted to the
23 President;

24 (3) the number of petitions for executive clem-
25 ency granted and the number denied;

1 (4) the name of each person whose petition for
2 executive clemency was granted or denied and the
3 offenses of conviction of that person for which execu-
4 tive clemency was granted or denied; and

5 (5) with respect to any person granted execu-
6 tive clemency, the date that any victim of an offense
7 that was the subject of that grant of executive clem-
8 ency was notified, pursuant to Department of Jus-
9 tice regulations, of a petition for executive clemency,
10 and whether such victim submitted a statement con-
11 cerning the petition.

12 (d) SENSE OF CONGRESS CONCERNING THE RIGHT
13 OF VICTIMS TO NOTICE AND TO BE HEARD CONCERNING
14 EXECUTIVE CLEMENCY.—It is the sense of Congress
15 that—

16 (1) victims of a crime should be notified about
17 any petition for executive clemency filed by the per-
18 petrators of that crime and provided an opportunity
19 to submit a statement concerning the petition to the
20 President; and

21 (2) the Attorney General should promulgate
22 regulations or internal guidelines to ensure that such
23 notification and opportunity to submit a statement
24 are provided.

1 **SEC. 3119. REMEDIES FOR NONCOMPLIANCE.**

2 (a) GENERAL LIMITATION.—Any failure to comply
3 with any amendment made by this part shall not give rise
4 to a claim for damages, or any other action against the
5 United States, or any employee of the United States, any
6 court official or officer of the court, or an entity con-
7 tracting with the United States, or any action seeking a
8 rehearing or other reconsideration of action taken in con-
9 nection with a defendant.

10 (b) REGULATIONS TO ENSURE COMPLIANCE.—

11 (1) IN GENERAL.—Notwithstanding subsection
12 (a), not later than 1 year after the date of enact-
13 ment of this Act, the Attorney General of the United
14 States and the Chairman of the United States Pa-
15 role Commission shall promulgate regulations to im-
16 plement and enforce the amendments made by this
17 title.

18 (2) CONTENTS.—The regulations promulgated
19 under paragraph (1) shall—

20 (A) contain disciplinary sanctions, includ-
21 ing suspension or termination from employ-
22 ment, for employees of the Department of Jus-
23 tice (including employees of the United States
24 Parole Commission) who willfully or repeatedly
25 violate the amendments made by this title, or
26 willfully or repeatedly refuse or fail to comply

1 with provisions of Federal law pertaining to the
2 treatment of victims of crime;

3 (B) include an administrative procedure
4 through which parties can file formal com-
5 plaints with the Department of Justice alleging
6 violations of the amendments made by this title;

7 (C) provide that a complainant is prohib-
8 ited from recovering monetary damages against
9 the United States, or any employee of the
10 United States, either in his official or personal
11 capacity; and

12 (D) provide that the Attorney General, or
13 the designee of the Attorney General, shall be
14 the final arbiter of the complaint, and there
15 shall be no judicial review of the final decision
16 of the Attorney General by a complainant.

17 **PART 2—VICTIM ASSISTANCE INITIATIVES**

18 **SEC. 3121. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**

19 **PROGRAMS FOR CRIME VICTIMS.**

20 (a) DEFINITIONS.—In this section:

21 (1) DIRECTOR.—The term “Director” means
22 the Director of the Office of Victims of Crime.

23 (2) OFFICE.—The term “Office” means the Of-
24 fice for Victims of Crime.

1 (3) QUALIFIED PRIVATE ENTITY.—The term
2 “qualified private entity” means a private entity
3 that meets such requirements as the Attorney Gen-
4 eral, acting through the Director, may establish.

5 (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-
6 ERNMENT.—The term “local government” means a
7 unit of a State or local government, including a
8 State court, that meets such requirements as the At-
9 torney General, acting through the Director, may es-
10 tablish.

11 (5) VOICE CENTERS.—The term “VOICE Cen-
12 ters” means the Victim Ombudsman Information
13 Centers established under the program under sub-
14 section (b).

15 (b) PILOT PROGRAMS.—

16 (1) IN GENERAL.—Not later than 12 months
17 after the date of enactment of this Act, the Attorney
18 General, acting through the Director, shall establish
19 and carry out a program to provide for pilot pro-
20 grams to establish and operate Victim Ombudsman
21 Information Centers in each of the following States:

22 (A) Iowa.

23 (B) Massachusetts.

24 (C) Maryland.

25 (D) Vermont.

1 (E) Virginia.

2 (F) Washington.

3 (G) Wisconsin.

4 (2) AGREEMENTS.—

5 (A) IN GENERAL.—The Attorney General,
6 acting through the Director, shall enter into an
7 agreement with a qualified private entity or
8 unit of State or local government to conduct a
9 pilot program referred to in paragraph (1).
10 Under the agreement, the Attorney General,
11 acting through the Director, shall provide for a
12 grant to assist the qualified private entity or
13 unit of State or local government in carrying
14 out the pilot program.

15 (B) CONTENTS OF AGREEMENT.—The
16 agreement referred to in subparagraph (A)
17 shall specify that—

18 (i) the VOICE Center shall be estab-
19 lished in accordance with this section; and

20 (ii) except with respect to meeting ap-
21 plicable requirements of this section con-
22 cerning carrying out the duties of a
23 VOICE Center under this section (includ-
24 ing the applicable reporting duties under
25 subsection (c) and the terms of the agree-

1 ment) each VOICE Center shall operate
2 independently of the Office.

3 (C) NO AUTHORITY OVER DAILY OPER-
4 ATIONS.—The Office shall have no supervisory
5 or decisionmaking authority over the day-to-day
6 operations of a VOICE Center.

7 (c) OBJECTIVES.—

8 (1) MISSION.—The mission of each VOICE
9 Center established under a pilot program under this
10 section shall be to assist a victim of a Federal or
11 State crime to ensure that the victim—

12 (A) is fully apprised of the rights of that
13 victim under applicable Federal or State law;
14 and

15 (B) is provided the opportunity to partici-
16 pate in the criminal justice process to the full-
17 est extent of the law.

18 (2) DUTIES.—The duties of a VOICE Center
19 shall include—

20 (A) providing information to victims of
21 Federal or State crime regarding the right of
22 those victims to participate in the criminal jus-
23 tice process (including information concerning
24 any right that exists under applicable Federal
25 or State law);

1 (B) identifying and responding to situa-
2 tions in which the rights of victims of crime
3 under applicable Federal or State law may have
4 been violated;

5 (C) attempting to facilitate compliance
6 with Federal or State law referred to in sub-
7 paragraph (B);

8 (D) educating police, prosecutors, Federal
9 and State judges, officers of the court, and em-
10 ployees of jails and prisons concerning the
11 rights of victims under applicable Federal or
12 State law; and

13 (E) taking measures that are necessary to
14 ensure that victims of crime are treated with
15 fairness, dignity, and compassion throughout
16 the criminal justice process.

17 (d) OVERSIGHT.—

18 (1) TECHNICAL ASSISTANCE.—The Office may
19 provide technical assistance to each VOICE Center.

20 (2) ANNUAL REPORT.—Each qualified private
21 entity or qualified unit of State or local government
22 that carries out a pilot program to establish and op-
23 erate a VOICE Center under this section shall pre-
24 pare and submit to the Director, not later than 1

1 year after the VOICE Center is established, and an-
2 nually thereafter, a report that—

3 (A) describes in detail the activities of the
4 VOICE Center during the preceding year; and

5 (B) outlines a strategic plan for the year
6 following the year covered under subparagraph
7 (A).

8 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

9 (1) GAO STUDY.—Not later than 2 years after
10 the date on which each VOICE Center established
11 under a pilot program under this section is fully
12 operational, the Comptroller General of the United
13 States shall conduct a review of each pilot program
14 carried out under this section to determine the effec-
15 tiveness of the VOICE Center that is the subject of
16 the pilot program in carrying out the mission and
17 duties described in subsection (c).

18 (2) OTHER STUDIES.—Not later than 2 years
19 after the date on which each VOICE Center estab-
20 lished under a pilot program under this section is
21 fully operational, the Attorney General, acting
22 through the Director, shall enter into an agreement
23 with 1 or more private entities that meet such re-
24 quirements that the Attorney General, acting
25 through the Director, may establish, to study the ef-

1 (A) in paragraph (3), by striking “and” at
2 the end;

3 (B) in paragraph (4), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(5) any gifts, bequests, or donations from pri-
7 vate entities or individuals.”; and

8 (2) in subsection (d)—

9 (A) in paragraph (4)—

10 (i) in subparagraph (A), by striking
11 “48.5” and inserting “47.5”;

12 (ii) in subparagraph (B), by striking
13 “48.5” and inserting “47.5”; and

14 (iii) in subparagraph (C), by striking
15 “3” and inserting “5”; and

16 (B) in paragraph (5), by adding at the end
17 the following:

18 “(C) Any State that receives supplemental
19 funding to respond to incidents or terrorism or
20 mass violence under this section shall be re-
21 quired to return to the Crime Victims Fund for
22 deposit in the reserve fund, amounts subrogated
23 to the State as a result of third-party payments
24 to victims.”.

1 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
2 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is
3 amended—

4 (1) in subsection (a)—

5 (A) in each of paragraphs (1) and (2), by
6 striking “40” and inserting “60”; and

7 (B) in paragraph (3)—

8 (i) by striking “5” and inserting
9 “10”; and

10 (ii) by inserting “and evaluation”
11 after “administration”; and

12 (2) in subsection (b)—

13 (A) in paragraph (7), by inserting “be-
14 cause the identity of the offender was not deter-
15 mined beyond a reasonable doubt in a criminal
16 trial, because criminal charges were not brought
17 against the offender, or” after “deny compensa-
18 tion to any victim”;

19 (B) by redesignating paragraphs (8) and
20 (9) as paragraphs (9) and (10), respectively;
21 and

22 (C) by inserting after paragraph (7) the
23 following:

24 “(8) such program does not discriminate
25 against victims because they oppose the death pen-

1 alty or disagree with the way the State is pro-
2 secuting the criminal case.”.

3 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the
4 Victims of Crime Act of 1984 (42 U.S.C. 10603) is
5 amended—

6 (1) in subsection (b)(3), by striking “5” and in-
7 serting “10”;

8 (2) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) by inserting “or enter into cooper-
11 ative agreements” after “make grants”;

12 (ii) by striking subparagraph (A) and
13 inserting the following:

14 “(A) for demonstration projects, evalua-
15 tion, training, and technical assistance services
16 to eligible organizations;”;

17 (iii) in subparagraph (B), by striking
18 the period at the end and inserting “;
19 and”; and

20 (iv) by adding at the end the fol-
21 lowing:

22 “(C) training and technical assistance that
23 address the significance of and effective delivery
24 strategies for providing long-term psychological
25 care.”; and

1 (B) in paragraph (3)—

2 (i) in subparagraph (C), by striking
3 “and” at the end;

4 (ii) in subparagraph (D), by striking
5 the period at the end and inserting “;
6 and”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(E) use funds made available to the Di-
10 rector under this subsection—

11 “(i) for fellowships and clinical intern-
12 ships; and

13 “(ii) to carry out programs of training
14 and special workshops for the presentation
15 and dissemination of information resulting
16 from demonstrations, surveys, and special
17 projects.”; and

18 (3) in subsection (d)—

19 (A) by striking paragraph (1) and insert-
20 ing the following:

21 “(1) the term ‘State’ includes—

22 “(A) the District of Columbia, the Com-
23 monwealth of Puerto Rico, the United States
24 Virgin Islands, and any other territory or pos-
25 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; and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(E) public awareness and education and
15 crime prevention activities that promote, and
16 are conducted in conjunction with, the provision
17 of victim assistance; and

18 “(F) for purposes of an award under sub-
19 section (c)(1)(A), preparation, publication, and
20 distribution of informational materials and re-
21 sources for victims of crime and crime victims
22 organizations.”;

23 (C) by striking paragraph (4) and insert-
24 ing the following:

1 “(4) the term ‘crisis intervention services’
2 means counseling and emotional support including
3 mental health counseling, provided as a result of cri-
4 sis situations for individuals, couples, or family
5 members following and related to the occurrence of
6 crime;”;

7 (D) in paragraph (5), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(6) for purposes of an award under subsection
11 (c)(1), the term ‘eligible organization’ includes
12 any—

13 “(A) national or State organization with a
14 commitment to developing, implementing, evalu-
15 ating, or enforcing victims’ rights and the deliv-
16 ery of services;

17 “(B) State agency or unit of local govern-
18 ment;

19 “(C) State court;

20 “(D) tribal organization;

21 “(E) organization—

22 “(i) described in section 501(c) of the
23 Internal Revenue Code of 1986; and

24 “(ii) exempt from taxation under sec-
25 tion 501(a) of such Code; or

1 “(F) other entity that the Director deter-
2 mines to be appropriate.”.

3 **SEC. 3123. INCREASED TRAINING FOR LAW ENFORCEMENT**
4 **OFFICERS AND COURT PERSONNEL TO RE-**
5 **SPOND TO THE NEEDS OF CRIME VICTIMS.**

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 for Victims of
10 Crime to make grants to States, State courts, units of
11 local government, and qualified private entities, to provide
12 training and information to prosecutors, judges, law en-
13 forcement officers, probation officers, and other officers
14 and employees of Federal and State courts to assist them
15 in responding effectively to the needs of victims of crime.

16 **SEC. 3124. INCREASED RESOURCES TO DEVELOP STATE-OF-**
17 **THE-ART SYSTEMS FOR NOTIFYING CRIME**
18 **VICTIMS OF IMPORTANT DATES AND DEVEL-**
19 **OPMENTS.**

20 (a) IN GENERAL.—Subtitle A of title XXIII of the
21 Violent Crime Control and Law Enforcement Act of 1994
22 (Public Law 103–322; 108 Stat. 2077) is amended by
23 adding at the end the following:

1 **“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
2 **VICTIMS OF IMPORTANT DATES AND DEVEL-**
3 **OPMENTS.**

4 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Office for Victims
6 of Crime of the Department of Justice such sums as may
7 be necessary for grants to Federal, State, and local pros-
8 ecutors’ offices and law enforcement agencies, Federal and
9 State courts, county jails, Federal and State correctional
10 institutions, and qualified private entities, to develop and
11 implement state-of-the-art systems for notifying victims of
12 crime of important dates and developments relating to the
13 criminal proceedings at issue.

14 “(b) FALSE CLAIMS ACT.—Notwithstanding any
15 other provision of law, amounts collected pursuant to sec-
16 tions 3729 through 3731 of title 31, United States Code
17 (commonly known as the ‘False Claims Act’), may be used
18 for grants under this section.”.

19 (b) VIOLENT CRIME REDUCTION TRUST FUND.—
20 Section 310004(d) of the Violent Crime Control and Law
21 Enforcement Act of 1994 (42 U.S.C. 14214(d)) is
22 amended—

23 (1) in the first paragraph designated as para-
24 graph (15) (relating to the definition of the term
25 “Federal law enforcement program”), by striking
26 “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 **PART 3—VICTIM-OFFENDER PROGRAMS:**

11 **“RESTORATIVE JUSTICE”**

12 **SEC. 3131. PILOT PROGRAM AND STUDY ON EFFECTIVE-**
13 **NESS OF RESTORATIVE JUSTICE APPROACH**
14 **ON BEHALF OF VICTIMS OF CRIME.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, amounts collected pursuant to sections 3729
17 through 3731 of title 31, United States Code (commonly
18 known as the “False Claims Act”) and amounts available
19 in the Crime Victims Fund (42 U.S.C. 10601 et seq.),
20 may be used by the Office of Justice Programs of the De-
21 partment of Justice to make grants to States, State
22 courts, units of local government, tribal governments, and
23 qualified private entities for the establishment of pilot pro-
24 grams that implement balanced and restorative justice
25 models in juvenile court settings.

1 (b) STUDY.—The Office of Justice Programs of the
2 Department of Justice shall conduct a study and report
3 to Congress not later than 2 years after the date of enact-
4 ment of this Act on the effectiveness of restorative justice
5 models utilized as a part of grants made pursuant to this
6 section.

7 (c) CRITERIA.—The study shall—

8 (1) evaluate the success of models already im-
9 plemented in the States;

10 (2) examine such factors as community restora-
11 tion, victim restoration, offender accountability, of-
12 fender training, and treatment; and

13 (3) contain recommendations of best practices.

14 (d) VOLUNTARY PROGRAMS.—Any program funded
15 under this section shall be fully voluntary by both the vic-
16 tim and the offender, once the prosecuting agency has de-
17 termined that the case is appropriate.

18 (e) DEFINITION OF BALANCED AND RESTORATIVE
19 JUSTICE MODEL.—In this section, the term “balanced
20 and restorative justice model” means programs served by
21 the criminal justice system that utilize alternatives to in-
22 carceration where the purposes are to—

23 (1) protect the community served by the system
24 and agencies;

1 (2) ensure accountability of the offender and
2 the system;

3 (3) obligate the offender to pay restitution to
4 the victim and/or the community; and

5 (4) equip juvenile offenders with the skills need-
6 ed to live responsibly and productively.

7 (f) AUTHORIZATION.—There are authorized to be ap-
8 propriated such sums as are necessary to carry out this
9 section.

10 **Subtitle B—Violence Against**
11 **Women Act Enhancements**

12 **SEC. 3201. SHELTER SERVICES FOR BATTERED WOMEN**
13 **AND CHILDREN.**

14 (a) STATE SHELTER GRANTS.—Section 303(a)(2)(C)
15 of the Family Violence Prevention and Services Act (42
16 U.S.C. 10402(a)(2)(C)) is amended by striking “popu-
17 lations underserved because of ethnic, racial, cultural, lan-
18 guage diversity or geographic isolation” and inserting
19 “populations underserved because of race, ethnicity, age,
20 disability, religion, alienage status, geographic location
21 (including rural isolation), or language barriers, and any
22 other populations determined by the Secretary to be un-
23 derserved”.

1 (b) SECRETARIAL RESPONSIBILITIES.—Section
2 305(a) of the Family Violence Prevention and Services Act
3 (42 U.S.C. 10404(a)) is amended—

4 (1) by striking “an employee” and inserting “1
5 or more employees”;

6 (2) by striking “of this title.” and inserting “of
7 this title, including carrying out evaluation and mon-
8 itoring under this title.”; and

9 (3) by striking “The individual” and inserting
10 “Any individual”.

11 (c) RESOURCE CENTERS.—Section 308 of the Family
12 Violence Prevention and Services Act (42 U.S.C. 10407)
13 is amended—

14 (1) in subsection (a)(2), by inserting “on pro-
15 viding information, training, and technical assist-
16 ance” after “focusing”; and

17 (2) in subsection (c), by adding at the end the
18 following:

19 “(8) Providing technical assistance and training
20 to local entities carrying out domestic violence pro-
21 grams that provide shelter, related assistance, or
22 transitional housing assistance.

23 “(9) Improving access to services, information,
24 and training, concerning family violence, within In-
25 dian tribes and Indian tribal agencies.

1 “(10) Providing technical assistance and train-
2 ing to appropriate entities to improve access to serv-
3 ices, information, and training concerning family vio-
4 lence occurring in underserved populations.”.

5 (d) CONFORMING AMENDMENT.—Section 309(6) of
6 the Family Violence Prevention and Services Act (42
7 U.S.C. 10408(6)) is amended by striking “the Virgin Is-
8 lands, the Northern Mariana Islands, and the Trust Terri-
9 tory of the Pacific Islands” and inserting “the United
10 States Virgin Islands, the Commonwealth of the Northern
11 Mariana Islands, and the combined Freely Associated
12 States”.

13 (e) REAUTHORIZATION.—Section 310 of the Family
14 Violence Prevention and Services Act (42 U.S.C. 10409)
15 is amended—

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

18 “(a) IN GENERAL.—

19 “(1) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated to carry out
21 this title \$175,000,000 for each of fiscal years 2002
22 through 2005.

23 “(2) SOURCE OF FUNDS.—Amounts made avail-
24 able under paragraph (1) may be appropriated from
25 the Violent Crime Reduction Trust Fund established

1 under section 310001 of the Violent Crime Control
2 and Law Enforcement Act of 1994 (42 U.S.C.
3 14211).”;

4 (2) in subsection (b), by striking “under sub-
5 section 303(a)” and inserting “under section
6 303(a)”;

7 (3) in subsection (c), by inserting “not more
8 than the lesser of \$7,500,000 or” before “5”; and

9 (4) by adding at the end the following:

10 “(f) EVALUATION, MONITORING, AND ADMINISTRA-
11 TION.—Of the amounts appropriated under subsection (a)
12 for each fiscal year, not more than 1 percent shall be used
13 by the Secretary for evaluation, monitoring, and adminis-
14 trative costs under this title.”.

15 (f) STATE DOMESTIC VIOLENCE COALITION GRANT
16 ACTIVITIES.—Section 311 of the Family Violence Preven-
17 tion and Services Act (42 U.S.C. 10410) is amended—

18 (1) in subsection (a)(4), by striking “under-
19 served racial, ethnic or language-minority popu-
20 lations” and inserting “underserved populations de-
21 scribed in section 303(a)(2)(C)”;

22 (2) in subsection (c), by striking “the U.S. Vir-
23 gin Islands, the Northern Mariana Islands, and the
24 Trust Territory of the Pacific Islands” and inserting
25 “the United States Virgin Islands, the Common-

1 wealth of the Northern Mariana Islands, and the
2 Freely Associated States”.

3 **SEC. 3202. TRANSITIONAL HOUSING ASSISTANCE FOR VIC-**
4 **TIMS OF DOMESTIC VIOLENCE.**

5 Title III of the Family Violence Prevention and Serv-
6 ices Act (42 U.S.C. 10401 et seq.) is amended by adding
7 at the end the following new section:

8 **“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.**

9 “(a) IN GENERAL.—The Secretary shall award
10 grants under this section to carry out programs to provide
11 assistance to individuals, and their dependents—

12 “(1) who are homeless or in need of transitional
13 housing or other housing assistance, as a result of
14 fleeing a situation of domestic violence; and

15 “(2) for whom emergency shelter services are
16 unavailable or insufficient.

17 “(b) ASSISTANCE DESCRIBED.—Assistance provided
18 under this section may include—

19 “(1) short-term housing assistance, including
20 rental or utilities payments assistance and assistance
21 with related expenses, such as payment of security
22 deposits and other costs incidental to relocation to
23 transitional housing, in cases in which assistance de-
24 scribed in this paragraph is necessary to prevent

1 homelessness because an individual or dependent is
2 fleeing a situation of domestic violence; and

3 “(2) short-term support services, including pay-
4 ment of expenses and costs associated with transpor-
5 tation and job training referrals, child care, coun-
6 seling, transitional housing identification and place-
7 ment, and related services.

8 “(c) TERM OF ASSISTANCE.—An individual or de-
9 pendent assisted under this section may not receive assist-
10 ance under this section for a total of more than 12
11 months.

12 “(d) REPORTS.—

13 “(1) REPORT TO SECRETARY.—

14 “(A) IN GENERAL.—An entity that re-
15 ceives a grant under this section shall annually
16 prepare and submit to the Secretary a report
17 describing the number of individuals and de-
18 pendants assisted, and the types of housing as-
19 sistance and support services provided, under
20 this section.

21 “(B) CONTENTS.—Each report shall in-
22 clude information on—

23 “(i) the purpose and amount of hous-
24 ing assistance provided to each individual
25 or dependent assisted under this section;

1 “(ii) the number of months each indi-
2 vidual or dependent received the assist-
3 ance;

4 “(iii) the number of individuals and
5 dependents who were eligible to receive the
6 assistance, and to whom the entity could
7 not provide the assistance solely due to a
8 lack of available housing; and

9 “(iv) the type of support services pro-
10 vided to each individual or dependent as-
11 sisted under this section.

12 “(2) REPORT TO CONGRESS.—The Secretary
13 shall annually prepare and submit to the Committee
14 on the Judiciary of the House of Representatives
15 and the Committee on the Judiciary of the Senate
16 a report that contains a compilation of the informa-
17 tion contained in reports submitted under paragraph
18 (1).

