

105TH CONGRESS
1ST SESSION

S. 3

To provide for fair and accurate criminal trials, reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, reduce the fiscal burden imposed by criminal alien prisoners, promote safe citizen self-defense, combat the importation, production, sale, and use of illegal drugs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. HATCH (for himself, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. KYL, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROBERTS, Mr. SMITH of New Hampshire, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. COVERDELL, Mr. MACK, Mr. MCCAIN, and Mr. SESSIONS, introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for fair and accurate criminal trials, reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, reduce the fiscal burden imposed by criminal alien prisoners, promote safe citizen self-defense, combat the importation, production, sale, and use of illegal drugs, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Omnibus Crime Control Act of 1997”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Severability.

TITLE I—TRANSFER OF ALIEN PRISONERS

Sec. 101. Short title.

Sec. 102. Transfers of alien prisoners.

Sec. 103. Consent unnecessary.

Sec. 104. Certification transfer requirement.

Sec. 105. International prisoner transfer report.

Sec. 106. Annual reports on foreign assistance.

Sec. 107. Annual certification procedures.

Sec. 108. Prisoner transfers treaties.

Sec. 109. Judgments unaffected.

Sec. 110. Definition.

Sec. 111. Repeals.

TITLE II—EXCLUSIONARY RULE REFORM

Subtitle A—Exclusionary Rule Reform

Sec. 201. Short title.

Sec. 202. Admissibility of certain evidence.

Subtitle B—Confession Reform

Sec. 211. Enforcement of confession reform statute.

TITLE III—VIOLENT CRIME, DRUGS, AND TERRORISM

Sec. 301. Short title.

Subtitle A—Criminal Penalties and Procedures

Sec. 311. Protection of the Olympics.

Sec. 312. Federal responsibility for security at international athletic competi-
tions.

Sec. 313. Technical revision to penalties for crimes committed with explosives.

Sec. 314. Chemical weapons restrictions.

Subtitle B—International Terrorism

Sec. 321. Multilateral sanctions.

Sec. 322. Information on cooperation with United States antiterrorism efforts
in annual country reports on terrorism.

Sec. 323. Report on international terrorism.

Sec. 324. Revision of Department of State rewards program.

Subtitle C—Commissions and Studies

Sec. 331. National commission on terrorism.

TITLE IV—COMMUNITY PROTECTION

Sec. 401. Short title.

Subtitle A—Law Enforcement Assistance

Sec. 411. Exemption of qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms.

Subtitle B—Citizens' Assistance

Sec. 421. Short title.

Sec. 422. Authorization to enter into interstate compacts.

Sec. 423. Authorized uses of Federal grant funds.

Sec. 424. Self-defense for victims of abuse.

TITLE V—CRIMINAL PROCEDURE IMPROVEMENTS

Subtitle A—Equal Protection for Victims

Sec. 501. The right of the victim to an impartial jury.

Sec. 502. Jury trial improvements.

Sec. 503. Rebuttal of attacks on the character of the victim.

Sec. 504. Use of notice concerning release of offender.

Sec. 505. Balance in the composition of rules committees.

Subtitle B—Firearms

Sec. 521. Mandatory minimum sentences for criminals possessing firearms.

Sec. 522. Firearms possession by violent felons and serious drug offenders.

Sec. 523. Use of firearms in connection with counterfeiting or forgery.

Sec. 524. Possession of an explosive during the commission of a felony.

Sec. 525. Second offense of using an explosive to commit a felony.

Sec. 526. Increased penalties for international drug trafficking.

Subtitle C—Federal Death Penalty

Sec. 541. Strengthening of Federal death penalty standards and procedures.

Sec. 542. Murder of witness as aggravating factor.

Sec. 543. Death penalty for murders committed in the District of Columbia.

TITLE VI—INCREASED PENALTIES FOR TRAFFICKING AND
MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 601. Trafficking in methamphetamine penalty increases.

Sec. 602. Sentencing for violations involving cocaine powder.

Sec. 603. Implementation of a sentence of death.

Sec. 604. Limitation on drug enforcement administrator tenure.

Sec. 605. Serious juvenile drug offenses as armed career criminal act predicates.

Sec. 606. Mandatory minimum prison sentences for persons who use minors in drug trafficking activities or sell drugs to minors.

Sec. 607. Penalty increases for trafficking in listed chemicals.

TITLE VII—COMBATING VIOLENCE AGAINST WOMEN AND CHILDREN

Subtitle A—General Reforms

- Sec. 701. Participation of religious organizations in Violence Against Women Act programs.
- Sec. 702. Domestic violence arrest grants.
- Sec. 703. Rural domestic violence and child abuse enforcement assistance.
- Sec. 704. Runaway, homeless, and street youth assistance grants.

Subtitle B—Domestic Violence

- Sec. 711. Death penalty for fatal interstate domestic violence offenses.
- Sec. 712. Death penalty for fatal interstate violations of protective orders.
- Sec. 713. Evidence of disposition of defendant toward victim in domestic violence cases and other cases.
- Sec. 714. HIV testing of defendants in sexual assault cases.

TITLE VIII—VIOLENT CRIME AND TERRORISM

Subtitle A—Violent Crime and Terrorism

- Sec. 801. Amendments to antiterrorism statutes.
- Sec. 802. Kidnapping; death of victim before crossing State line as not defeating prosecution, and other changes.
- Sec. 803. Expansion of section 1959 of title 18 to cover commission of all violent crimes in aid of racketeering activity and increased penalties.
- Sec. 804. Conforming amendment to conspiracy penalty.
- Sec. 805. Inclusion of certain additional serious drug offenses as armed career criminal act predicates.
- Sec. 806. Increased penalties for violence in the course of riot offenses.
- Sec. 807. Elimination of unjustified scienter element for carjacking.
- Sec. 808. Criminal offenses committed outside the United States by persons accompanying the Armed Forces.
- Sec. 809. Assaults or other crimes of violence for hire.
- Sec. 810. Penalty enhancement for certain offenses resulting in death.
- Sec. 811. Violence directed at dwellings in Indian country.

Subtitle B—Courts and Sentencing

- Sec. 821. Allowing a reduction of sentence for providing useful investigative information although not regarding a particular individual.
- Sec. 822. Appeals from certain dismissals.
- Sec. 823. Elimination of outmoded certification requirement.
- Sec. 824. Improvement of hate crimes sentencing procedure.
- Sec. 825. Clarification of length of supervised release terms in controlled substance cases.
- Sec. 826. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.
- Sec. 827. Technical correction to assure compliance of sentencing guidelines with provisions of all Federal statutes.

Subtitle C—White Collar Crime

- Sec. 841. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization.
- Sec. 842. Larceny involving post office boxes and postal stamp vending machines.
- Sec. 843. Theft of vessels.
- Sec. 844. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.
- Sec. 845. Injunctions against counterfeiting and forgery.

