109TH CONGRESS
2d Session

H.R. 4472

AN ACT

To protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Children’s Safety and Violent Crime Reduction Act of 2006”.

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

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.
Sec. 102. Declaration of purpose.

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Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
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Sec. 131. Bonus payments to States that implement electronic monitoring.
Sec. 132. Access to national crime information databases.
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Sec. 134. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 135. GAO studies on feasibility of using driver’s license registration processes as additional registration requirements for sex offenders.
Sec. 136. Assistance in identification and location of sex offenders relocated as a result of a major disaster.
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Sec. 138. Registration of prisoners released from foreign imprisonment.
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TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.
This title may be cited as the “Sex Offender Registration and Notification Act”.

SEC. 102. DECLARATION OF PURPOSE.
In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.
(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.
(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) Sex offender registry.—The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) Jurisdiction.—The term jurisdiction means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.
(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 137, a federally recognized Indian tribe.

(3) Sex offender.—The term “sex offender” means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated as a juvenile delinquent for, a sex offense.

(4) Expansion of definition of offense to include all child predators.—The term “specified offense against a minor” means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent) involving kidnapping.

(B) An offense (unless committed by a parent) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.
(F) Possession, production, or distribution
of child pornography.

(G) Criminal sexual conduct involving a
minor, or the use of the Internet to facilitate or
attempt such conduct.

(H) Any conduct that by its nature is a
sex offense against a minor.

(I) Video voyeurism, as described in sec-
tion 1801 of title 18, United States Code.

(J) Any attempt or conspiracy to commit
an offense described in this paragraph.

(5) TIER I SEX OFFENDER.—The term “tier I
sex offender” means a sex offender whose offense is
punishable by imprisonment for one year or less.

(6) TIER II SEX OFFENDER.—The term “tier II
sex offender” means a sex offender who is not a Tier
III sex offender whose offense—

(A) is punishable by imprisonment for
more than one year; or

(B) occurs after the offender becomes a
tier I sex offender.

(7) TIER III SEX OFFENDER.—The term “tier
III sex offender” means a sex offender whose offense
is punishable by imprisonment for more than one
year and—
(A) involves a crime of violence as defined in section 16 of title 18, United States Code, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section 2246;

(B) is an offense where the victim had not attained the age of 13 years; or

(C) occurs after the offender becomes a tier II sex offender.

(8) AMY ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—The term ‘‘sex offense’’ means—

(A) a State, local, tribal, foreign, or other criminal offense that has an element involving a sexual act or sexual contact with another or an attempt or conspiracy to commit such an offense, but does not include an offense involving consensual sexual conduct where the victim was an adult or was at least 13 years old and the offender was not more than 4 years older than the victim;

(B) a State, local, tribal, foreign, or other specified offense against a minor;

(C) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1201,
1591, or 1801, or chapter 109A, 110, or 117, of title 18, United States Code, or any other Federal offense designated by the Attorney General for the purposes of this paragraph; or


(9) STUDENT.—The term “student” means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(10) EMPLOYEE.—The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(11) RESIDES.—The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual lives.

(12) MINOR.—The term “minor” means an individual who has not attained the age of 18 years.

(13) CONVICTED.—The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense.
SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender must register, and keep the registration current, in each jurisdiction where the offender was convicted, where the offender resides, where the offender is an employee, and where the offender is a student.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender must inform each jurisdiction involved, not later than 3 days after each change of residence, employment, or student status.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall prescribe rules for the registration of sex of-
fenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and for other categories of sex offenders who are unable to comply with subsection (b).

(e) State Penalty for Failure to Comply.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is no less than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) Provided by the Offender.—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name and physical description of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of the residence at which the sex offender resides or will reside.

(4) The name and address of the place where the sex offender is employed or will be employed.
(5) The name and address of the place where the sex offender is a student or will be a student.

(6) The license plate number and description of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) A photocopy of a valid driver’s license or identification card issued to the sex offender by a jurisdiction.

(11) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether
or not the sex offender was prosecuted as a juvenile at the time of the offense.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current for a period (excluding any time the sex offender is in custody or civilly committed) of—

(1) 20 years, if the offender is a tier I sex offender;

(2) 30 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person, provide a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) every six months, if the offender is a tier I sex offender;

(2) every 3 months, if the offender is a tier II sex offender; and
(3) every month, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) Establishment.—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the “Program”).

(b) Verification.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than—
(1) semi-annually, if the offender is a tier I sex offender;

(2) quarterly, if the offender is a tier II sex offender; and

(3) monthly, if the offender is a tier III sex offender.

(c) Use of Mailed Form Authorized.—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The sex offender must return the form, including a notarized signature or a fingerprint verification, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) Internet.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction’s sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) Electronic Forwarding.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex
offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) Establishment.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the “Website”).

(b) Information to be Provided.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) In General.—Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender’s Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

(b) Exception.—To the extent authorized by the Attorney General, a jurisdiction need not make available on
the Internet information about a tier I sex offender whose
offense is a juvenile adjudication.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE
ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) Establishment of Program.—There is estab-
lished the Megan Nicole Kanka and Alexandra Nicole
Zapp Community Program (hereinafter in this section re-
ferred to as the “Program”).

(b) Program Notification.—Except as provided in
subsection (c), not later than 5 days after a sex offender
registers or updates a registration, an appropriate official
in the jurisdiction shall provide the information in the reg-
istry (other than information exempted from disclosure by
the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include
that information in the National Sex Offender Reg-
istry or other appropriate data bases.

(2) Appropriate law enforcement agencies (in-
cluding probation agencies, if appropriate), and each
school and public housing agency, in each area in
which the individual resides, is employed, or is a stu-
dent.

(3) Each jurisdiction where the sex offender re-
sides, works, or attends school, and each jurisdiction
from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) The community at large.

(e) Exception.—In the case of a tier I sex offender whose offense is a juvenile adjudication, the Attorney General may authorize limitation of the entities to which the Program notification is given when the Attorney General determines it is consistent with public safety to do so.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State, local, and tribal law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such law enforcement agency.
agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two one-year extensions of the deadline.
SEC. 128. FAILURE TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, substantially to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

(b) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the “SOMA pro-
(b) Application.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

c) Bonus Payments for Prompt Compliance.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

d) Authorization of Appropriations.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be avail-
able only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(e) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.
(3) The threat to public safety posed by those
sex offenders who fail to comply with registration re-
quirements.

(4) Any other factor the Attorney General con-
siders appropriate.

(e) DURATION.—The Attorney General shall carry
out the demonstration project for fiscal years 2007, 2008,
and 2009.

(f) INNOVATION.—In making grants under this sec-
tion, the Attorney General shall ensure that different ap-
proaches to monitoring are funded to allow an assessment
of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—
Not later than April 1, 2008, the Attorney General shall
submit to Congress a report—

(1) assessing the effectiveness and value of pro-
grams funded by this section;

(2) comparing the cost-effectiveness of the elec-
tronic monitoring to reduce sex offenses compared to
other alternatives; and

(3) making recommendations for continuing
funding and the appropriate levels for such funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to carry out this section
such sums as may be necessary.
SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT

ELECTRONIC MONITORING.

(a) In General.—A jurisdiction that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) Electronic Monitoring Laws and Policies.—

(1) In General.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) Monitoring Required.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person’s location and timely reports or records the person’s presence near or within a crime scene or in a prohibited area or the person’s departure from specified geographic limitations.

(3) Duration.—The electronic monitoring required by paragraph (1) shall be required of the person—
(A) for the life of the person, if—

(I) an individual who has not attained
the age of 12 years is the victim; or
(ii) the person has a prior sex convic-
tion (as defined in section 3559(e) of title
18, United States Code); and

(B) for the period during which the person
is on probation, parole, or supervised release for
the offense, in any other case.