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated from the Violent Crime
21 Reduction Trust Fund established under section 310001
22 of the Violent Crime Control and Law Enforcement Act
23 of 1994 (42 U.S.C. 14211) to carry out this section—

24 “(1) \$25,000,000 for each of fiscal years 2002
25 through 2003; and

1 “(2) \$30,000,000 for each of fiscal years 2004
2 and 2005.”.

3 **SEC. 3203. FAMILY UNITY DEMONSTRATION PROJECT.**

4 Section 31904(a) of the Family Unity Demonstration
5 Project Act (42 U.S.C. 13883(a)) is amended—

6 (1) by striking “1997” and inserting “2002”;

7 (2) by striking “1998” and inserting “2003”;

8 (3) by striking “1999” and inserting “2004”;

9 and

10 (4) by striking “2000” and inserting “2005”.

11 **Subtitle C—Senior Safety**

12 **SEC. 3301. SHORT TITLE.**

13 This subtitle may be cited as the “Seniors Safety Act
14 of 2001”.

15 **SEC. 3302. FINDINGS AND PURPOSES.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) The number of older Americans is growing
19 both numerically and proportionally in the United
20 States. Since 1990, the population of seniors has in-
21 creased by almost 5,000,000, and is now 20.2 per-
22 cent of the United States population.

23 (2) In 1997, 7 percent of victims of serious vio-
24 lent crime were age 50 or older.

1 (3) In 1997, 17.7 percent of murder victims
2 were age 55 or older.

3 (4) According to the National Crime Victimization
4 Survey, persons aged 50 and older experienced
5 approximately 673,460 incidents of violent crime, including
6 rape and sexual assaults, robberies and general
7 assaults, during 1997.

8 (5) Older victims of violent crime are almost
9 twice as likely as younger victims to be raped,
10 robbed, or assaulted at or in their own homes.

11 (6) Approximately half of Americans who are
12 50 years old or older feel afraid to walk alone at
13 night in their own neighborhoods.

14 (7) Seniors over the age of 50 reportedly account
15 for 37 percent of the estimated
16 \$40,000,000,000 in losses each year due to telemarketing
17 fraud.

18 (8) In 1998, Congress enacted legislation to
19 provide for increased penalties for telemarketing
20 fraud that targets seniors.

21 (9) There has not been a comprehensive study
22 of crimes committed against seniors since 1994.

23 (10) It has been estimated that approximately
24 43 percent of those turning 65 can expect to spend
25 some time in a long-term care facility, and approxi-

1 mately 20 percent can expect to spend 5 years or
2 longer in a such a facility.

3 (11) In 1997, approximately \$82,800,000,000
4 was spent on nursing home care in the United
5 States and over half of this amount was spent by the
6 medicaid and medicare programs.

7 (12) Losses to fraud and abuse in health care
8 reportedly cost the United States an estimated
9 \$100,000,000,000 in 1996.

10 (13) The Inspector General for the Department
11 of Health and Human Services has estimated that
12 about \$12,600,000,000 in improper medicare benefit
13 payments, due to inadvertent mistake, fraud and
14 abuse, were made during fiscal year 1998.

15 (14) Incidents of health care fraud and abuse
16 remain high despite awareness of the problem.

17 (b) PURPOSES.—The purposes of this subtitle are
18 to—

19 (1) combat nursing home fraud and abuse;

20 (2) enhance safeguards for pension plans and
21 health care programs;

22 (3) develop strategies for preventing and pun-
23 ishing crimes that target or otherwise disproportion-
24 ately affect seniors by collecting appropriate data to
25 measure the extent of crimes committed against sen-

1 iors and determine the extent of domestic and elder
2 abuse of seniors; and

3 (4) prevent and deter criminal activity, such as
4 telemarketing fraud, that results in economic and
5 physical harm against seniors and ensure appro-
6 priate restitution.

7 **SEC. 3303. DEFINITIONS.**

8 In this subtitle—

9 (1) the term “crime” means any criminal of-
10 fense under Federal or State law;

11 (2) the term “nursing home” means any insti-
12 tution or residential care facility defined as such for
13 licensing purposes under State law, or if State law
14 does not employ the term nursing home, the equiva-
15 lent term or terms as determined by the Secretary
16 of Health and Human Services, pursuant to section
17 1908(e) of the Social Security Act (42 U.S.C.
18 1396g(e)); and

19 (3) the term “senior” means an individual who
20 is more than 55 years of age.

21 **PART 1—COMBATING CRIMES AGAINST SENIORS**

22 **SEC. 3311. ENHANCED SENTENCING PENALTIES BASED ON**
23 **AGE OF VICTIM.**

24 (a) DIRECTIVE TO THE UNITED STATES SEN-
25 TENCING COMMISSION.—Pursuant to its authority under

1 section 994(p) of title 28, United States Code, and in ac-
2 cordance with this section, the United States Sentencing
3 Commission shall review and, if appropriate, amend sec-
4 tion 3A1.1(a) of the Federal sentencing guidelines to in-
5 clude the age of a crime victim as 1 of the criteria for
6 determining whether the application of a sentencing en-
7 hancement is appropriate.

8 (b) REQUIREMENTS.—In carrying out this section,
9 the Commission shall—

10 (1) ensure that the Federal sentencing guide-
11 lines and the policy statements of the Commission
12 reflect the serious economic and physical harms as-
13 sociated with criminal activity targeted at seniors
14 due to their particular vulnerability;

15 (2) consider providing increased penalties for
16 persons convicted of offenses in which the victim was
17 a senior in appropriate circumstances;

18 (3) consult with individuals or groups rep-
19 resenting seniors, law enforcement agencies, victims
20 organizations, and the Federal judiciary, as part of
21 the review described in subsection (a);

22 (4) ensure reasonable consistency with other
23 Federal sentencing guidelines and directives;

24 (5) account for any aggravating or mitigating
25 circumstances that may justify exceptions, including

1 circumstances for which the Federal sentencing
2 guidelines provide sentencing enhancements;

3 (6) make any necessary conforming changes to
4 the Federal sentencing guidelines; and

5 (7) ensure that the Federal sentencing guide-
6 lines adequately meet the purposes of sentencing set
7 forth in section 3553(a)(2) of title 18, United States
8 Code.

9 (c) REPORT.—Not later than December 31, 2002, the
10 Commission shall submit to Congress a report on issues
11 relating to the age of crime victims, which shall include—

12 (1) an explanation of any changes to sentencing
13 policy made by the Commission under this section;
14 and

15 (2) any recommendations of the Commission for
16 retention or modification of penalty levels, including
17 statutory penalty levels, for offenses involving sen-
18 iors.

19 **SEC. 3312. STUDY AND REPORT ON HEALTH CARE FRAUD**
20 **SENTENCES.**

21 (a) DIRECTIVE TO THE UNITED STATES SEN-
22 TENCING COMMISSION.—Pursuant to its authority under
23 section 994(p) of title 28, United States Code, and in ac-
24 cordance with this section, the United States Sentencing
25 Commission shall review and, if appropriate, amend the

1 Federal sentencing guidelines and the policy statements
2 of the Commission with respect to persons convicted of
3 offenses involving fraud in connection with a health care
4 benefit program (as defined in section 24(b) of title 18,
5 United States Code).

6 (b) REQUIREMENTS.—In carrying out this section,
7 the Commission shall—

8 (1) ensure that the Federal sentencing guide-
9 lines and the policy statements of the Commission
10 reflect the serious harms associated with health care
11 fraud and the need for aggressive and appropriate
12 law enforcement action to prevent such fraud;

13 (2) consider providing increased penalties for
14 persons convicted of health care fraud in appropriate
15 circumstances;

16 (3) consult with individuals or groups rep-
17 resenting victims of health care fraud, law enforce-
18 ment agencies, the health care industry, and the
19 Federal judiciary as part of the review described in
20 subsection (a);

21 (4) ensure reasonable consistency with other
22 Federal sentencing guidelines and directives;

23 (5) account for any aggravating or mitigating
24 circumstances that might justify exceptions, includ-

1 ing circumstances for which the Federal sentencing
2 guidelines provide sentencing enhancements;

3 (6) make any necessary conforming changes to
4 the Federal sentencing guidelines; and

5 (7) ensure that the Federal sentencing guide-
6 lines adequately meet the purposes of sentencing as
7 set forth in section 3553(a)(2) of title 18, United
8 States Code.

9 (c) REPORT.—Not later than December 31, 2002, the
10 Commission shall submit to Congress a report on issues
11 relating to offenses described in subsection (a), which shall
12 include—

13 (1) an explanation of any changes to sentencing
14 policy made by the Commission under this section;
15 and

16 (2) any recommendations of the Commission for
17 retention or modification of penalty levels, including
18 statutory penalty levels, for those offenses.

19 **SEC. 3313. INCREASED PENALTIES FOR FRAUD RESULTING**
20 **IN SERIOUS INJURY OR DEATH.**

21 Sections 1341 and 1343 of title 18, United States
22 Code, are each amended by inserting before the last sen-
23 tence the following: “If the violation results in serious bod-
24 ily injury (as defined in section 1365 of this title), such
25 person shall be fined under this title, imprisoned not more

1 than 20 years, or both, and if the violation results in
 2 death, such person shall be fined under this title, impris-
 3 oned for any term of years or life, or both.”.

4 **SEC. 3314. SAFEGUARDING PENSION PLANS FROM FRAUD**
 5 **AND THEFT.**

6 (a) IN GENERAL.—Chapter 63 of title 18, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 **“§ 1348. Fraud in relation to retirement arrange-**
 10 **ments**

11 “(a) RETIREMENT ARRANGEMENT DEFINED.—In
 12 this section—

13 “(1) IN GENERAL.—The term ‘retirement ar-
 14 rangement’ means—

15 “(A) any employee pension benefit plan
 16 subject to any provision of title I of the Em-
 17 ployee Retirement Income Security Act of 1974;

18 “(B) any qualified retirement plan within
 19 the meaning of section 4974(c) of the Internal
 20 Revenue Code of 1986;

21 “(C) any medical savings account de-
 22 scribed in section 220 of the Internal Revenue
 23 Code of 1986; or

24 “(D) fund established within the Thrift
 25 Savings Fund by the Federal Retirement Thrift

1 Investment Board pursuant to subchapter III of
2 chapter 84 of title 5.

3 “(2) EXCEPTION FOR GOVERNMENTAL PLAN.—

4 Such term does not include any governmental plan
5 (as defined in section 3(32) of title I of the Em-
6 ployee Retirement Income Security Act of 1974 (29
7 U.S.C. 1002(32))), except as provided in paragraph
8 (1)(D).

9 “(3) CERTAIN ARRANGEMENTS INCLUDED.—

10 Such term shall include any arrangement that has
11 been represented to be an arrangement described in
12 any subparagraph of paragraph (1) (whether or not
13 so described).

14 “(b) PROHIBITION AND PENALTIES.—Whoever exe-
15 cutes, or attempts to execute, a scheme or artifice—

16 “(1) to defraud any retirement arrangement or
17 other person in connection with the establishment or
18 maintenance of a retirement arrangement; or

19 “(2) to obtain, by means of false or fraudulent
20 pretenses, representations, or promises, any of the
21 money or property owned by, or under the custody
22 or control of, any retirement arrangement or other
23 person in connection with the establishment or main-
24 tenance of a retirement arrangement;

1 shall be fined under this title, imprisoned not more than
2 10 years, or both.

3 “(c) ENFORCEMENT.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 the Attorney General may investigate any violation
6 of and otherwise enforce this section.

7 “(2) EFFECT ON OTHER AUTHORITY.—Nothing
8 in this subsection may be construed to preclude the
9 Secretary of Labor or the head of any other appro-
10 priate Federal agency from investigating a violation
11 of this section in relation to a retirement arrange-
12 ment subject to title I of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C. 1001 et
14 seq.) or any other provision of Federal law.”.

15 (b) TECHNICAL AMENDMENT.—Section 24(a)(1) of
16 title 18, United States Code, is amended by inserting
17 “1348,” after “1347,”.

18 (c) CONFORMING AMENDMENT.—The analysis for
19 chapter 63 of title 18, United States Code, is amended
20 by adding at the end the following:

“1348. Fraud in relation to retirement arrangements.”.

21 **SEC. 3315. ADDITIONAL CIVIL PENALTIES FOR DEFRAUD-**
22 **ING PENSION PLANS.**

23 (a) IN GENERAL.—

24 (1) ACTION BY ATTORNEY GENERAL.—Except
25 as provided in subsection (b)—

1 (A) the Attorney General may bring a civil
2 action in the appropriate district court of the
3 United States against any person who engages
4 in conduct constituting an offense under section
5 1348 of title 18, United States Code, or con-
6 spiracy to violate such section 1348; and

7 (B) upon proof of such conduct by a pre-
8 ponderance of the evidence, such person shall
9 be subject to a civil penalty in an amount equal
10 to the greatest of—

11 (i) the amount of pecuniary gain to
12 that person;

13 (ii) the amount of pecuniary loss sus-
14 tained by the victim; or

15 (iii) not more than—

16 (I) \$50,000 for each such viola-
17 tion in the case of an individual; or

18 (II) \$100,000 for each violation
19 in the case of a person other than an
20 individual.

21 (2) NO EFFECT ON OTHER REMEDIES.—The
22 imposition of a civil penalty under this subsection
23 does not preclude any other statutory, common law,
24 or administrative remedy available by law to the
25 United States or any other person.

1 (b) EXCEPTION.—No civil penalty may be imposed
2 pursuant to subsection (a) with respect to conduct involv-
3 ing a retirement arrangement that—

4 (1) is an employee pension benefit plan subject
5 to title I of Employee Retirement Income Security
6 Act of 1974; and

7 (2) for which the civil penalties may be imposed
8 under section 502 of Employee Retirement Income
9 Security Act of 1974 (29 U.S.C. 1132).

10 (c) DETERMINATION OF PENALTY AMOUNT.—In de-
11 termining the amount of the penalty under subsection (a),
12 the district court may consider the effect of the penalty
13 on the violator or other person’s ability to—

14 (1) restore all losses to the victims; or

15 (2) provide other relief ordered in another civil
16 or criminal prosecution related to such conduct, in-
17 cluding any penalty or tax imposed on the violator
18 or other person pursuant to the Internal Revenue
19 Code of 1986.”.

20 **SEC. 3316. PUNISHING BRIBERY AND GRAFT IN CONNEC-**
21 **TION WITH EMPLOYEE BENEFIT PLANS.**

22 Section 1954 of title 18, United State Code, is
23 amended to read as follows:

1 **“§ 1954. Bribery and graft in connection with em-**
2 **ployee benefit plans**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘employee benefit plan’ means
5 any employee welfare benefit plan or employee pen-
6 sion benefit plan subject to any provision of title I
7 of the Employee Retirement Income Security Act of
8 1974;

9 “(2) the terms ‘employee organization’, ‘admin-
10 istrator’, and ‘employee benefit plan sponsor’ mean
11 any employee organization, administrator, or plan
12 sponsor, as defined in title I of the Employment Re-
13 tirement Income Security Act of 1974; and

14 “(3) the term ‘applicable person’ means a per-
15 son who is—

16 “(A) an administrator, officer, trustee,
17 custodian, counsel, agent, or employee of any
18 employee benefit plan;

19 “(B) an officer, counsel, agent, or em-
20 ployee of an employer or an employer any of
21 whose employees are covered by such plan;

22 “(C) an officer, counsel, agent, or em-
23 ployee of an employee organization any of
24 whose members are covered by such plan;

1 “(D) a person who, or an officer, counsel,
2 agent, or employee of an organization that, pro-
3 vides benefit plan services to such plan; or

4 “(E) a person with actual or apparent in-
5 fluence or decisionmaking authority in regard
6 to such plan.

7 “(b) BRIBERY AND GRAFT.—Whoever—

8 “(1) being an applicable person, receives or
9 agrees to receive or solicits, any fee, kickback, com-
10 mission, gift, loan, money, or thing of value, person-
11 ally or for any other person, because of or with the
12 intent to be corruptly influenced with respect to any
13 action, decision, or duty of that applicable person re-
14 lating to any question or matter concerning an em-
15 ployee benefit plan;

16 “(2) directly or indirectly, gives or offers, or
17 promises to give or offer, any fee, kickback, commis-
18 sion, gift, loan, money, or thing of value, to any ap-
19 plicable person, because of or with the intent to be
20 corruptly influenced with respect to any action, deci-
21 sion, or duty of that applicable person relating to
22 any question or matter concerning an employee ben-
23 efit plan; or

1 “(3) attempts to give, accept, or receive any
2 thing of value with the intent to be corruptly influ-
3 enced in violation of this subsection;
4 shall be fined under this title, imprisoned not more than
5 5 years, or both.

6 “(c) EXCEPTIONS.—Nothing in this section may be
7 construed to apply to any—

8 “(1) payment to or acceptance by any person of
9 bona fide salary, compensation, or other payments
10 made for goods or facilities actually furnished or for
11 services actually performed in the regular course of
12 his duties as an applicable person; or

13 “(2) payment to or acceptance in good faith by
14 any employee benefit plan sponsor, or person acting
15 on the sponsor’s behalf, of any thing of value relat-
16 ing to the sponsor’s decision or action to establish,
17 terminate, or modify the governing instruments of
18 an employee benefit plan in a manner that does not
19 violate title I of the Employee Retirement Income
20 Security Act of 1974, or any regulation or order
21 promulgated thereunder, or any other provision of
22 law governing the plan.”.

1 **PART 2—PREVENTING TELEMARKETING FRAUD**
2 **SEC. 3321. CENTRALIZED COMPLAINT AND CONSUMER**
3 **EDUCATION SERVICE FOR VICTIMS OF TELE-**
4 **MARKETING FRAUD.**

5 (a) CENTRALIZED SERVICE.—

6 (1) REQUIREMENT.—The Federal Trade Com-
7 mission shall, after consultation with the Attorney
8 General, establish procedures to—

9 (A) log and acknowledge the receipt of
10 complaints by individuals who certify that they
11 have a reasonable belief that they have been the
12 victim of fraud in connection with the conduct
13 of telemarketing (as that term is defined in sec-
14 tion 2325 of title 18, United States Code, as
15 amended by section 3322(a) of this Act);

16 (B) provide to individuals described in sub-
17 paragraph (A), and to any other persons, infor-
18 mation on telemarketing fraud, including—

19 (i) general information on tele-
20 marketing fraud, including descriptions of
21 the most common telemarketing fraud
22 schemes;

23 (ii) information on means of referring
24 complaints on telemarketing fraud to ap-
25 propriate law enforcement agencies, includ-
26 ing the Director of the Federal Bureau of

1 Investigation, the attorneys general of the
2 States, and the national toll-free telephone
3 number on telemarketing fraud established
4 by the Attorney General; and

5 (iii) information, if available, on the
6 number of complaints of telemarketing
7 fraud against particular companies and
8 any record of convictions for telemarketing
9 fraud by particular companies for which a
10 specific request has been made; and

11 (C) refer complaints described in subpara-
12 graph (A) to appropriate entities, including
13 State consumer protection agencies or entities
14 and appropriate law enforcement agencies, for
15 potential law enforcement action.

16 (2) CENTRAL LOCATION.—The service under
17 the procedures under paragraph (1) shall be pro-
18 vided at and through a single site selected by the
19 Commission for that purpose.

20 (3) COMMENCEMENT.—The Commission shall
21 commence carrying out the service not later than 1
22 year after the date of enactment of this Act.

23 (b) CREATION OF FRAUD CONVICTION DATABASE.—

24 (1) REQUIREMENT.—The Attorney General
25 shall establish and maintain a computer database

1 containing information on the corporations and com-
2 panies convicted of offenses for telemarketing fraud
3 under Federal and State law. The database shall in-
4 clude a description of the type and method of the
5 fraud scheme for which each corporation or company
6 covered by the database was convicted.

7 (2) USE OF DATABASE.—The Attorney General
8 shall make information in the database available to
9 the Federal Trade Commission for purposes of pro-
10 viding information as part of the service under sub-
11 section (a).

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated such sums as may be nec-
14 essary to carry out this section.

15 **SEC. 3322. BLOCKING OF TELEMARKETING SCAMS.**

16 (a) EXPANSION OF SCOPE OF TELEMARKETING
17 FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES.—
18 Section 2325(1) of title 18, United States Code, is amend-
19 ed by striking “telephone calls” and inserting “wire com-
20 munications utilizing a telephone service”.

21 (b) BLOCKING OR TERMINATION OF TELEPHONE
22 SERVICE ASSOCIATED WITH TELEMARKETING FRAUD.—

23 (1) IN GENERAL.—Chapter 113A of title 18,
24 United States Code, is amended by adding at the
25 end the following:

1 **“§ 2328. Blocking or termination of telephone service**

2 “(a) IN GENERAL.—If a common carrier subject to
3 the jurisdiction of the Federal Communications Commis-
4 sion is notified in writing by the Attorney General, acting
5 within the Attorney General’s jurisdiction, that any wire
6 communications facility furnished by such common carrier
7 is being used or will be used by a subscriber for the pur-
8 pose of transmitting or receiving a wire communication
9 in interstate or foreign commerce for the purpose of exe-
10 cuting any scheme or artifice to defraud, or for obtaining
11 money or property by means of false or fraudulent pre-
12 tenses, representations, or promises, in connection with
13 the conduct of telemarketing, the common carrier shall
14 discontinue or refuse the leasing, furnishing, or maintain-
15 ing of the facility to or for the subscriber after reasonable
16 notice to the subscriber.

17 “(b) PROHIBITION ON DAMAGES.—No damages, pen-
18 alty, or forfeiture, whether civil or criminal, shall be found
19 or imposed against any common carrier for any act done
20 by the common carrier in compliance with a notice re-
21 ceived from the Attorney General under this section.

22 “(c) RELIEF.—

23 “(1) IN GENERAL.—Nothing in this section
24 may be construed to prejudice the right of any per-
25 son affected thereby to secure an appropriate deter-

1 mination, as otherwise provided by law, in a Federal
2 court, that—

3 “(A) the leasing, furnishing, or maintain-
4 ing of a facility should not be discontinued or
5 refused under this section; or

6 “(B) the leasing, furnishing, or maintain-
7 ing of a facility that has been so discontinued
8 or refused should be restored.

9 “(2) SUPPORTING INFORMATION.—In any ac-
10 tion brought under this subsection, the court may
11 direct that the Attorney General present evidence in
12 support of the notice made under subsection (a) to
13 which such action relates.

14 “(d) DEFINITIONS.—In this section:

15 “(1) REASONABLE NOTICE TO THE SUB-
16 SCRIBER.—

17 “(A) IN GENERAL.—The term ‘reasonable
18 notice to the subscriber’, in the case of a sub-
19 scriber of a common carrier, means any infor-
20 mation necessary to provide notice to the sub-
21 scriber that—

22 “(i) the wire communications facilities
23 furnished by the common carrier may not
24 be used for the purpose of transmitting,
25 receiving, forwarding, or delivering a wire

1 communication in interstate or foreign
2 commerce for the purpose of executing any
3 scheme or artifice to defraud in connection
4 with the conduct of telemarketing; and

5 “(ii) such use constitutes sufficient
6 grounds for the immediate discontinuance
7 or refusal of the leasing, furnishing, or
8 maintaining of the facilities to or for the
9 subscriber.

10 “(B) INCLUDED MATTER.—The term in-
11 cludes any tariff filed by the common carrier
12 with the Federal Communications Commission
13 that contains the information specified in sub-
14 paragraph (A).

15 “(2) WIRE COMMUNICATION.—The term ‘wire
16 communication’ has the meaning given that term in
17 section 2510(1) of this title.

18 “(3) WIRE COMMUNICATIONS FACILITY.—The
19 term ‘wire communications facility’ means any facil-
20 ity (including instrumentalities, personnel, and serv-
21 ices) used by a common carrier for purposes of the
22 transmission, receipt, forwarding, or delivery of wire
23 communications.”.

1 (2) CONFORMING AMENDMENT.—The analysis
2 for that chapter is amended by adding at the end
3 the following:

“2328. Blocking or termination of telephone service.”.