Subtitle D—Miscellaneous Provisions

- Sec. 861. Increased maximum penalty for certain RICO violations.
- Sec. 862. Clarification of inapplicability to certain disclosures.
- Sec. 863. Conforming amendments relating to supervised release.
- Sec. 864. Addition of certain offenses as money laundering predicates.
- Sec. 865. Clarification of jurisdictional base involving the mail.
- Sec. 866. Coverage of foreign bank branches in the territories.
- Sec. 867. Conforming statute of limitations amendment for certain bank fraud offenses.
- Sec. 868. Clarifying amendment to section 704.

TITLE IX—PRISON REFORM

Subtitle A—Prison Litigation Reform

- Sec. 901. Amendment to the Prison Litigation Reform Act.
- Sec. 902. Appropriate remedies for prison conditions.
- Sec. 903. Civil rights of institutionalized persons.
- Sec. 904. Proceedings in forma pauperis.
- Sec. 905. Notice to State authorities of malicious filing by prisoner.
- Sec. 906. Payment of damage award in satisfaction of pending restitution awards.
- Sec. 907. Earned release credit or good time credit revocation.
- Sec. 908. Release of prisoner.
- Sec. 909. Effective date.

Subtitle B—Federal Prisons

- Sec. 911. Prison communications.
- Sec. 912. Prison amenities and prisoner work requirement.
- Sec. 913. Elimination of sentencing inequities and aftercare for Federal inmates.

TITLE X—MISCELLANEOUS PROVISIONS

- Sec. 1001. Sense of the Senate regarding ONDCP.
- Sec. 1002. Restrictions on doctors prescribing schedule I substances.
- Sec. 1003. Antidrug use public service requirement.
- Sec. 1004. Child pornography.
- Sec. 1005. 2,000 boys & girls clubs before 2000.
- Sec. 1006. Cellular telephone interceptions.

TITLE XI—VIOLENT AND REPEAT JUVENILE OFFENDERS

- Sec. 1101. Short title.
- Sec. 1102. Findings and purposes.
- Sec. 1103. Severability.

Subtitle A—Juvenile Justice Reform

- Sec. 1111. Repeal of general provision.
- Sec. 1112. Treatment of Federal juvenile offenders.
- Sec. 1113. Capital cases.
- Sec. 1114. Definitions.
- Sec. 1115. Notification after arrest.
- Sec. 1116. Detention prior to disposition.
- Sec. 1117. Speedy trial.
- Sec. 1118. Dispositional hearings.
- Sec. 1119. Use of juvenile records.
- Sec. 1120. Incarceration of violent offenders.
- Sec. 1121. Federal sentencing guidelines.

Subtitle B—Juvenile Gangs

- Sec. 1141. Short title.
- Sec. 1142. Increase in offense level for participation in crime as a gang member.
- Sec. 1143. Amendment of title 18 with respect to criminal street gangs.
- Sec. 1144. Interstate and foreign travel or transportation in aid of criminal street gangs.
- Sec. 1145. Solicitation or recruitment of persons in criminal gang activity.
- Sec. 1146. Crimes involving the recruitment of persons to participate in criminal street gangs and firearms offenses as RICO predicates.
- Sec. 1147. Prohibitions relating to firearms.
- Sec. 1148. Amendment of sentencing guidelines with respect to body armor.
- Sec. 1149. Additional prosecutors.

Subtitle C—Juvenile Crime Control and Accountability

- Sec. 1161. Findings; declaration of purpose; definitions.
- Sec. 1162. Youth crime control and accountability block grants.
- Sec. 1163. Runaway and homeless youth.
- Sec. 1164. Authorization of appropriations.
- Sec. 1165. Repeal.
- Sec. 1166. Transfer of functions and savings provisions.
- Sec. 1167. Repeal of unnecessary and duplicative programs.
- Sec. 1168. Civil monetary penalty surcharge.

1 SEC. 2. SEVERABILITY.

2 If any provision of this Act, an amendment made by
 3 this Act, or the application of such provision or amend-
 4 ment to any person or circumstance is held to be unconsti-
 5 tutional, the remainder of this Act, the amendments made
 6 by this Act, and the application of the provisions of such
 7 to any person or circumstance shall not be affected there-
 8 by.

1 **TITLE I—TRANSFER OF ALIEN**
2 **PRISONERS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Transfer of Alien Pris-
5 oners Act of 1997”.

6 **SEC. 102. TRANSFERS OF ALIEN PRISONERS.**

7 (a) IN GENERAL.—Not later than December 31,
8 1998, the Attorney General shall begin transferring un-
9 documented aliens who are in the United States, incarcer-
10 ated in a Federal, State, or local prison, whose convictions
11 have become final, to the custody of the government of
12 the alien’s country of nationality for service of the dura-
13 tion of the alien’s sentence in the alien’s country.

14 (b) INAPPLICABILITY TO CERTAIN ALIENS.—This
15 section does not apply to aliens who are nationals of a
16 foreign country that the Secretary of State has determined
17 under section 6(j) of the Export Administration Act of
18 1979 has repeatedly provided support for acts of inter-
19 national terrorism.

20 **SEC. 103. CONSENT UNNECESSARY.**

21 (a) TREATY RENEGOTIATION.—The Secretary of
22 State shall renegotiate all treaties requiring the consent
23 of an alien who is in the United States, whether present
24 lawfully or unlawfully, who is, or who is about to be, incar-
25 cerated in a Federal, State, or local prison or jail before

1 such person may be transferred to the country of national-
 2 ity of that person to ensure that no such consent is re-
 3 quired in any case under any treaty. If the Secretary of
 4 State is unable to negotiate with a foreign nation a new
 5 treaty that would go into effect by December 31, 1998,
 6 that does not require such consent, the Secretary shall
 7 withdraw the United States as a party to any existing
 8 treaty requiring such consent.

9 (b) GENERAL REPEAL.—Notwithstanding any other
 10 provision of law, the consent of an alien covered by this
 11 title shall not be required before such alien may be des-
 12 ignated for transfer or before such alien may be trans-
 13 ferred to the country of nationality of that alien.

14 **SEC. 104. CERTIFICATION TRANSFER REQUIREMENT.**

15 Not later than March 1 of each year, the President
 16 shall submit to Congress a certification as to whether each
 17 foreign country has accepted, and has confined for the du-
 18 ration of their sentences, the persons described in section
 19 103(a).

20 **SEC. 105. INTERNATIONAL PRISONER TRANSFER REPORT.**

21 (a) IN GENERAL.—Not later than March 1 of each
 22 year, the President shall transmit to the Majority Leader

1 of the Senate, the Speaker of the House of Representa-
 2 tives, the chairmen and ranking members of the Commit-
 3 tee on the Judiciary and the Committee on Foreign Rela-
 4 tions of the Senate and the Committee on the Judiciary
 5 and the Committee on International Relations of the
 6 House of Representatives a report that—

7 (1) describes the operation of the provisions of
 8 this title; and

9 (2) highlights the effectiveness of those provi-
 10 sions with regard to the 10 countries having the
 11 greatest number of their nationals incarcerated in
 12 the United States, both in transferring such persons
 13 from the United States to their country of national-
 14 ity and in confining such persons for the duration of
 15 their sentences.