(4) JURISDICTION REQUIRED TO MONITOR ALL
SEX OFFENDERS RESIDING IN JURISDICTION.—In
addition, laws and policies referred to in subsection
(a) also include laws and policies that ensure that
the jurisdiction frequently monitors each person re-
siding in the jurisdiction for whom electronic moni-
toring is required, whether such monitoring is re-
quired under this section or under section
3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred
to in subsection (a) is a payment equal to 10 percent of
the funds that would otherwise be allocated for that fiscal
year to the jurisdiction under subpart 1 of part E of title
I of the Omnibus Crime Control and Safe Streets Act of
1968 (42 U.S.C. 3570 et seq.).
SEC. 132. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center’s duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.
SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR
MISSING AND EXPLOITED CHILDREN WITH
RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of
1990 (42 U.S.C. 13032) is amended by adding at the end
the following new subsection:

“(g) LIMITATION ON LIABILITY.—

“(1) IN GENERAL.—Except as provided in para-
graphs (2) and (3), the National Center for Missing
and Exploited Children, including any of its direc-
tors, officers, employees, or agents, is not liable in
any civil or criminal action arising from the perform-
ance of its CyberTipline responsibilities and func-
tions as defined by this section.

“(2) INTENTIONAL, RECKLESS, OR OTHER MIS-
CONDUCT.—Paragraph (1) does not apply in an ac-
tion in which a party proves that the National Cen-
ter for Missing and Exploited Children, or its offi-
cer, employee, or agent as the case may be, engaged
in intentional misconduct or acted, or failed to act,
with actual malice, with reckless disregard to a sub-
stantial risk of causing injury without legal justifica-
tion, or for a purpose unrelated to the performance
of responsibilities or functions under this section.

“(3) ORDINARY BUSINESS ACTIVITIES.—Par-
agraph (1) does not apply to an act or omission re-
related to an ordinary business activity, such as an ac-
tivity involving general administration or operations,
the use of motor vehicles, or personnel manage-
ment.”.

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFEND-
ERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is
amended by adding at the end the following new sub-
section:

“(f) SEX OFFENDER MANAGEMENT.—

“(1) IN GENERAL.—The Bureau of Prisons
shall make available appropriate treatment to sex of-
fenders who are in need of and suitable for treat-
ment, as follows:

“(A) SEX OFFENDER MANAGEMENT PRO-
GRAMS.—The Bureau of Prisons shall establish
non-residential sex offender management pro-
grams to provide appropriate treatment, moni-
toring, and supervision of sex offenders and to
provide aftercare during pre-release custody.

“(B) RESIDENTIAL SEX OFFENDER
TREATMENT PROGRAMS.—The Bureau of Pris-
ons shall establish residential sex offender
treatment programs to provide treatment to sex
offenders who volunteer for such programs and
are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) Regions.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) Authorization of Appropriations.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”.

SEC. 135. GAO STUDIES ON FEASIBILITY OF USING DRIVER’S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver’s license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Com-
mittee on the Judiciary of the House of Representa-
tives to survey a majority of the States to assess the
relative systems capabilities to comply with a Fed-
eral law that required all State driver’s license sys-
tems to automatically access State and national
databases of registered sex offenders in a form simi-
lar to the requirement of the Nevada law described
in paragraph (2). The Government Accountability
Office shall use the information drawn from this
survey, along with other expert sources, to determine
what the potential costs to the States would be if
such a Federal law came into effect, and what level
of Federal grants would be required to prevent an
unfunded mandate. In addition, the Government Ac-
countability Office shall seek the views of Federal
and State law enforcement agencies, including in
particular the Federal Bureau of Investigation, with
regard to the anticipated effects of such a national
requirement, including potential for undesired side
effects in terms of actual compliance with this Act
and related laws.

(2) Not later than October 2006, the Govern-
ment Accountability Office shall complete a study to
evaluate the provisions of Chapter 507 of Statutes
of Nevada 2005 to determine—
(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 137. ELECTION BY INDIAN TRIBES.

(a) Election.—

(1) In general.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or
(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) Imputed election in certain cases.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) Cooperation between tribal authorities and other jurisdictions.—
(1) NONDEPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe’s jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe’s jurisdiction.

SEC. 138. REGISTRATION OF PRISONERS RELEASED FROM FOREIGN IMPRISONMENT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title.
SEC. 139. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall
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1 report to the Congress the results of the study under this
2 section.

3 (c) Study Conducted by Task Force.—The At-
4 torney General may establish a task force to conduct the
5 study and prepare the report required under this section.
6 Any task force established under this section shall be com-
7 posed of members, appointed by the Attorney General,
8 who—

9 (1) represent national, State, and local inter-
10 ests; and

11 (2) are especially qualified to serve on the task
12 force by virtue of their education, training, or expe-
13 rience, particularly in the fields of sex offender man-
14 agement, community education, risk assessment of
15 sex offenders, and sex offender victim issues.

SEC. 140. STUDY OF THE EFFECTIVENESS OF RESTRICTING

THE ACTIVITIES OF SEX OFFENDERS TO RE-

DUCE THE OCCURRENCE OF REPEAT OF-

FENSES.

(a) Study.—The Attorney General shall conduct a

study to evaluate the effectiveness of monitoring and re-

stricting the activities of sex offenders to reduce the occur-

rence of repeat offenses by such sex offenders. The study

shall evaluate—
(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites;

(C) preventing access by sex offenders to pornography and other obscene materials; and

(D) imposed as part of supervised release or probation conditions;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.
Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) Criminal Penalties for Nonregistration.—

Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

“CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

§ 2250. Failure to register

“Whoever is required to register under the Sex Offender Registration and Notification Act and—

“(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

“(2) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and knowingly fails to register as required shall be fined under this title or imprisoned not more than 20 years, or both.”.
(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

“109B. Sex offender and crimes against children registry 2250”.

c) False Statement Offense.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: “If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 10 years.”.

d) Probation.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

“(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and”.

e) Supervised Release.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with “The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)”,” by striking “described in section 4042(c)(4)” and all that follows through the end of the sentence and inserting “required to register
under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.”.

(2) in subsection (k)—

(A) by striking “2244(a)(1), 2244(a)(2)” and inserting “2243, 2244, 2245, 2250”;

(B) by inserting “not less than 5,” after “any term of years”; and

(C) by adding at the end the following: “If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.”.

(f) Duties of Bureau of Prisons.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:
“(3) The Director of the Bureau of Prisons shall in-
form a person who is released from prison and required
to register under the Sex Offender Registration and Noti-
fication Act of the requirements of that Act as they apply
to that person and the same information shall be provided
to a person sentenced to probation by the probation officer
responsible for supervision of that person.”.

(g) CONFORMING AMENDMENTS TO CROSS REF-
ERENCES.—Paragraphs (1) and (2) of section 4042(c) of
title 18, United States Code, are each amended by striking
“(4)” each place it appears and inserting ““(3)”.

(h) CONFORMING REPEAL OF DEADWOOD.—Para-
graph (4) of section 4042(c) of title 18, United States
Code, is repealed.

(I) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(I) of Public Law 105–
119 (111 Stat. 2466) is amended by striking “which
encompass” and all that follows through “and (B))”
and inserting “which are sex offenses as that term
is defined in the Sex Offender Registration and No-
tification Act”.

(2) Section 115(a)(8)(C)(iii) of Public Law
105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is
amended by striking “the amendments made under
subparagraphs (A) and (B)” and inserting “the Sex
Offender Registration and Notification Act”.

(j) CONFORMING AMENDMENT RELATING TO PA-
ROLE.—Section 4209(a) of title 18, United States Code,
is amended in the second sentence by striking “described”
and all that follows through the end of the sentence and
inserting “required to register under the Sex Offender
Registration and Notification Act that the person comply
with the requirements of that Act.”.

SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIOL-
ATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall assist
jurisdictions in locating and apprehending sex offenders
who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated such sums as may be
necessary for fiscal years 2006 through 2008 to implement
this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe
Streets Act of 1968 is amended by adding at the end the
following new part:
“PART JJ—SEX OFFENDER APPREHENSION
GRANTS

SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

“(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.”.

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE, AND PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:
“§ 2249. Use of any controlled substance to facilitate sex offense

“(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not more than 10 years.

“(b) As used in this section, the term ‘sex offense’ means an offense under this chapter other than an offense under this section.

“§ 2250. Internet sales of date rape drugs

“(a) Whoever knowingly uses the Internet to distribute (as that term is defined for the purposes of the Controlled Substances Act) a date rape drug to any person shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) As used in this section, the term ‘date rape drug’ means gamma hydroxybutyric acid, ketamine, or flunitrazepam, or any analogue of such a substance, including gamma butyrolactone or 1,4-butanediol.”.

(b) Amendment to Table of Sections.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

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"Use of any controlled substance to facilitate sex offense"
"Internet sales of date rape drugs".