4 **PART 3—PREVENTING HEALTH CARE FRAUD**

5 **SEC. 3331. INJUNCTIVE AUTHORITY RELATING TO FALSE**
6 **CLAIMS AND ILLEGAL KICKBACK SCHEMES**
7 **INVOLVING FEDERAL HEALTH CARE PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Section 1345(a) of title 18,
10 United States Code, is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (B), by striking “,
13 or” and inserting a semicolon;

14 (B) in subparagraph (C), by striking the
15 period at the end and inserting “; or”; and

16 (C) by inserting after subparagraph (C)
17 the following:

18 “(D) committing or about to commit an offense
19 under section 1128B of the Social Security Act (42
20 U.S.C. 1320a-7b);”; and

21 (2) in paragraph (2), by inserting “a violation
22 of paragraph (1)(D) or” before “a banking”.

23 (b) CIVIL ACTIONS.—

1 (1) IN GENERAL.—Section 1128B of the Social
2 Security Act (42 U.S.C. 1320a–7b) is amended by
3 adding at the end the following:

4 “(g) CIVIL ACTIONS.—

5 “(1) IN GENERAL.—The Attorney General may
6 bring an action in the appropriate district court of
7 the United States to impose upon any person who
8 carries out any activity in violation of this section
9 with respect to a Federal health care program a civil
10 penalty of not more than \$50,000 for each such vio-
11 lation, or damages of 3 times the total remuneration
12 offered, paid, solicited, or received, whichever is
13 greater.

14 “(2) EXISTENCE OF VIOLATION.—A violation
15 exists under paragraph (1) if 1 or more purposes of
16 the remuneration is unlawful, and the damages shall
17 be the full amount of such remuneration.

18 “(3) PROCEDURES.—An action under para-
19 graph (1) shall be governed by—

20 “(A) the procedures with regard to sub-
21 poenas, statutes of limitations, standards of
22 proof, and collateral estoppel set forth in sec-
23 tion 3731 of title 31, United States Code; and

24 “(B) the Federal Rules of Civil Procedure.

1 “(4) NO EFFECT ON OTHER REMEDIES.—Noth-
2 ing in this section may be construed to affect the
3 availability of any other criminal or civil remedy.

4 “(h) INJUNCTIVE RELIEF.—The Attorney General
5 may commence a civil action in an appropriate district
6 court of the United States to enjoin a violation of this
7 section, as provided in section 1345 of title 18, United
8 States Code.”.

9 (2) CONFORMING AMENDMENT.—The heading
10 of section 1128B of the Social Security Act (42
11 U.S.C. 1320a–7b) is amended by inserting “AND
12 CIVIL” after “CRIMINAL”.

13 **SEC. 3332. AUTHORIZED INVESTIGATIVE DEMAND PROCE-**
14 **DURES.**

15 Section 3486 of title 18, United States Code, is
16 amended—

17 (1) in subsection (a), by inserting “, or any al-
18 legation of fraud or false claims (whether criminal or
19 civil) in connection with a Federal health care pro-
20 gram (as defined in section 1128B(f) of the Social
21 Security Act (42 U.S.C. 1320a–7b(f))),” after “Fed-
22 eral health care offense,”; and

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

24 “(f) PRIVACY PROTECTION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), any record (including any book, paper,
3 document, electronic medium, or other object or tan-
4 gible thing) produced pursuant to a subpoena issued
5 under this section that contains personally identifi-
6 able health information may not be disclosed to any
7 person, except pursuant to a court order under sub-
8 section (e)(1).

9 “(2) EXCEPTIONS.—A record described in para-
10 graph (1) may be disclosed—

11 “(A) to an attorney for the government for
12 use in the performance of the official duty of
13 the attorney (including presentation to a Fed-
14 eral grand jury);

15 “(B) to such government personnel (in-
16 cluding personnel of a State or subdivision of a
17 State) as are determined to be necessary by an
18 attorney for the government to assist an attor-
19 ney for the government in the performance of
20 the official duty of that attorney to enforce
21 Federal criminal law;

22 “(C) as directed by a court preliminarily to
23 or in connection with a judicial proceeding; and

24 “(D) as permitted by a court—

1 “(i) at the request of a defendant in
2 an administrative, civil, or criminal action
3 brought by the United States, upon a
4 showing that grounds may exist for a mo-
5 tion to exclude evidence obtained under
6 this section; or

7 “(E) at the request of an attorney for the
8 government, upon a showing that such matters
9 may disclose a violation of State criminal law,
10 to an appropriate official of a State or subdivi-
11 sion of a State for the purpose of enforcing
12 such law.

13 “(3) MANNER OF COURT ORDERED DISCLO-
14 SURES.—If a court orders the disclosure of any
15 record described in paragraph (1), the disclosure
16 shall be made in such manner, at such time, and
17 under such conditions as the court may direct and
18 shall be undertaken in a manner that preserves the
19 confidentiality and privacy of individuals who are the
20 subject of the record, unless disclosure is required by
21 the nature of the proceedings, in which event the at-
22 torney for the government shall request that the pre-
23 siding judicial or administrative officer enter an
24 order limiting the disclosure of the record to the
25 maximum extent practicable, including redacting the

1 personally identifiable health information from pub-
2 licly disclosed or filed pleadings or records.

3 “(4) DESTRUCTION OF RECORDS.—Any record
4 described in paragraph (1), and all copies of that
5 record, in whatever form (including electronic) shall
6 be destroyed not later than 90 days after the date
7 on which the record is produced, unless otherwise or-
8 dered by a court of competent jurisdiction, upon a
9 showing of good cause.

10 “(5) EFFECT OF VIOLATION.—Any person who
11 knowingly fails to comply with this subsection may
12 be punished as in contempt of court.

13 “(g) PERSONALLY IDENTIFIABLE HEALTH INFORMA-
14 TION DEFINED.—In this section, the term ‘personally
15 identifiable health information’ means any information, in-
16 cluding genetic information, demographic information,
17 and tissue samples collected from an individual, whether
18 oral or recorded in any form or medium, that—

19 “(1) relates to the past, present, or future phys-
20 ical or mental health or condition of an individual,
21 the provision of health care to an individual, or the
22 past, present, or future payment for the provision of
23 health care to an individual; and

24 “(2) either—

25 “(A) identifies an individual; or

1 “(B) with respect to which there is a rea-
2 sonable basis to believe that the information
3 can be used to identify an individual.”.

4 **SEC. 3333. EXTENDING ANTIFRAUD SAFEGUARDS TO THE**
5 **FEDERAL EMPLOYEE HEALTH BENEFITS**
6 **PROGRAM.**

7 Section 1128B(f)(1) of the Social Security Act (42
8 U.S.C. 1320a–7b(f)(1)) is amended by striking “(other
9 than the health insurance program under chapter 89 of
10 title 5, United States Code)”.

11 **SEC. 3334. GRAND JURY DISCLOSURE.**

12 Section 3322 of title 18, United States Code, is
13 amended—

14 (1) by redesignating subsections (c) and (d) as
15 subsections (d) and (e), respectively; and

16 (2) by inserting after subsection (b) the fol-
17 lowing:

18 “(c) GRAND JURY DISCLOSURE.—Subject to section
19 3486(f), upon ex parte motion of an attorney for the gov-
20 ernment showing that such disclosure would be of assist-
21 ance to enforce any provision of Federal law, a court may
22 direct the disclosure of any matter occurring before a
23 grand jury during an investigation of a Federal health
24 care offense (as defined in section 24(a) of this title) to
25 an attorney for the government to use in any investigation

1 or civil proceeding relating to fraud or false claims in con-
2 nection with a Federal health care program (as defined
3 in section 1128B(f) of the Social Security Act (42 U.S.C.
4 1320a–7b(f))).”.

5 **SEC. 3335. INCREASING THE EFFECTIVENESS OF CIVIL IN-**
6 **VESTIGATIVE DEMANDS IN FALSE CLAIMS IN-**
7 **VESTIGATIONS.**

8 Section 3733 of title 31, United States Code, is
9 amended—

10 (1) in subsection (a)(1), in the second sentence,
11 by inserting “, except to the Deputy Attorney Gen-
12 eral or to an Assistant Attorney General” before the
13 period at the end; and

14 (2) in subsection (i)(2)(C), by adding at the end
15 the following: “Disclosure of information to a person
16 who brings a civil action under section 3730, or such
17 person’s counsel, shall be allowed only upon applica-
18 tion to a United States district court showing that
19 such disclosure would assist the Department of Jus-
20 tice in carrying out its statutory responsibilities.”.

1 **PART 4—PROTECTING THE RIGHTS OF ELDERLY**

2 **CRIME VICTIMS**

3 **SEC. 3341. USE OF FORFEITED FUNDS TO PAY RESTITUTION**

4 **TO CRIME VICTIMS AND REGULATORY AGEN-**

5 **CIES.**

6 Section 981(e) of title 18, United States Code, is
7 amended—

8 (1) in each of paragraphs (3), (4), and (5), by
9 striking “in the case of property referred to in sub-
10 section (a)(1)(C)” and inserting “in the case of
11 property forfeited in connection with an offense re-
12 sulting in a pecuniary loss to a financial institution
13 or regulatory agency”;

14 (2) by striking paragraph (6) and inserting the
15 following:

16 “(6) as restoration to any victim of the offense
17 giving rise to the forfeiture, including, in the case of
18 a money laundering offense, any offense constituting
19 the underlying specified unlawful activity; or”; and

20 (3) in paragraph (7), by striking “in the case
21 of property referred to in subsection (a)(1)(D)” and
22 inserting “in the case of property forfeited in con-
23 nection with an offense relating to the sale of assets
24 acquired or held by any Federal financial institution
25 or regulatory agency, or person appointed by such

1 agency, as receiver, conservator, or liquidating agent
2 for an financial institution”.

3 **SEC. 3342. VICTIM RESTITUTION.**

4 Section 413 of the Controlled Substances Act (21
5 U.S.C. 853) is amended by adding at the end the fol-
6 lowing:

7 “(r) VICTIM RESTITUTION.—

8 “(1) SATISFACTION OF ORDER OF RESTITU-
9 TION.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), a defendant may not use
12 property subject to forfeiture under this section
13 to satisfy an order of restitution.

14 “(B) EXCEPTION.—If there are 1 or more
15 identifiable victims entitled to restitution from a
16 defendant, and the defendant has no assets
17 other than the property subject to forfeiture
18 with which to pay restitution to the victim or
19 victims, the attorney for the Government may
20 move to dismiss a forfeiture allegation against
21 the defendant before entry of a judgment of
22 forfeiture in order to allow the property to be
23 used by the defendant to pay restitution in
24 whatever manner the court determines to be ap-
25 propriate if the court grants the motion. In

1 granting a motion under this subparagraph, the
2 court shall include a provision ensuring that
3 costs associated with the identification, seizure,
4 management, and disposition of the property
5 are recovered by the United States.

6 “(2) RESTORATION OF FORFEITED PROP-
7 ERTY.—

8 “(A) IN GENERAL.—If an order of for-
9 feiture is entered pursuant to this section and
10 the defendant has no assets other than the for-
11 feited property to pay restitution to 1 or more
12 identifiable victims who are entitled to restitu-
13 tion, the Government shall restore the forfeited
14 property to the victims pursuant to subsection
15 (i)(1) once the ancillary proceeding under sub-
16 section (n) has been completed and the costs of
17 the forfeiture action have been deducted.

18 “(B) DISTRIBUTION OF PROPERTY.—On
19 motion of the attorney for the Government, the
20 court may enter any order necessary to facili-
21 tate the distribution of any property restored
22 under this paragraph.

23 “(3) VICTIM DEFINED.—In this subsection, the
24 term ‘victim’—

1 “(A) means a person other than a person
 2 with a legal right, title, or interest in the for-
 3 feited property sufficient to satisfy the standing
 4 requirements of subsection (n)(2) who may be
 5 entitled to restitution from the forfeited funds
 6 pursuant to section 9.8 of part 9 of title 28,
 7 Code of Federal Regulations (or any successor
 8 to that regulation); and

9 “(B) includes any person who is the victim
 10 of the offense giving rise to the forfeiture, or of
 11 any offense that was part of the same scheme,
 12 conspiracy, or pattern of criminal activity, in-
 13 cluding, in the case of a money laundering of-
 14 fense, any offense constituting the underlying
 15 specified unlawful activity.”.

16 **SEC. 3343. BANKRUPTCY PROCEEDINGS NOT USED TO**
 17 **SHIELD ILLEGAL GAINS FROM FALSE**
 18 **CLAIMS.**

19 (a) CERTAIN ACTIONS NOT STAYED BY BANK-
 20 RUPTCY PROCEEDINGS.—

21 (1) IN GENERAL.—Notwithstanding any other
 22 provision of law, the commencement or continuation
 23 of an action under section 3729 of title 31, United
 24 States Code, does not operate as a stay under sec-

1 tion 105(a) or 362(a)(1) of title 11, United States
2 Code.

3 (2) CONFORMING AMENDMENT.—Section
4 362(b) of title 11, United States Code, is
5 amended—

6 (A) in paragraph (17), by striking “or” at
7 the end;

8 (B) in paragraph (18), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(19) the commencement or continuation of an
12 action under section 3729 of title 31.”.

13 (b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANK-
14 RUPTCY.—Section 523 of title 11, United States Code, is
15 amended by adding at the end the following:

16 “(f) A discharge under section 727, 1141, 1228(a),
17 1228(b), or 1328(b) does not discharge a debtor from a
18 debt owed for violating section 3729 of title 31.”.

19 (c) REPAYMENT OF CERTAIN DEBTS CONSIDERED
20 FINAL.—

21 (1) IN GENERAL.—Chapter 1 of title 11, United
22 States Code, is amended by adding at the end the
23 following:

1 **“§ 111. False claims**

2 “No transfer on account of a debt owed to the United
3 States for violating 3729 of title 31, or under a com-
4 promise order or other agreement resolving such a debt
5 may be avoided under section 544, 545, 547, 548, 549,
6 553(b), or 742(a).”.

7 (2) CONFORMING AMENDMENT.—The analysis
8 for chapter 1 of title 11, United States Code, is
9 amended by adding at the end the following:

“111. False claims.”.

10 **SEC. 3344. FORFEITURE FOR RETIREMENT OFFENSES.**

11 (a) CRIMINAL FORFEITURE.—Section 982(a) of title
12 18, United States Code, is amended by adding at the end
13 the following:

14 “(9) CRIMINAL FORFEITURE.—

15 “(A) IN GENERAL.—The court, in imposing
16 sentence on a person convicted of a retirement of-
17 fense, shall order the person to forfeit property, real
18 or personal, that constitutes or that is derived, di-
19 rectly or indirectly, from proceeds traceable to the
20 commission of the offense.

21 “(B) RETIREMENT OFFENSE DEFINED.—In
22 this paragraph, the term ‘retirement offense’ means
23 a violation of any of the following provisions of law,
24 if the violation, conspiracy, or solicitation relates to

1 a retirement arrangement (as defined in section
2 1348 of title 18, United States Code):

3 “(i) Section 664, 1001, 1027, 1341, 1343,
4 1348, 1951, 1952, or 1954 of title 18, United
5 States Code.

6 “(ii) Sections 411, 501, or 511 of the Em-
7 ployee Retirement Income Security Act of 1974
8 (29 U.S.C. 1111, 1131, 1141).”.

9 (b) CIVIL FORFEITURE.—Section 981(a)(1) of title
10 18, United States Code, is amended by adding at the end
11 the following:

12 “(G) Any property, real or personal, that con-
13 stitutes or is derived, directly or indirectly, from pro-
14 ceeds traceable to the commission of a violation of,
15 a criminal conspiracy to violated or solicitation to
16 commit a crime of violence involving a retirement of-
17 fense (as defined in section 982(a)(9)(B)).”.

18 **Subtitle D—Violent Crime**

19 **Reduction Trust Fund**

20 **SEC. 3401. EXTENSION OF VIOLENT CRIME REDUCTION** 21 **TRUST FUND.**

22 (a) IN GENERAL.—Section 310001(b) of the Violent
23 Crime Control and Law Enforcement Act of 1994 (42
24 U.S.C. 14211) is amended by striking paragraphs (1)
25 through (5) and inserting the following:

- 1 “(1) for fiscal year 2002, \$6,169,000,000;
2 “(2) for fiscal year 2003, \$6,316,000,000;
3 “(3) for fiscal year 2004, \$6,458,000,000; and
4 “(4) for fiscal year 2005, \$6,616,000,000.”.

5 (b) DISCRETIONARY LIMITS.—Title XXXI of the Vio-
6 lent Crime Control and Law Enforcement Act of 1994 (42
7 U.S.C. 14211 et seq.) is amended by inserting after sec-
8 tion 310001 the following:

9 **“SEC. 310002. DISCRETIONARY LIMITS.**

10 “For the purposes of allocations made for the discre-
11 tionary category under section 302(a) of the Congressional
12 Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discre-
13 tionary spending limit’ means—

14 “(1) with respect to fiscal year 2002—

15 “(A) for the discretionary category,
16 amounts of budget authority and outlays nec-
17 essary to adjust the discretionary spending lim-
18 its to reflect the changes in subparagraph (B)
19 as determined by the Chairman of the Com-
20 mittee on the Budget of the House of Rep-
21 resentatives and the Chairman of the Com-
22 mittee on the Budget of the Senate; and

23 “(B) for the violent crime reduction cat-
24 egory, \$6,169,000,000 in new budget authority
25 and \$6,020,000,000 in outlays;

1 “(2) with respect to fiscal year 2003—

2 “(A) for the discretionary category,
3 amounts of budget authority and outlays nec-
4 essary to adjust the discretionary spending lim-
5 its to reflect the changes in subparagraph (B)
6 as determined by the Chairman of the Com-
7 mittee on the Budget of the House of Rep-
8 resentatives and the Chairman of the Com-
9 mittee on the Budget of the Senate; and

10 “(B) for the violent crime reduction cat-
11 egory, \$6,316,000,000 in new budget authority
12 and \$6,161,000,000 in outlays;

13 “(3) with respect to fiscal year 2004—

14 “(A) for the discretionary category,
15 amounts of budget authority and outlays nec-
16 essary to adjust the discretionary spending lim-
17 its to reflect the changes in subparagraph (B)
18 as determined by the Chairman of the Com-
19 mittee on the Budget of the House of Rep-
20 resentatives and the Chairman of the Com-
21 mittee on the Budget of the Senate; and

22 “(B) for the violent crime reduction cat-
23 egory, \$6,459,000,000 in new budget authority
24 and \$6,303,000,000 in outlays; and

25 “(4) with respect to fiscal year 2005—

1 “(A) for the discretionary category,
2 amounts of budget authority and outlays nec-
3 essary to adjust the discretionary spending lim-
4 its to reflect the changes in subparagraph (B)
5 as determined by the Chairman of the Com-
6 mittee on the Budget of the House of Rep-
7 resentatives and the Chairman of the Com-
8 mittee on the Budget of the Senate; and

9 “(B) for the violent crime reduction cat-
10 egory, \$6,616,000 in new budget authority and
11 \$6,452,000,000 in outlays;

12 as adjusted in accordance with section 251(b) of the
13 Balanced Budget and Emergency Deficit Control
14 Act of 1985 (2 U.S.C. 901(b)) and section 314 of
15 the Congressional Budget Act of 1974.”.

1 **TITLE IV—BREAKING THE**
2 **CYCLE OF DRUGS AND VIO-**
3 **LENCE**

4 **Subtitle A—Drug Courts, Drug**
5 **Treatment, and Alternative Sen-**
6 **tencing**

7 **PART 1—EXPANSION OF DRUG COURTS**

8 **SEC. 4111. REAUTHORIZATION OF DRUG COURTS PRO-**
9 **GRAM.**

10 (a) **REPEAL.**—Section 114(b)(1)(A) of title I of Pub-
11 lic Law 104–134 is repealed.

12 (b) **REAUTHORIZATION.**—Section 1001(a)(20) of title
13 I of the Omnibus Crime Control and Safe Streets Act of
14 1968 (42 U.S.C. 3793(a)(20)) is amended—

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

17 (2) in subparagraph (F), by striking the period
18 at the end and inserting a semicolon; and

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

20 “(G) \$400,000,000 for fiscal year 2002; and

21 “(H) \$400,000,000 for fiscal year 2003.”.

22 **SEC. 4112. JUVENILE DRUG COURTS.**

23 Title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
25 by inserting after part BB the following:

1 **“PART Z—JUVENILE DRUG COURTS**

2 **“SEC. 2976. 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. 2977. 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. 2978. 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. 2979. 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. 2980. 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. 2981. 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. 2982. 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. 2983. 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. 2984. 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. 2985. 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. 2986. 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 fiscal years 2002 and 2003;

22 “(2) \$50,000,000 for fiscal year 2004; and

23 “(3) \$50,000,000 for fiscal year 2005.”.

1 **PART 2—ZERO TOLERANCE DRUG TESTING**

2 **SEC. 4121. GRANT AUTHORITY.**

3 The Attorney General may make grants to States and
4 units of local government, State courts, local courts, and
5 Indian tribal governments, acting directly or through
6 agreements with other public or private entities, for pro-
7 grams that support—

8 (1) developing and/or implementing comprehen-
9 sive drug testing policies and practices with regard
10 to criminal justice populations; and

11 (2) establishing appropriate interventions to il-
12 legal drug use for offender populations. Applicants
13 may choose to submit joint proposals with other eli-
14 gible criminal justice/court agencies for systemic
15 drug testing and intervention programs; in this case,
16 one organization must be designated as the primary
17 applicant.

18 **SEC. 4122. ADMINISTRATION.**

19 (a) CONSULTATION/COORDINATION.—In carrying out
20 section 4121, the Attorney General shall coordinate with
21 the other Justice Department initiatives that address drug
22 testing and interventions in the criminal justice system.

23 (b) GUIDELINES.—The Attorney General may issue
24 guidelines necessary to carry out section 4121.

1 (c) APPLICATIONS.—In addition to any other require-
2 ments that may be specified by the Attorney General, an
3 application for a grant under section 4121 shall—

4 (1) reflect a comprehensive approach that rec-
5 ognizes the importance of collaboration and a con-
6 tinuum of testing, treatment, and other interven-
7 tions;

8 (2) include a long-term strategy and detailed
9 implementation plan;

10 (3) address the applicant’s capability to con-
11 tinue the proposed program following the conclusion
12 of Federal support;

13 (4) identify related governmental or community
14 initiatives which complement or will be coordinated
15 with the proposal;

16 (5) certify that there has been appropriate con-
17 sultation with affected agencies and key stakeholders
18 throughout the criminal justice system and that
19 there will be continued coordination throughout the
20 implementation of the program; and

21 (6) describe the methodology that will be used
22 in evaluating the program.

23 **SEC. 4123. APPLICATIONS.**

24 To request funds under section 4121, interested ap-
25 plicants shall submit an application to the Attorney Gen-

1 eral in such form and containing such information as the
2 Attorney General may reasonably require. Federal funding
3 shall be awarded on a competitive basis based on criteria
4 established by the Attorney General and specified in pro-
5 gram guidelines.

6 **SEC. 4124. FEDERAL SHARE.**

7 The Federal share of a grant made under section
8 4121 may not exceed 75 percent of the total cost of the
9 program described in the application submitted for the fis-
10 cal year for which the program receives assistance under
11 section 4121, unless the Attorney General waives, wholly
12 or in part, the requirement of a matching contribution
13 under this section. In-kind contributions may constitute
14 a portion of the non-federal share of a grant.

15 **SEC. 4125. GEOGRAPHIC DISTRIBUTION.**

16 The Attorney General shall ensure that, to the extent
17 practicable, an equitable geographic distribution of grant
18 awards under section 4121 is made, with rural and tribal
19 jurisdiction representation.

20 **SEC. 4126. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
21 **UATION.**

22 (a) **TECHNICAL ASSISTANCE AND TRAINING.**—The
23 Attorney General shall provide technical assistance and
24 training in furtherance of the purposes of section 4121.

1 (b) EVALUATION.—In addition to any evaluation re-
2 quirements that may be prescribed for grantees, the Attor-
3 ney General may carry out or make arrangements for a
4 rigorous evaluation of the programs that receive support
5 under section 4121.

6 (c) ADMINISTRATION.—The technical assistance,
7 training, and evaluations authorized by this section may
8 be carried out directly by the Attorney General or through
9 grants, contracts, or cooperative agreements with other
10 entities.

11 **SEC. 4127. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
13 sections 4122 through 4126 \$75,000,000 for fiscal year
14 2002 and such sums as may be necessary for fiscal years
15 2003 through 2006.