16 (b) CONTENTS OF REPORT.—The report prepared
 17 under subsection (a) shall set forth—

18 (1) the number of aliens convicted of a Federal,
 19 State, or local criminal offense in the United States,
 20 and the types of offenses involved, during the pre-
 21 ceding calendar year;

22 (2) the number of aliens described in paragraph
 23 (1) who were sentenced to terms of incarceration;

1 (3) the number of aliens described in paragraph
2 (1) who were eligible for transfer pursuant to those
3 provisions;

4 (4) the number of aliens described in paragraph
5 (2) who were transferred pursuant to the provisions
6 of this title;

7 (5) the number, location, length of their period
8 of incarceration in the United States, and present
9 status of aliens described in paragraph (2) who have
10 not yet been transferred to the country of national-
11 ity;

12 (6) the extent to which each foreign country
13 whose nationals have been convicted of a Federal,
14 State, or local criminal offense in the United States
15 has accepted the transfer of such persons, including
16 the percentage of such persons accepted by each for-
17 eign country;

18 (7) the extent to which each foreign country de-
19 scribed in paragraph (6) has confined such persons
20 for 85 percent of the duration of their sentences, in-
21 cluding the percentage of such persons confined by
22 each foreign country;

23 (8) the extent to which each foreign country de-
24 scribed in paragraph (5) has accomplished (or has

1 failed to accomplish) the goals described in any ap-
2 plicable bilateral or multilateral agreement to which
3 the United States is a party that deals with the sub-
4 ject of the transfer of alien prisoners;

5 (9) for each foreign country described in para-
6 graph (6)—

7 (A) a description of the plans, programs,
8 and timetables adopted by such country to ac-
9 cept its own nationals for crimes committed in
10 the United States;

11 (B) a description of the plans, programs,
12 and timetables adopted by such country for the
13 continued incarceration of its own nationals for
14 crimes committed in the United States;

15 (C) a list of those countries that are nego-
16 tiating in good faith with the United States to
17 establish a mechanism for the transfer, receipt,
18 and continued incarceration of such country's
19 nationals;

20 (D) a list of those countries that have
21 adopted laws or regulations that ensure the
22 transfer, receipt, and incarceration of its na-
23 tionals in accordance with the provisions of this
24 title; and

1 (E) a list of those countries that have
2 adopted laws or regulations that ensure the
3 availability to appropriate United States Gov-
4 ernment personnel of adequate records in con-
5 nection with the transfer, receipt, and continued
6 incarceration of prisoners pursuant to this title;

7 (10) a description of the policies adopted,
8 agreements concluded, and plans and programs im-
9 plemented or proposed by the Federal Government
10 in pursuit of its responsibilities for the prompt
11 transfer of aliens described in subsection (b)(1), as
12 well as for identifying and preventing the re-entry of
13 such persons after their transfer from the United
14 States; and

15 (11) a description of instances of refusals to co-
16 operate with the United States Government regard-
17 ing the transfer of aliens described in subsection
18 (b)(1).

19 **SEC. 106. ANNUAL REPORTS ON FOREIGN ASSISTANCE.**

20 At the time that the report required by section 634
21 of the Foreign Assistance Act of 1961 is submitted each
22 year, the Secretary of State shall submit a copy of such
23 report to the Chairmen and Ranking Members of the
24 Committees on the Judiciary of the House of Representa-
25 tives and the Senate, the Chairman and Ranking Member

1 of the Committee on Foreign Relations of the Senate, and
 2 the Chairman and Ranking Member of the Committee on
 3 International Relations of the House of Representatives.

4 **SEC. 107. ANNUAL CERTIFICATION PROCEDURES.**

5 (a) WITHHOLDING OF BILATERAL ASSISTANCE, OP-
 6 POSITION TO MULTILATERAL DEVELOPMENT ASSIST-
 7 ANCE, AND WITHHOLDING OF VISAS.—

8 (1) BILATERAL ASSISTANCE.—

9 (A) IN GENERAL.—Fifty percent of the
 10 United States assistance allocated each fiscal
 11 year for each foreign country shall be withheld
 12 from obligation and expenditure to any such
 13 country if that country has refused to accept
 14 not less than 75 percent of nationals covered by
 15 this title and designated for transfer by the At-
 16 torney General within either of the 2 imme-
 17 diately preceding fiscal years or to confine such
 18 transferred persons for not less than 85 percent
 19 of their sentence, except as provided in sub-
 20 section (b).

21 (B) INAPPLICABILITY TO CERTAIN COUN-
 22 TRIES.—This paragraph does not apply with re-
 23 spect to a country if the President determines
 24 in accordance with subsection (b) that its appli-
 25 cation to that country would be contrary to the

1 vital national interests of the United States, ex-
 2 cept that any such determination shall not take
 3 effect until not less than 30 days after the
 4 President submits written notification of that
 5 determination to the congressional committees
 6 listed in section 306 in accordance with the pro-
 7 cedures applicable to reprogramming notifica-
 8 tions under section 634A of the Foreign Assist-
 9 ance Act of 1961.

10 (C) BILATERAL ASSISTANCE EXEMP-
 11 TION.—In this subsection, the term “bilateral
 12 assistance” does not include—

13 (i) narcotics-related assistance under
 14 the Foreign Assistance Act of 1961;

15 (ii) disaster relief assistance;

16 (iii) assistance that involves the provi-
 17 sion of food (including monetization of
 18 food) or medicine; or

19 (iv) assistance for refugees.

20 (2) MULTILATERAL ASSISTANCE.—

21 (A) IN GENERAL.—The Secretary of the
 22 Treasury may instruct the United States Exec-
 23 utive Directors of each multilateral development
 24 bank to vote against any loan or other utiliza-
 25 tion of the funds of such bank or institution for

the benefit of any country if that country has refused to accept not less than 75 percent of its nationals covered by this title and designated for transfer by the Attorney General or to confine such transferred persons for not less than 85 percent of their sentences within either of the 2 immediately preceding fiscal years, except as provided in subsection (b).

(B) DEFINITION OF “MULTILATERAL DEVELOPMENT BANK”.—In this paragraph, the term “multilateral development bank” means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

(3) VISAS.—All visas shall be denied to nationals employed by the government of any foreign country if that country has refused to accept not fewer than 75 percent of its nationals covered by this title and designated for transfer by the Attorney General within either of the 2 immediately preceding fiscal years or to confine such transferred persons for not less than 85 percent of their sentences, except as

1 provided in subsection (b), except that the President
2 or the Secretary of State nonetheless may grant
3 visas to heads of state, certified diplomats, or mem-
4 bers of a foreign country's mission to the United
5 Nations.

6 (b) CERTIFICATION PROCEDURES.—

7 (1) WHAT MUST BE CERTIFIED.—Subject to
8 subsection (d), the assistance withheld from a coun-
9 try pursuant to subsection (a)(1) may be obligated
10 and expended, the requirement of subsection (a)(2)
11 to vote against multilateral development bank assist-
12 ance to a country shall not apply, and the withhold-
13 ing of visas from nationals of a country of sub-
14 section (a)(3) shall not apply, if the President deter-
15 mines and certifies to Congress, at the time of the
16 submission of the report required by section 305,
17 that—

18 (A) during the previous year the country
19 has cooperated fully with the United States, or
20 has taken adequate steps on its own, to achieve
21 full compliance with the goals and objectives es-
22 tablished by this title, except that the President
23 may make such a finding only once during any
24 5-year period;

(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) be provided, that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2), and that visas not be withheld pursuant to subsection (a)(3); or

(C) only in the case of multilateral development bank assistance, such assistance is directed specifically to programs that provide, or support a foreign country's ability itself to provide, food, water, clothing, shelter, and medical care of that country.