1 SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.


SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 157. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

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(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) Use of Grant Amounts.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.
SEC. 158. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding proactive approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders account-
able to the terms of their probation, parole, and sex
offender registration laws; and

(5) partner with other agencies to improve the
coordination of joint investigations among agencies
to effectively combat on-line solicitation of children
by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in con-
sultation with the Office of Juvenile Justice and Delin-
quency Prevention, shall—

(1) deploy, to all Internet Crimes Against Chil-
dren Task Forces and their partner agencies, tech-
nology modeled after the Canadian Child Exploi-
tation Tracking System; and

(2) conduct training in the use of that tech-
nology.

(e) REPORT.—Not later than July 1, 2006, the Attor-
ney General, in consultation with the Office of Juvenile
Justice and Delinquency Prevention, shall submit to Con-
gress a report on the activities carried out under this sec-
tion. The report shall include any recommendations that
the Attorney General, in consultation with the Office, con-
siders appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to the Attorney General,
for fiscal year 2006—
(1) $1,000,000 to carry out subsection (a); and
(2) $2,000,000 to carry out subsection (b).

SEC. 159. REVOCATION OF PROBATION OR SUPERVISED RELEASE.

(a) PROBATION.—Section 3565(b) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking ‘or’ at the end;
and

(2) by inserting after paragraph (4) the following:

“(5) commits a felony crime of violence; or
“(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;”.

(b) SUPERVISED RELEASE.—Section 3583(g) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking ‘or’ at the end;
and

(2) by inserting after paragraph (4) the following:

“(5) commits a felony crime of violence; or
“(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate
unlawful sexual contact (as defined in section 2246)
with, a person who has not attained the age of 18
years;”.

Subtitle C—Office on Sexual Violence and Crimes Against Children

SEC. 161. ESTABLISHMENT.

There is established within the Department of Justice, under the general authority of the Attorney General, an Office on Sexual Violence and Crimes against Children (hereinafter in this subtitle referred to as the “Office”).

SEC. 162. DIRECTOR.

The Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

SEC. 163. DUTIES AND FUNCTIONS.

The Office is authorized to—
(1) administer the standards for sex offender registration and notification programs set forth in this title;

(2) administer grant programs relating to sex offender registration and notification authorized by this title and other grant programs authorized by this title as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

**TITLE II—DNA FINGERPRINTING**

**SEC. 201. TECHNICAL AMENDMENT.**

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking “or from” and all that follows through “detained” and inserting “, detained, or convicted”.

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SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 203. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General published the model code, enact laws implementing the model code.

(b) GAO STUDY.—Not later than 2 years after the date on which the Attorney General published the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.
TITLE III—PREVENTION AND DETE\nTERRENCE OF CRIMES AGAINST CHILDREN

SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) Special Sentencing Rule.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

“(d) Mandatory Minimum Terms of Imprisonment for Violent Crimes Against Children.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

“(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30; and

“(3) if the crime of violence results in serious bodily injury (as defined in section 2119), be impris-
onden for life or for any term of years not less than 20.”.

SEC. 302. KENNETH WREDE FAIR AND EXPEDITIOUS HABEAS REVIEW OF STATE CRIMINAL CONVICTIONS.

(a) Section 2264.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

“(b) The court shall not have jurisdiction to consider an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.”.

(b) Section 2254.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j) The court, Justice, or judge entertaining the application shall not have jurisdiction to consider an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless
or not prejudicial in State court proceedings, that was not
presented in State court proceedings, or that was found
by a State court to be procedurally barred, unless a deter-
mination that the error is not structural is contrary to
clearly established Federal law, as determined by the Su-
preme Court of the United States.”.

(e) APPLICATION.—The amendments made by this
section apply to cases pending on or after the date of the
enactment of this Act.

SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PRO-
CEEDINGS.

Section 3771(b) of title 18, United States Code, is
amended—

(1) by striking “In any court proceeding” and
inserting the following:

“(1) IN GENERAL.—In any court proceeding”;
and

(2) by adding at the end the following:

“(2) HABEAS CORPUS PROCEEDINGS.—

“(A) IN GENERAL.—In a Federal habeas
corpus proceeding arising out of a State convic-
tion, the court shall ensure that a crime victim
is afforded the rights described in paragraphs
(3), (4), (7), and (8) of subsection (a).

“(B) ENFORCEMENT.—
“(I) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim’s lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

“(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

“(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

“(D) DEFINITION.—For purposes of this paragraph, the term ‘crime victim’ means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person’s family member or other lawful representative.”.
SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) Study.—The Attorney General shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) Sexual Abuse and Contact.—

(1) Aggravated sexual abuse of children.—Section 2241(c) of title 18, United States Code, is amended by striking “imprisoned for any term of years or life, or both.” and inserting “imprisoned for not less than 30 years or for life.”.
(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(I) in paragraph (1), by inserting “subsection (a) or (b) of” before “section 2241”;

(ii) by striking “or” at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting “; or”; and

(iv) by inserting after paragraph (4) the following:

“(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.”; and

(B) in subsection (c), by inserting “(other than subsection (a)(5))” after “violates this section”.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting “, chapter 110, chapter 117, or section 1591” after “this chapter”;
(B) by striking “A person” and inserting
“(a) IN GENERAL.—A person”; and

(C) by adding at the end the following:

“(b) OFFENSES INVOLVING YOUNG CHILDREN.—A
person who, in the course of an offense under this chapter,
chapter 110, chapter 117, or section 1591 engages in con-
duct that results in the death of a person who has not
attained the age of 12 years, shall be punished by death
or imprisoned for not less than 30 years or for life.”.

(4) DEATH PENALTY AGGRAVATING FACTOR.—
Section 3592(c)(1) of title 18, United States Code,
is amended by inserting “section 2245 (sexual abuse
resulting in death),” after “(wrecking trains),”.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF
CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—
Section 2251(e) of title 18, United States Code, is
amended—

(A) by inserting “section 1591,” after
“this chapter,” the first place it appears;

(B) by striking “the sexual exploitation of
children” the first place it appears and insert-
ing “aggravated sexual abuse, sexual abuse,
abusive sexual contact involving a minor or
ward, or sex trafficking of children, or the pro-
duction, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography”; and

(C) by striking “any term of years or for life” and inserting “not less than 30 years or for life”.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking “paragraphs (1)” and inserting “paragraph (1)”;

(B) by inserting “section 1591,” after “this chapter,”; and

(C) by inserting “, or sex trafficking of children” after “pornography”.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting “section 1591,” after “this chapter,”; and

(B) by inserting “, or sex trafficking of children” after “pornography”.

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(4) Using misleading domain names to direct children to harmful material on the Internet.—Section 2252B(b) of title 18, United States Code, is amended by striking “4” and inserting “20”.

(5) Extraterritorial child pornography offenses.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

“(e) Penalties.—

“(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

“(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.”.
(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN
REPEATED SEX OFFENSES AGAINST CHILDREN.—Sec-
tion 3559(e)(2)(A) of title 18, United States Code, is
amended—

(1) by striking “or 2423(a)” and inserting
“2423(a)”; and

(2) by inserting “, 2423(b) (relating to travel
with intent to engage in illicit sexual conduct),
2423(e) (relating to illicit sexual conduct in foreign
places), or 2425 (relating to use of interstate facili-
ties to transmit information about a minor)” after
“minors”).

SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROS-
ECUTIONS UNDER SECTION 2422(b) OF TITLE
18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of
using a computer to attempt to entice an individual
who had not attained the age of 18 years to engage
in unlawful sexual activity;

(2) during the trial, evidence showed that Jan
Helder had engaged in an online chat with an indi-
vidual posing as a minor, who unbeknownst to him,
was an undercover law enforcement officer;
(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that “an actual minor victim is not required for an attempt conviction under 18 U.S.C. 2422(b).”;

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, “Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of inter-state commerce to attempt to entice an individual who has not attained the age of 18 years into unlaw-
ful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple’s decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple’s decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

SEC. 403. GRANTS FOR CHILD SEXUAL ABUSE PREVENTION PROGRAMS.