16 **SEC. 4128. PERMANENT SET-ASIDE FOR RESEARCH AND**
17 **EVALUATION.**

18 The Attorney General shall reserve not less than 1
19 percent and no more than 3 percent of the sums appro-
20 priated under section 4127 in each fiscal year for research
21 and evaluation of this program.

1 **SEC. 4129. ADDITIONAL REQUIREMENTS FOR THE USE OF**
2 **FUNDS UNDER THE VIOLENT OFFENDER IN-**
3 **CARCERATION AND TRUTH-IN-SENTENCING**
4 **GRANT PROGRAMS.**

5 Section 20105(b) of the Violent Crime Control and
6 Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is
7 amended to read as follows:

8 “(b) Additional Requirements.—

9 “(1) ELIGIBILITY FOR GRANT.—To be eligible
10 to receive a grant under section 20103 or section
11 20104, a State shall—

12 “(A) provide assurances to the Attorney
13 General that the State has implemented or will
14 implement not later than 18 months after the
15 date of the enactment of this subtitle, policies
16 that provide for the recognition of the rights of
17 crime victims; and

18 “(B) no later than September 1, 2002,
19 have a program of drug testing and interven-
20 tion for appropriate categories of convicted of-
21 fenders during periods of incarceration and
22 criminal justice supervision, with sanctions in-
23 cluding denial or revocation of release for posi-
24 tive drug tests, consistent with guidelines issued
25 by the Attorney General.

1 “(2) USE OF FUNDS.—Funds provided under
2 section 20103 or section 20104 of this subtitle may
3 be applied to the cost of offender drug testing and
4 appropriate intervention programs during periods of
5 incarceration and criminal justice supervision, con-
6 sistent with guidelines issued by the Attorney Gen-
7 eral. Further, such funds may be used by the States
8 to pay the costs of providing to the Attorney General
9 a baseline study on their prison drug abuse problem.
10 Such studies shall be consistent with guidelines
11 issued by the Attorney General.

12 “(3) SYSTEM OF SANCTIONS AND PENALTIES.—
13 Beginning in fiscal year 2002, and thereafter, States
14 receiving funds pursuant to section 20103 or section
15 20104 of this subtitle shall have a system of sanc-
16 tions and penalties that address drug trafficking
17 within and into correctional facilities under their ju-
18 risdiction. Such systems shall be in accordance with
19 guidelines issued by the Attorney General. Begin-
20 ning in fiscal year 2002, and each year thereafter,
21 any State that the Attorney General determines not
22 to be in compliance with the provisions of this para-
23 graph shall have the funds it would have otherwise
24 been eligible to receive under section 20103 or sec-
25 tion 20104 reduced by 10 percent for each fiscal

1 year for which the Attorney General determines it
 2 does not comply. Any funds that are not allocated
 3 for failure to comply with this section shall be reallo-
 4 cated to States that comply with this section.”.

5 **PART 3—DRUG TREATMENT**

6 **SEC. 4131. DRUG TREATMENT ALTERNATIVE TO PRISON**
 7 **PROGRAMS ADMINISTERED BY STATE OR**
 8 **LOCAL PROSECUTORS.**

9 (a) PROSECUTION DRUG TREATMENT ALTERNATIVE
 10 TO PRISON PROGRAMS.—Title I of the Omnibus Crime
 11 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 12 et seq.) is amended by adding at the end the following
 13 new part:

14 **“PART CC—PROSECUTION DRUG TREATMENT**
 15 **ALTERNATIVE TO PRISON PROGRAMS**

16 **“SEC. 2901. PROGRAM AUTHORIZED.**

17 “(a) IN GENERAL.—The Attorney General may make
 18 grants to State or local prosecutors for the purpose of de-
 19 veloping, implementing, or expanding drug treatment al-
 20 ternative to prison programs that comply with the require-
 21 ments of this part.

22 “(b) USE OF FUNDS.—A State or local prosecutor
 23 who receives a grant under this part shall use amounts
 24 provided under the grant to develop, implement, or expand
 25 the drug treatment alternative to prison program for

1 which the grant was made, which may include payment
2 of the following expenses:

3 “(1) Salaries, personnel costs, equipment costs,
4 and other costs directly related to the operation of
5 the program, including the enforcement unit.

6 “(2) Payments to licensed substance abuse
7 treatment providers for providing treatment to of-
8 fenders participating in the program for which the
9 grant was made, including aftercare supervision, vo-
10 cational training, education, and job placement.

11 “(3) Payments to public and nonprofit private
12 entities for providing treatment to offenders partici-
13 pating in the program for which the grant was
14 made.

15 “(c) FEDERAL SHARE.—The Federal share of a
16 grant under this part shall not exceed 75 percent of the
17 cost of the program.

18 “(d) SUPPLEMENT AND NOT SUPPLANT.—Grant
19 amounts received under this part shall be used to supple-
20 ment, and not supplant, non-Federal funds that would
21 otherwise be available for activities funded under this part.

22 **“SEC. 2902. PROGRAM REQUIREMENTS.**

23 “A drug treatment alternative to prison program with
24 respect to which a grant is made under this part shall
25 comply with the following requirements:

1 “(1) A State or local prosecutor shall admin-
2 ister the program.

3 “(2) An eligible offender may participate in the
4 program only with the consent of the State or local
5 prosecutor.

6 “(3) Each eligible offender who participates in
7 the program shall, as an alternative to incarceration,
8 be sentenced to or placed with a long term, drug
9 free residential substance abuse treatment provider
10 that is licensed under State or local law.

11 “(4) Each eligible offender who participates in
12 the program shall serve a sentence of imprisonment
13 with respect to the underlying crime if that offender
14 does not successfully complete treatment with the
15 residential substance abuse provider.

16 “(5) Each residential substance abuse provider
17 treating an offender under the program shall—

18 “(A) make periodic reports of the progress
19 of treatment of that offender to the State or
20 local prosecutor carrying out the program and
21 to the appropriate court in which the defendant
22 was convicted; and

23 “(B) notify that prosecutor and that court
24 if that offender absconds from the facility of

1 the treatment provider or otherwise violates the
2 terms and conditions of the program.

3 “(6) The program shall have an enforcement
4 unit comprised of law enforcement officers under the
5 supervision of the State or local prosecutor carrying
6 out the program, the duties of which shall include
7 verifying an offender’s addresses and other contacts,
8 and, if necessary, locating, apprehending, and ar-
9 resting an offender who has absconded from the fa-
10 cility of a residential substance abuse treatment pro-
11 vider or otherwise violated the terms and conditions
12 of the program, and returning such offender to court
13 for sentence on the underlying crime.

14 **“SEC. 2903. APPLICATIONS.**

15 “(a) IN GENERAL.—To request a grant under this
16 part, a State or local prosecutor shall submit an applica-
17 tion to the Attorney General in such form and containing
18 such information as the Attorney General may reasonably
19 require.

20 “(b) CERTIFICATIONS.—Each such application shall
21 contain the certification of the State or local prosecutor
22 that the program for which the grant is requested shall
23 meet each of the requirements of this part.

1 **“SEC. 2904. GEOGRAPHIC DISTRIBUTION.**

2 “The Attorney General shall ensure that, to the ex-
3 tent practicable, the distribution of grant awards is equi-
4 table and includes State or local prosecutors—

5 “(1) in each State; and

6 “(2) in rural, suburban, and urban jurisdic-
7 tions.

8 **“SEC. 2905. REPORTS AND EVALUATIONS.**

9 “For each fiscal year, each recipient of a grant under
10 this part during that fiscal year shall submit to the Attor-
11 ney General a report regarding the effectiveness of activi-
12 ties carried out using that grant. Each report shall include
13 an evaluation in such form and containing such informa-
14 tion as the Attorney General may reasonably require. The
15 Attorney General shall specify the dates on which such
16 reports shall be submitted.

17 **“SEC. 2906. DEFINITIONS.**

18 “In this part:

19 “(1) **ELIGIBLE OFFENDER.**—The term ‘eligible
20 offender’ means an individual who—

21 “(A) has been convicted of, or pled guilty
22 to, or admitted guilt with respect to a crime for
23 which a sentence of imprisonment is required
24 and has not completed such sentence;

25 “(B) has never been convicted of, or pled
26 guilty to, or admitted guilt with respect to, and

1 is not presently charged with, a felony crime of
2 violence or a major drug offense or a crime that
3 is considered a violent felony under State or
4 local law; and

5 “(C) has been found by a professional sub-
6 stance abuse screener to be in need of sub-
7 stance abuse treatment because that offender
8 has a history of substance abuse that is a sig-
9 nificant contributing factor to that offender’s
10 criminal conduct.

11 “(2) FELONY CRIME OF VIOLENCE.—The term
12 ‘felony crime of violence’ has the meaning given such
13 term in section 924(c)(3) of title 18, United States
14 Code.

15 “(3) MAJOR DRUG OFFENSE.—The term ‘major
16 drug offense’ has the meaning given such term in
17 section 36(a) of title 18, United States Code.

18 “(4) STATE OR LOCAL PROSECUTOR.—The
19 term ‘State or local prosecutor’ means any district
20 attorney, State attorney general, county attorney, or
21 corporation counsel who has authority to prosecute
22 criminal offenses under State or local law.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 1001(a) of title I of the Omnibus Crime Control and Safe

1 Street Act of 1968 (42 U.S.C. 3793(a)) is amended by
2 adding at the end the following new paragraph:

3 “(24) There are authorized to be appropriated
4 to carry out part CC—

5 “(A) \$75,000,000 for fiscal year 2002;

6 “(B) \$85,000,000 for fiscal year 2003;

7 “(C) \$95,000,000 for fiscal year 2004;

8 “(D) \$105,000,000 for fiscal year 2005;

9 and

10 “(E) \$125,000,000 for fiscal year 2006.”.

11 **SEC. 4132. SUBSTANCE ABUSE TREATMENT IN FEDERAL**
12 **PRISONS REAUTHORIZATION.**

13 Section 3621(e)(4) of title 18, United States Code,
14 is amended by striking subparagraph (E) and inserting
15 the following:

16 “(E) \$31,000,000 for fiscal year 2002; and

17 “(F) \$38,000,000 for fiscal year 2003.”.

18 **SEC. 4133. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
19 **FOR STATE PRISONERS REAUTHORIZATION**

20 (a) REAUTHORIZATION.—Paragraph (17) of section
21 1001(a) of title I of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3793(a)(17)) is amended
23 to read as follows:

24 “(17) There are authorized to be appropriated
25 to carry out part S \$100,000,000 for fiscal year

1 2002 and such sums as may be necessary for fiscal
2 years 2003 through 2007.”.

3 (b) USE OF RESIDENTIAL SUBSTANCE ABUSE
4 TREATMENT GRANTS TO PROVIDE FOR SERVICES DUR-
5 ING AND AFTER INCARCERATION.—Section 1901 of title
6 I of the Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3796ff) is amended by adding at the end
8 the following:

9 “(c) ADDITIONAL USE OF FUNDS.—States that dem-
10 onstrate that they have existing in-prison drug treatment
11 programs that are in compliance with Federal require-
12 ments may use funds awarded under this part for treat-
13 ment and sanctions both during incarceration and after
14 release.”.

15 **SEC. 4134. DRUG TREATMENT FOR JUVENILES.**

16 Title V of the Public Health Service Act (42 U.S.C.
17 290aa et seq.) is amended by adding at the end the fol-
18 lowing:

19 **“PART G—RESIDENTIAL TREATMENT PROGRAMS**
20 **FOR JUVENILES**

21 **“SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JU-**
22 **VENILES.**

23 “(a) IN GENERAL.—The Director of the Center for
24 Substance Abuse Treatment shall award grants to, or
25 enter into cooperative agreements or contracts, with public

1 and nonprofit private entities for the purpose of providing
2 treatment to juveniles for substance abuse through pro-
3 grams in which, during the course of receiving such treat-
4 ment the juveniles reside in facilities made available by
5 the programs.

6 “(b) AVAILABILITY OF SERVICES FOR EACH PARTIC-
7 IPANT.—A funding agreement for an award under sub-
8 section (a) for an applicant is that, in the program oper-
9 ated pursuant to such subsection—

10 “(1) treatment services will be available
11 through the applicant, either directly or through
12 agreements with other public or nonprofit private
13 entities; and

14 “(2) the services will be made available to each
15 person admitted to the program.

16 “(c) INDIVIDUALIZED PLAN OF SERVICES.—A fund-
17 ing agreement for an award under subsection (a) for an
18 applicant is that—

19 “(1) in providing authorized services for an eli-
20 gible person pursuant to such subsection, the appli-
21 cant will, in consultation with the juvenile and, if ap-
22 propriate the parent or guardian of the juvenile, pre-
23 pare an individualized plan for the provision to the
24 juvenile or young adult of the services; and

1 “(2) treatment services under the plan will
2 include—

3 “(A) individual, group, and family coun-
4 seling, as appropriate, regarding substance
5 abuse; and

6 “(B) followup services to assist the juvenile
7 or young adult in preventing a relapse into such
8 abuse.

9 “(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants
10 under subsection (a) may be used to provide an eligible
11 juvenile, the following services:

12 “(1) HOSPITAL REFERRALS.—Referrals for nec-
13 essary hospital services.

14 “(2) HIV AND AIDS COUNSELING.—Counseling
15 on the human immunodeficiency virus and on ac-
16 quired immune deficiency syndrome.

17 “(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE
18 COUNSELING.—Counseling on domestic violence and
19 sexual abuse.

20 “(4) PREPARATION FOR REENTRY INTO SOCI-
21 ETY.—Planning for and counseling to assist reentry
22 into society, both before and after discharge, includ-
23 ing referrals to any public or nonprofit private enti-
24 ties in the community involved that provide services
25 appropriate for the juvenile.

1 “(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF
2 AWARD.—

3 “(1) CERTIFICATION BY RELEVANT STATE
4 AGENCY.—With respect to the principal agency of a
5 State or Indian tribe that administers programs re-
6 lating to substance abuse, the Director may award
7 a grant to, or enter into a cooperative agreement or
8 contract with, an applicant only if the agency or In-
9 dian tribe has certified to the Director that—

10 “(A) the applicant has the capacity to
11 carry out a program described in subsection (a);

12 “(B) the plans of the applicant for such a
13 program are consistent with the policies of such
14 agency regarding the treatment of substance
15 abuse; and

16 “(C) the applicant, or any entity through
17 which the applicant will provide authorized
18 services, meets all applicable State licensure or
19 certification requirements regarding the provi-
20 sion of the services involved.

21 “(2) STATUS AS MEDICAID PROVIDER.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graphs (B) and (C), the Director may make a
24 grant, or enter into a cooperative agreement or
25 contract, under subsection (a) only if, in the

1 case of any authorized service that is available
2 pursuant to the State plan approved under title
3 XIX of the Social Security Act (42 U.S.C. 1396
4 et seq.) for the State involved—

5 “(i) the applicant for the grant, coop-
6 erative agreement, or contract will provide
7 the service directly, and the applicant has
8 entered into a participation agreement
9 under the State plan and is qualified to re-
10 ceive payments under such plan; or

11 “(ii) the applicant will enter into an
12 agreement with a public or nonprofit pri-
13 vate entity under which the entity will pro-
14 vide the service, and the entity has entered
15 into such a participation agreement plan
16 and is qualified to receive such payments.

17 “(B) SERVICES.—

18 “(i) IN GENERAL.—In the case of an
19 entity making an agreement pursuant to
20 subparagraph (A)(ii) regarding the provi-
21 sion of services, the requirement estab-
22 lished in such subparagraph regarding a
23 participation agreement shall be waived by
24 the Director if the entity does not, in pro-
25 viding health care services, impose a

1 charge or accept reimbursement available
2 from any third party payor, including re-
3 imbursement under any insurance policy or
4 under any Federal or State health benefits
5 plan.

6 “(ii) VOLUNTARY DONATIONS.—A de-
7 termination by the Director of whether an
8 entity referred to in clause (i) meets the
9 criteria for a waiver under such clause
10 shall be made without regard to whether
11 the entity accepts voluntary donations re-
12 garding the provision of services to the
13 public.

14 “(C) MENTAL DISEASES.—

15 “(i) IN GENERAL.—With respect to
16 any authorized service that is available
17 pursuant to the State plan described in
18 subparagraph (A), the requirements estab-
19 lished in such subparagraph shall not
20 apply to the provision of any such service
21 by an institution for mental diseases to an
22 individual who has attained 21 years of
23 age and who has not attained 65 years of
24 age.

1 “(ii) DEFINITION OF INSTITUTION
2 FOR MENTAL DISEASES.—In this subpara-
3 graph, the term ‘institution for mental dis-
4 eases’ has the same meaning as in section
5 1905(i) of the Social Security Act (42
6 U.S.C. 1396d(i)).

7 “(f) REQUIREMENTS FOR MATCHING FUNDS.—

8 “(1) IN GENERAL.—With respect to the costs of
9 the program to be carried out by an applicant pursu-
10 ant to subsection (a), a funding agreement for an
11 award under such subsection is that the applicant
12 will make available (directly or through donations
13 from public or private entities) non-Federal con-
14 tributions toward such costs in an amount that—

15 “(A) for the first fiscal year for which the
16 applicant receives payments under an award
17 under such subsection, is not less than \$1 for
18 each \$9 of Federal funds provided in the
19 award;

20 “(B) for any second such fiscal year, is not
21 less than \$1 for each \$9 of Federal funds pro-
22 vided in the award; and

23 “(C) for any subsequent such fiscal year, is
24 not less than \$1 for each \$3 of Federal funds
25 provided in the award.

1 “(2) DETERMINATION OF AMOUNT CONTRIB-
2 UTED.—Non-Federal contributions required in para-
3 graph (1) may be in cash or in kind, fairly evalu-
4 ated, including plant, equipment, or services.
5 Amounts provided by the Federal Government, or
6 services assisted or subsidized to any significant ex-
7 tent by the Federal Government, may not be in-
8 cluded in determining the amount of such non-Fed-
9 eral contributions.

10 “(g) OUTREACH.—A funding agreement for an award
11 under subsection (a) for an applicant is that the applicant
12 will provide outreach services in the community involved
13 to identify juveniles who are engaging in substance abuse
14 and to encourage the juveniles to undergo treatment for
15 such abuse.

16 “(h) ACCESSIBILITY OF PROGRAM.—A funding
17 agreement for an award under subsection (a) for an appli-
18 cant is that the program operated pursuant to such sub-
19 section will be operated at a location that is accessible to
20 low income juveniles.

21 “(i) CONTINUING EDUCATION.—A funding agree-
22 ment for an award under subsection (a) is that the appli-
23 cant involved will provide for continuing education in
24 treatment services for the individuals who will provide

1 treatment in the program to be operated by the applicant
2 pursuant to such subsection.

3 “(j) IMPOSITION OF CHARGES.—A funding agree-
4 ment for an award under subsection (a) for an applicant
5 is that, if a charge is imposed for the provision of author-
6 ized services to or on behalf of an eligible juvenile, such
7 charge—

8 “(1) will be made according to a schedule of
9 charges that is made available to the public;

10 “(2) will be adjusted to reflect the economic
11 condition of the juvenile involved; and

12 “(3) will not be imposed on any such juvenile
13 whose family has an income of less than 185 percent
14 of the official poverty line, as established by the Di-
15 rector of the Office for Management and Budget
16 and revised by the Secretary in accordance with sec-
17 tion 673(2) of the Omnibus Budget Reconciliation
18 Act of 1981 (42 U.S.C. 9902(2)).

19 “(k) REPORTS TO DIRECTOR.—A funding agreement
20 for an award under subsection (a) is that the applicant
21 involved will submit to the Director a report—

22 “(1) describing the utilization and costs of serv-
23 ices provided under the award;

24 “(2) specifying the number of juveniles served,
25 and the type and costs of services provided; and

1 “(3) providing such other information as the
2 Director determines to be appropriate.

3 “(l) REQUIREMENT OF APPLICATION.—The Director
4 may make an award under subsection (a) only if an appli-
5 cation for the award is submitted to the Director con-
6 taining such agreements, and the application is in such
7 form, is made in such manner, and contains such other
8 agreements and such assurances and information as the
9 Director determines to be necessary to carry out this sec-
10 tion.

11 “(m) EQUITABLE ALLOCATION OF AWARDS.—In
12 making awards under subsection (a), the Director shall
13 ensure that the awards are equitably allocated among the
14 principal geographic regions of the United States, as well
15 as among Indian tribes, subject to the availability of quali-
16 fied applicants for the awards.

17 “(n) DURATION OF AWARD.—

18 “(1) IN GENERAL.—The period during which
19 payments are made to an entity from an award
20 under this section may not exceed 5 years.

21 “(2) APPROVAL OF DIRECTOR.—The provision
22 of payments described in paragraph (1) shall be sub-
23 ject to—

24 “(A) annual approval by the Director of
25 the payments; and

1 “(B) the availability of appropriations for
2 the fiscal year at issue to make the payments.

3 “(3) NO LIMITATION.—This subsection may not
4 be construed to establish a limitation on the number
5 of awards that may be made to an entity under this
6 section.

7 “(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—
8 The Director shall, directly or through contract, provide
9 for the conduct of evaluations of programs carried out
10 pursuant to subsection (a). The Director shall disseminate
11 to the States the findings made as a result of the evalua-
12 tions.

13 “(p) REPORTS TO CONGRESS.—

14 “(1) INITIAL REPORT.—Not later than October
15 1, 2002, the Director shall submit to the Committee
16 on the Judiciary of the House of Representatives,
17 and to the Committee on the Judiciary of the Sen-
18 ate, a report describing programs carried out pursu-
19 ant to this section.

20 “(2) PERIODIC REPORTS.—

21 “(A) IN GENERAL.—Not less than bienni-
22 ally after the date described in paragraph (1),
23 the Director shall prepare a report describing
24 programs carried out pursuant to this section
25 during the preceding 2-year period, and shall

1 submit the report to the Administrator for in-
2 clusion in the biennial report under section
3 501(k).

4 “(B) SUMMARY.—Each report under this
5 subsection shall include a summary of any eval-
6 uations conducted under subsection (m) during
7 the period with respect to which the report is
8 prepared.

9 “(q) DEFINITIONS.—In this section:

10 “(1) AUTHORIZED SERVICES.—The term ‘au-
11 thorized services’ means treatment services and sup-
12 plemental services.

13 “(2) JUVENILE.—The term ‘juvenile’ means
14 anyone 18 years of age or younger at the time that
15 of admission to a program operated pursuant to sub-
16 section (a).

17 “(3) ELIGIBLE JUVENILE.—The term ‘eligible
18 juvenile’ means a juvenile who has been admitted to
19 a program operated pursuant to subsection (a).

20 “(4) FUNDING AGREEMENT UNDER SUB-
21 SECTION (A).—The term ‘funding agreement under
22 subsection (a)’, with respect to an award under sub-
23 section (a), means that the Director may make the
24 award only if the applicant makes the agreement in-
25 volved.

1 “(5) TREATMENT SERVICES.—The term ‘treat-
2 ment services’ means treatment for substance abuse,
3 including the counseling and services described in
4 subsection (c)(2).

5 “(6) SUPPLEMENTAL SERVICES.—The term
6 ‘supplemental services’ means the services described
7 in subsection (d).

8 “(r) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—For the purpose of car-
10 rying out this section and section 576 there is au-
11 thorized to be appropriated such sums as may be
12 necessary for fiscal years 2002 and 2003. There is
13 authorized to be appropriated from the Violent
14 Crime Reduction Trust Fund \$300,000,000 in each
15 of fiscal years 2004 and 2005.

16 “(2) TRANSFER.—For the purpose described in
17 paragraph (1), in addition to the amounts author-
18 ized in such paragraph to be appropriated for a fis-
19 cal year, there is authorized to be appropriated for
20 the fiscal year from the special forfeiture fund of the
21 Director of the Office of National Drug Control Pol-
22 icy such sums as may be necessary.

23 “(3) RULE OF CONSTRUCTION.—The amounts
24 authorized in this subsection to be appropriated are
25 in addition to any other amounts that are authorized

1 to be appropriated and are available for the purpose
2 described in paragraph (1).

3 **“SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVE-**
4 **NILES.**

5 “(a) GRANTS.—The Secretary of Health and Human
6 Services, acting through the Director of the Center for
7 Substance Abuse Treatment, shall make grants to estab-
8 lish projects for the outpatient treatment of substance
9 abuse among juveniles.