(2) CONSIDERATIONS REGARDING COOPERATION.—In making the determinations described in subsection (b)(1), the President shall consider the extent to which the country has—

(A) met the goals and objectives of this title;

(B) accomplished the goals described in an applicable bilateral agreement with the United States or a multilateral agreement to implement the provisions and purposes of this title; and

1 (C) taken domestic legal and law enforce-
2 ment measures to implement the provisions and
3 purposes of this title;

4 (3) CASE-BY-CASE WAIVER AUTHORITY.—

5 (A) AUTHORITY.—The President or the
6 Secretary of State may, on a case-by-case basis,
7 allow an alien subject to transfer under section
8 102 to remain in the custody of the Attorney
9 General if the President or Secretary of State
10 determines that doing so is necessary to serve
11 the vital interests of the United States or to
12 protect the life or health of the citizen or na-
13 tional. It is the sense of Congress that such
14 case-by-case determinations rarely should be
15 made.

16 (B) NONDELEGATION OF AUTHORITY.—
17 The authority to make a determination under
18 subparagraph (A) may not be delegated.

19 (4) INFORMATION TO BE INCLUDED IN NA-
20 TIONAL INTEREST CERTIFICATION.—If the President
21 makes a certification with respect to a country pur-
22 suant to subsection (b)(1), the President shall in-
23 clude in such certification—

24 (A) a full and complete description of the
25 vital national interests placed at risk if United

1 States bilateral assistance to that country is
2 terminated pursuant to this section, multilateral
3 development bank assistance is not provided to
4 such country, and visas are not issued to the
5 nationals of such country; and

6 (B) a statement weighing the risk de-
7 scribed in subparagraph (A) against the risks
8 posed to the vital national interests of the Unit-
9 ed States by the failure of such country to co-
10 operate fully with the United States in imple-
11 menting the provisions and purposes of this
12 title.

13 (c) CONGRESSIONAL REVIEW.—Subsection (d) shall
14 apply if, not later than 30 calendar days after receipt of
15 a certification submitted under subsection (b) at the time
16 of submission of the report required by this title, Congress
17 enacts a joint resolution disapproving the determination
18 of the President contained in such certification.

19 (d) DENIAL OF ASSISTANCE FOR COUNTRIES DECER-
20 TIFIED.—If the President does not make a certification
21 under subsection (b) with respect to a country or Congress
22 enacts a joint resolution disapproving such certification,
23 then until such time as the conditions specified in sub-
24 section (e) are satisfied—

1 (1) funds may not be obligated for United
2 States assistance for that government, and funds
3 previously appropriated, but unobligated, for United
4 States assistance for that government may not be
5 expended for the purpose of providing assistance for
6 that government;

7 (2) the requirement to vote against multilateral
8 development bank assistance pursuant to subsection
9 (a)(2) shall apply with respect to that country, with-
10 out regard to the date specified in that subsection;
11 and

12 (3) no visas may be issued to nationals of that
13 country, and no visas already issued shall be held
14 valid by the Department of State, the Immigration
15 and Naturalization Service, or any other department
16 or agency of the Federal Government.

17 (e) RECERTIFICATION.—Subsection (d) shall apply to
18 a country described in that subsection until—

19 (1) the President, at the time of submission of
20 the report required by this title, makes a certifi-
21 cation under subsection (b)(1)(A) or (b)(1)(B) with
22 respect to that country, and Congress does not enact
23 a joint resolution under subsection (c) disapproving
24 the determination of the President contained in that
25 certification; or

1 (2) the President, at any other time, makes the
2 certification described in subsection (b)(1)(A) or
3 subsection (b)(1)(B) with respect to that country,
4 except that this paragraph applies only if either—

5 (A) the President also certifies that—

6 (i) that country has undergone a fun-
7 damental change in government, or

8 (ii) there has been a fundamental
9 change in the conditions that were the rea-
10 sons—

11 (I) why the President had not
12 made a certification with respect to
13 that country under subparagraph (A)
14 or (B) of subsection (b)(1); or

15 (II) if the defendant had made
16 such a certification and Congress en-
17 acted a joint resolution disapproving
18 the determination contained in the
19 certification, why Congress enacted
20 that joint resolution; or

21 (B) Congress enacts a joint resolution ap-
22 proving the determination contained in the cer-
23 tification under subparagraph (A) or (B) of
24 subsection (b)(1).

1 Any certification under paragraph (2)(A) shall discuss the
2 justification for the certification.

3 (f) SENATE PROCEDURES.—Any joint resolution
4 under this section shall be considered in the Senate in ac-
5 cordance with the provisions of section 601(b) of the Inter-
6 national Security Assistance and Arms Export Control Act
7 of 1976.

8 **SEC. 108. PRISONER TRANSFERS TREATIES.**

9 (a) NEGOTIATION.—The Secretary of State shall
10 begin to negotiate and renegotiate, not later than 90 days
11 after the date of enactment of this Act, bilateral prisoner
12 transfer treaties. The focus of such negotiations should
13 be—

14 (1) to expedite the transfer of aliens unlawfully
15 in the United States who are (or are about to be)
16 incarcerated in United States prisons;

17 (2) to ensure that a transferred prisoner serves
18 the balance of the sentence imposed by the United
19 States courts; and

20 (3) to allow the Federal Government or the
21 States to maintain their original prison sentences in
22 effect so that transferred prisoners who return to
23 the United States prior to the completion of their
24 original United States sentences can be returned to
25 custody for the balance of their prison sentences.

1 (b) CERTIFICATION.—The President shall submit to
2 Congress, annually, a certification as to whether each pris-
3 oner transfer treaty in force is effective in returning aliens
4 unlawfully in the United States who have committed of-
5 fenses for which they are incarcerated in the United States
6 to their country of nationality for further incarceration.

7 **SEC. 109. JUDGMENTS UNAFFECTED.**

8 Nothing in this title shall in any way be construed
9 to nullify or reduce the effect of a judgment of conviction
10 and sentence entered by a Federal, State, or local court
11 in the United States.

12 **SEC. 110. DEFINITION.**

13 In this title, the term “United States assistance”
14 means any assistance under the Foreign Assistance Act
15 of 1961.

16 **SEC. 111. REPEALS.**

17 (a) The first sentence in section 4100(a) of title 18,
18 United States Code, is repealed.

19 (b) The first, third, fourth, fifth, and sixth sentences
20 in section 4100(b) of title 18, United States Code, are re-
21 pealed.

22 (c) Subsection (c) of section 4100 of title 18, United
23 States Code is repealed.

24 (d) Subsection (d) of section 4100(a) of title 18,
25 United States Code, is redesignated as subsection (c).