(a) In general.—The Attorney General shall make grants to States, units of local government, Indian tribes, and nonprofit organizations for purposes of establishing and maintaining programs with respect to the prevention of sexual offenses committed against minors.
(b) **State Defined.**—For purposes of this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) **Authorization of Appropriations.**—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

**TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE**

**SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.**

(a) **Requirement to Complete Background Checks Before Approval of Any Foster or Adoptive Placement and to Check National Crime Information Databases and State Child Abuse Registries; Suspension of Opt-Out.**—
(1) Requirement to check national crime information databases and state child abuse registries.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(I) in the matter preceding clause (I)—

(I) by inserting “, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),” after “criminal records checks”; and

(II) by striking “on whose behalf foster care maintenance payments or adoption assistance payments are to be made” and inserting “regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child”; and

(ii) in each of clauses (I) and (ii), by inserting “involving a child on whose behalf such payments are to be so made” after “in any case”; and
(B) by adding at the end the following:

“(C) provides that the State shall—

“(I) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

“(ii) comply with any request described in clause (I) that is received from another State; and

“(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such informa-
tion obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases, “.

(2) **Suspension of Opt-Out.**—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting “, on or before September 30, 2005,” after “plan if”; and

(B) by inserting “, on or before such date,” after “or if”.

(b) **Elimination of Opt-Out.**—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (I), by striking “unless an election provided for in subparagraph (B) is made with respect to the State, ”; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) **Effective Date.**—

(1) **In General.**—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar...
quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) Elimination of Opt-Out.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) Delay permitted if State legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is
deemed to be a separate regular session of the State legislature.

SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATABASES FOR CERTAIN PURPOSES.

(a) In general.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code) submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private elementary or secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or volunteering for the school or agency in a position in which the individual would work with or around children.
(b) Fingerprint-Based Check.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

c) Fees.—The Attorney General and the States may charge any applicable fees for the checks.

d) Protection of Information.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies, private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

e) Criminal Penalties.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (d), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(f) Child Welfare Agency Defined.—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act.
Act, that is responsible for the licensing or approval of foster or adoptive parents.

(g) DEFINITION OF EDUCATION TERMS.—In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

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

(1) in subsection (a), by striking “or imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 5 years nor more than 20 years”; and

(2) in subsection (b), by striking “5” and inserting “10”.

SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—
(1) in subsection (a), by striking “5 years and
not more than 30 years” and inserting “30 years or
for life”;  
(2) in subsection (b), by striking “or imprison-
oned not more than 30 years, or both” and inserting
“and imprisoned for not less than 10 years and not
more than 30 years”;  
(3) in subsection (c), by striking “or imprisoned
not more than 30 years, or both” and inserting “and
imprisoned for not less than 10 years and not more
than 30 years”; and
(4) in subsection (d), by striking “imprisoned
not more than 30 years, or both” and inserting “and
imprisoned for not less than 10 nor more than 30
years”.

SEC. 505. PENALTIES FOR SEXUAL ABUSE.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of
title 18, United States Code, is amended—
(1) in subsection (a), by striking “, imprisoned
for any term of years or life, or both” and inserting
“and imprisoned for any term of years not less than
30 or for life”; and
(2) in subsection (b), by striking “, imprisoned
for any term of years or life, or both” and inserting
“and imprisoned for any term of years not less than
30 or for life”.

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended by striking “, imprisoned
not more than 20 years, or both” and inserting “and im-
prisoned not less than 10 years nor more than 30 years”.

(c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of
title 18, United States Code, is amended—

(1) in paragraph (1), by striking “ten years”
and inserting “30 years’’;

(2) in paragraph (2), by striking “three years”
and inserting “20 years’’;

(3) in paragraph (3), by striking “two years”
and inserting “15 years”; and

(4) in paragraph (4), by striking “two years”
and inserting “10 years”.

SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CON-
DITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of
title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and
inserting “; and”; and

(2) by inserting after paragraph (9) the fol-
lowing:
“(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: “The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by
the person, and by any probation officer in the lawful dis-
charge of the officer’s supervision functions.”.

SEC. 507. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is
amended—

(1) in subsection (a)(1), by striking “if the per-
son was alive when the transportation began” and
inserting “, or the offender travels in interstate or
foreign commerce or uses the mail or any means, fa-
cility, or instrumentality of interstate or foreign
commerce in committing or in furtherance of the
commission of the offense”; and

(2) in subsection (b), by striking “to interstate”
and inserting “in interstate”.

SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUS-
AL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United
States Code, is amended by inserting after section 1826
the following:

“§ 1826A. Marital communications and adverse spous-
al privilege

“The confidential marital communication privilege
and the adverse spousal privilege shall be inapplicable in
any Federal proceeding in which a spouse is charged with
a crime against—
“(1) a child of either spouse; or

“(2) a child under the custody or control of either spouse.”.

(b) Technical and Conforming Amendment.—

The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

“1826A. Marital communications and adverse spousal privilege”.

SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting “felony child abuse or neglect,” after “years,”.

SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting “or to undergo postrelease proceedings” after “trial”; and

(B) by inserting at the end the following:

“4248. Civil commitment of a sexually dangerous person”;

(2) in section 4241—

(A) in the heading, by inserting “OR TO UNDERGO POSTRELEASE PROCEEDINGS” after “TRIAL”;
(B) in the first sentence of subsection (a), by inserting “or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,” after “defendant,”;

(C) in subsection (d)—

(I) by striking “trial to proceed” each place it appears and inserting “proceedings to go forward”; and

(ii) by striking “section 4246” and inserting “sections 4246 and 4248”; and

(D) in subsection (e)—

(I) by inserting “or other proceedings” after “trial”; and

(ii) by striking “chapter 207” and inserting “chapters 207 and 227”;

(3) in section 4247—

(A) by striking “, or 4246” each place it appears and inserting “, 4246, or 4248”;  

(B) in subsections (g) and (I), by striking “4243 or 4246” each place it appears and inserting “4243, 4246, or 4248”;

(C) in subsection (a)—

(I) by amending subparagraph (1)(C) to read as follows:
“(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and”;

(ii) in paragraph (2), by striking “and” at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semi-colon; and

(iv) by inserting at the end the following:

“(4) ‘bodily injury’ includes sexual abuse;

“(5) ‘sexually dangerous person’ means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

“(6) ‘sexually dangerous to others’ means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”;

(D) in subsection (b), by striking “4245 or 4246” and inserting “4245, 4246, or 4248”;
(E) in subsection (c)(4)—

(I) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

“(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;”; and

(F) in subsections (e) and (h)—

(I) by striking “hospitalized” each place it appears and inserting “committed”; and

(ii) by striking “hospitalization” each place it appears and inserting “commitment”; and

(4) by inserting at the end the following:

“§ 4248. Civil commitment of a sexually dangerous person

“(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attor-
ney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

“(b) Psychiatric or Psychological Examination and Report.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

“(c) Hearing.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

“(d) Determination and Disposition.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attor-
ney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

“(1) such a State will assume such responsibility; or

“(2) the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

“(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk
shall send a copy of the certificate to the person’s counsel
and to the attorney for the Government. The court shall
order the discharge of the person or, on motion of the at-
torney for the Government or on its own motion, shall hold
a hearing, conducted pursuant to the provisions of section
4247(d), to determine whether he should be released. If,
after the hearing, the court finds by a preponderance of
the evidence that the person’s condition is such that—

“(1) he will not be sexually dangerous to others
if released unconditionally, the court shall order that
he be immediately discharged; or

“(2) he will not be sexually dangerous to others
if released under a prescribed regimen of medical,
psychiatric, or psychological care or treatment, the
court shall—

“(A) order that he be conditionally dis-
charged under a prescribed regimen of medical,
psychiatric, or psychological care or treatment
that has been prepared for him, that has been
certified to the court as appropriate by the Di-
rector of the facility in which he is committed,
and that has been found by the court to be ap-
propriate; and

“(B) order, as an explicit condition of re-
lease, that he comply with the prescribed regi-
men of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

“(f) Revocation of Conditional Discharge.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

“(g) Release to State of Certain Other Persons.—If the director of the facility in which a person
is hospitalized or placed pursuant to this chapter certifies
to the Attorney General that a person, against whom all
charges have been dismissed for reasons not related to the
mental condition of the person, is a sexually dangerous
person, the Attorney General shall release the person to
the appropriate official of the State in which the person
is domiciled or was tried for the purpose of institution of
State proceedings for civil commitment. If neither such
State will assume such responsibility, the Attorney Gen-
eral shall release the person upon receipt of notice from
the State that it will not assume such responsibility, but
not later than 10 days after certification by the director
of the facility.”.

SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PRO-
GRAMS FOR SEXUALLY DANGEROUS PER-
SONS.

(a) GRANTS AUTHORIZED.—Except as provided in
subsection (b), the Attorney General shall make grants to
jurisdictions for the purpose of establishing, enhancing, or
operating effective civil commitment programs for sexually
dangerous persons.

(b) LIMITATION.—The Attorney General shall not
make any grant under this section for the purpose of es-
tablishing, enhancing, or operating any transitional hous-
ing for a sexually dangerous person in or near a locations
where minors or other vulnerable persons are likely to come into contact with that person.

(c) Eligibility.—

(1) In general.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) Compliance period.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(d) Attorney General Reports.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of

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jurisdictions in implementing this section and the rate of
sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term “civil commitment program”
means a program that involves—

(A) secure civil confinement, including ap-
propriate control, care, and treatment during
such confinement; and

(B) appropriate supervision, care, and
treatment for individuals released following
such confinement.

(2) The term “sexually dangerous person”
means an individual who is dangerous to others be-
cause of a mental illness, abnormality, or disorder
that creates a risk that the individual will engage in
sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning
given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to carry out this section
$10,000,000 for each of fiscal years 2006, 2007, 2008,
and 2009.
SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”;

(B) by inserting “not less than 10” after “any term of years”; and

(C) by striking “, or both”; and

(2) in paragraph (2)—

(A) by striking “or imprisonment for not” and inserting “and imprisonment for not less than 5 years nor”; and

(B) by striking “, or both”.

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking “five years” and inserting “15 years”; and

(2) by inserting a comma after “Attorney General” each place it appears.

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—
(1) by adding at the end the following:

“§ 3298. Child abduction and sex offenses

“Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.”; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

“3298. Child abduction and sex offenses”.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking “Class B misdemeanor” and inserting “Class A misdemeanor”.

TITLE VI—CHILD PORNOGRAPHY PREVENTION

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section
2256(8) of title 18, United States Code, as well
as the transfer of custody of children for the
production of child pornography, is harmful to
the physiological, emotional, and mental health
of the children depicted in child pornography
and has a substantial and detrimental effect on
society as a whole.

(B) A substantial interstate market in
child pornography exists, including not only a
multimillion dollar industry, but also a nation-
wide network of individuals openly advertising
their desire to exploit children and to traffic in
child pornography. Many of these individuals
distribute child pornography with the expecta-
tion of receiving other child pornography in re-
turn.

(C) The interstate market in child pornog-
raphy is carried on to a substantial extent
through the mails and other instrumentalities
of interstate and foreign commerce, such as the
Internet. The advent of the Internet has greatly
increased the ease of transporting, distributing,
receiving, and advertising child pornography in
interstate commerce. The advent of digital cam-
eras and digital video cameras, as well as video-
tape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(I) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are
therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(I) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.
(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.
(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257(h) of title 18, United States Code, is amended—
(1) in paragraph (1), by striking “subparagraphs (A) through (D)” and inserting “subparagraph (A)”; and
(2) in paragraph (3), by striking “which does not involve” and all that follows through “depicted” and inserting “with respect to which the Attorney General determines the record keeping requirements of this section are not needed to carry out the purposes of this chapter”.

SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.

(a) NEW REQUIREMENT.—
(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2257 the following:

“§ 2257A. Recordkeeping requirements for simulated sexual conduct
“(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—
“(1) contains a visual depiction of simulated sexually explicit conduct (except conduct described in section 2256(2)(A)(v)), created after the date of the enactment of this section; and
“(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or
is intended for shipment or transportation in inter-
state or foreign commerce;

shall create and maintain individually identifiable records
pertaining to every performer portrayed in such a visual
depiction.

“(b) Subsections (b), (c), (d), (e), (f), (h)(2), and (I)
of section 2257 apply to matter and records described in
subsection (a) of this section in the same manner as they
apply to matter and records described in section 2257(a).

“(c) As used in this section, the term ‘produces’
means—

“(1) to film, videotape, photograph; or create a
picture, digital image, or digitally- or computer-ma-
nipulated image of an actual human being, that con-
stitutes a visual depiction of simulated sexually ex-

“(2) to make such a depiction available to an-
other, if the circumstances in which the depiction is
made available are likely to convey the impression
that the depiction is child pornography.

“(d) This section (other than to the extent subsection
(b) of this section makes section 2257(d) applicable) does
not apply to a person who produces matter described in
subsection (a), and who—
“(1) ascertains, by examination of an identification document containing such information, the name and birth date of every performer portrayed in such a visual depiction, and maintains such information in individually identifiable records;

“(2) makes such records available to the Attorney General for inspection at all reasonable times;

“(3) provides to the Attorney General the name, title, and business address of the individual employed for the purpose of maintaining such records; and

“(4) certifies compliance with paragraphs (1), (2), and (3) to the Attorney General on an annual basis, and that the Attorney General will be promptly notified of any changes in that name, title, or business address.”

(2) Effective date of regulations.—The regulations issued to carry out section 2257A of title 18, United States Code, shall not become effective until 90 days after the regulations are published in the Federal Register.

(b) Clerical amendment.—The table of chapters at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2257 the following new item:

“2257A. Recordkeeping requirements for simulated sexual conduct”.

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SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

“(m) Prohibition on Reproduction of Child Pornography.—

“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

“(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the
property or material by the defendant, his or her at-
torney, aid any individual the defendant may seek to
qualify to furnish expert testimony at trial.”.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FOR-
FEITURE IN CHILD EXPLOITATION AND OB-
SCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR
OBSCENITY OFFENSES.—Section 1467 of title 18, United
States Code, is amended—

(1) in subsection (a)(3), by inserting a period
after “of such offense” and striking all that follows;

and

(2) by striking subsections (b) through (n) and
inserting the following:

“(b) The provisions of section 413 of the Controlled
Substances Act (21 U.S.C. 853) with the exception of sub-
section (d), shall apply to the criminal forfeiture of prop-
erty pursuant to subsection (a).

“(c) Any property subject to forfeiture pursuant to
subsection(a) may be forfeited to the United States in a
civil case in accordance with the procedures set forth in
chapter 46 of this title.”.

(b) PROPERTY SUBJECT TO CRIMINAL FOR-
FEITURE.—Section 2253(a) of title 18, United States
Code, is amended—
(1) in the matter preceding paragraph (1)—

(A) by inserting “or who is convicted of an offense under sections 2252B, 2257, or 2257A of this chapter,” after “2260 of this chapter”; and

(B) by striking “an offense under section 2421, 2422, or 2423 of chapter 117” and inserting “an offense under chapter 109A”;

(2) in paragraph (1), by inserting “2252A, 2252B, 2257, or 2257A” after “2252”; and

(3) in paragraph (3), by inserting “or any property traceable to such property” before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

“(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), applies to the criminal forfeiture of property pursuant to subsection (a).”.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

“§2254. Civil forfeiture

“Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil
case in accordance with the procedures set forth in chapter 46.”.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) Section 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting “PRODUCTION AND” before “TRANSPORTATION” in the heading of the section;

(2) by inserting “produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly” after “whoever knowingly” and before “transports or travels in”; and

(3) by inserting a comma after “in or affecting such commerce”.

(b) Section 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting “producing with intent to distribute or sell, or” before “selling or transferring obscene matter,”;

(2) in subsection (b), by inserting, “produces” before “sells or transfers or offers to sell or transfer obscene matter”; and
(3) in subsection (b) by inserting “production,” before “selling or transferring or offering to sell or transfer such material.”.

SEC. 607. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting “, and provide reasonable compensation and payment of expenses for,” before “a guardian”.

TITLE VII—COURT SECURITY

SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) Ensuring Consultation With the Administrative Office of the United States Courts.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(I) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the judicial branch and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.”.

(b) Conforming Amendment.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);
(2) by striking “and” at the end of paragraph (23); and
(3) by inserting after paragraph (23) the following:

“(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and”.

SEC. 702. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.
SEC. 703. PROTECTIONS AGAINST MALICIOUS RECORDING

OF FICTITIOUS LIENS AGAINST FEDERAL

JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) Offense.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

“§ 1521. Retaliating against a Federal official by false claim or slander of title

“Whoever, with the intent to harass or intimidate a person designated in section 1114, files, or attempts or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, on account of the performance of official duties by that person, shall be fined under this title or imprisoned for not more than 10 years, or both.”.