10 “(b) PREVENTION.—Entities receiving grants under
11 this section shall engage in activities to prevent substance
12 abuse among juveniles.

13 “(c) EVALUATION.—The Secretary of Health and
14 Human Services shall evaluate projects carried out under
15 subsection (a) and shall disseminate to appropriate public
16 and private entities information on effective projects.”.

17 **PART 4—FUNDING FOR DRUG-FREE COMMUNITY**
18 **PROGRAMS**

19 **SEC. 4141. EXTENSION OF SAFE AND DRUG-FREE SCHOOLS**
20 **AND COMMUNITIES PROGRAM.**

21 Title IV of the Elementary and Secondary Education
22 Act (20 U.S.C. 7104) is amended to read as follows:

1 **“TITLE IV—AUTHORIZATIONS**

2 **“SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

3 “There is authorized to be appropriated for State
4 grants under subpart 1 and national programs under sub-
5 part 2, \$655,000,000 for fiscal years 2002 and 2003, and
6 \$955,000,000 for fiscal years 2004 through 2005, of
7 which the following amounts may be appropriated from
8 the Violent Crime Reduction Trust Fund:

9 “(1) \$300,000,000 for fiscal year 2004; and

10 “(2) \$300,000,000 for fiscal year 2005.”.

11 **SEC. 4142. SAY NO TO DRUGS COMMUNITY CENTERS.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “Say No to Drugs Community Centers Act of 2001”.

14 (b) **DEFINITIONS.**—In this section—

15 (1) **COMMUNITY-BASED ORGANIZATION.**—The
16 term “community-based organization” means a pri-
17 vate, locally initiated organization that—

18 (A) is a nonprofit organization, as that
19 term is defined in section 103(23) of the Juve-
20 nile Justice and Delinquency Prevention Act of
21 1974 (42 U.S.C. 5603(23)); and

22 (B) involves the participation, as appro-
23 priate, of members of the community and com-
24 munity institutions, including—

- 1 (i) business and civic leaders actively
2 involved in providing employment and busi-
3 ness development opportunities in the com-
4 munity;
- 5 (ii) educators;
- 6 (iii) religious organizations (which
7 shall not provide any sectarian instruction
8 or sectarian worship in connection with
9 program activities funded under this sub-
10 title);
- 11 (iv) law enforcement agencies; and
- 12 (v) other interested parties.

13 (2) ELIGIBLE COMMUNITY.—The term “eligible
14 community” means a community—

15 (A) identified by an eligible recipient for
16 assistance under this subtitle; and

17 (B) an area that meets such criteria as the
18 Attorney General may, by regulation, establish,
19 including criteria relating to poverty, juvenile
20 delinquency, and crime.

21 (3) ELIGIBLE RECIPIENT.—The term “eligible
22 recipient” means a community-based organization or
23 public school that has—

24 (A) been approved for eligibility by the At-
25 torney General, upon application submitted to

1 the Attorney General in accordance with sub-
2 section (e); and

3 (B) demonstrated that the projects and ac-
4 tivities it seeks to support in an eligible commu-
5 nity involve the participation, when feasible and
6 appropriate, of—

7 (i) parents, family members, and
8 other members of the eligible community;

9 (ii) civic and religious organizations
10 serving the eligible community;

11 (iii) school officials and teachers em-
12 ployed at schools located in the eligible
13 community;

14 (iv) public housing resident organiza-
15 tions in the eligible community; and

16 (v) public and private nonprofit orga-
17 nizations and organizations serving youth
18 that provide education, child protective
19 services, or other human services to low in-
20 come, at-risk youth and their families.

21 (4) POVERTY LINE.—The term “poverty line”
22 means the income official poverty line (as defined by
23 the Office of Management and Budget, and revised
24 annually in accordance with section 673(2) of the

1 Community Services Block Grant Act (42 U.S.C.
2 9902(2)) applicable to a family of the size involved.

3 (5) PUBLIC SCHOOL.—The term “public
4 school” means a public elementary school, as defined
5 in section 1201(i) of the Higher Education Act of
6 1965 (20 U.S.C. 1141(i)), and a public secondary
7 school, as defined in section 1201(d) of that Act (42
8 U.S.C. 1141(d)).

9 (c) GRANT REQUIREMENTS.—The Attorney General
10 may make grants to eligible recipients, which grants may
11 be used to provide to youth living in eligible communities
12 during after school hours or summer vacations, the fol-
13 lowing services:

14 (1) Rigorous drug prevention education.

15 (2) Drug counseling and treatment.

16 (3) Academic tutoring and mentoring.

17 (4) Activities promoting interaction between
18 youth and law enforcement officials.

19 (5) Vaccinations and other basic preventive
20 health care.

21 (6) Sexual abstinence education.

22 (7) Other activities and instruction to reduce
23 youth violence and substance abuse.

24 (d) LOCATION AND USE OF AMOUNTS.—An eligible
25 recipient that receives a grant under this section—

1 (1) shall ensure that the stated program is car-
2 ried out—

3 (A) when appropriate, in the facilities of a
4 public school during nonschool hours; or

5 (B) in another appropriate local facility
6 that is—

7 (i) in a location easily accessible to
8 youth in the community; and

9 (ii) in compliance with all applicable
10 State and local ordinances;

11 (2) shall use the grant amounts to provide to
12 youth in the eligible community services and activi-
13 ties that include extracurricular and academic pro-
14 grams that are offered—

15 (A) after school and on weekends and holi-
16 days, during the school year; and

17 (B) as daily full day programs (to the ex-
18 tent available resources permit) or as part day
19 programs, during the summer months;

20 (3) shall use not more than 5 percent of the
21 amounts to pay for the administrative costs of the
22 program;

23 (4) shall not use such amounts to provide sec-
24 tarian worship or sectarian instruction; and

1 (5) may not use the amounts for the general
2 operating costs of public schools.

3 (e) APPLICATIONS.—

4 (1) IN GENERAL.—Each application to become
5 an eligible recipient shall be submitted to the Attor-
6 ney General at such time, in such manner, and ac-
7 companied by such information, as the Attorney
8 General may reasonably require.

9 (2) CONTENTS OF APPLICATION.—Each appli-
10 cation submitted pursuant to paragraph (1) shall—

11 (A) describe the activities and services to
12 be provided through the program for which the
13 grant is sought;

14 (B) contain a comprehensive plan for the
15 program that is designed to achieve identifiable
16 goals for youth in the eligible community;

17 (C) describe in detail the drug education
18 and drug prevention programs that will be im-
19 plemented;

20 (D) specify measurable goals and outcomes
21 for the program that will include—

22 (i) reducing the percentage of youth
23 in the eligible community that enter the ju-
24 venile justice system or become addicted to
25 drugs;

1 (ii) increasing the graduation rates,
2 school attendance, and academic success of
3 youth in the eligible community; and

4 (iii) improving the skills of program
5 participants;

6 (E) contain an assurance that the appli-
7 cant will use grant amounts received under this
8 subtitle to provide youth in the eligible commu-
9 nity with activities and services consistent with
10 subsection (c);

11 (F) demonstrate the manner in which the
12 applicant will make use of the resources, exper-
13 tise, and commitment of private entities in car-
14 rying out the program for which the grant is
15 sought;

16 (G) include an estimate of the number of
17 youth in the eligible community expected to be
18 served under the program;

19 (H) include a description of charitable pri-
20 vate resources, and all other resources, that will
21 be made available to achieve the goals of the
22 program;

23 (I) contain an assurance that the applicant
24 will comply with any research effort authorized

1 under Federal law, and any investigation by the
2 Attorney General;

3 (J) contain an assurance that the appli-
4 cant will prepare and submit to the Attorney
5 General an annual report regarding any pro-
6 gram conducted under this subtitle;

7 (K) contain an assurance that the program
8 for which the grant is sought will, to the max-
9 imum extent practicable, incorporate services
10 that are provided solely through non-Federal
11 private or nonprofit sources; and

12 (L) contain an assurance that the appli-
13 cant will maintain separate accounting records
14 for the program for which the grant is sought.

15 (3) PRIORITY.—In determining eligibility under
16 this section, the Attorney General shall give priority
17 to applicants that submit applications that dem-
18 onstrate the greatest local support for the programs
19 they seek to support.

20 (f) PAYMENTS; FEDERAL SHARE; NON-FEDERAL
21 SHARE.—

22 (1) PAYMENTS.—The Attorney General shall,
23 subject to the availability of appropriations, provide
24 to each eligible recipient the Federal share of the

1 costs of developing and carrying out programs de-
2 scribed in this section.

3 (2) FEDERAL SHARE.—The Federal share of
4 the cost of a program under this subtitle shall be not
5 more than—

6 (A) 75 percent of the total cost of the pro-
7 gram for each of the first 2 years of the dura-
8 tion of a grant;

9 (B) 70 percent of the total cost of the pro-
10 gram for the third year of the duration of a
11 grant; and

12 (C) 60 percent of the total cost of the pro-
13 gram for each year thereafter.

14 (3) NON-FEDERAL SHARE.—

15 (A) IN GENERAL.—The non-Federal share
16 of the cost of a program under this subtitle
17 may be in cash or in kind, fairly evaluated, in-
18 cluding plant, equipment, and services. Federal
19 funds made available for the activity of any
20 agency of an Indian tribal government or the
21 Bureau of Indian Affairs on any Indian lands
22 may be used to provide the non-Federal share
23 of the costs of programs or projects funded
24 under this subtitle.

1 (B) SPECIAL RULE.—Not less than 15 per-
2 cent of the non-Federal share of the costs of a
3 program under this subtitle shall be provided
4 from private or nonprofit sources.

5 (g) PROGRAM AUTHORITY.—

6 (1) IN GENERAL.—

7 (A) ALLOCATIONS FOR STATES AND IN-
8 DIAN TRIBES.—

9 (i) IN GENERAL.—In any fiscal year
10 in which the total amount made available
11 to carry out this subtitle is equal to or
12 greater than \$20,000,000, from the
13 amount made available to carry out this
14 subtitle, the Attorney General shall allocate
15 not less than 0.75 percent for grants under
16 subparagraph (B) to eligible recipients in
17 each State.

18 (ii) INDIAN TRIBES.—The Attorney
19 General shall allocate 0.75 percent of
20 amounts made available under this subtitle
21 for grants to Indian tribes.

22 (B) GRANTS TO COMMUNITY-BASED ORGA-
23 NIZATIONS AND PUBLIC SCHOOLS FROM ALLO-
24 CATIONS.—For each fiscal year described in
25 subparagraph (A), the Attorney General may

1 award grants from the appropriate State or In-
2 dian tribe allocation determined under subpara-
3 graph (A) on a competitive basis to eligible re-
4 cipients to pay for the Federal share of assist-
5 ing eligible communities to develop and carry
6 out programs in accordance with this subtitle.

7 (C) REALLOCATION.—If, at the end of a
8 fiscal year described in subparagraph (A), the
9 Attorney General determines that amounts allo-
10 cated for a particular State or Indian tribe
11 under subparagraph (B) remain unobligated,
12 the Attorney General shall use such amounts to
13 award grants to eligible recipients in another
14 State or Indian tribe to pay for the Federal
15 share of assisting eligible communities to de-
16 velop and carry out programs in accordance
17 with this subtitle. In awarding such grants, the
18 Attorney General shall consider the need to
19 maintain geographic diversity among eligible re-
20 cipients.

21 (D) AVAILABILITY OF AMOUNTS.—
22 Amounts made available under this paragraph
23 shall remain available until expended.

24 (2) OTHER FISCAL YEARS.—In any fiscal year
25 in which the amount made available to carry out this

1 subtitle is equal to or less than \$20,000,000, the At-
2 torney General may award grants on a competitive
3 basis to eligible recipients to pay for the Federal
4 share of assisting eligible communities to develop
5 and carry out programs in accordance with this sub-
6 title.

7 (3) ADMINISTRATIVE COSTS.—The Attorney
8 General may use not more than 3 percent of the
9 amounts made available to carry out this subtitle in
10 any fiscal year for administrative costs, including
11 training and technical assistance.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 from the Violent Crime Reduction Trust Fund—

15 (1) for fiscal year 2002, \$125,000,000; and

16 (2) for fiscal year 2003, \$125,000,000.

17 **SEC. 4143. 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 2002, 2003, 2004, 2005, and 2006.”.

1 **SEC. 4144. 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 2002, 2003, 2004, 2005, and 2006.”.

9 **Subtitle B—Youth Crime**
10 **Prevention and Juvenile Courts**
11 **PART 1—GRANTS TO YOUTH ORGANIZATIONS**

12 **SEC. 4211. GRANT PROGRAM.**

13 The Attorney General may make grants to States, In-
14 dian tribes, and national or statewide nonprofit organiza-
15 tions in crime prone areas, such as Boys and Girls Clubs,
16 Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers
17 and Big Sisters, and Kids ’N Kops programs, for the pur-
18 pose of—

19 (1) providing constructive activities to youth
20 during after school hours, weekends, and school va-
21 cations;

22 (2) providing supervised activities in safe envi-
23 ronments to youth in crime prone areas;

24 (3) providing antidrug education to prevent
25 drug abuse among youth;

1 (4) supporting police officer training and sala-
2 ries and educational materials to expand D.A.R.E.
3 America's middle school campaign; or

4 (5) providing constructive activities to youth in
5 a safe environment through parks and other public
6 recreation areas.

7 **SEC. 4212. GRANTS TO NATIONAL ORGANIZATIONS.**

8 (a) APPLICATIONS.—

9 (1) ELIGIBILITY.—In order to be eligible to re-
10 ceive a grant under this section, the chief operating
11 officer of a national or statewide community-based
12 organization shall submit an application to the At-
13 torney General in such form and containing such in-
14 formation as the Attorney General may reasonably
15 require.

16 (2) APPLICATION REQUIREMENTS.—Each appli-
17 cation submitted in accordance with paragraph (1)
18 shall include—

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

21 (B) a description of the communities to be
22 served by the grant, including the nature of ju-
23 venile crime, violence, and drug use in the com-
24 munities;

1 (C) written assurances that Federal funds
2 received under this subtitle will be used to sup-
3 plement and not supplant, non-Federal funds
4 that would otherwise be available for activities
5 funded under this subtitle;

6 (D) written assurances that all activities
7 will be supervised by an appropriate number of
8 responsible adults;

9 (E) a plan for assuring that program ac-
10 tivities will take place in a secure environment
11 that is free of crime and drugs; and

12 (F) any additional statistical or financial
13 information that the Attorney General may rea-
14 sonably require.

15 (b) GRANT AWARDS.—In awarding grants under this
16 section, the Attorney General shall consider—

17 (1) the ability of the applicant to provide the
18 stated services;

19 (2) the history and establishment of the appli-
20 cant in providing youth activities on a national or
21 statewide basis; and

22 (3) the extent to which the organizations shall
23 achieve an equitable geographic distribution of the
24 grant awards.

1 **SEC. 4213. GRANTS TO STATES.**

2 (a) APPLICATIONS.—

3 (1) IN GENERAL.—The Attorney General may
4 make grants under this section to States for dis-
5 tribution to units of local government and commu-
6 nity-based organizations for the purposes set forth
7 in section 4211.

8 (2) GRANTS.—To request a grant under this
9 section, the chief executive of a State shall submit
10 an application to the Attorney General in such form
11 and containing such information as the Attorney
12 General may reasonably require.

13 (3) APPLICATION REQUIREMENTS.—Each appli-
14 cation submitted in accordance with paragraph (2)
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 munity;

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
25 that would otherwise be available for activities
26 funded under this subtitle;

1 (D) written assurances that all activities
2 will be supervised by an appropriate number of
3 responsible adults; and

4 (E) a plan for assuring that program ac-
5 tivities will take place in a secure environment
6 that is free of crime and drugs.

7 (b) GRANT AWARDS.—In awarding grants under this
8 section, the State shall consider—

9 (1) the ability of the applicant to provide the
10 stated services;

11 (2) the history and establishment of the appli-
12 cant in the community to be served;

13 (3) the level of juvenile crime, violence, and
14 drug use in the community;

15 (4) the extent to which structured extra-
16 curricular activities for youth are otherwise unavail-
17 able in the community;

18 (5) the need in the community for secure envi-
19 ronments for youth to avoid criminal victimization
20 and exposure to crime and illegal drugs;

21 (6) to the extent practicable, achievement of an
22 equitable geographic distribution of the grant
23 awards; and

24 (7) whether the applicant has an established
25 record of providing extracurricular activities that are

1 generally not otherwise available to youth in the
2 community.

3 (c) ALLOCATION.—

4 (1) STATE ALLOCATIONS.—The Attorney Gen-
5 eral shall allot not less than 0.75 percent of the total
6 amount made available each fiscal year to carry out
7 this section to each State that has applied for a
8 grant under this section.

9 (2) INDIAN TRIBES.—The Attorney General
10 shall allot not less than 0.75 percent of the total
11 amount made available each fiscal year to carry out
12 this section to Indian tribes, in accordance with the
13 criteria set forth in subsections (a) and (b).

14 (3) REMAINING AMOUNTS.—Of the amount re-
15 maining after the allocations under paragraphs (1)
16 and (2), the Attorney General shall allocate to each
17 State an amount that bears the same ratio to the
18 total amount of remaining funds as the population
19 of the State bears to the total population of all
20 States.

21 **SEC. 4214. ALLOCATION; GRANT LIMITATION.**

22 (a) ALLOCATION.—Of amounts made available to
23 carry out this part—

24 (1) 20 percent shall be for grants to national or
25 statewide organizations under section 4212; and

1 (2) 80 percent shall be for grants to States
2 under section 4213.

3 (b) GRANT LIMITATION.—Not more than 3 percent
4 of the funds made available to the Attorney General or
5 a grant recipient under this subtitle may be used for ad-
6 ministrative purposes.

7 **SEC. 4215. REPORT AND EVALUATION.**

8 (a) REPORT TO THE ATTORNEY GENERAL.—Not
9 later than October 1, 2002 and October 1 of each year
10 thereafter, each grant recipient under this subtitle shall
11 submit to the Attorney General a report that describes,
12 for the year to which the report relates—

13 (1) the activities provided;

14 (2) the number of youth participating;

15 (3) the extent to which the grant enabled the
16 provision of activities to youth that would not other-
17 wise be available; and

18 (4) any other information that the Attorney
19 General requires for evaluating the effectiveness of
20 the program.

21 (b) EVALUATION AND REPORT TO CONGRESS.—Not
22 later than March 1, 2003, and March 1 of each year there-
23 after, the Attorney General shall submit to Congress an
24 evaluation and report that contains a detailed statement
25 regarding grant awards, activities of grant recipients, a

1 compilation of statistical information submitted by grant
2 recipients under this part, and an evaluation of programs
3 established by grant recipients under this part.

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

8 (1) the number of youth served by the grant re-
9 cipient;

10 (2) the percentage of youth participating in the
11 program charged with acts of delinquency or crime
12 compared to youth in the community at large;

13 (3) the percentage of youth participating in the
14 program that uses drugs compared to youth in the
15 community at large;

16 (4) the percentage of youth participating in the
17 program that are victimized by acts of crime or de-
18 linquency compared to youth in the community at
19 large; and

20 (5) the truancy rates of youth participating in
21 the program compared to youth in the community at
22 large.

23 (d) DOCUMENTS AND INFORMATION.—Each grant
24 recipient under this part shall provide the Attorney Gen-
25 eral with all documents and information that the Attorney

1 General determines to be necessary to conduct an evalua-
2 tion of the effectiveness of programs funded under this
3 part.

4 **SEC. 4216. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to carry out this part from the Violent Crime Re-
7 duction Trust Fund—

8 (1) such sums as may be necessary for each of
9 fiscal years 2002 and 2003; and

10 (2) \$125,000,000 for each of fiscal years 2004
11 and 2005.

12 (b) CONTINUED AVAILABILITY.—Amounts made
13 available under this part shall remain available until ex-
14 pended.

15 **SEC. 4217. GRANTS TO PUBLIC AND PRIVATE AGENCIES.**

16 Title II of the Juvenile Justice and Delinquency Pre-
17 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
18 amended—

19 (1) by striking the first part designated as part
20 I;

21 (2) by redesignating the second part designated
22 as part I as part M; and

23 (3) by inserting after part H the following:

1 **“PART I—AFTER SCHOOL CRIME PREVENTION**
2 **“SEC. 291. GRANTS TO PUBLIC AND PRIVATE AGENCIES**
3 **FOR EFFECTIVE AFTER SCHOOL CRIME PRE-**
4 **VENTION PROGRAMS.**

5 “(a) IN GENERAL.—Subject to the availability of ap-
6 propriations, the Administrator shall make grants in ac-
7 cordance with this section to public and private agencies
8 to fund effective after school juvenile crime prevention
9 programs.

10 “(b) MATCHING REQUIREMENT.—The Administrator
11 may not make a grant to a public or private agency under
12 this section unless that agency agrees that, with respect
13 to the costs to be incurred by the agency in carrying out
14 the program for which the grant is to be awarded, the
15 agency will make available non-Federal contributions in
16 an amount that is not less than a specific percentage of
17 Federal funds provided under the grant, as determined by
18 the Administrator.

19 “(c) PRIORITY.—In making grants under this sec-
20 tion, the Administrator shall give priority to funding pro-
21 grams that—

22 “(1) are targeted to high crime neighborhoods
23 or at-risk juveniles;

24 “(2) operate during the period immediately fol-
25 lowing normal school hours;

1 “(3) provide educational or recreational activi-
2 ties designed to encourage law-abiding conduct, re-
3 duce the incidence of criminal activity, and teach ju-
4 veniles alternatives to crime; and

5 “(4) coordinate with State or local juvenile
6 crime control and juvenile offender accountability
7 programs.

8 “(d) FUNDING.—There are authorized to be appro-
9 priated for grants under this section \$250,000,000 for
10 each of fiscal years 2002, 2003, 2004, 2005, and 2006.”.

11 **PART 2—REAUTHORIZATION OF INCENTIVE**
12 **GRANTS FOR LOCAL DELINQUENCY PREVEN-**
13 **TION PROGRAMS**

14 **SEC. 4221. INCENTIVE GRANTS FOR LOCAL DELINQUENCY**
15 **PREVENTION PROGRAMS.**

16 Section 506 of the Juvenile Justice and Delinquency
17 Prevention Act of 1974 (42 U.S.C. 5785) is amended to
18 read as follows:

19 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

20 “‘There is authorized to be appropriated to carry out
21 this title such sums as may be necessary for each of fiscal
22 years 2002, 2003, 2004, 2005, and 2006.’”.

1 **SEC. 4222. RESEARCH, EVALUATION, AND TRAINING.**

2 Title V of the Juvenile Justice and Delinquency Pre-
3 vention Act of 1974 (42 U.S.C. 5781 et seq.) is amended
4 by adding at the end the following:

5 **“SEC. 507. RESEARCH, EVALUATION, AND TRAINING.**

6 “Of the amounts made available by appropriations
7 pursuant to section 506—

8 “(1) 2 percent shall be used by the Adminis-
9 trator for providing training and technical assistance
10 under this title; and

11 “(2) 10 percent shall be used by the Adminis-
12 trator for research, statistics, and evaluation activi-
13 ties carried out in conjunction with the grant pro-
14 grams under this title.”.

15 **PART 3—JUMP AHEAD**

16 **SEC. 4231. SHORT TITLE.**

17 This part may be cited as the “JUMP Ahead Act
18 of 2001”.

19 **SEC. 4232. FINDINGS.**

20 Congress finds that—

21 (1) millions of young people in America live in
22 areas in which drug use and violent and property
23 crimes are pervasive;

24 (2) unfortunately, many of these same young
25 people come from single parent homes, or from envi-

1 ronments in which there is no responsible, caring
2 adult supervision;

3 (3) all children and adolescents need caring
4 adults in their lives, and mentoring is an effective
5 way to fill this special need for at-risk children;

6 (4) the special bond of commitment fostered by
7 the mutual respect inherent in effective mentoring
8 can be the tie that binds a young person to a better
9 future;

10 (5) through a mentoring relationship, adult vol-
11 unteers and participating youth make a significant
12 commitment of time and energy to develop relation-
13 ships devoted to personal, academic, or career devel-
14 opment and social, artistic, or athletic growth;

15 (6) rigorous independent studies have confirmed
16 that effective mentoring programs can significantly
17 reduce and prevent the use of alcohol and drugs by
18 young people, improve school attendance and per-
19 formance, improve peer and family and peer rela-
20 tionships, and reduce violent behavior;

21 (7) since the inception of the Federal JUMP
22 program, dozens of innovative, effective mentoring
23 programs have received funding grants;

24 (8) unfortunately, despite the recent growth in
25 public and private mentoring initiatives, it is re-

1 ported that between 5,000,000 and 15,000,000 addi-
2 tional children in the United States could benefit
3 from being matched with a mentor; and

4 (9) although great strides have been made in
5 reaching at-risk youth since the inception of the
6 JUMP program, millions of vulnerable American
7 children are not being reached, and without an in-
8 creased commitment to connect these young people
9 to responsible adult role models, our country risks
10 losing an entire generation to drugs, crime, and un-
11 productive lives.