1 (e) Section 330(a)(2) of the Illegal Immigration Re-
 2 form and Immigrant Responsibility Act of 1996 (Public
 3 Law 104–208; 110 Stat. 1704) is amended by inserting
 4 “during fiscal years 1997 and 1998,” after “compensa-
 5 tion,”.

6 (f) Section 330(c) of the Illegal Immigration Reform
 7 and Immigrant Responsibility Act of 1996 (Public Law
 8 104–208; 110 Stat. 1704) is amended by striking “, ex-
 9 cept as required by treaty,”.

10 (g) Section 332 of the Illegal Immigration Reform
 11 and Immigrant Responsibility Act of 1996 (Public Law
 12 104–208; 110 Stat. 1712) is repealed.

13 **TITLE II—EXCLUSIONARY RULE** 14 **REFORM**

15 **Subtitle A—Exclusionary Rule** 16 **Reform**

17 **SEC. 201. SHORT TITLE.**

18 This subtitle may be cited as the “Exclusionary Rule
 19 Reform Act of 1997”.

20 **SEC. 202. ADMISSIBILITY OF CERTAIN EVIDENCE.**

21 (a) IN GENERAL.—Chapter 223 of title 18, United
 22 States Code, is amended by adding at the end the follow-
 23 ing:

1 **“§ 3510. Admissibility of evidence obtained by search**
2 **or seizure**

3 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
4 SONABLE SEARCH OR SEIZURE.—

5 “(1) IN GENERAL.—Evidence that is obtained
6 as a result of a search or seizure shall not be ex-
7 cluded in a proceeding in a court of the United
8 States on the ground that the search or seizure was
9 in violation of the fourth amendment to the Con-
10 stitution of the United States, if the search or sei-
11 zure was carried out in circumstances justifying an
12 objectively reasonable belief that the search or sei-
13 zure was in conformity with the fourth amendment.

14 “(2) PRIMA FACIE EVIDENCE.—The fact that
15 evidence was obtained pursuant to and within the
16 scope of a warrant constitutes prima facie evidence
17 of the existence of circumstances justifying an objec-
18 tively reasonable belief that it was in conformity
19 with the fourth amendment.

20 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
21 RULE.—

22 “(1) IN GENERAL.—Evidence shall not be ex-
23 cluded in a proceeding in a court of the United
24 States on the ground that it was obtained in viola-
25 tion of a statute, an administrative rule or regula-
26 tion, or a rule of procedure unless the exclusion is

1 expressly authorized by statute or by a rule pre-
 2 scribed by the Supreme Court pursuant to statutory
 3 authority.

4 “(2) SPECIAL RULE RELATING TO OBJECTIVELY
 5 REASONABLE SEARCHES AND SEIZURES.—Evidence
 6 that is otherwise excludable under paragraph (1)
 7 shall not be excluded if the search or seizure was
 8 carried out in circumstances justifying an objectively
 9 reasonable belief that the search or seizure was in
 10 conformity with the statute, administrative rule or
 11 regulation, or rule of procedure, the violation of
 12 which occasioned its being excludable.”.

13 (b) RULES OF CONSTRUCTION.—This section and the
 14 amendments made by this section shall not be construed
 15 to require or authorize the exclusion of evidence in any
 16 proceeding. Nothing in this section or the amendments
 17 made by this section shall be construed so as to violate
 18 the fourth amendment to the Constitution of the United
 19 States.

20 (c) CLERICAL AMENDMENT.—The chapter analysis
 21 for chapter 223 of title 18, United States Code, is amend-
 22 ed by adding at the end the following:

“3510. Admissibility of evidence obtained by search or seizure.”.

1 **Subtitle B—Confession Reform**

2 **SEC. 211. ENFORCEMENT OF CONFESSION REFORM STAT-** 3 **UTE.**

4 (a) IN GENERAL.—Section 3501 of title 18, United
 5 States Code, is amended by adding at the end the follow-
 6 ing:

7 “(f) ENFORCEMENT OF CONFESSION REFORM.—

8 “(1) IN GENERAL.—Not later than 90 days
 9 after the date of enactment of the Omnibus Crime
 10 Control Act of 1997, the Attorney General shall pro-
 11 mulgate guidelines that require the Department of
 12 Justice to enforce, and defend nationally, the legality
 13 of this section. Specifically, the Department shall
 14 pursue the admission into evidence of confessions
 15 that are voluntarily given.

16 “(2) VOLUNTARINESS.—In determining the
 17 issue of voluntariness for purposes of this sub-
 18 section—

19 “(A) the Department shall take into con-
 20 sideration all the circumstances surrounding the
 21 giving of the confession, including—

22 “(i) the time elapsing between arrest
 23 and arraignment of the defendant making
 24 the confession, if the confession was made
 25 after arrest and before arraignment;

1 “(ii) whether the defendant knew the
 2 nature of the offense with which he was
 3 charged or of which he was suspected at
 4 the time of making the confession;

5 “(iii) whether the defendant was ad-
 6 vised or knew that he was not required to
 7 make any statement and that any such
 8 statement could be used against him; and

9 “(iv) whether the defendant was with-
 10 out the assistance of counsel when he was
 11 questioned and when he made a confession;

12 “(B) the presence or absence of any of the
 13 factors described in paragraph (1) shall not be
 14 conclusive in the Department’s determination of
 15 whether a confession was voluntary; and

16 “(C) the fact that the defendant had not
 17 been advised prior to questioning of his or her
 18 right to silence and to the assistance of counsel
 19 shall not be dispositive.

20 “(g) DEFINITION OF ANY CRIMINAL PROSECUTION
 21 BY THE UNITED STATES.—In this section—

22 “(1) the term ‘any criminal prosecution by the
 23 United States’ includes any prosecution by the Unit-
 24 ed States under the Uniform Code of Military Jus-
 25 tice; and

1 “(2) the term ‘offenses against the laws of the
 2 United States’ includes offense defined by the Uni-
 3 form Code of Military Justice.”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 subsection (a) shall take effect on the date of enactment
 6 of this Act and shall apply to any criminal prosecution
 7 brought by or under the authority of the United States,
 8 including a military prosecution or a prosecution brought
 9 by the District of Columbia, regardless of whether that
 10 prosecution has begun or has concluded and has yet to
 11 become final.

12 **TITLE III—VIOLENT CRIME,** 13 **DRUGS, AND TERRORISM**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Drug Investigation
 16 Support and Antiterrorism Act of 1997”.

17 **Subtitle A—Criminal Penalties and** 18 **Procedures**

19 **SEC. 311. PROTECTION OF THE OLYMPICS.**

20 (a) IN GENERAL.—Section 1111 of title 18, United
 21 States Code, is amended by adding at the end the follow-
 22 ing:

23 “(c) OLYMPIC GAMES.—

24 “(1) IN GENERAL.—Whoever kills a person dur-
 25 ing and in relation to any international Olympic

1 Games that are held within any State shall be pun-
 2 ished in accordance with subsection (b) and section
 3 1112.

4 “(2) AMENDMENT.—Whoever attempts to vio-
 5 late this subsection shall be punished in accordance
 6 with section 1113.

7 “(3) STATE DEFINED.—In this subsection, the
 8 term ‘State’ means each of the several States, the
 9 District of Columbia, and any territory or possession
 10 of the United States.”.