(b) Clerical Amendment.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.”.

SEC. 704. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) Offense.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:
§ 117. Protection of individuals performing certain official duties

(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to intimidate or facilitate the commission of a crime of violence (as defined in section 16) against that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

(b) As used in this section—

(1) the term ‘restricted personal information’ means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

(2) the term ‘covered official’ means—

(A) an individual designated in section 1114;

(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

(C) a grand or petit juror, witness, or other officer in or of, any court of the United
States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

“(3) the term ‘immediate family’ has the same meaning given that term in section 115(c)(2).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

“117. Protection of individuals performing certain official duties”.

SEC. 705. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.
(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice’s firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established—
(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice’s policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.
(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 706. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) Flight.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“§ 1075. Flight to avoid prosecution for killing peace officers

“Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

“1075. Flight to avoid prosecution for killing peace officers”.

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SEC. 707. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever”; and

(2) by adding at the end the following:

“(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.”.

(b) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: “If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.”.
SEC. 708. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) In General.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

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Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations may provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.”.
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(b) Clerical Amendment.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

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3054. Authority of Federal judges and prosecutors to carry firearms
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“3054. Authority of Federal judges and prosecutors to carry firearms”.
SEC. 709. PENALTIES FOR CERTAIN ASSAULTS.

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

(1) by striking “8 years” and inserting “15 years” in subsection (a); and

(2) by striking “20 years” and inserting “30 years” in subsection (b).

SEC. 710. DAVID MARCH AND HENRY PRENDES PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) Offense.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“§ 1123. Killing of federally funded public safety officers

“(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties, or kills a former federally funded public safety officer on account of the past performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

“(b) As used in this section—

“(1) the term ‘federally funded public safety officer’ means a public safety officer for a public agen-
cy (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

“(2) the term ‘public safety officer’ means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

“(3) the term ‘judicial officer’ means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

“(4) the term ‘firefighter’ includes an individual serving as an official recognized or designated mem-
ber of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

“(5) the term ‘law enforcement officer’ means an individual, with arrest powers, involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

“1123. Killing of federally funded public safety officers”.

SEC. 711. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows:

“(a)(1) Whoever—

“(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer’s duty;
“(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

“(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice; or attempts or conspires to do so, shall be punished as provided in subsection (b).

“(2) As used in this section, the term ‘juror or officer in a judicial proceeding’ means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.”; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

“(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

“(2) in any other case, a fine under this title and imprisonment for not more than 30 years.”.

SEC. 712. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—
in each of paragraphs (1) and (2) of subsection (a), insert “or conspires” after “attempts”; so that subparagraph (A) of subsection (a)(3) reads as follows:

“(A) in the case of a killing, the punishment provided in sections 1111 and 1112;”;

(3) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking “20 years” and inserting “30 years”; and

(B) in subparagraph (C), by striking “10 years” and inserting “20 years”; and

(4) in subsection (b), by striking “ten years” and inserting “30 years”; and

(5) in subsection (d), by striking “one year” and inserting “20 years”.

SEC. 713. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting “or conspires” after “attempts”; so that subparagraph (A) of subsection (a)(1)(B)—

(A) by inserting a comma after “probation”; and
(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking “20 years” and inserting “30 years”;

(4) in subsection (b), by striking “ten years” and inserting “30 years”;

(5) in the first subsection (e), by striking “10 years” and inserting “30 years”; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 714. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting “intimidation of, or retaliation against, a witness, victim, juror, or informant,” after “extortion, bribery,”.

SEC. 715. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

“(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was
intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.”

SEC. 716. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting “or other dangerous weapon” after “firearm”.

SEC. 717. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) Murder Amendments.—Section 1111 of title 18, United States Code, is amended in subsection (b) by inserting “not less than 30” after “any term of years”.

(b) Manslaughter Amendments.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking “ten years” and inserting “20 years”; and

(2) by striking “six years” and inserting “10 years”.

SEC. 718. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:
“PART CC—WITNESS PROTECTION GRANTS

“SEC. 2811. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

“(b) USES OF FUNDS.—Grants awarded under this part shall be—

“(1) distributed directly to the State, unit of local government, or Indian tribe; and

“(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

“(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

“(1) has the greatest need for witness and victim protection programs;

“(2) has a serious violent crime problem in the jurisdiction;

“(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and
“(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 719. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) In general.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) Essential Elements.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) operational security and standard operating procedures;
1. facility security planning and self-audit surveys of court facilities;
2. emergency preparedness and response and continuity of operations;
3. disaster recovery and the essential elements of a plan;
4. threat assessment;
5. incident reporting;
6. security equipment;
7. developing resources and building partnerships; and
8. new courthouse design.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 720. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) In General.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating
in the program, for the purpose of enabling such courts
to establish and maintain a threat assessment database
described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a
threat assessment database is a database through which
a State can—

(1) analyze trends and patterns in domestic ter-
rorism and crime;

(2) project the probabilities that specific acts of
domestic terrorism or crime will occur; and

(3) develop measures and procedures that can
effectively reduce the probabilities that those acts
will occur.

(c) CORE ELEMENTS.—The Attorney General shall
define a core set of data elements to be used by each data-
base funded by this section so that the information in the
database can be effectively shared with other States and
with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to carry out this section
such sums as may be necessary for each of fiscal years
2006 through 2009.
SEC. 721. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) In General.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”.

(b) Authorization of Appropriations.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.”.

SEC. 722. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) Definitions.—For purposes of this section:

(1) Director.—The term “Director” means the Director of the Bureau of Justice Assistance.
(2) **Juvenile.**—The term “juvenile” means an individual who is 17 years of age or younger.

(3) **Young Adult.**—The term “young adult” means an individual who is between the ages of 18 and 21.

(4) **State.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) **Program Authorization.**—The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) **Eligibility.**—To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the
unique needs of juvenile and young adult witnesses and their families.

(d) **USE OF FUNDS.**—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.

(E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and
(F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) Reports.—

(1) Report.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) Report to Congress.—The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.

(a) Bureau Grants.—Section 302(e)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(e)(1)) is amended by inserting
“State and local courts, local law enforcement,” after contracts with”.

(b) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended—

(1) in subsection (a), by inserting “State and local court,” after “local,”; and

(2) in subsection (b), by inserting “State and local court” after “government,”.
(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by inserting “STATE AND LOCAL COURTS,” after “AGENCIES”;

(2) in subsection (a), by inserting “and State and local courts” after “such agencies or organizations”; and

(3) in subsection (a)(1), by inserting “and State and local courts” after “organizations”.

TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

SEC. 801. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

“CHAPTER 26—CRIMINAL STREET GANGS

“Sec.
“521. Criminal street gang prosecutions.

§ 521. Criminal street gang prosecutions

“(a) STREET GANG CRIME.—Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or in-
creasing position in such a gang, shall, in addition to being
subject to a fine under this title—

“(1) if the gang crime results in the death of
any person, be sentenced to death or life in prison;
“(2) if the gang crime is kidnapping, aggra-
vated sexual abuse, or maiming, be imprisoned for
life or any term of years not less than 30;
“(3) if the gang crime is assault resulting in se-
rious bodily injury (as defined in section 1365), be
imprisoned for life or any term of years not less
than 20; and
“(4) in any other case, be imprisoned for life or
for any term of years not less than 10.
“(b) FORFEITURE.—
“(1) IN GENERAL.—The court, in imposing sen-
tence on any person convicted of a violation of this
section, shall order, in addition to any other sen-
tence imposed and irrespective of any provision of
State law, that such person shall forfeit to the
United States such person’s interest in—
“(A) any property used, or intended to be
used, in any manner or part, to commit, or to
facilitate the commission of, the violation; and
“(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

“(2) Application of Controlled Substances Act.—Subsections (b), (c), (e), (f), (g), (h), (I), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

“(c) Definitions.—The following definitions apply in this section:

“(1) Criminal Street Gang.—The term ‘criminal street gang’ means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.

“(2) Gang Crime.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:
“(A) A crime of violence (other than a crime of violence against the property of another).

