H. Res. 185: Mr. Shaw, Mr. Murphy, and Mr. Crowley.

H. Res. 192: Mr. Lantos.

H. Res. 276: Mr. Fitzpatrick of Pennsylvania, Mr. Snyder, Mr. McCarthy, and Mr. Peterson of Minnesota.

H. Res. 250: Mr. Fres at and Mr. Dooley, Mrs. Menendez, Mr. Cardoza, Mr. Boozman, and Mr. Blumenauer.

H. Res. 375: Mr. Menendez, Mr. Carson, Mr. Cardin, Ms. Solis, Mr. Rothman, Ms. Matsui, Mr. Doyle, Mr. Scott of Virginia, Mr. Cardoza, Mr. Issler, Ms. Linda T. Sanchez of California, Mollorran, Ms. Bilker, Mr. Neal of Massachusetts, and Mr. Andrews.

H. Res. 409: Mr. Bishop of Georgia, Mr. McGovern, Mr. Pence, Mr. Blumenauer, Mr. Mcmorr, Mr. Schiff, Mr. Leach, Mr. Crowley, Mr. Grijalva, Mr. Engle, Mr. Green of Wisconsin, Mr. Ackerman, Mr. Chandler, Mr. Van Hollen, Mr. George Miller of California, and Mr. Frank of Massachusetts.


H. Res. 415: Mr. Rohrabacher.

H. Res. 417: Mr. Crowley, Mr. Smith of Washington, and Mr. Berkley.

H. Res. 418: Mr. Crowley, Mr. Smith of Washington, and Mr. Berkley.

H. Res. 419: Mr. Crowley, Mr. Smith of Washington, and Mr. Berkley.

H. Res. 420: Mr. Conyers, Mr. Kucinich, Mr. Tierney, Mr. Mcdetta, Mr. Ackerman, Mr. DeFazio, Mr. Hinchey, Mr. Delahunt, Mr. Doyle, Mr. Udall of Colorado, Mr. Arclo, Mr. Mcgovern, Mr. Pallone, Ms. Lee, Ms. Matsui, Mr. Crowley, Mr. Smith of Washington, and Mr. Berkley.

H. Res. 434: Mr. Holden.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 2567: Mr. Genn Green of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. R. 889

OFFERED BY: MRS. MILLER OF MICHIGAN

Amendment No. 1: At the end of title IV add the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

Section 601. SHORT TITLE

Title VI may be cited as the "Child Pornography Prevention Act of 2005".

Section 602. 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) In the 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 as a multimillion dollar industry, but also on a nationwide network of individuals openly advertising their desire to exploit children and to engage in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce.

(2) The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce.

(a) Digital computer and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive equipment and the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography.

(b) Taken together, these technological advances have had the unfortunite 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 to persons within the boundaries of one state. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography.

(ii) When the persons described in subparagraph (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 outside the boundaries of one state. These persons are therefore likely to enter the interstate market in child pornography.

(E) 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.

(F) Federal control of the interstate incidents described in subparagraphs (A) through (C) of paragraph (2) of section 2256 of this title for the production of child pornography is essential to the effective control of the interstate market in child pornography.

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

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

(B) Child pornography is not entitled to constitutional 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 proper 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. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(1), by striking “actual”; and

(2) in subsection (b), by striking “actual”; and

(3) in subsection (f)(4)(A), by striking “actual”;

(4) by amending paragraph (1) of subsection (h) to read as follows:

‘‘(1) the term ‘sexually explicit conduct’ includes—

(A) through (v) of paragraph (2) of section 2256 of this title;’’;

(5) in subsection (h)(4), by striking “actual”;

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking “and”;

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

and

(C) by inserting after paragraph (4)(B) the following new paragraph:

‘‘(6) for a person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegate to conduct an inspection under subsection (c).’’;

(7) in subsection (h)(5), by striking “to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and including the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not include controlling, maintaining, or otherwise arranging for the participation of the performers depicted’’ and inserting “actually filming, videotaping, photographing, or other computer-manipulated image of an actual human being; or digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, in the case of a photograph, videotape, or other computer-manipulated image of, or otherwise managing the sexual explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct.’’;

(8) in subsection (a), by inserting after “videotape,” the following: “digital image, digitally–or computer-manipulated image of an actual human being, or picture,”; and

(9) in subsection (f)(4), by inserting after “video” the following: “digital image, digitally–or computer-manipulated image of an actual human being, or picture,”.

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 convicted defendant or his or her attorney.

“(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 attorney, and any individual the defendant may seek to qualify as a furnishing expert witness at trial.”.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL FORFEITURE FOR CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of the Controlled Substance Act (21 U.S.C. 833) shall apply to the criminal forfeiture of property pursuant to subsection (a).