11 (b) INTERNATIONALLY PROTECTED PERSONS.—Sec-
 12 tion 1116 (b)(4) of title 18, United States Code, is amend-
 13 ed—

14 (1) by striking “or at the end of subparagraph
 15 (A)”;

16 (2) by striking the period at the end of sub-
 17 paragraph (B), and inserting “; or”; and

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

19 “(C) any participant or guest attending
 20 any international sporting event sponsored or
 21 sanctioned by the International Olympic Com-
 22 mittee or the United States Olympic Committee
 23 incorporated under the Act entitled ‘An Act to

1 incorporate the United States Olympic Associa-
 2 tion’, approved September 21, 1950 (36 U.S.C.
 3 371 et seq.).”.

4 **SEC. 312. FEDERAL RESPONSIBILITY FOR SECURITY AT**
 5 **INTERNATIONAL ATHLETIC COMPETITIONS.**

6 (a) IN GENERAL.—

7 (1) DUTY OF ATTORNEY GENERAL.—The Attor-
 8 ney General, in consultation with the Secretary of
 9 State and the Secretary of the Treasury, shall super-
 10 vise other Federal authorities and personnel in the
 11 provision of security services (including conducting a
 12 comprehensive review of plans for the housing of
 13 athletes and other eligible guests) by establishing a
 14 task force to be known as the “Olympic Security
 15 Task Force” (referred to in this subsection as the
 16 “task force”).

17 (2) DUTIES OF TASK FORCE.—The task force
 18 shall assist the Attorney General in overseeing secu-
 19 rity for any international Olympic Games held in
 20 any State.

21 (3) STATE DEFINED.—In this section, the term
 22 “State” means each of the several States, the Dis-
 23 trict of Columbia, and any territory or possession of
 24 the United States.

25 (b) TASK FORCE COMPOSITION.—

1 (1) IN GENERAL.—The Attorney General shall
2 determine the number of members and composition
3 of the task force in accordance with this section. The
4 Attorney General shall appoint representatives from
5 State and local law enforcement to serve as members
6 of the task force.

7 (2) REPRESENTATIVES.—In addition to the
8 members referred to in paragraph (1), the Attorney
9 General may appoint as members representatives
10 of—

11 (A) the Federal Bureau of Investigation;

12 (B) the Department of Defense;

13 (C) the Secret Service;

14 (D) the United States Marshals Service;

15 (E) the United States Attorney with juris-
16 diction over a venue for Olympic Games (re-
17 ferred to in this section as an “Olympic
18 venue”);

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

21 (G) the Central Intelligence Agency; and

22 (H) any other appropriate agency of the
23 Federal Government, as the Attorney General
24 determines to be appropriate.

1 (c) DISBANDING OF TASK FORCE.—The President
 2 may disband the task force and relieve the Attorney Gen-
 3 eral of responsibility for supervising security at inter-
 4 national Olympic Games, if the President finds that ap-
 5 propriate State or local law enforcement officials refused,
 6 or otherwise failed adequately to participate in, the plan-
 7 ning, preparation, or execution of a plan providing for se-
 8 curity under this section.

9 (d) ASSISTANCE.—

10 (1) IN GENERAL.—In carrying out this section,
 11 the Attorney General may request assistance from—

12 (A) the head of any department or agency
 13 of the United States; and

14 (B) the appropriate officials of any appro-
 15 priate department or agency of the State in
 16 which an Olympic venue is located (referred to
 17 in this section as the “host State”), or any po-
 18 litical subdivision of such State, including State
 19 and local law enforcement officials in the host
 20 State to ensure the effective implementation of
 21 security under this subsection.

22 (2) UNITED STATES OLYMPIC ORGANIZING COM-
 23 MITTEE.—The Attorney General may request the
 24 United States Olympic Committee (incorporated
 25 under the Act entitled “An Act to incorporate the

1 United States Olympic Association”, approved Sep-
 2 tember 21, 1950 (36 U.S.C. 371 et seq.)) and the
 3 Olympic organizing committee of the city in which
 4 an Olympic venue is located (referred to in this sec-
 5 tion as a “host city”) to provide all reasonable co-
 6 operation and assistance required to carry out this
 7 subsection. Upon receipt of such a request, the Unit-
 8 ed States Olympic Committee and organizing com-
 9 mittees shall endeavor to provide that assistance.

10 (e) AGREEMENTS AND REGULATIONS.—To carry out
 11 this section, the Attorney General may enter into inter-
 12 agency or intergovernmental agreements and promulgate
 13 regulations.

14 (f) EXPEDITED REVIEW.—In the case of Olympic
 15 Games that occur after the date of enactment of this Act
 16 in the United States with respect to which the Olympic
 17 venue is selected before the date of enactment of this sec-
 18 tion, the review of housing required by paragraph (1) shall
 19 be conducted not later than 120 days after such date of
 20 enactment. The review shall consider the suitability of the
 21 proposed Olympic Village site, building options, and any
 22 other issue the Attorney General considers appropriate to
 23 ensure maximum security for the Olympic Village, its resi-
 24 dents, and its environs.

1 (g) CONSTRUCTION.—Nothing in this section shall be
 2 construed to create a cause of action against the United
 3 States or any officer or employee of the United States in
 4 favor of any person who is not otherwise authorized.

5 **SEC. 313. TECHNICAL REVISION TO PENALTIES FOR**
 6 **CRIMES COMMITTED WITH EXPLOSIVES.**

7 Section 844 of title 18, United States Code, is
 8 amended—

9 (1) in subsection (f)(1), by inserting “or any in-
 10 stitution or organization receiving Federal financial
 11 assistance,” after “or agency thereof,”; and

12 (2) by striking subsection (i) and inserting the
 13 following:

14 “(i) MALICIOUS DESTRUCTION BY FIRE OR EXPLO-
 15 SIVES.—

16 “(1) IN GENERAL.—Whoever maliciously dam-
 17 ages or destroys, or attempts to damage or destroy,
 18 by means of fire or an explosive, any building, vehi-
 19 cle, public place, or other personal or real property
 20 used in interstate or foreign commerce or used in
 21 any activity affecting interstate or foreign commerce,
 22 shall be imprisoned for a period of not less than 5
 23 years and not more than 20 years, fined under this
 24 title, or both.

1 “(2) PERSONAL INJURY.—Whoever engages in
 2 conduct prohibited by this subsection, and as a re-
 3 sult of such conduct, directly or proximately causes
 4 personal injury or creates a substantial risk of injury
 5 to any person, including any public safety officer
 6 performing duties, shall be imprisoned for a period
 7 of not less than 7 years and not more than 40 years,
 8 fined under this title, or both.

9 “(3) DEATH.—Whoever engages in conduct
 10 prohibited by this subsection, and as a result of such
 11 conduct directly or proximately causes the death of
 12 any person, including any public safety officer per-
 13 forming duties, shall be subject to the death penalty,
 14 or imprisoned for not less than 20 years or for life,
 15 fined under this title, or both.”.