“(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (I), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), sec-
tion 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

“(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

“(3) AGGRAVATED SEXUAL ABUSE.—The term ‘aggravated sexual abuse’ means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).
“(4) State.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) Amendment Relating to Priority of Forfeiture Over Orders for Restitution.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46 or chapter 96 of this title” and inserting “section 521, under chapter 46 or 96,”.

(c) Money Laundering.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “, section 521 (relating to criminal street gang prosecutions)” before “, section 541”.

SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.

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

(1) in subsection (a), by striking “perform” and all that follows through the end of the subsection and inserting “perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d).”;

(2) by adding at the end following:
“(d) The punishment for an offense under subsection
(a) is—

“(1) in the case of a violation of paragraph (1)
or (3), a fine under this title and imprisonment for
not more than 20 years; and

“(2) in the case of a violation of paragraph (2),
a fine under this title and imprisonment for any
term of years or for life, but if death results the of-
fender may be sentenced to death.”.

SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) CARJACKING.—Section 2119 of title 18, United
States Code, is amended—

(1) by striking “, with the intent to cause death
or serious bodily harm” in the matter preceding
paragraph (1);

(2) by inserting “or conspires” after “at-
tempts” in the matter preceding paragraph (1);

(3) by striking “15” and inserting “20” in
paragraph (1); and

(4) by striking “or imprisoned not more than
25 years, or both” and inserting “and imprisoned
for any term of years or for life” in paragraph (2).

(b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO
COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIO-

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LENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

“(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime (as defined in subsection (c)(2)), shall be fined under this title and imprisoned not more than 20 years.”.

(c) Amendment of Special Sentencing Provision Relating to Limitations on Criminal Association.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting “section 521 (criminal street gang prosecutions), in” after “felony set forth in”;

(2) by striking “specified person, other than his attorney, upon” and inserting “specified person upon”; and

(3) by inserting “a criminal street gang or” before “an illegal enterprise”.

(d) Conspiracy Penalty.—Section 371 of title 18, United States Code, is amended by striking “five” and inserting “20”.

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SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

(a) In general.—Section 1958 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence”;

(2) in subsection (a), by inserting “or other crime of violence, punishable by imprisonment for more than one year,” after “intent that a murder”; and

(3) in subsection (a), by striking “shall be fined” the first place it appears and all that follows through the end of such subsection and inserting the following:

“shall, in addition to being subject to a fine under this title—

“(1) if the crime of violence or conspiracy results in the death of any person, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or
maintaining, or a conspiracy to commit such a crime of violence, be imprisoned any term of years or for life;

“(3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

“(4) in any other case, be imprisoned not more than 20 years.”.

(b) CLERICAL AMENDMENT.—The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

“1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.”.

SEC. 805. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

(a) OFFENSE.—Section 1959(a) of title 18, United States Code, is amended to read as follows:

“(a) Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in, such
an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title—

“(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for any term of years or for life;

“(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

“(4) in any other case, be imprisoned not more than 20 years.”.

(b) VENUE.—Section 1959 of title 18, United States Code, is amended by adding at the end the following:

“(c) A prosecution for a violation of this section may be brought in—

“(1) the judicial district in which the crime of violence occurred; or

“(2) any judicial district in which racketeering activity of the enterprise occurred.”.
SEC. 806. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

"Sec. 424. (a) In General.—Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime and in addition to being subject to a fine under this title—

"(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

"(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;

"(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365),
be imprisoned for life or any term of years not less
than 20; and

“(4) in any other case, be imprisoned for life or
for any term of years not less than 10.

“(b) VENUE.—A prosecution for a violation of this
section may be brought in—

“(1) the judicial district in which the murder or
other crime of violence occurred; or

“(2) any judicial district in which the drug traf-
ficking crime may be prosecuted.

“(c) DEFINITIONS.—As used in this section—

“(1) the term ‘crime of violence’ has the mean-
ing given that term in section 16 of title 18, United
States Code; and

“(2) the term ‘drug trafficking crime’ has the
meaning given that term in section 924(c)(2) of title
18, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents
for the Comprehensive Drug Abuse Prevention and Con-
trol Act of 1970 is amended by inserting after the item
relating to section 423 the following:

“424. Murder and other violent crimes committed during and in relation to a
drug trafficking crime”.

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SEC. 807. MULTIPLE INTERSTATE MURDER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 1123. Use of interstate commerce facilities in the commission of multiple murder

“(a) IN GENERAL.—Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title—

“(1) if the offense results in the death of any person, be sentenced to death or life in prison;

“(2) if the offense results in serious bodily injury (as defined in section 1365), be imprisoned for any term of years, or for life; and

“(3) in any other case, be imprisoned not more than 20 years.

“(b) DEFINITION.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“1123. Use of interstate commerce facilities in the commission of multiple murder.”.

SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.

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

(1) in subparagraph (A), by inserting “, or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,” after “chargeable under State law”; and

(2) in subparagraph (B), by inserting “section 1123 (relating to interstate murder),” after “section 1084 (relating to the transmission of gambling information),”.

SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3), by inserting “an offense under subsection (g)(1) (where the underlying conviction is a
serious drug offense (as defined in section 924(e)(2)(A)) or a crime of violence), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922,” after “that the person committed”; (2) in subsection (f)(1)— (A) by striking “or” at the end of subparagraph (C); and (B) by adding at the end the following: “(E) an offense under section 922(g); or”. (3) in subsection (g), by amending paragraph (1) to read as follows: “(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive devise;”. 

SEC. 810. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows: “§ 3235. Venue in capital cases

“(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

“(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or for-
eign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.”.

SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“3298. Violent crime offenses.”.

SEC. 812. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

“(6) FORFEITURE BY WRONGDOING.—A state-
ment offered against a party who has engaged or ac-
quiesced in wrongdoing, or who could reasonably
foresee such wrongdoing would take place, if the
wrongdoing was intended to, and did, procure the
unavailability of the declarant as a witness.”

SEC. 813. TRANSFER OF JUVENILES.

The 4th undesignated paragraph of section 5032 of
title 18, United States Code, is amended—

(1) by striking “A juvenile” where it appears at
the beginning of the paragraph and inserting “Except as otherwise provided in this chapter, a juvenile”;

(2) by striking “as an adult, except that, with”
and inserting “as an adult. With”; and

(3) by striking “However, a juvenile” and all
that follows through “criminal prosecution.” at the
end of the paragraph and inserting “The Attorney
General may prosecute as an adult a juvenile who is
alleged to have committed an act after that juvenile’s 16th birthday which if committed by an adult
would be a crime of violence that is a felony, an off

ence described in subsection (d), (I), (j), (k), (o),
(p), (q), (u), or (x) of section 922 (relating to unlaw
ful acts), or subsection (b), (e), (g), (h), (k), (l), (m),
or (n) of section 924 (relating to penalties), section
930 (relating to possession of firearms and dan
gerous weapons in Federal facilities), or section 931
(relating to purchase, ownership, or possession of
body armor by violent felons). The decision whether
or not to prosecute a juvenile as an adult under the
immediately preceding sentence is not subject to ju-
dicial review in any court. In a prosecution under
that sentence, the juvenile may be prosecuted and
convicted as an adult for any other offense which is
properly joined under the Federal Rules of Criminal
Procedure, and may also be convicted as an adult of
any lesser included offense.”.

SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COM-
MITTED BY ILLEGAL ALIENS.

(a) Offenses.—Title 18, United States Code, is
amended by inserting after chapter 51 the following new
chapter:

“CHAPTER 52—ILLEGAL ALIENS

Sec.
1131. Enhanced penalties for certain crimes committed by illegal aliens.

§ 1131. Enhanced penalties for certain crimes com-
mitted by illegal aliens

“Whoever, being an alien who is unlawfully present
in the United States, commits, conspires or attempts to
commit, a crime of violence (as defined in section 16) or
a drug trafficking offense (as defined in section 924), shall
be fined under this title and sentenced to not less than
5 years in prison. If the defendant was previously ordered
removed under the Immigration and Nationality Act on
the grounds of having committed a crime, the defendant
shall be sentenced to not less than 15 years in prison. A
sentence of imprisonment imposed under this section shall
run consecutively to any other sentence of imprisonment
imposed for any other crime.”.

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

“52. Illegal aliens ................................................................. 1131”.

SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE Na-
TIONAL CRIME INFORMATION CENTER DATA-
BASE.