(b) AMENDMENTS TO CHILD EXPLOITATION FORFEITURE PROVISIONS.—Section 2253(a) of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1) by—

(i) inserting “or who is convicted of an offense under sections 2252A or 2253 of this chapter,” after “2260 of this chapter’’;

(ii) inserting “, and 2242” after “2242 and striking the” before “before”;

and

(iii) inserting “or an offense under chapter 109A” after “of chapter 117’’; and

H7863

September 13, 2005

CONGRESSIONAL RECORD — HOUSE
SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting “; and”;

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

“(59) The term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than one year.”

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCenity AS WELL AS TRANSPORtATION, DISTRIBUTION, AND SALE.

(a) PROHIBITION.—Section 2252(b) or 2257 of this chapter, as added by title III of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 602. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 603. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 604. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 605. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 606. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 607. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 608. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 609. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 610. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

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

(b) PENALTIES.—The United States Code is amended—

(1) by striking “in violation of section 2252(b)” or “2257 of this chapter,” after “Chapter 117,” and

(2) by inserting “, or an offense under chapter 109A of title 18 before the period; and

(c) EFFECT.—Section 2252(b) or 2257 of this chapter, as added by title IV of the Consolidated Appropriations Act, 2005, is amended by inserting “; and” after “2252;”.

SEC. 611. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) PROHIBITION.—Section 922(b) of such title is amended—

(1) by striking “or” at the end of paragraph (8);
of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Stafford Act Relief and Emergency Assistance Act (42 U.S.C. 5212 et seq.) as a result of Hurricane Katrina.

(b) PAYMENTS TO STATES.—In lieu of any entitlement to payment under section 474 of the Social Security Act with respect to any child described in subsection (a) of this section, each State with such a plan shall be entitled to a payment for each quarter in which there is month in which the State has made a foster care maintenance payment pursuant to an application (a), in an amount equal to the sum of—

(1) the total of the amounts expended by the State during the quarter pursuant to such subsection (a) who are in foster family homes (as defined in section 472(c)(1) of such Act) or child-care institutions (as defined in section 472(c)(2) of such Act), and

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of services for such children, or for the provision of services which seek to improve the well-being of such children.

H.R. 3132

AMENDMENT NO. 11: Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FLEXIBILITY TO ESTABLISH SEPARATE STANDARDS FOR RELATIVE FOSTER FAMILY HOMES.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended by striking before the semicolon the following:— and, at the option of the State, that the authority or authorities may—

“(A) establish and maintain separate standards for foster family homes in which a foster parent is a relative of the foster child, that, at a minimum, provide the safety of the child and provide for criminal record checks as described in paragraph (20); and

“(B) apply the standards referred to in subparagraph (A) of this paragraph to any such relative foster home from which funds are paid pursuant to section 472 or part B in lieu of the standards that would otherwise apply to a foster family home.”

H.R. 3132

AMENDMENT NO. 12: Page 69, after line 17, insert the following:

H.R. 3132

AMENDMENT NO. 13: Page 42, line 6, strike the close quote mark and the period that follows.

Page 42, after line 6, insert the following:

“(c) SENTENCING CLAIMS.—A court, justice, or judge 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, or that has been judicially 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.”

H.R. 3132

AMENDMENT NO. 14: Add at the end of title III the following:

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General, in consultation with the Secretary of Health and Human Services, 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, among others, of benefits of various mechanisms for establishing an interstate tracking system, and include the extent to which existing regulations could be amended to provide for an interstate tracking system.

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

H.R. 3132

AMENDMENT NO. 15: Page 52, line 13, strike the close quote marks and the period and insert the following:

“—and Page 52, after line 13, insert the following:—

“(D) provides that the preceding provisions of this paragraph shall not apply with respect to the placement of a child forzh:—rela—tive for not more than 60 days while the State is conducting a records check pursuant to this paragraph.”

H.R. 3132

AMENDMENT NO. 16: Page 26, after line 7, insert the following new section (and redesignate succeeding sections, and conform the table of contents and title of the part):—

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER’S LICENSE REGISTRATION SYSTEMS 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 registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following:

(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 Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative system capabilities to comply with a Federal law that required all State driver’s license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirements of the Nevada law described in paragraph (2).