12 **SEC. 4233. JUVENILE MENTORING GRANTS.**

13 (a) IN GENERAL.—Section 288B of the Juvenile Jus-
14 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
15 5667e-2) is amended—

16 (1) by inserting “(a) IN GENERAL.—” before
17 “The Administrator shall”;

18 (2) by striking paragraph (2) and inserting the
19 following:

20 “(2) are intended to achieve 1 or more of the
21 following goals:

22 “(A) Discourage at-risk youth from—

23 “(i) using illegal drugs and alcohol;

24 “(ii) engaging in violence;

1 “(iii) using guns and other dangerous
2 weapons;

3 “(iv) engaging in other criminal and
4 antisocial behavior; and

5 “(v) becoming involved in gangs.

6 “(B) Promote personal and social responsi-
7 bility among at-risk youth.

8 “(C) Increase at-risk youth’s participation
9 in, and enhance the ability of those youth to
10 benefit from, elementary and secondary edu-
11 cation.

12 “(D) Encourage at-risk youth participation
13 in community service and community activities.

14 “(E) Provide general guidance to at-risk
15 youth.”; and

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

17 “(b) AMOUNT AND DURATION.—Each grant under
18 this part shall be awarded in an amount not to exceed
19 a total of \$200,000 over a period of not more than 3 years.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated \$50,000,000 for each of
22 fiscal years 2002, 2003, 2004, and 2005 to carry out this
23 part.”.

1 **SEC. 4234. IMPLEMENTATION AND EVALUATION GRANTS.**

2 (a) IN GENERAL.—The Administrator of the Office
3 of Juvenile Justice and Delinquency Prevention of the De-
4 partment of Justice may make grants to national organi-
5 zations or agencies serving youth, in order to enable those
6 organizations or agencies—

7 (1) to conduct a multisite demonstration
8 project, involving between 5 and 10 project sites,
9 that—

10 (A) provides an opportunity to compare
11 various mentoring models for the purpose of
12 evaluating the effectiveness and efficiency of
13 those models;

14 (B) allows for innovative programs de-
15 signed under the oversight of a national organi-
16 zation or agency serving youth, which programs
17 may include—

18 (i) technical assistance;

19 (ii) training; and

20 (iii) research and evaluation; and

21 (C) disseminates the results of such dem-
22 onstration project to allow for the determina-
23 tion of the best practices for various mentoring
24 programs;

25 (2) to develop and evaluate screening standards
26 for mentoring programs; and

1 (3) to develop and evaluate volunteer recruit-
2 ment techniques and activities for mentoring pro-
3 grams.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$5,000,000 for each of fis-
6 cal years 2002, 2003, 2004, and 2005 to carry out this
7 section.

8 **SEC. 4235. EVALUATIONS; REPORTS.**

9 (a) EVALUATIONS.—

10 (1) IN GENERAL.—The Attorney General shall
11 enter into a contract with an evaluating organization
12 that has demonstrated experience in conducting eval-
13 uations, for the conduct of an ongoing rigorous eval-
14 uation of the programs and activities assisted under
15 this Act or under section 228B of the Juvenile Jus-
16 tice and Delinquency Prevention Act of 1974 (42
17 U.S.C. 5667e-2) (as amended by this title).

18 (2) CRITERIA.—The Attorney General shall es-
19 tablish a minimum criteria for evaluating the pro-
20 grams and activities assisted under this Act or
21 under section 228B of the Juvenile Justice and De-
22 linquency Prevention Act of 1974 (42 U.S.C. 5667e-
23 2) (as amended by this title), which shall provide for
24 a description of the implementation of the program
25 or activity, and the effect of the program or activity

1 on participants, schools, communities, and youth
2 served by the program or activity.

3 (3) MENTORING PROGRAM OF THE YEAR.—The
4 Attorney General shall, on an annual basis, based on
5 the most recent evaluation under this subsection and
6 such other criteria as the Attorney General shall es-
7 tablish by regulation—

8 (A) designate 1 program or activity as-
9 sisted under this Act as the “Juvenile Men-
10 toring Program of the Year”; and

11 (B) publish notice of such designation in
12 the Federal Register.

13 (b) REPORTS.—

14 (1) GRANT RECIPIENTS.—Each entity receiving
15 a grant under this Act or under section 228B of the
16 Juvenile Justice and Delinquency Prevention Act of
17 1974 (42 U.S.C. 5667e–2) (as amended by this
18 title) shall submit to the evaluating organization en-
19 tering into the contract under subsection (a)(1), an
20 annual report regarding any program or activity as-
21 sisted under this Act or under section 228B of the
22 Juvenile Justice and Delinquency Prevention Act of
23 1974 (42 U.S.C. 5667e–2) (as amended by this
24 title). Each report under this paragraph shall be
25 submitted at such time, in such a manner, and shall

1 be accompanied by such information, as the evalu-
2 ating organization may reasonably require.

3 (2) COMPTROLLER GENERAL.—Not later than
4 4 years after the date of enactment of this Act, the
5 Attorney General shall submit to Congress a report
6 evaluating the effectiveness of grants awarded under
7 this Act and under section 228B of the Juvenile
8 Justice and Delinquency Prevention Act of 1974 (42
9 U.S.C. 5667e-2) (as amended by this title), in—

10 (A) reducing juvenile delinquency and gang
11 participation;

12 (B) reducing the school dropout rate; and

13 (C) improving academic performance of ju-
14 veniles.

15 **PART 4—TRUANCY PREVENTION**

16 **SEC. 4241. SHORT TITLE.**

17 This part may be cited as the “Truancy Prevention
18 and Juvenile Crime Reduction Act of 2001”.

19 **SEC. 4242. FINDINGS.**

20 Congress makes the following findings:

21 (1) Truancy is often the first sign of trouble—
22 the first indicator that a young person is giving up
23 and losing his or her way.

24 (2) Many students who become truant eventu-
25 ally drop out of school, and high school drop outs

1 are two and a half times more likely to be on welfare
2 than high school graduates, twice as likely to be un-
3 employed, or if employed, earn lower salaries.

4 (3) Truancy is the top-ranking characteristic of
5 criminals—more common than such factors as com-
6 ing from single-parent families and being abused as
7 children.

8 (4) High rates of truancy are linked to high
9 daytime burglary rates and high vandalism.

10 (5) As much as 44 percent of violent juvenile
11 crime takes place during school hours.

12 (6) As many as 75 percent of children ages 13
13 to 16 who are arrested and prosecuted for crimes
14 are truants.

15 (7) Some cities report as many as 70 percent
16 of daily student absences are unexcused, and the
17 total number of absences in a single city can reach
18 4,000 per day.

19 (8) Society pays a significant social and eco-
20 nomic cost due to truancy: only 34 percent of in-
21 mates have completed high school education; 17 per-
22 cent of youth under age 18 entering adult prisons
23 have not completed grade school (8th grade or less),
24 25 percent completed 10th grade, and 2 percent
25 completed high school.

1 (9) Truants and later high school drop outs
2 cost the Nation \$240,000,000,000 in lost earnings
3 and foregone taxes over their lifetimes, and the cost
4 of crime control is staggering.

5 (10) In many instances, parents are unaware a
6 child is truant.

7 (11) Effective truancy prevention, early inter-
8 vention, and accountability programs can improve
9 school attendance and reduce daytime crime rates.

10 (12) There is a lack of targeted funding for ef-
11 fective truancy prevention programs in current law.

12 **SEC. 4243. GRANTS.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
15 ble partnership” means a partnership between 1 or
16 more qualified units of local government and 1 or
17 more local educational agencies.

18 (2) LOCAL EDUCATIONAL AGENCY.—The term
19 “local educational agency” has the meaning given
20 the term in section 14101 of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 8801).

22 (3) QUALIFIED UNIT OF LOCAL GOVERN-
23 MENT.—The term “qualified unit of local govern-
24 ment” means a unit of local government that has in
25 effect, as of the date on which the eligible partner-

1 ship submits an application for a grant under this
2 section, a statute or regulation that meets the re-
3 quirements of section 223(a)(14) of the Juvenile
4 Justice and Delinquency and Prevention Act of 1974
5 (42 U.S.C. 5633(a)(14)).

6 (4) UNIT OF LOCAL GOVERNMENT.—The term
7 “unit of local government” means any city, county,
8 township, town, borough, parish, village, or other
9 general purpose political subdivision of a State, or
10 any Indian tribe.

11 (b) GRANT AUTHORITY.—The Attorney General, in
12 consultation with the Secretary of Education, shall make
13 grants in accordance with this section on a competitive
14 basis to eligible partnerships to reduce truancy and the
15 incidence of daytime juvenile crime.

16 (c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

17 (1) MAXIMUM AMOUNT.—The total amount
18 awarded to an eligible partnership under this section
19 in any fiscal year shall not exceed \$100,000.

20 (2) ALLOCATION.—Not less than 25 percent of
21 each grant awarded to an eligible partnership under
22 this section shall be allocated for use by the local
23 educational agency or agencies participating in the
24 partnership.

1 (3) RENEWAL.—A grant awarded under this
2 section for a fiscal year may be renewed for an addi-
3 tional period of not more than 2 fiscal years.

4 (d) USE OF FUNDS.—

5 (1) IN GENERAL.—Grant amounts made avail-
6 able under this section may be used by an eligible
7 partnership to comprehensively address truancy
8 through the use of—

9 (A) parental involvement in prevention ac-
10 tivities, including meaningful incentives for pa-
11 rental responsibility;

12 (B) sanctions, including community serv-
13 ice, or drivers' license suspension for students
14 who are habitually truant;

15 (C) parental accountability, including fines,
16 teacher-aid duty, or community service;

17 (D) in-school truancy prevention programs,
18 including alternative education and in-school
19 suspension;

20 (E) involvement of the local law enforce-
21 ment, social services, judicial, business, and re-
22 ligious communities, and nonprofit organiza-
23 tions;

1 (F) technology, including automated tele-
2 phone notice to parents and computerized at-
3 tendance system; or

4 (G) elimination of 40-day count and other
5 unintended incentives to allow students to be
6 truant after a certain time of school year.

7 (2) MODEL PROGRAMS.—In carrying out this
8 section, the Attorney General may give priority to
9 funding the following programs and programs that
10 attempt to replicate one or more of the following
11 model programs:

12 (A) The Truaney Intervention Project of
13 the Fulton County, Georgia, Juvenile Court.

14 (B) The TABS (Truaney Abatement and
15 Burglary Suppression) program of Milwaukee,
16 Wisconsin.

17 (C) The Roswell Daytime Curfew Program
18 of Roswell, New Mexico.

19 (D) The Stop, Cite and Return Program of
20 Rohnert Park, California.

21 (E) The Stay in School Program of New
22 Haven, Connecticut.

23 (F) The Atlantic County Project Helping
24 Hand of Atlantic County, New Jersey.

1 (G) The THRIVE (Truancy Habits Re-
2 duced Increasing Valuable Education) initiative
3 of Oklahoma City, Oklahoma.

4 (H) The Norfolk, Virginia project using
5 computer software and data collection.

6 (I) The Community Service Early Inter-
7 vention Program of Marion, Ohio.

8 (J) The Truancy Reduction Program of
9 Bakersfield, California.

10 (K) The Grade Court program of Farm-
11 ington, New Mexico.

12 (L) Any other model program that the At-
13 torney General determines to be appropriate.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section,
16 \$25,000,000 for each of fiscal years 2002, 2003, and
17 2004.

18 **PART 5—JUVENILE CRIME CONTROL AND**

19 **DELINQUENCY PREVENTION ACT**

20 **SEC. 4251. SHORT TITLE.**

21 This part may be cited as the “Juvenile Crime Con-
22 trol and Delinquency Prevention Act of 2001”.

1 **SEC. 4252. FINDINGS.**

2 Section 101 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
4 read as follows:

5 **“SEC. 101. FINDINGS.**

6 “(a) Congress finds that the juvenile crime problem
7 should be addressed through a 2-track common sense ap-
8 proach that addresses the needs of individual juveniles and
9 society at large by promoting—

10 “(1) quality prevention programs that—

11 “(A) work with juveniles, their families,
12 local public agencies, and community-based or-
13 ganizations, and take into consideration such
14 factors as whether juveniles have ever been the
15 victims of family violence (including child abuse
16 and neglect); and

17 “(B) are designed to reduce risks and de-
18 velop competencies in at-risk juveniles that will
19 prevent, and reduce the rate of, violent delin-
20 quent behavior; and

21 “(2) programs that assist in holding juveniles
22 accountable for their actions, including a system of
23 graduated sanctions to respond to each delinquent
24 act, requiring juveniles to make restitution, or per-
25 form community service, for the damage caused by
26 their delinquent acts, and methods for increasing

1 victim satisfaction with respect to the penalties im-
2 posed on juveniles for their acts.

3 “(b) Congress must act now to reform this program
4 by focusing on juvenile delinquency prevention programs,
5 as well as programs that hold juveniles accountable for
6 their acts.”.

7 **SEC. 4253. PURPOSE.**

8 Section 102 of the Juvenile Justice and Delinquency
9 Prevention Act of 1974 (42 U.S.C. 5602) is amended to
10 read as follows:

11 **“SEC. 102. PURPOSES.**

12 “The purposes of this title are—

13 “(1) to support State and local programs that
14 prevent juvenile involvement in delinquent behavior;

15 “(2) to assist State and local governments in
16 promoting public safety by encouraging account-
17 ability for acts of juvenile delinquency; and

18 “(3) to assist State and local governments in
19 addressing juvenile crime through the provision of
20 technical assistance, research, training, evaluation,
21 and the dissemination of information on effective
22 programs for combating juvenile delinquency.”.

23 **SEC. 4254. DEFINITIONS.**

24 Section 103 of the Juvenile Justice and Delinquency
25 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

1 (1) in paragraph (3), by striking “to help pre-
2 vent juvenile delinquency” and inserting “designed
3 to reduce known risk factors for juvenile delinquent
4 behavior, provide activities that build on protective
5 factors for, and develop competencies in, juveniles to
6 prevent, and reduce the rate of, delinquent juvenile
7 behavior”,

8 (2) in paragraph (4), by inserting “title I of”
9 before “the Omnibus” each place it appears,

10 (3) in paragraph (7), by striking “the Trust
11 Territory of the Pacific Islands,”,

12 (4) in paragraph (9), by striking “justice” and
13 inserting “crime control”,

14 (5) in paragraph (12)(B), by striking “, of any
15 nonoffender,”,

16 (6) in paragraph (13)(B), by striking “, any
17 nonoffender,”,

18 (7) in paragraph (14), by inserting “drug traf-
19 ficking,” after “assault,”,

20 (8) in paragraph (16)—

21 (A) in subparagraph (A), by adding “and”
22 at the end, and

23 (B) by striking subparagraph (C),

24 (9) by striking paragraph (17),

25 (10) in paragraph (22)—

1 (A) by redesignating subparagraphs (i),
2 (ii), and (iii) as subparagraphs (A), (B), and
3 (C), respectively, and

4 (B) by striking “and” at the end,
5 (11) in paragraph (23), by striking the period
6 at the end and inserting a semicolon,

7 (12) by redesignating paragraphs (18), (19),
8 (20), (21), (22), and (23) as paragraphs (17)
9 through (22), respectively, and

10 (13) by adding at the end the following:

11 “(23) the term ‘boot camp’ means a residential
12 facility (excluding a private residence) at which there
13 are provided—

14 “(A) a highly regimented schedule of dis-
15 cipline, physical training, work, drill, and cere-
16 mony characteristic of military basic training.

17 “(B) regular, remedial, special, and voca-
18 tional education; and

19 “(C) counseling and treatment for sub-
20 stance abuse and other health and mental
21 health problems;

22 “(24) the term ‘graduated sanctions’ means an
23 accountability-based, graduated series of sanctions
24 (including incentives and services) applicable to juve-
25 niles within the juvenile justice system to hold such

1 juveniles accountable for their actions and to protect
2 communities from the effects of juvenile delinquency
3 by providing appropriate sanctions for every act for
4 which a juvenile is adjudicated delinquent, by induc-
5 ing their law-abiding behavior, and by preventing
6 their subsequent involvement with the juvenile jus-
7 tice system;

8 “(25) the term ‘violent crime’ means—

9 “(A) murder or nonnegligent man-
10 slaughter, forcible rape, or robbery, or

11 “(B) aggravated assault committed with
12 the use of a firearm;

13 “(26) the term ‘co-located facilities’ means fa-
14 cilities that are located in the same building, or are
15 part of a related complex of buildings located on the
16 same grounds; and

17 “(27) the term ‘related complex of buildings’
18 means 2 or more buildings that share—

19 “(A) physical features, such as walls and
20 fences, or services beyond mechanical services
21 (heating, air conditioning, water and sewer); or

22 “(B) the specialized services that are al-
23 lowable under section 31.303(e)(3)(i)(C)(3) of
24 title 28 of the Code of Federal Regulations, as
25 in effect on December 10, 1996.”.

1 **SEC. 4255. NAME OF OFFICE.**

2 Title II of the Juvenile Justice and Delinquency Pre-
3 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
4 amended—

5 (1) in part A, by striking the part heading and
6 inserting the following:

7 “PART A—OFFICE OF JUVENILE CRIME CONTROL AND
8 DELINQUENCY PREVENTION”;

9 (2) in section 201(a), by striking “Justice and
10 Delinquency Prevention” and inserting “Crime Con-
11 trol and Delinquency Prevention”; and

12 (3) in section 299A(c)(2) by striking “Justice
13 and Delinquency Prevention” and inserting “Crime
14 Control and Delinquency Prevention”.

15 **SEC. 4256. CONCENTRATION OF FEDERAL EFFORT.**

16 Section 204 of the Juvenile Justice and Delinquency
17 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

18 (1) in subsection (a)(1), by striking the last
19 sentence;

20 (2) in subsection (b)—

21 (A) in paragraph (3), by striking “and of
22 the prospective” and all that follows through
23 “administered”;

24 (B) by striking paragraph (5); and

25 (C) by redesignating paragraphs (6) and
26 (7) as paragraphs (5) and (6), respectively;

1 (3) in subsection (c), by striking “and reports”
2 and all that follows through “this part”, and insert-
3 ing “as may be appropriate to prevent the duplica-
4 tion of efforts, and to coordinate activities, related to
5 the prevention of juvenile delinquency”;

6 (4) by striking subsection (i); and

7 (5) by redesignating subsection (h) as sub-
8 section (f).

9 **SEC. 4257. ALLOCATION.**

10 Section 222 of the Juvenile Justice and Delinquency
11 Prevention Act of 1974 (42 U.S.C. 5632) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) by striking “amount, up to
16 \$400,000,” and inserting “amount up
17 to \$400,000”;

18 (II) by inserting a comma after
19 “1992” the first place it appears;

20 (III) by striking “the Trust Ter-
21 ritory of the Pacific Islands,”; and

22 (IV) by striking “amount, up to
23 \$100,000,” and inserting “amount up
24 to \$100,000”;

25 (ii) in subparagraph (B)—

1 (I) by striking “(other than part
2 D)”;

3 (II) by striking “or such greater
4 amount, up to \$600,000” and all that
5 follows through “section 299(a) (1)
6 and (3)”;

7 (III) by striking “the Trust Ter-
8 ritory of the Pacific Islands,”;

9 (IV) by striking “amount, up to
10 \$100,000,” and inserting “amount up
11 to \$100,000”; and

12 (V) by inserting a comma after
13 “1992”;

14 (B) in paragraph (3) by striking “allot”
15 and inserting “allocate”; and

16 (2) in subsection (b) by striking “the Trust
17 Territory of the Pacific Islands,”.

18 **SEC. 4258. STATE PLANS.**

19 Section 223 of the Juvenile Justice and Delinquency
20 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

21 (1) in subsection (a)—

22 (A) in the second sentence, by striking
23 “challenge” and all that follows through “part
24 E”, and inserting “, projects, and activities”;

25 (B) in paragraph (3)—

1 (i) by striking “, which—” and insert-
2 ing “that—”;

3 (ii) in subparagraph (A)—

4 (I) by striking “not less” and all
5 that follows through “33”, and insert-
6 ing “the attorney general of the State
7 or such other State official who has
8 primary responsibility for overseeing
9 the enforcement of State criminal
10 laws, and”;

11 (II) by inserting “, in consulta-
12 tion with the attorney general of the
13 State or such other State official who
14 has primary responsibility for over-
15 seeing the enforcement of State crimi-
16 nal laws” after “State”;

17 (III) in clause (i), by striking “or
18 the administration of juvenile justice”
19 and inserting “, the administration of
20 juvenile justice, or the reduction of ju-
21 venile delinquency”;

22 (IV) in clause (ii), by striking
23 “include—” and all that follows
24 through the semicolon at the end of

1 subclause (VIII), and inserting the
2 following:

3 “represent a multidisciplinary approach to
4 addressing juvenile delinquency and may
5 include—

6 “(I) individuals who represent
7 units of general local government, law
8 enforcement and juvenile justice agen-
9 cies, public agencies concerned with
10 the prevention and treatment of juve-
11 nile delinquency and with the adju-
12 dication of juveniles, representatives
13 of juveniles, or nonprofit private orga-
14 nizations, particularly such organiza-
15 tions that serve juveniles; and

16 “(II) such other individuals as
17 the chief executive officer considers to
18 be appropriate; and”;

19 (V) by striking clauses (iv) and
20 (v);

21 (iii) in subparagraph (C), by striking
22 “justice” and inserting “crime control”;

23 (iv) in subparagraph (D)—

24 (I) in clause (i), by inserting
25 “and” at the end; and

1 (II) in clause (ii), by striking
2 “paragraphs” and all that follows
3 through “part E”, and inserting
4 “paragraphs (11), (12), and (13)”;
5 and

6 (v) in subparagraph (E), by striking
7 “title—” and all that follows through
8 “(ii)” and inserting “title,”;
9 (C) in paragraph (5)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “, other than” and
12 inserting “reduced by the percentage (if
13 any) specified by the State under the au-
14 thority of paragraph (25) and excluding”
15 after “section 222”; and

16 (ii) in subparagraph (C), by striking
17 “paragraphs (12)(A), (13), and (14)” and
18 inserting “paragraphs (11), (12), and
19 (13)”;

20 (D) by striking paragraph (6);

21 (E) in paragraph (7), by inserting “, in-
22 cluding in rural areas” before the semicolon at
23 the end;

24 (F) in paragraph (8)—

25 (i) in subparagraph (A)—

1 (I) by striking “for (i)” and all
2 that follows through “relevant juris-
3 diction”, and inserting “for an anal-
4 ysis of juvenile delinquency problems
5 in, and the juvenile delinquency con-
6 trol and delinquency prevention needs
7 (including educational needs) of, the
8 State”;

9 (II) by striking “justice” the sec-
10 ond place it appears and inserting
11 “crime control”; and

12 (III) by striking “of the jurisdic-
13 tion; (ii)” and all that follows through
14 the semicolon at the end, and insert-
15 ing “of the State; and”;

16 (ii) by striking subparagraph (B) and
17 inserting the following:

18 “(B) contain—

19 “(i) a plan for providing needed gen-
20 der-specific services for the prevention and
21 treatment of juvenile delinquency;

22 “(ii) a plan for providing needed serv-
23 ices for the prevention and treatment of ju-
24 venile delinquency in rural areas; and

1 “(iii) a plan for providing needed
2 mental health services to juveniles in the
3 juvenile justice system;”; and