(a) Provision of Information to the NCIC.—
Not later than 180 days after the date of enactment of
this Act, the Under Secretary for Border and Transpor-
tation Security of the Department of Homeland Security
shall provide the National Crime Information Center of
the Department of Justice with such information as the
Director may have on any and all aliens against whom
a final order of removal has been issued, and any and all
aliens who have signed a voluntary departure agreement.
Such information shall be provided to the National Crime
Information Center regardless of whether or not the alien
1 received notice of a final order of removal and even if the
2 alien has already been removed.
3 (b) Inclusion of Information in the NCIC
4 Database.—Section 534(a) of title 28, United States
5 Code, is amended—
6 (1) in paragraph (3), by striking “and” at the
7 end;
8 (2) by redesignating paragraph (4) as para-
9 graph (5); and
10 (3) by inserting after paragraph (3) the fol-
11 lowing:
12 “(4) acquire, collect, classify, and preserve
13 records of violations of the immigration laws of the
14 United States, regardless of whether or not the alien
15 has received notice of the violation and even if the
16 alien has already been removed; and”.
17 SEC. 816. STUDY.
18 The Attorney General and the Secretary of Homeland
19 Security shall jointly conduct a study on the connection
20 between illegal immigration and gang membership and ac-
21 tivity, including how many of those arrested nationwide
22 for gang membership and violence are aliens illegally
23 present in the United States. The Attorney General and
24 the Secretary shall report the results of that study to Con-
gress not later than one year after the date of the enactment of this Act.

**TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS**

**SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.**

(a) In general.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), as amended by section 724 of this Act, is further amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to hire additional prosecutors to—

“(A) allow more cases to be prosecuted;

and

“(B) reduce backlogs;

“(7) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members
and violent offenders, and to maintain databases
with such information to facilitate coordination
among law enforcement and prosecutors; and

“(8) to fund technology, equipment, and training
for prosecutors to increase the accurate identi-
fication and successful prosecution of young violent
offenders.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section
31707 of the Violent Crime Control and Law Enforcement
Act of 1994 (42 U.S.C. 13867) is amended to read as
follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated
$20,000,000 for each of the fiscal years 2006 through
2010 to carry out this subtitle.”.

SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDU-
CATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act
of 1994 (42 U.S.C. 13921(b)) is amended by striking
paragraphs (1) through (6) and inserting the following:

“(1) $20,000,000 for fiscal year 2006;

“(2) $20,000,000 for fiscal year 2007;

“(3) $20,000,000 for fiscal year 2008;

“(4) $20,000,000 for fiscal year 2009; and

“(5) $20,000,000 for fiscal year 2010.”.
SEC. 903. STATE AND LOCAL REENTRY COURTS.
(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by inserting at the end the following:

"SEC. 2979. STATE AND LOCAL REENTRY COURTS.
"(a) GRANTS AUTHORIZED.—The Attorney General shall award grants of not more than $500,000 to—

"(1) State and local courts; or

"(2) State agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a re-entry court.

"(b) USE OF FUNDS.—Grant funds awarded under this section shall be administered in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, and may be used to—

"(1) monitor offenders returning to the community;

"(2) provide returning offenders with—

"(A) drug and alcohol testing and treatment; and

"(B) mental and medical health assessment and services;

"(3) convene community impact panels, victim impact panels, or victim impact educational classes;
“(4) provide and coordinate the delivery of other community services to offenders, including—

“(A) housing assistance;
“(B) education;
“(C) employment training;
“(D) conflict resolution skills training;
“(E) batterer intervention programs; and
“(F) other appropriate social services; and

“(5) establish and implement graduated sanctions and incentives.

“(c) Application.—Each eligible entity desiring a grant under this section shall, in addition to any other requirements required by the Attorney General, submit an application to the Attorney General that—

“(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funding ends;

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

“(3) certifies that—

“(A) there has been appropriate consultation with all affected agencies, including existing community corrections and parole entities; and
“(B) there will be appropriate coordination
with all affected agencies in the implementation
of the program; and
“(4) describes the methodology and outcome
measures that will be used in evaluation of the pro-
gram.
“(d) MATCHING REQUIREMENT.—The Federal share
of a grant received under this section may not exceed 75
percent of the costs of the project funded under this sec-
tion unless the Attorney General—
“(1) waives, wholly or in part, this matching re-
quirement; and
“(2) publicly delineates the rationale for the
waiver.
“(e) ANNUAL REPORT.—Each grantee under this
section shall submit to the Attorney General, for each fis-
cal year in which funds from a grant received under this
part is expended, a report, at such time and in such man-
ner as the Attorney General may reasonably require, that
contains—
“(1) a summary of the activities carried out
under the grant;
“(2) an assessment of whether the activities
summarized under paragraph (1) are meeting the
needs identified in the application submitted under
subsection (c); and

“(3) such other information as the Attorney
General may require.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be
appropriated $10,000,000 for each of the fiscal
years 2006 through 2009 to carry out this section.

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

“(A) not more than 2 percent may be used
by the Attorney General for salaries and admin-
istrative expenses; and

“(B) not more than 5 percent nor less
than 2 percent may be used for technical assist-
ance and training.”.

**TITLE X—CRIME PREVENTION**

**SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.**

Subpart 2 of part E of title I of the Omnibus Crime
Control and Safe Street Act of 1968 is amended by adding
at the end the following new chapter:
“CHAPTER D—GRANTS TO PRIVATE ENTITIES

“SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

“(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

“(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

“(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

“(1) create and promote national public communications campaigns;

“(2) develop and distribute publications and other educational materials that promote crime prevention;
“(3) design and maintain web sites and related web-based materials and tools;

“(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

“(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

“(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

“(7) design, deliver, and assess demonstration programs;

“(8) operate McGruff related programs, including McGruff Club;

“(9) operate the Teens, Crime, and Community Program; and

“(10) evaluate crime prevention programs and trends.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2006, $6,000,000;

“(2) for fiscal year 2007, $7,000,000;
“(3) for fiscal year 2008, $8,000,000;
“(4) for fiscal year 2009, $9,000,000; and
“(5) for fiscal year 2010, $10,000,000.”.

SEC. 1002. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the “Justice for Crime Victims Family Act”.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide. The report shall include an examination of—

(1) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(2) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(3) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and
(4) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) Improvements Needed for Solving Homicides Involving Missing Persons and Unidentified Human Remains.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report to evaluate measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains. The report shall include an examination of—

(1) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(2) the collection of DNA samples from potential “high-risk” missing persons;

(3) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(4) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;
(5) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(6) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(7) any improvement with respect to—

(A) the collection of DNA information for missing persons and unidentified human remains; and

(B) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

**TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT**

**SEC. 1101. SHORT TITLE.**

This title may be cited as the “National Child Abuse and Neglect Registry Act”.
SEC. 1102. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) In general.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) Information.—

(1) Collection.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) Type of information.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) Scope of Information.—

(1) In general.—

(A) Treatment of reports.—The information to be provided to the Secretary of Health and Human Services under this title shall relate to substantiated reports of child abuse or neglect.
(B) Exception.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this title that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this title shall be coextensive with that in such register.

(2) Form.—Information provided to the Secretary of Health and Human Services under this title—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).
(d) CONSTRUCTION.—This title shall not be con-
strued to require a State, Indian tribe, or political subdi-
vision of a State to modify—

(1) an equivalent register of cases of child
abuse or neglect that it maintains pursuant to a re-
quirement or authorization under any other provi-
sion of law; or

(2) any other record relating to child abuse or
neglect, regardless of whether the report of abuse or
neglect was substantiated, unsubstantiated, or deter-
mined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the
national registry shall only be accessible to any Federal,
State, Indian tribe, or local government entity, or any
agent of such entities, that has a need for such informa-
tion in order to carry out its responsibilities under law
to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and
Human Services shall establish standards for the dissemi-
nation of information in the national registry of substan-
tiated cases of child abuse or neglect. Such standards shall
comply with clauses (viii) and (ix) of section 106(b)(2)(A)
1 of the Child Abuse Prevention and Treatment Act (42
U.S.C. 5106(b)(2)(A)(viii) and (ix)).

Passed the House of Representatives March 8, 2006.

Attest:

Clerk.
AN ACT

To protect children, to secure the safety of judges, and for other purposes.

H.R. 4472

109TH CONGRESS
2D SESSION

AN ACT

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