(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 Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the potential 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 Government 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.
H.R. 3312
OFFERED BY: Ms. JACKSON-LEE of Texas
AMENDMENT No. 17: Add at the end the following new title:
TITLE VI—PERSONAL DATA OF CHILDREN
SEC. 601. MISAPPROPRIATION OF DATA. (a) In General.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following new section:

81802. Misappropriation of personal data of children

Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.
(b) Categorical Amendment.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new section:

81802. Misappropriation of personal data of children.

H.R. 3312
OFFERED BY: Mr. CUELLAR
AMENDMENT No. 18: Page 11, line 4, after the comma insert “and a minimum term of imprisonment that is no less than 90 days.”.
H.R. 3312
OFFERED BY: Mr. POC
AMENDMENT No. 19: At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. 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 pro-active 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 accountable 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) Consultation.—(1) The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—
(A) provide, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and
(2) conduct training in the use of that technology.
(c) Report.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers 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).
H.R. 3312
OFFERED BY: Mr. WELDON of FLORIDA
AMENDMENT No. 20: At the end of the bill, add the following new section:

SEC. 5. DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) In General.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:
(1) That the defendant be tested for HIV disease if—
(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or
(B) the victim requests that the defendant be so tested.
(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—
(A) the victim;
(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);
(C) the attorneys of the victim;
(D) the attorneys of the defendant;
(E) the prosecuting attorneys; and
(F) the judge presiding at the trial, if any.
(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).
(b) Failure to Comply.—(1) In General.—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated to that jurisdiction under each of the following programs:
(A) Byrne.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.
(B) LIEBG.—The Local Government Law Enforcement Block Grants program.
(2) Reallocation.—Amounts not allocated under a program referred to in paragraph (1) in the current fiscal year shall be reallocated under that program to jurisdictions that have not failed to implement this section.
H.R. 3312
OFFERED BY: Mr. KENNEDY of MINNESOTA
AMENDMENT No. 21: Add at the end of title IV the following:

SEC. 403. SEXUAL ABUSE, SEXUAL EXPLOITATION, OR COERCIVE PROSTITUTION OF CHILDREN WHILE ILLEGALLY MANUFACTURING, DISTRIBUTING, DISPENSING, TRANSPORTING, OR POSSESSING CONTROLLED SUBSTANCES.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

2260A. Sexual abuse, sexual exploitation, or coercive prostitution of children while illegally manufacturing, distributing, dispensing, possessing, or transporting controlled substances.

Whatever, during and in relation to—
(1) manufacturing, distributing, dispensing, possessing, or transporting controlled substances in violation of the Controlled Substances Act, or attempting or conspiring to do so; or
(2) manufacturing or causing to be manufactured controlled substances, or attempting or conspiring to do so, commits a sex offense (as defined in section 111 of the Children’s Safety Act of 2005) against an individual less than 18 years of age; shall be fined under this title, and imprisoned for life or for any term of years not less than 25.
(b) Categorical Amendment.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

2260A. Sexual abuse, sexual exploitation, or coercive prostitution of children while illegally manufacturing, distributing, dispensing, possessing, or transporting controlled substances.

H.R. 3312
OFFERED BY: Mr. CONVYNS
AMENDMENT No. 22: At the end of title I, add the following new subtitle:

Subtitle C—Children’s Safety Office

SEC. 171. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children’s Safety Office.

SEC. 172. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subpart A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction.

SEC. 173. DIRECTOR.

(a) Advice and Consent.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.
(b) Qualifications.—The Director shall be appointed from among distinguished individuals who have—
(1) proven academic, management, and leadership credentials;
(2) a superior record of achievement; and
(3) training or expertise in criminal law or the exploitation of children, or both.
Amendment No. 23: At the end of title III insert the following:

SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the National Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender,” before “or ethnicity”.

(b) DATA.—Subsection (b)(5) of the first section of the National Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “including data about crimes committed by and directed against juveniles” after “data acquired under this section.”

Amendment No. 24: At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 1. 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—

(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.

(1) To 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 registration, and management of released sex offenders;

(2) to 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) AUTHORITATION 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. 176. STAFF.

The Attorney General shall create a staff as necessary to carry out the responsibilities of the Director.

SEC. 177. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 175. STAFF.

The Attorney General shall ensure that the Director shall staff to support the Director in carrying out the responsibilities of the Director.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 177. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and management, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

H.R. 3132

OFFERED BY: MS. CONYERS

The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savagely values the traits that caused the victim to be selected.

Such violence substantially affects interstate commerce in many ways, including:

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

Perpetrators cross State lines to commit such violence.

Chains, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

Such violence is committed using articles that have traveled in interstate commerce.

For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of the individual. Through widespread slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious, national origin, gender identity, or disability of the victim poses a serious national problem.

Questions of targeted groups and forcing such members from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

Amendment No. 35: At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the “Local Law Enforcement Hate Crimes Prevention Act of 2006”.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.
(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or on other characteristics or elements of hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to hate crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses related to the investigation or prosecution of the crime.