16 **SEC. 314. CHEMICAL WEAPONS RESTRICTIONS.**

17 (a) IN GENERAL.—Section 2332c of title 18, United
 18 States Code, is amended—

19 (1) in subsection (a), by inserting after para-
 20 graph (2) the following:

21 “(3) RESTRICTIONS.—

22 “(A) IN GENERAL.—Whoever without law-
 23 ful authority knowingly develops, produces, ac-
 24 quires, stockpiles, retains, transfers, owns, or
 25 possesses any chemical weapon, or knowingly

1 assists, encourages or induces any person to do
 2 so, or attempts or conspires to do so, shall be
 3 punished under paragraph (2).

4 “(B) JURISDICTION.—The United States
 5 has jurisdiction over an offense under this para-
 6 graph if—

7 “(i) the prohibited activity takes place
 8 in the United States; or

9 “(ii) the prohibited activity takes
 10 place outside the United States and is
 11 committed by a national of the United
 12 States.

13 “(C) ADDITIONAL PENALTY.—The court
 14 shall order any person convicted of an offense
 15 under this paragraph to pay to the United
 16 States any expenses incurred incident to the
 17 seizure, storage, handling, transportation, and
 18 destruction or other disposition of property
 19 seized for violation of this section.”;

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

21 “(c) CRIMINAL FORFEITURE.—

22 “(1) PROPERTY SUBJECT TO CRIMINAL FOR-
 23 FEITURE.—A person who is convicted of an offense
 24 under this section shall forfeit to the United States
 25 the interest of that person in—

1 “(A) any chemical weapon, including any
2 component thereof;

3 “(B) any property, real or personal, con-
4 stituting or traceable to gross profits or other
5 proceeds obtained from such offense; and

6 “(C) any property, real or personal, used
7 or intended to be used to commit or to promote
8 the commission of the offense.

9 “(2) THIRD PARTY TRANSFERS.—

10 “(A) IN GENERAL.—All right, title, and in-
11 terest in property described in subsection (a) of
12 this section vests in the United States upon the
13 commission of the act giving rise to forfeiture
14 under this section.

15 “(B) FORFEITURE.—Except as provided in
16 subparagraph (C), any property referred to in
17 subparagraph (A) that is subsequently trans-
18 ferred to a person other than the defendant
19 may be the subject of a special verdict of for-
20 feiture and thereafter shall be ordered forfeited
21 to the United States.

22 “(C) EXCEPTION.—The property referred
23 to in subparagraph (B) shall not be ordered for-
24 feited if the transferee establishes in a hearing
25 conducted pursuant to subsection (l) that the

1 party is a bona fide purchaser for value of such
 2 property who, at the time of purchase, was rea-
 3 sonably without cause to believe that the prop-
 4 erty was subject to forfeiture under this section.

5 “(3) PROTECTIVE ORDERS.—

6 “(A) IN GENERAL.—Upon application of
 7 the United States, the court may enter a re-
 8 straining order or injunction, require the execu-
 9 tion of a satisfactory performance bond, or take
 10 any other action to preserve the availability of
 11 property described in subsection (a) for forfeit-
 12 ure under this section—

13 “(i) upon the filing of an indictment
 14 or information—

15 “(I) charging a violation of this
 16 chapter for which criminal forfeiture
 17 may be ordered under this section;
 18 and

19 “(II) alleging that the property
 20 with respect to which the order is
 21 sought would, in the event of convic-
 22 tion, be subject to forfeiture under
 23 this section; or

24 “(ii) prior to the filing of an indict-
 25 ment or information referred to in clause

1 (i), if, after providing notice to persons ap-
2 pearing to have an interest in the property
3 and opportunity for a hearing, the court
4 determines that—

5 “(I) there is a substantial prob-
6 ability that the United States will pre-
7 vail on the issue of forfeiture and that
8 failure to enter the order will result in
9 the property being destroyed, removed
10 from the jurisdiction of the court, or
11 otherwise made unavailable for forfeit-
12 ure; and

13 “(II) the need to preserve the
14 availability of the property through
15 the entry of the requested order out-
16 weighs the hardship on any party
17 against whom the order is to be en-
18 tered;

19 except that an order entered pursuant to
20 subparagraph (B) shall be effective for a
21 period not to exceed 90 days, unless ex-
22 tended by the court for good cause shown
23 or unless an indictment or information de-
24 scribed in this subparagraph has been
25 filed.

1 “(B) TEMPORARY RESTRAINING OR-
2 DERS.—

3 “(i) IN GENERAL.—A temporary re-
4 straining order under this subsection may
5 be entered upon application of the United
6 States without notice or opportunity for a
7 hearing when an information or indictment
8 has not yet been filed with respect to the
9 property, if the United States dem-
10 onstrates that there is probable cause to
11 believe that—

12 “(I) the property with respect to
13 which the order is sought would, in
14 the event of conviction, be subject to
15 forfeiture under this section; and

16 “(II)(aa) exigent circumstances
17 exist that place the life or health of
18 any person in danger; or

19 “(bb) that provision of notice will
20 jeopardize the availability of the prop-
21 erty for forfeiture.

22 “(ii) EXPIRATION.—A temporary re-
23 straining order described in clause (i) shall
24 expire not later than 10 days after the

1 date on which the order is entered, un-
2 less—

3 “(I) the order is extended for
4 good cause shown; or

5 “(II) the party against whom it
6 is entered consents to an extension for
7 a longer period.

8 “(iii) HEARING.—A hearing requested
9 concerning an order entered under this
10 paragraph shall be held at the earliest pos-
11 sible time and prior to the expiration of
12 the temporary order.

13 “(C) INAPPLICABILITY OF FEDERAL
14 RULES OF EVIDENCE.—The court may receive
15 and consider, at a hearing held pursuant to this
16 paragraph, evidence and information that would
17 otherwise be inadmissible under the Federal
18 Rules of Evidence.

19 “(d) WARRANT OF SEIZURE.—

20 “(1) IN GENERAL.—The Government of the
21 United States may request the issuance of a warrant
22 authorizing the seizure of property subject to forfeit-
23 ure under this section in the same manner as pro-
24 vided for a search warrant.

1 “(2) DETERMINATIONS BY COURT.—The court
 2 shall issue a warrant authorizing the seizure of the
 3 property referred to in paragraph (1) if the court de-
 4 termines that there is probable cause to believe
 5 that—

6 “(A) the property to be seized would, in
 7 the event of conviction, be subject to forfeiture;
 8 and

9 “(B) an order under subsection (c) may
 10 not be sufficient to ensure the availability of the
 11 property for forfeiture.

12 “(e) ORDER OF FORFEITURE.—The court shall order
 13 forfeiture of property referred to in subsection (a) if the
 14 trier of fact determines, by a preponderance of the evi-
 15 dence, that the property is subject to forfeiture.

16 “(f) EXECUTION.—

17 “(1) IN GENERAL.—Upon entry of an order of
 18 forfeiture or temporary restraining order under this
 19 section, the court shall authorize the Attorney Gen-
 20 eral to seize all property ordered forfeited or re-
 21 strained on such terms and conditions as the court
 22 determines to be appropriate.