4 (iii) by striking subparagraphs (C)
5 and (D);

6 (G) by striking paragraph (9) and insert-
7 ing the following:

8 “(9) provide for the coordination and maximum
9 utilization of existing juvenile delinquency programs,
10 programs operated by public and private agencies
11 and organizations, and other related programs (such
12 as education, special education, recreation, health,
13 and welfare programs) in the State;”;

14 (H) in paragraph (10)—

15 (i) in subparagraph (A), by striking “,
16 specifically” and inserting “including”; and

17 (ii) by striking subparagraph (B) and
18 inserting the following:

19 “(B) programs that assist in holding juve-
20 niles accountable for their actions, including the
21 use of graduated sanctions and of neighborhood
22 courts or panels that increase victim satisfac-
23 tion and require juveniles to make restitution
24 for the damage caused by their delinquent be-
25 havior;”;

1 (iii) in subparagraph (C), by striking
2 “juvenile justice” and inserting “juvenile
3 crime control”;

4 (iv) by striking subparagraph (D) and
5 inserting the following:

6 “(D) programs that provide treatment to
7 juvenile offenders who are victims of child
8 abuse or neglect, and to their families, in order
9 to reduce the likelihood that such juvenile of-
10 fenders will commit subsequent violations of
11 law;”;

12 (v) in subparagraph (E)—

13 (I) by redesignating clause (ii) as
14 clause (iii); and

15 (II) by striking “juveniles, pro-
16 vided” and all that follows through
17 “provides; and”, and inserting the fol-
18 lowing:

19 “juveniles—

20 “(i) to encourage juveniles to remain
21 in elementary and secondary schools or in
22 alternative learning situations;

23 “(ii) to provide services to assist juve-
24 niles in making the transition to the world
25 of work and self-sufficiency; and”;

1 (vi) by striking subparagraph (F) and
2 inserting the following:

3 “(F) expanding the use of probation
4 officers—

5 “(i) particularly for the purpose of
6 permitting nonviolent juvenile offenders
7 (including status offenders) to remain at
8 home with their families as an alternative
9 to incarceration or institutionalization; and

10 “(ii) to ensure that juveniles follow
11 the terms of their probation;”;

12 (vii) by striking subparagraph (G)
13 and inserting the following:

14 “(G) one-on-one mentoring programs that
15 are designed to link at-risk juveniles and juve-
16 nile offenders, particularly juveniles residing in
17 high-crime areas and juveniles experiencing
18 educational failure, with responsible adults
19 (such as law enforcement officers, adults work-
20 ing with local businesses, and adults working
21 with community-based organizations and agen-
22 cies) who are properly screened and trained;”;

23 (viii) in subparagraph (H) by striking
24 “handicapped youth” and inserting “juve-
25 niles with disabilities”;

1 (ix) by striking subparagraph (K) and
2 inserting the following:

3 “(K) boot camps for juvenile offenders;”;

4 (x) by striking subparagraph (L) and
5 inserting the following:

6 “(L) community-based programs and serv-
7 ices to work with juveniles, their parents, and
8 other family members during and after incar-
9 ceration in order to strengthen families so that
10 such juveniles may be retained in their homes;”;

11 (xi) by striking subparagraph (M) and
12 inserting the following:

13 “(M) other activities (such as court-ap-
14 pointed advocates) that the State determines
15 will hold juveniles accountable for their acts
16 and decrease juvenile involvement in delinquent
17 activities;”;

18 (xii) in subparagraph (O)—

19 (I) in striking “cultural” and in-
20 sserting “other”; and

21 (II) by striking the period at the
22 end and inserting a semicolon; and

23 (xiii) by adding at the end the fol-
24 lowing:

1 “(P) programs that utilize multidisci-
2 plinary interagency case management and infor-
3 mation sharing, that enable the juvenile justice
4 and law enforcement agencies, schools, and so-
5 cial service agencies to make more informed de-
6 cisions regarding early identification, control,
7 supervision, and treatment of juveniles who re-
8 peatedly commit violent or serious delinquent
9 acts; and

10 “(Q) programs designed to prevent and re-
11 duce hate crimes committed by juveniles.”;

12 (I) by striking paragraph (12) and insert-
13 ing the following:

14 “(12) shall, in accordance with rules issued by
15 the Administrator, provide that—

16 “(A) juveniles who are charged with or
17 who have committed an offense that would not
18 be criminal if committed by an adult,
19 excluding—

20 “(i) juveniles who are charged with or
21 who have committed a violation of section
22 922(x)(2) of title 18, United States Code,
23 or of a similar State law;

1 “(ii) juveniles who are charged with or
2 who have committed a violation of a valid
3 court order; and

4 “(iii) juveniles who are held in accord-
5 ance with the Interstate Compact on Juve-
6 niles, as enacted by the State;

7 shall not be placed in secure detention facilities
8 or secure correctional facilities; and

9 “(B) juveniles—

10 “(i) who are not charged with any of-
11 fense; and

12 “(ii) who are—

13 “(I) aliens; or

14 “(II) alleged to be dependent, ne-
15 glected, or abused;

16 shall not be placed in secure detention facilities
17 or secure correctional facilities;”;

18 (J) by striking paragraph (13) and insert-
19 ing the following:

20 “(13) provide that—

21 “(A) juveniles alleged to be or found to be
22 delinquent, and juveniles within the purview of
23 paragraph (11), will not be detained or confined
24 in any institution in which they have prohibited
25 physical contact or sustained oral communica-

1 tion (as defined in subparagraphs (D) and (E))
2 with adults incarcerated because such adults
3 have been convicted of a crime or are awaiting
4 trial on criminal charges;

5 “(B) to the extent practicable, violent juve-
6 niles shall be kept separate from nonviolent ju-
7 veniles;

8 “(C) there is in effect in the State a policy
9 that requires individuals who work with both
10 such juveniles and such adults in colocated fa-
11 cilities have been trained and certified to work
12 with juveniles;

13 “(D) the term ‘prohibited physical
14 contact’—

15 “(i) means—

16 “(I) any physical contact between
17 a juvenile and an adult inmate; and

18 “(II) proximity that provides an
19 opportunity for physical contact be-
20 tween a juvenile and an adult inmate;
21 and

22 “(ii) does not include—

23 “(I) communication that is acci-
24 dental or incidental;

1 “(II) sounds or noises that can-
2 not reasonably be considered to be
3 speech; or

4 “(III) does not include supervised
5 proximity between a juvenile and an adult
6 inmate that is brief and incidental or acci-
7 dental; and

8 “(E) the term ‘sustained oral communica-
9 tion’ means the imparting or interchange of
10 speech by or between an adult inmate and a ju-
11 venile;”.

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 non-
17 status offenses and who are detained in such
18 jail or lockup for a period not to exceed 6
19 hours—

20 “(i) for processing or release;

21 “(ii) while awaiting transfer to a juve-
22 nile facility; or

23 “(iii) in which period such juveniles
24 make a court appearance;

1 “(B) juveniles who are accused of non-
2 status offenses, who are awaiting an initial
3 court appearance that will occur within 48
4 hours after being taken into custody (excluding
5 Saturdays, Sundays, and legal holidays), and
6 who are detained or confined in a jail or
7 lockup—

8 “(i) in which—

9 “(I) such juveniles do not have
10 prohibited physical contact or sus-
11 tained oral communication (as defined
12 in subparagraphs (D) and (E) of
13 paragraph (13)) with adults incarcer-
14 ated because such adults have been
15 convicted of a crime or are awaiting
16 trial on criminal charges;

17 “(II) to the extent practicable,
18 violent juveniles shall be kept separate
19 from nonviolent juveniles; and

20 “(III) there is in effect in the
21 State a policy that requires individ-
22 uals who work with both such juve-
23 niles and such adults in co-located fa-
24 cilities have been trained and certified
25 to work with juveniles; and

1 “(ii) that—

2 “(I) is located outside a metro-
3 politan statistical area (as defined by
4 the Director of the Office of Manage-
5 ment and Budget) and has no existing
6 acceptable alternative placement avail-
7 able; or

8 “(II) is located where conditions
9 of distance to be traveled or the lack
10 of highway, road, or transportation do
11 not allow for court appearances within
12 48 hours after being taken into cus-
13 tody (excluding Saturdays, Sundays,
14 and legal holidays) so that a brief (not
15 to exceed an additional 48 hours)
16 delay is excusable; or

17 “(III) is located where conditions
18 of safety exist (such as severe adverse,
19 life-threatening weather conditions
20 that do not allow for reasonably safe
21 travel), in which case the time for an
22 appearance may be delayed until 24
23 hours after the time that such condi-
24 tions allow for reasonable safe trav-
25 el;”;

1 (L) in paragraph (15)—

2 (i) by striking “paragraph (12)(A),
3 paragraph (13), and paragraph (14)” and
4 inserting “paragraphs (11), (12), and
5 (13)”; and

6 (ii) by striking “paragraph (12)(A)
7 and paragraph (13)” and inserting “para-
8 graphs (11) and (12)”;

9 (M) in paragraph (16) by striking “men-
10 tally, emotionally, or physically handicapping
11 conditions” and inserting “disability”;

12 (N) by striking paragraph (19) and insert-
13 ing the following:

14 “(19) provide assurances that—

15 “(A) any assistance provided under this
16 Act will not cause the displacement (including
17 a partial displacement, such as a reduction in
18 the hours of nonovertime work, wages, or em-
19 ployment benefits) of any currently employed
20 employee;

21 “(B) activities assisted under this Act will
22 not impair an existing collective bargaining re-
23 lationship, contract for services, or collective
24 bargaining agreement; and

1 “(C) no such activity that would be incon-
2 sistent with the terms of a collective bargaining
3 agreement shall be undertaken without the
4 written concurrence of the labor organization
5 involved;”;

6 (O) by striking paragraph (23) and insert-
7 ing the following:

8 “(23) address juvenile delinquency prevention
9 efforts and system improvement efforts designed to
10 reduce, without establishing or requiring numerical
11 standards or quotas, the disproportionate number of
12 juvenile members of minority groups, who come into
13 contact with the juvenile justice system;”;

14 (P) by striking paragraph (24) and insert-
15 ing the following:

16 “(24) provide that if a juvenile is taken into
17 custody for violating a valid court order issued for
18 committing a status offense—

19 “(A) an appropriate public agency shall be
20 promptly notified that such juvenile is held in
21 custody for violating such order;

22 “(B) not later than 24 hours after the ju-
23 venile is taken into custody and during which
24 the juvenile is so held, an authorized represent-

1 ative of such agency shall interview, in person,
2 such juvenile; and

3 “(C) not later than 48 hours after the ju-
4 venile is taken into custody and during which
5 the juvenile is so held—

6 “(i) such representative shall submit
7 an assessment to the court that issued
8 such order, regarding the immediate needs
9 of such juvenile; and

10 “(ii) such court shall conduct a hear-
11 ing to determine—

12 “(I) whether there is reasonable
13 cause to believe that such juvenile vio-
14 lated such order; and

15 “(II) the appropriate placement
16 of such juvenile pending disposition of
17 the violation alleged;”;

18 (Q) in paragraph (25) by striking the pe-
19 riod at the end and inserting a semicolon;

20 (R) by redesignating paragraphs (7)
21 through (25) as paragraphs (6) through (24),
22 respectively; and

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

24 “(25) specify a percentage (if any), not to ex-
25 ceed 5 percent, of funds received by the State under

1 section 222 (other than funds made available to the
2 state advisory group under section 222(d)) that the
3 State will reserve for expenditure by the State to
4 provide incentive grants to units of general local gov-
5 ernment that reduce the caseload of probation offi-
6 cers within such units.”; and

7 (2) by striking subsection (c) and inserting the
8 following:

9 “(c) If a State fails to comply with any applicable
10 requirement of paragraph (11), (12), (13), or (22) of sub-
11 section (a) in any fiscal year beginning after September
12 30, 1999, then the amount allocated to such State for the
13 subsequent fiscal year shall be reduced by not to exceed
14 12.5 percent for each such paragraph with respect to
15 which the failure occurs, unless the Administrator deter-
16 mines that the State—

17 “(1) has achieved substantial compliance with
18 such applicable requirements with respect to which
19 the State was not in compliance; and

20 “(2) has made, through appropriate executive
21 or legislative action, an unequivocal commitment to
22 achieving full compliance with such applicable re-
23 quirements within a reasonable time.”; and

24 (3) in subsection (d)—

1 (A) by striking “allotment” and inserting
2 “allocation”; and

3 (B) by striking “subsection (a) (12)(A),
4 (13), (14) and (23)” each place it appears and
5 inserting “paragraphs (11), (12), (13), and
6 (22) of subsection (a)”.

7 **SEC. 4259. JUVENILE DELINQUENCY PREVENTION BLOCK**
8 **GRANT PROGRAM.**

9 Title II of the Juvenile Justice and Delinquency Pre-
10 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
11 by inserting after part I, as added by section 4217 of this
12 title, the following:

13 **“PART J—JUVENILE DELINQUENCY PREVENTION**
14 **BLOCK GRANT PROGRAM**

15 **“SEC. 292. AUTHORITY TO MAKE GRANTS.**

16 “The Administrator may make grants to eligible
17 States, from funds allocated under section 292A, for the
18 purpose of providing financial assistance to eligible entities
19 to carry out projects designed to prevent juvenile delin-
20 quency, including—

21 “(1) projects that assist in holding juveniles ac-
22 countable for their actions, including the use of
23 neighborhood courts or panels that increase victim
24 satisfaction and require juveniles to make restituti-

1 tion, or perform community service, for the damage
2 caused by their delinquent acts;

3 “(2) projects that provide treatment to juvenile
4 offenders who are victims of child abuse or neglect,
5 and to their families, in order to reduce the likeli-
6 hood that such juvenile offenders will commit subse-
7 quent violations of law;

8 “(3) educational projects or supportive services
9 for delinquent or other juveniles—

10 “(A) to encourage juveniles to remain in
11 elementary and secondary schools or in alter-
12 native learning situations in educational set-
13 tings;

14 “(B) to provide services to assist juveniles
15 in making the transition to the world of work
16 and self-sufficiency;

17 “(C) to assist in identifying learning dif-
18 ficulties (including learning disabilities);

19 “(D) to prevent unwarranted and arbitrary
20 suspensions and expulsions;

21 “(E) to encourage new approaches and
22 techniques with respect to the prevention of
23 school violence and vandalism;

24 “(F) which assist law enforcement per-
25 sonnel and juvenile justice personnel to more ef-

1 fectively recognize and provide for learning-dis-
2 abled and other disabled juveniles; or

3 “(G) which develop locally coordinated
4 policies and programs among education, juve-
5 nile justice, and social service agencies;

6 “(4) projects which expand the use of probation
7 officers—

8 “(A) particularly for the purpose of per-
9 mitting nonviolent juvenile offenders (including
10 status offenders) to remain at home with their
11 families as an alternative to incarceration or in-
12 stitutionalization; and

13 “(B) to ensure that juveniles follow the
14 terms of their probation;

15 “(5) one-on-one mentoring projects that are de-
16 signed to link at-risk juveniles and juvenile offenders
17 who did not commit serious crime, particularly juve-
18 niles residing in high-crime areas and juveniles expe-
19 riencing educational failure, with responsible adults
20 (such as law enforcement officers, adults working
21 with local businesses, and adults working for com-
22 munity-based organizations and agencies) who are
23 properly screened and trained;

24 “(6) community-based projects and services (in-
25 cluding literacy and social service programs) which

1 work with juvenile offenders, including those from
2 families with limited English-speaking proficiency,
3 their parents, their siblings, and other family mem-
4 bers during and after incarceration of the juvenile
5 offenders, in order to strengthen families, to allow
6 juvenile offenders to be retained in their homes, and
7 to prevent the involvement of other juvenile family
8 members in delinquent activities;

9 “(7) projects designed to provide for the treat-
10 ment of juveniles for dependence on or abuse of al-
11 cohol, drugs, or other harmful substances;

12 “(8) projects which leverage funds to provide
13 scholarships for postsecondary education and train-
14 ing for low-income juveniles who reside in neighbor-
15 hoods with high rates of poverty, violence, and drug-
16 related crimes;

17 “(9) projects which provide for an initial intake
18 screening of each juvenile taken into custody—

19 “(A) to determine the likelihood that such
20 juvenile will commit a subsequent offense; and

21 “(B) to provide appropriate interventions,
22 including mental health services and substance
23 abuse treatment, to prevent such juvenile from
24 committing subsequent 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. 292A. 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. 292B. ELIGIBILITY OF STATES.**

17 “(a) APPLICATION.—To be eligible to receive a grant
18 under section 292, 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 292C.

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 292C(a) that receives an initial
19 grant under section 292 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

1 292 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 sub-
 11 mitted 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.

24 **“SEC. 292C. GRANTS FOR LOCAL PROJECTS.**

25 “(a) SELECTION FROM AMONG APPLICATIONS.—

1 “(1) IN GENERAL.—Using a grant received
2 under section 292, a State may make grants to eligi-
3 ble entities whose applications are received by the
4 State in accordance with subsection (b) to carry out
5 projects and activities described in section 292.

6 “(2) For purposes of making grants under this
7 section, the State shall give special consideration to
8 eligible entities that—

9 “(A) propose to carry out such projects in
10 geographical areas in which there is—

11 “(i) a disproportionately high level of
12 serious crime committed by juveniles; or

13 “(ii) a recent rapid increase in the
14 number of nonstatus offenses committed
15 by juveniles;

16 “(B)(i) agreed to carry out such projects
17 or activities that are multidisciplinary and in-
18 volve 2 or more eligible entities; or

19 “(ii) represent communities that have a
20 comprehensive plan designed to identify at-risk
21 juveniles and to prevent or reduce the rate of
22 juvenile delinquency, and that involve other en-
23 tities operated by individuals who have a dem-
24 onstrated history of involvement in activities de-
25 signed to prevent juvenile delinquency; and

1 “(C) the amount of resources (in cash or
2 in kind) such entities will provide to carry out
3 such projects and activities.

4 “(b) RECEIPT OF APPLICATIONS.—

5 “(1) IN GENERAL.—Subject to paragraph (2), a
6 unit of general local government shall submit to the
7 State simultaneously all applications that are—

8 “(A) timely received by such unit from eli-
9 gible entities; and

10 “(B) determined by such unit to be con-
11 sistent with a current plan formulated by such
12 unit for the purpose of preventing, and reduc-
13 ing the rate of, juvenile delinquency in the geo-
14 graphical area under the jurisdiction of such
15 unit.

16 “(2) DIRECT SUBMISSION TO STATE.—If an ap-
17 plication submitted to such unit by an eligible entity
18 satisfies the requirements specified in subparagraphs
19 (A) and (B) of paragraph (1), such entity may sub-
20 mit such application directly to the State.

21 **“SEC. 292D. ELIGIBILITY OF ENTITIES.**

22 “(a) ELIGIBILITY.—Subject to subsections (b) and
23 except as provided in subsection (c), to be eligible to re-
24 ceive a grant under section 292C, a community-based or-
25 ganization, local juvenile justice system officials (including

1 prosecutors, police officers, judges, probation officers, pa-
2 role officers, and public defenders), local education author-
3 ity (as defined in section 14101 of the Elementary and
4 Secondary Education Act of 1965 and including a school
5 within such authority), nonprofit private organization,
6 unit of general local government, or social service provider,
7 and or other entity with a demonstrated history of involve-
8 ment in the prevention of juvenile delinquency, shall sub-
9 mit to a unit of general local government an application
10 that contains the following:

11 “(1) An assurance that such applicant will use
12 such grant, and each such grant received for the
13 subsequent fiscal year, to carry out throughout a 2-
14 year period a project or activity described in reason-
15 able detail, and of a kind described in 1 or more
16 of paragraphs (1) through (14) of section 292 as
17 specified in, such application.

18 “(2) A statement of the particular goals such
19 project or activity is designed to achieve, and the
20 methods such entity will use to achieve, and assess
21 the achievement of, each of such goals.

22 “(3) A statement identifying the research (if
23 any) such entity relied on in preparing such applica-
24 tion.

1 “(b) REVIEW AND SUBMISSION OF APPLICATIONS.—

2 Except as provided in subsection (c), an entity shall not

3 be eligible to receive a grant under section 292C unless—

4 “(1) such entity submits to a unit of general

5 local government an application that—

6 “(A) satisfies the requirements specified in

7 subsection (a); and

8 “(B) describes a project or activity to be

9 carried out in the geographical area under the

10 jurisdiction of such unit; and

11 “(2) such unit determines that such project or

12 activity is consistent with a current plan formulated

13 by such unit for the purpose of preventing, and re-

14 ducing the rate of, juvenile delinquency in the geo-

15 graphical area under the jurisdiction of such unit.

16 “(c) LIMITATION.—If an entity that receives a grant

17 under section 292C to carry out a project or activity for

18 a 2-year period, and receives technical assistance from the

19 State or the Administrator after requesting such technical

20 assistance (if any), fails to demonstrate, before the expira-

21 tion of such 2-year period, that such project or such activ-

22 ity has achieved substantial success in achieving the goals

23 specified in the application submitted by such entity to

24 receive such grants, then such entity shall not be eligible

1 to receive any subsequent grant under such section to con-
 2 tinue to carry out such project or activity.”.

3 **SEC. 4260. RESEARCH; EVALUATION; TECHNICAL ASSIST-**
 4 **ANCE; TRAINING.**

5 Title II of the Juvenile Justice and Delinquency Pre-
 6 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
 7 by inserting after part J, as added by section 4259 of this
 8 title, the following:

9 **“PART K—RESEARCH; EVALUATION; TECHNICAL**
 10 **ASSISTANCE; TRAINING**

11 **“SEC. 293. RESEARCH AND EVALUATION; STATISTICAL**
 12 **ANALYSES; INFORMATION DISSEMINATION.**

13 “(a) RESEARCH AND EVALUATION.—(1) The Admin-
 14 istrator may—

15 “(A) plan and identify, after consultation with
 16 the Director of the National Institute of Justice, the
 17 purposes and goals of all agreements carried out
 18 with funds provided under this subsection; and

19 “(B) make agreements with the National Insti-
 20 tute of Justice or, subject to the approval of the As-
 21 sistant Attorney General for the Office of Justice
 22 Programs, with another Federal agency authorized
 23 by law to conduct research or evaluation in juvenile
 24 justice matters, for the purpose of providing re-
 25 search and evaluation relating to—

1 “(i) the prevention, reduction, and control
2 of juvenile delinquency and serious crime com-
3 mitted by juveniles;

4 “(ii) the link between juvenile delinquency
5 and the incarceration of members of the fami-
6 lies of juveniles;

7 “(iii) successful efforts to prevent first-
8 time minor offenders from committing subse-
9 quent involvement in serious crime;

10 “(iv) successful efforts to prevent recidi-
11 vism;

12 “(v) the juvenile justice system;

13 “(vi) juvenile violence; and

14 “(vii) other purposes consistent with the
15 purposes of this title and title I.

16 “(2) The Administrator shall ensure that an equi-
17 table amount of funds available to carry out paragraph
18 (1)(B) is used for research and evaluation relating to the
19 prevention of juvenile delinquency.

20 “(b) STATISTICAL ANALYSES.—The Administrator
21 may—

22 “(1) plan and identify, after consultation with
23 the Director of the Bureau of Justice Statistics, the
24 purposes and goals of all agreements carried out
25 with funds provided under this subsection; and

1 “(2) make agreements with the Bureau of Jus-
2 tice Statistics, or subject to the approval of the As-
3 sistant Attorney General for the Office of Justice
4 Programs, with another Federal agency authorized
5 by law to undertake statistical work in juvenile jus-
6 tice matters, for the purpose of providing for the col-
7 lection, analysis, and dissemination of statistical
8 data and information relating to juvenile delinquency
9 and serious crimes committed by juveniles, to the ju-
10 venile justice system, to juvenile violence, and to
11 other purposes consistent with the purposes of this
12 title and title I.

13 “(c) COMPETITIVE SELECTION PROCESS.—The Ad-
14 ministrators shall use a competitive process, established by
15 rule by the Administrator, to carry out subsections (a) and
16 (b).