(3) GRANTS.—

(I) IN GENERAL.—The Attorney General may award grants to State, local, and Indian Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General, suitably in time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General reasonably requires.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes;

(iv) certify that any Federal funds received under this subsection will be used to supplement, and not to supplant, Federal funds to the extent that funds would otherwise be available for activities funded under this subsection.

(D) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single violation of this chapter in a 1 year period.

(6) REPORT.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted under subsection (a) and the award of any such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL FOR STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Office of Justice Programs, for fiscal years 2006 and 2007 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

*§ 249. Hate crime acts

[''a'' (1)] (1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to a device, attempts to cause bodily injury to any person, because of the actual or perceived race, religion, or national origin of any person—

(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

(i) death results from the offense; or

(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person, or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, religion, gender, sexual orientation, gender identity or disability of any person—

(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

(I) death results from the offense; or

(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

(I) across a State line or national border; or

(II) using a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A); and

(ii) in connection with the conduct described in subparagraph (A), the defendant uses a firearm, explosive, incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

(iii) the conduct described in subparagraph (A) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

(iv) the conduct otherwise affects interstate or foreign commerce.

(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be brought by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlieing the alleged conduct of the defendant; and

(2) the State or any designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

(B) the State has requested that the Federal Government assume jurisdiction; or

(C) the State does not object to the Federal Government assuming jurisdiction;

(D) the verdict or sentence obtained pursuant to State charges left demonstratively uninvolved the Federal interest in eradicating bias-motivated violence.

(c) DEFINITIONS.—In this section—

(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 222 of this title;

(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title;

(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of the defendant’s expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense, and nothing in this section affects the rules of evidence governing impeachment of a witness.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

*§ 249. Hate crime acts...
SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) In General.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) Information.—The register described in subsection (a) shall contain such items of information as the Attorney General and the Secretary of Health and Human Services, in consultation with the Secretary of Health and Human Services under this section, shall determine necessary for fiscal year 2006 and succeeding fiscal years.

(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 section shall be coextensive with the requirements of law, the information provided to the Secretary of Health and Human Services, shall establish standards to interpret and implement.

(B) Exception.—If a State or political subdivision of a State has an electronic registry of cases of child abuse or neglect, the information to be provided to the Secretary of Health and Human Services under this section shall also report to the Secretary of Health and Human Services on the electronic registry of cases of child abuse or neglect that were substantiated or determined to be unsubstantiated.

(2) Form.—Information provided to the Secretary of Health and Human Services shall be in a standardized electronic form determined by the Secretary of Health and Human Services.

(d) Construction.—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the record of abuse or neglect is electronic, substantiated, unsubstantiated, or determined to be unfounded.

(e) Dissemination.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child’s parents or guardians while also ensuring that Federal, State, and local government entities have the information necessary to carry out their responsibilities under law to protect children from abuse and neglect.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

H.R. 3132
OFFERED BY: MR. SENSENBRENNER
AMENDMENT NO. 27: Page 11, line 2, after “jurisdiction” insert “, other than a Federally recognized Indian tribe.”

Page 27, line 5, insert “; or resides in,” after “enters or leaves.”

Page 6, line 22, strike “A” and insert “To the extent provided and subject to the requirements of section 126, a.”

Page 6, line 19, strike “Somos” and insert “Samoa.”

Page 6, line 20, insert “The” before “North-”

Page 10, line 4, strike “interpret.”

Page 10, line 5, strike “to implement the requirements and purposes of” and insert “and regulations to interpret and implement.”

Page 12, line 23, after “years” insert “(but such 20-year period shall not include any time the offender is in custody or civilly committed).”

Page 16, line 15, after “jurisdiction” insert “where the sex offender resides, works, or attends school, and each jurisdiction.”

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

(a) The Federal Government, jurisdictions, and their agencies and employees, acting in good faith, shall be immune from liability for good faith conduct under this title.

(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. 155. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) In General.—The Attorney General may make up to $25 million available to States and political subdivisions of States to provide Federal, State, and local government entities with funding to assist in the prosecution of 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. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

H.R. 3132
OFFERED BY: MR. SENSENBERG

AMENDMENT NO. 29: Page 69, after line 17, insert the following:

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".

H.R. 3132
OFFERED BY: MR. SENSENBERG

AMENDMENT NO. 30: Page 54, strike line 10 and all that follows through line 19 on page 55 and insert the following:

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES 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(e)3(A) of title 28, United States Code) submitted by a local child welfare agency for the purpose of 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. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the states may charge any applicable fees for the checks.

(b) LIMITATION.—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) 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 or another person authorized by law to receive that information.

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

(e) 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, that is responsible for the licensing or approval of foster or adoptive parents.

H.R. 3132
OFFERED BY MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: At the end of the TITLE V, add the following new section:

SEC. 511. SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act.