17 “(d) IMPLEMENTATION OF AGREEMENTS.—A Fed-
18 eral agency that makes an agreement under subsections
19 (a)(1)(B) and (b)(2) with the Administrator may carry out
20 such agreement directly or by making grants to or con-
21 tracts with public and private agencies, institutions, and
22 organizations.

23 “(e) INFORMATION DISSEMINATION.—The Adminis-
24 trator may—

1 “(1) review reports and data relating to the ju-
2 venile justice system in the United States and in for-
3 foreign nations (as appropriate), collect data and infor-
4 mation from studies and research into all aspects of
5 juvenile delinquency (including the causes, preven-
6 tion, and treatment of juvenile delinquency) and se-
7 rious crimes committed by juveniles;

8 “(2) establish and operate, directly or by con-
9 tract, a clearinghouse and information center for the
10 preparation, publication, and dissemination of infor-
11 mation relating to juvenile delinquency, including
12 State and local prevention and treatment programs,
13 plans, resources, and training and technical assist-
14 ance programs; and

15 “(3) make grants and contracts with public and
16 private agencies, institutions, and organizations, for
17 the purpose of disseminating information to rep-
18 resentatives and personnel of public and private
19 agencies, including practitioners in juvenile justice,
20 law enforcement, the courts, corrections, schools,
21 and related services, in the establishment, implemen-
22 tation, and operation of projects and activities for
23 which financial assistance is provided under this
24 title.

1 **“SEC. 293A. TRAINING AND TECHNICAL ASSISTANCE.**

2 “(a) TRAINING.—The Administrator may—

3 “(1) develop and carry out projects for the pur-
4 pose of training representatives and personnel of
5 public and private agencies, including practitioners
6 in juvenile justice, law enforcement, courts, correc-
7 tions, schools, and related services, to carry out the
8 purposes specified in section 102; and

9 “(2) make grants to and contracts with public
10 and private agencies, institutions, and organizations
11 for the purpose of training representatives and per-
12 sonnel of public and private agencies, including prac-
13 titioners in juvenile justice, law enforcement, courts,
14 corrections, schools, and related services, to carry
15 out the purposes specified in section 102.

16 “(b) TECHNICAL ASSISTANCE.—The Administrator
17 may—

18 “(1) develop and implement projects for the
19 purpose of providing technical assistance to rep-
20 resentatives and personnel of public and private
21 agencies and organizations, including practitioners
22 in juvenile justice, law enforcement, courts, correc-
23 tions, schools, and related services, in the establish-
24 ment, implementation, and operation of programs,
25 projects, and activities for which financial assistance
26 is provided under this title; and

1 “(2) make grants to and contracts with public
 2 and private agencies, institutions, and organizations,
 3 for the purpose of providing technical assistance to
 4 representatives and personnel of public and private
 5 agencies, including practitioners in juvenile justice,
 6 law enforcement, courts, corrections, schools, and re-
 7 lated services, in the establishment, implementation,
 8 and operation of programs, projects, and activities
 9 for which financial assistance is provided under this
 10 title.”.

11 **SEC. 4261. DEMONSTRATION PROJECTS.**

12 Title II of the Juvenile Justice and Delinquency Pre-
 13 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
 14 by inserting after part K, as added by section 4260 of
 15 this title, the following:

16 **“PART L—DEVELOPING, TESTING, AND DEM-**
 17 **ONSTRATING PROMISING NEW INITIATIVES**
 18 **AND PROGRAMS**

19 **“SEC. 294. GRANTS AND PROJECTS.**

20 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
 21 trator may make grants to and contracts with States,
 22 units of general local government, Indian tribal govern-
 23 ments, public and private agencies, organizations, and in-
 24 dividuals, or combinations thereof, to carry out projects
 25 for the development, testing, and demonstration of prom-

1 ising initiatives and programs for the prevention, control,
2 or reduction of juvenile delinquency. The Administrator
3 shall ensure that, to the extent reasonable and practicable,
4 such grants are made to achieve an equitable geographical
5 distribution of such projects throughout the United
6 States.

7 “(b) USE OF GRANTS.—A grant made under sub-
8 section (a) may be used to pay all or part of the cost of
9 the project for which such grant is made.

10 **“SEC. 294A. GRANTS FOR TECHNICAL ASSISTANCE.**

11 “The Administrator may make grants to and con-
12 tracts with public and private agencies, organizations, and
13 individuals to provide technical assistance to States, units
14 of general local government, Indian tribal governments,
15 local private entities or agencies, or any combination
16 thereof, to carry out the projects for which grants are
17 made under section 261.

18 **“SEC. 294B. ELIGIBILITY.**

19 “To be eligible to receive a grant made under this
20 part, a public or private agency, Indian tribal government,
21 organization, institution, individual, or combination there-
22 of shall submit an application to the Administrator at such
23 time, in such form, and containing such information as
24 the Administrator may reasonable require by rule.

1 **“SEC. 294C. REPORTS.**

2 “Recipients of grants made under this part shall sub-
3 mit to the Administrator such reports as may be reason-
4 ably requested by the Administrator to describe progress
5 achieved in carrying the projects for which such grants
6 are made.”.

7 **SEC. 4262. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 299 of the Juvenile Justice and Delinquency
9 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

10 (1) by striking subsection (e); and

11 (2) by striking subsections (a) and (b), and in-
12 serting the following:

13 “(a) AUTHORIZATION OF APPROPRIATIONS FOR
14 TITLE II.—

15 “(1) IN GENERAL.—There are authorized to be
16 appropriated to carry out this title such sums as
17 may be appropriate for fiscal years 2002, 2003, and
18 2004.

19 “(2) ALLOCATION.—Of the amount made avail-
20 able for each fiscal year to carry out this title not
21 more than 5 percent shall be available to carry out
22 part A.

23 **SEC. 4263. ADMINISTRATIVE AUTHORITY.**

24 Section 299A(d) of the Juvenile Justice and Delin-
25 quency Prevention Act of 1974 (42 U.S.C. 5672) is
26 amended by striking “as are consistent with the purpose

1 of this Act” and inserting “only to the extent necessary
2 to ensure that there is compliance with the specific re-
3 quirements of this title or to respond to requests for clari-
4 fication and guidance relating to such compliance”.

5 **SEC. 4264. USE OF FUNDS.**

6 Section 299C of the Juvenile Justice and Delin-
7 quency Prevention Act of 1974 (42 U.S.C. 5674) is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “may be used for”;

11 (B) in paragraph (1), by inserting “may be
12 used for” after “(1)”; and

13 (C) by striking paragraph (2) and insert-
14 ing the following:

15 “(2) may not be used for the cost of construc-
16 tion of any short- or long-term facilities for adult or
17 juvenile offenders, except not more than 15 percent
18 of the funds received under this title by a State for
19 a fiscal year may be used for the purpose of ren-
20 ovating or replacing juvenile facilities.”;

21 (2) by striking subsection (b); and

22 (3) by redesignating subsection (c) as sub-
23 section (b).

1 **SEC. 4265. LIMITATION ON USE OF FUNDS.**

2 Part M of title II of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
4 as redesignated by section 4217 of this title, is amended
5 by adding at the end the following:

6 **“SEC. 299F. LIMITATION ON USE OF FUNDS.**

7 “None of the funds made available to carry out this
8 title may be used to advocate for, or support, the unse-
9 cured release of juveniles who are charged with a violent
10 crime.”.

11 **SEC. 4266. RULES OF CONSTRUCTION.**

12 Part M of title II of the Juvenile Justice and Delin-
13 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
14 as amended by section 4265 of this title, is amended by
15 adding at the end the following:

16 **“SEC. 299G. RULES OF CONSTRUCTION.**

17 “Nothing in this title or title I may be construed—

18 “(1) to prevent financial assistance from being
19 awarded through grants under this title to any oth-
20 erwise eligible organization; or

21 “(2) to modify or affect any Federal or State
22 law relating to collective bargaining rights of em-
23 ployees.”.

24 **SEC. 4267. LEASING SURPLUS FEDERAL PROPERTY.**

25 Part M of title II of the Juvenile Justice and Delin-
26 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),

1 as amended by section 4266 of this title, is amended by
2 adding at the end the following:

3 **“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

4 “The Administrator may receive surplus Federal
5 property (including facilities) and may lease such property
6 to States and units of general local government for use
7 in or as facilities for juvenile offenders, or for use in or
8 as facilities for delinquency prevention and treatment ac-
9 tivities.”.

10 **SEC. 4268. ISSUANCE OF RULES.**

11 Part M of title II of the Juvenile Justice and Delin-
12 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
13 as amended by section 4267 of this title, is amended by
14 adding at the end the following:

15 **“SEC. 299I. ISSUANCE OF RULES.**

16 “The Administrator shall issue rules to carry out this
17 title, including rules that establish procedures and meth-
18 ods for making grants and contracts, and distributing
19 funds available, to carry out this title.”.

20 **SEC. 4269. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) TECHNICAL AMENDMENTS.—The Juvenile Jus-
22 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
23 5601 et seq.) is amended—

1 (1) in section 202(b), by striking “prescribed
2 for GS–18 of the General Schedule by section 5332”
3 and inserting “payable under section 5376”;

4 (2) in section 221(b)(2), by striking the last
5 sentence; and

6 (3) in section 299D, by striking subsection (d).

7 (b) CONFORMING AMENDMENTS.—

8 (1) TITLE 5.—Section 5315 of title 5, United
9 States Code, is amended by striking “Office of Juve-
10 nile Justice and Delinquency Prevention” and in-
11 sserting “Office of Juvenile Crime Control and Delin-
12 quency Prevention”.

13 (2) TITLE 18.—Section 4351(b) of title 18,
14 United States Code, is amended by striking “Office
15 of Juvenile Justice and Delinquency Prevention”
16 and inserting “Office of Juvenile Crime Control and
17 Delinquency Prevention”.

18 (3) TITLE 39.—Subsections (a)(1) and (c) of
19 section 3220 of title 39, United States Code, is
20 amended by striking “Office of Juvenile Justice and
21 Delinquency Prevention” each place it appears and
22 inserting “Office of Juvenile Crime Control and De-
23 linquency Prevention”.

24 (4) SOCIAL SECURITY ACT.—Section 463(f) of
25 the Social Security Act (42 U.S.C. 663(f)) is amend-

1 ed by striking “Office of Juvenile Justice and Delin-
2 quency Prevention” and inserting “Office of Juve-
3 nile Crime Control and Delinquency Prevention”.

4 (5) OMNIBUS CRIME CONTROL AND SAFE
5 STREETS ACT OF 1968.—Sections 801(a), 804, 805,
6 and 813 of title I of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782,
8 3785, 3786, 3789i) are each amended by striking
9 “Office of Juvenile Justice and Delinquency Preven-
10 tion” each place it appears and inserting “Office of
11 Juvenile Crime Control and Delinquency Preven-
12 tion”.

13 (6) VICTIMS OF CHILD ABUSE ACT OF 1990.—
14 The Victims of Child Abuse Act of 1990 (42 U.S.C.
15 13001 et seq.) is amended—

16 (A) in section 214(b)(1), by striking “262,
17 293, and 296 of subpart II of title II” and in-
18 serting “299B and 299E”;

19 (B) in section 214A(e)(1), by striking
20 “262, 293, and 296 of subpart II of title II”
21 and inserting “299B and 299E”;

22 (C) in sections 217 and 222, by striking
23 “Office of Juvenile Justice and Delinquency
24 Prevention” each place it appears and inserting

1 “Office of Juvenile Crime Control and Delin-
2 quency Prevention”; and

3 (D) in section 223(c), by striking “section
4 262, 293, and 296” and inserting “sections
5 262, 299B, and 299E”.

6 (7) MISSING CHILDREN’S ASSISTANCE.—The
7 Missing Children’s Assistance Act (42 U.S.C. 5771
8 et seq.) is amended—

9 (A) in section 403(2), by striking “Justice
10 and Delinquency Prevention” and inserting
11 “Crime Control and Delinquency Prevention”;
12 and

13 (B) in subsections (a)(5)(E) and (b)(1)(B)
14 of section 404, by striking “section 313” and
15 inserting “section 331”.

16 (8) CRIME CONTROL ACT OF 1990.—The Crime
17 Control Act of 1990 (42 U.S.C. 13001 et seq.) is
18 amended—

19 (A) in section 217(c)(1), by striking “sec-
20 tions 262, 293, and 296 of subpart II of title
21 II” and inserting “sections 299B and 299E”;
22 and

23 (B) in section 223(c), by striking “section
24 262, 293, and 296 of title II” and inserting
25 “sections 299B and 299E”.

1 **SEC. 4270. REFERENCES.**

2 In any Federal law (excluding this Act and the Acts
3 amended by this Act), Executive order, rule, regulation,
4 order, delegation of authority, grant, contract, suit, or
5 document—

6 (1) a reference to the Office of Juvenile Justice
7 and Delinquency Prevention shall be deemed to in-
8 clude a reference to the Office of Juvenile Crime
9 Control and Delinquency Prevention, and

10 (2) a reference to the National Institute for Ju-
11 venile Justice and Delinquency Prevention shall be
12 deemed to include a reference to Office of Juvenile
13 Crime Control and Delinquency Prevention.

14 **PART 6—LOCAL GUN VIOLENCE PREVENTION**
15 **PROGRAMS**

16 **SEC. 4271. COMPETITIVE GRANTS FOR CHILDREN'S FIRE-**
17 **ARM SAFETY EDUCATION.**

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

19 (1) to award grants to assist local educational
20 agencies, in consultation with community groups and
21 law enforcement agencies, to educate children about
22 preventing gun violence; and

23 (2) to assist communities in developing partner-
24 ships between public schools, community organiza-
25 tions, law enforcement, and parents in educating
26 children about preventing gun violence.

1 (b) DEFINITIONS.—In this section:

2 (1) LOCAL EDUCATIONAL AGENCY.—The term
3 “local educational agency” has the same meaning
4 given such term in section 14101 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C.
6 8801).

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

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

14 (c) ALLOCATION OF COMPETITIVE GRANTS.—

15 (1) GRANTS BY THE SECRETARY.—For any fis-
16 cal year in which the amount appropriated to carry
17 out this section does not equal or exceed
18 \$50,000,000, the Secretary of Education may award
19 competitive grants described under subsection (d).

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

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

4 (A) MINORS.—75 percent of such amount
5 shall be allocated proportionately based upon
6 the population that is less than 18 years of age
7 in the State.

8 (B) INCARCERATED MINORS.—25 percent
9 of such amount shall be allocated proportion-
10 ately based upon the population that is less
11 than 18 years of age in the State that is incar-
12 cerated.

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

16 (d) AUTHORIZATION OF COMPETITIVE GRANTS.—
17 The Secretary or the State educational agency, as the case
18 may be, may award grants to eligible local educational
19 agencies for the purposes of educating children about pre-
20 venting gun violence, in accordance with the following:

21 (1) ASSURANCES.—

22 (A) AMOUNT OF FUNDS DISTRIBUTED.—
23 The Secretary or the State educational agency,
24 as the case may be, shall ensure that not less
25 than 90 percent of the funds allotted under this

1 section are distributed to local educational
2 agencies.

3 (B) DISTRIBUTION.—In awarding the
4 grants, the Secretary or the State educational
5 agency, as the case may be, shall ensure, to the
6 maximum extent practicable—

7 (i) an equitable geographic distribu-
8 tion of grant awards;

9 (ii) an equitable distribution of grant
10 awards among programs that serve public
11 elementary school students, public sec-
12 ondary school students, and a combination
13 of both; and

14 (iii) that urban, rural and suburban
15 areas are represented within the grants
16 that are awarded.

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

21 (A) coordinates with other Federal, State,
22 and local programs that educate children about
23 personal health, safety, and responsibility, in-
24 cluding programs carried out under the Safe

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

3 (B) serves a population with a high inci-
4 dence of students found in possession of a
5 weapon on school property or students sus-
6 pended or expelled for bringing a weapon onto
7 school grounds or engaging in violent behavior
8 on school grounds; and

9 (C) forms a partnership that includes not
10 less than 1 local educational agency working in
11 consultation with not less than 1 public or pri-
12 vate nonprofit agency or organization with ex-
13 perience in violence prevention or 1 local law
14 enforcement agency.

15 (3) PEER REVIEW; CONSULTATION.—

16 (A) IN GENERAL.—

17 (i) PEER REVIEW BY PANEL.—Before
18 grants are awarded, the Secretary shall
19 submit grant applications to a peer review
20 panel for evaluation.

21 (ii) COMPOSITION OF PANEL.—The
22 panel shall be composed of not less than 1
23 representative from a local educational
24 agency, State educational agency, a local
25 law enforcement agency, and a public or

1 private nonprofit organization with experi-
2 ence in violence prevention.

3 (B) CONSULTATION.—The Secretary shall
4 submit grant applications to the Attorney Gen-
5 eral for consultation.

6 (e) ELIGIBLE GRANT RECIPIENTS.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), an eligible grant recipient is a local edu-
9 cational agency that may work in partnership with
10 1 or more of the following:

11 (A) A public or private nonprofit agency or
12 organization with experience in violence preven-
13 tion.

14 (B) A local law enforcement agency.

15 (C) An institution of higher education.

16 (2) EXCEPTION.—A State educational agency
17 may, with the approval of a local educational agency,
18 submit an application on behalf of such local edu-
19 cational agency or a consortium of such agencies.

20 (f) LOCAL APPLICATIONS; REPORTS.—

21 (1) APPLICATIONS.—Each local educational
22 agency that wishes to receive a grant under this sec-
23 tion shall submit an application to the Secretary and
24 the State educational agency that includes—

1 (A) a description of the proposed activities
2 to be funded by the grant and how each activity
3 will further the goal of educating children about
4 preventing gun violence;

5 (B) how the program will be coordinated
6 with other programs that educate children
7 about personal health, safety, and responsi-
8 bility, including programs carried out under the
9 Safe and Drug-Free Schools and Communities
10 Act of 1994 (20 U.S.C. 7101 et seq.); and

11 (C) the age and number of children that
12 the programs will serve.

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

21 (A) the activities conducted to educate
22 children about gun violence;

23 (B) how the program will continue to edu-
24 cate children about gun violence in the future;
25 and

1 (C) how the grant is being coordinated
2 with other Federal, State, and local programs
3 that educate children about personal health,
4 safety, and responsibility, including programs
5 carried out under the Safe and Drug-Free
6 Schools and Communities Act of 1994 (20
7 U.S.C. 7101 et seq.).

8 (g) AUTHORIZED ACTIVITIES.—

9 (1) REQUIRED ACTIVITIES.—Grants authorized
10 under subsection (d) shall be used for the following
11 activities:

12 (A) Supporting existing programs that
13 educate children about personal health, safety,
14 and responsibility, including programs carried
15 out under the Safe and Drug-Free Schools and
16 Communities Act of 1994 (20 U.S.C. 7101 et
17 seq.).

18 (B) Educating children about the effects of
19 gun violence.

20 (C) Educating children to identify dan-
21 gerous situations in which guns are involved
22 and how to avoid and prevent such situations.

23 (D) Educating children how to identify
24 threats and other indications that their peers

1 are in possession of a gun and may use a gun,
2 and what steps they can take in such situations.

3 (E) Developing programs to give children
4 access to adults to whom they can report, in a
5 confidential manner, any problems relating to
6 guns.

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

10 (A) Encouraging schoolwide programs and
11 partnerships that involve teachers, students,
12 parents, administrators, other staff, and mem-
13 bers of the community in reducing gun inci-
14 dents in public elementary and secondary
15 schools.

16 (B) Establishing programs that assist par-
17 ents in helping educate their children about
18 firearm safety and the prevention of gun vio-
19 lence.

20 (C) Providing ongoing professional devel-
21 opment for public school staff and administra-
22 tors to identify the causes and effects of gun vi-
23 olence and risk factors and student behavior
24 that may result in gun violence, including train-
25 ing sessions to review and update school crisis

1 response plans and school policies for pre-
2 venting the presence of guns on school grounds
3 and facilities.

4 (D) Providing technical assistance for
5 school psychologists and counselors to provide
6 timely counseling and evaluations, in accord-
7 ance with State and local laws, of students who
8 possess a weapon on school grounds.

9 (E) Improving security on public elemen-
10 tary and secondary school campuses to prevent
11 outside persons from entering school grounds
12 with firearms.

13 (F) Assisting public schools and commu-
14 nities in developing crisis response plans when
15 firearms are found on school campuses and
16 when gun-related incidents occur.

17 (h) STATE APPLICATIONS; ACTIVITIES AND RE-
18 PORTS.—

19 (1) STATE APPLICATIONS.—

20 (A) CONTENTS.—Each State desiring to
21 receive funds under this section shall, through
22 its State educational agency, submit an applica-
23 tion to the Secretary of Education at such time
24 and in such manner as the Secretary shall re-
25 quire. Such application shall describe—

1 (i) the manner in which funds under
2 this section for State activities and com-
3 petitive grants will be used to fulfill the
4 purposes of this section;

5 (ii) the manner in which the activities
6 and projects supported by this section will
7 be coordinated with other State and Fed-
8 eral education, law enforcement, and juve-
9 nile justice programs, including the Safe
10 and Drug-Free Schools and Communities
11 Act of 1994 (20 U.S.C. 7101 et seq.);

12 (iii) the manner in which States will
13 ensure an equitable geographic distribution
14 of grant awards; and

15 (iv) the criteria which will be used to
16 determine the impact and effectiveness of
17 the funds used pursuant to this section.

18 (B) FORM.—A State educational agency
19 may submit an application to receive a grant
20 under this section under paragraph (1) or as an
21 amendment to the application the State edu-
22 cational agency submits under the Safe and
23 Drug-Free Schools and Communities Act of
24 1994 (20 U.S.C. 7101 et seq.).

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

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

8 (B) performing ongoing research into the
9 causes of gun violence among children and
10 methods to prevent gun violence among chil-
11 dren; and

12 (C) providing ongoing professional develop-
13 ment for public school staff and administrators
14 to identify the causes and indications of gun vi-
15 olence.

16 (3) STATE REPORTS.—Each State receiving an
17 allotment under this section shall submit a report to
18 the Secretary and to the Committees on Health,
19 Education, Labor, and Pensions and the Judiciary
20 of the Senate and the Committees on Education and
21 the Workforce and the Judiciary of the House of
22 Representatives, not later than 12 months after re-
23 ceipt of the grant award and shall submit an addi-
24 tional report to those committees not later than 36

1 months after receipt of the grant award. Each re-
2 port shall include information regarding—

3 (A) the progress of local educational agen-
4 cies that received a grant award under this sec-
5 tion in the State in educating children about
6 firearms;

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

10 (C) how the State is coordinating funds al-
11 located under this section with other State and
12 Federal education, law enforcement, and juve-
13 nile justice programs, including the Safe and
14 Drug-Free Schools and Communities Act of
15 1994 (20 U.S.C. 7101 et seq.).

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

23 (j) DISPLACEMENT.—A local educational agency that
24 receives a grant award under this section shall ensure that

1 persons hired to carry out the activities under this section
2 do not displace persons already employed.

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

5 (l) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for this section
7 \$60,000,000 for each of fiscal years 2002, 2003, and
8 2004.

9 **SEC. 4272. DISSEMINATION OF BEST PRACTICES VIA THE**
10 **INTERNET.**

11 (a) MODEL DISSEMINATION.—The Secretary of Edu-
12 cation shall include on the Internet site of the Department
13 of Education a description of programs that receive grants
14 under section 4271.

15 (b) GRANT PROGRAM NOTIFICATION.—The Sec-
16 retary shall publicize the competitive grant program
17 through its Internet site, publications, and public service
18 announcements.

19 **SEC. 4273. GRANT PRIORITY FOR TRACING OF GUNS USED**
20 **IN CRIMES BY JUVENILES.**

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

24 “(c) PRIORITY.—In awarding discretionary grants
25 under section 511 to public agencies to undertake law en-

1 enforcement initiatives relating to gangs, or relating to juve-
2 niles who are involved or at risk of involvement in gangs,
3 the Director shall give priority to a public agency that in-
4 cludes in its application a description of strategies or pro-
5 grams of that public agency (either in effect or proposed)
6 that provide cooperation between Federal, State, and local
7 law enforcement authorities, through the use of firearms
8 and ballistics identification systems, to disrupt illegal sale
9 or transfer of firearms to or between juveniles through
10 tracing the sources of guns used in crime that were pro-
11 vided to juveniles.”.

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