23 “(2) ACTIONS BY COURT.—Following entry of
 24 an order declaring the property forfeited, the court
 25 may, upon application of the United States, enter

1 such appropriate restraining orders or injunctions,
 2 require the execution of satisfactory performance
 3 bonds, appoint receivers, conservators, appraisers,
 4 accountants, or trustees, or take any other action to
 5 protect the interest of the United States in the prop-
 6 erty ordered forfeited.

7 “(3) OFFSET.—Any income accruing to or de-
 8 rived from property ordered forfeited under this sec-
 9 tion may be used to offset ordinary and necessary
 10 expenses to the property that—

11 “(A) are required by law; or

12 “(B) are necessary to protect the interests
 13 of the United States or third parties.

14 “(g) DISPOSITION OF PROPERTY.—

15 “(1) IN GENERAL.—Following the seizure of
 16 property ordered forfeited under this section, the At-
 17 torney General shall, making due provision for the
 18 rights of any innocent persons—

19 “(A) destroy or retain for official use any
 20 article described in paragraph (1) of subsection
 21 (a); and

22 “(B) retain for official use or direct the
 23 disposition of any property described in para-
 24 graph (2) or (3) of subsection (a) by sale or
 25 any other commercially feasible means.

1 “(2) REVERSION PROHIBITED.—With respect to
 2 the forfeiture, any property right or interest not ex-
 3 ercisable by, or transferable for value to, the United
 4 States shall expire and shall not revert to the de-
 5 fendant, nor shall the defendant or any person act-
 6 ing in concert with the defendant or on behalf of the
 7 defendant be eligible to purchase forfeited property
 8 at any sale held by the United States.

9 “(3) RESTRAINT OF SALE OR DISPOSITION.—
 10 Upon application of a person, other than the defend-
 11 ant or person acting in concert with the defendant
 12 or on behalf of the defendant, the court may restrain
 13 or stay the sale or disposition of the property pend-
 14 ing the conclusion of any appeal of the criminal case
 15 giving rise to the forfeiture, if the applicant dem-
 16 onstrates that proceeding with the sale or disposition
 17 of the property will result in irreparable injury,
 18 harm, or loss to the applicant.

19 “(h) AUTHORITY OF ATTORNEY GENERAL.—With re-
 20 spect to property ordered forfeited under this section, the
 21 Attorney General may—

22 “(1) grant petitions for mitigation or remission
 23 of forfeiture, restore forfeited property to victims of
 24 a violation of this section, or take any other action
 25 to protect the rights of innocent persons that—

1 “(A) is in the interest of justice; and

2 “(B) is not inconsistent with this section;

3 “(2) compromise claims arising under this sec-
4 tion;

5 “(3) award compensation to persons providing
6 information resulting in a forfeiture under this sec-
7 tion;

8 “(4) direct the disposition by the United States,
9 under section 616 of the Tariff Act of 1930 (19
10 U.S.C. 1616a), of all property ordered forfeited
11 under this section by public sale or any other com-
12 mercially feasible means, making due provision for
13 the rights of innocent persons; and

14 “(5) take such appropriate measures as are
15 necessary to safeguard and maintain property or-
16 dered forfeited under this section pending the dis-
17 position of that property.

18 “(i) BAR ON INTERVENTION.—Except as provided in
19 subsection (l), no party claiming an interest in property
20 subject to forfeiture under this section may—

21 “(1) intervene in a trial or appeal of a criminal
22 case involving the forfeiture of that property under
23 this section; or

24 “(2) commence an action at law or equity
25 against the United States concerning the validity of

1 the alleged interest of that party in the property
2 subsequent to the filing of an indictment or informa-
3 tion alleging that the property is subject to forfeit-
4 ure under this section.

5 “(j) JURISDICTION TO ENTER ORDERS.—Each dis-
6 trict court of the United States shall have jurisdiction to
7 enter an order of forfeiture under this section without re-
8 gard to the location of any property that—

9 “(1) may be subject to forfeiture under this sec-
10 tion; or

11 “(2) has been ordered forfeited under this sec-
12 tion.

13 “(k) DEPOSITIONS.—In order to facilitate the identi-
14 fication and location of property declared forfeited under
15 this section and to facilitate the disposition of petitions
16 for remission or mitigation of forfeiture, after the entry
17 of an order declaring property forfeited to the United
18 States under this section, the court may, upon application
19 of the United States, order that—

20 “(1) the testimony of any witness relating to
21 the property forfeited be taken by deposition; and

22 “(2) any designated book, paper, document,
23 record, recording, or other material that is not privi-
24 leged be produced at the same time and place, and
25 in the same manner, as provided for the taking of

depositions under rule 15 of the Federal Rules of Criminal Procedure.

“(1) THIRD PARTY INTERESTS.—

“(1) IN GENERAL.—

“(A) NOTICE.—Following the entry of an order of forfeiture under this section, the United States Government shall publish notice of the order and of the intent of the Government to dispose of the property in such manner as the Attorney General may direct.

“(B) DIRECT WRITTEN NOTICE.—In addition to providing the notice described in subparagraph (A), the Government may, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

“(2) PETITION BY PERSON OTHER THAN DEFENDANT.—

“(A) IN GENERAL.—Any person, other than the defendant, who asserts a legal interest in property that has been ordered forfeited to the United States pursuant to this section may petition the court for a hearing to adjudicate

1 the validity of his alleged interest in the prop-
 2 erty not later than the earlier of—

3 “(i) the date that is 30 days after the
 4 final publication of notice; or

5 “(ii) the date that is 30 days after the
 6 receipt of notice by the person under para-
 7 graph (1).

8 “(B) REQUIREMENTS FOR HEARING.—A
 9 hearing described in subparagraph (A) shall be
 10 held before the court without a jury.

11 “(3) REQUIREMENTS FOR PETITION.—A peti-
 12 tion referred to in paragraph (2) shall—

13 “(A) be signed by the petitioner under
 14 penalty of perjury; and

15 “(B) set forth—

16 “(i) the nature and extent of the peti-
 17 tioner’s right, title, or interest in the prop-
 18 erty;

19 “(ii) the time and circumstances of
 20 the petitioner’s acquisition of the right,
 21 title, or interest in the property;

22 “(iii) the relief sought; and

23 “(iv) any additional facts supporting
 24 the petitioner’s claim.

25 “(4) DATE; CONSOLIDATION.—

1 “(A) DATE OF HEARING.—The hearing on
 2 a petition referred to in paragraph (2) shall, to
 3 the extent practicable and consistent with the
 4 interests of justice, be held not later than 30
 5 days after the filing of the petition.

6 “(B) CONSOLIDATION.—The court may
 7 consolidate the hearing on the petition with a
 8 hearing on any other petition filed by a person
 9 other than the defendant under this subsection.

10 “(5) ACTIONS AT HEARINGS.—

11 “(A) IN GENERAL.—At a hearing referred
 12 to in paragraph (4)—

13 “(i) the petitioner may testify and
 14 present evidence and witnesses on his or
 15 her own behalf, and cross-examine wit-
 16 nesses who appear at the hearing; and

17 “(ii) the Government may present evi-
 18 dence and witnesses in rebuttal and in de-
 19 fense of its claim to the property that is
 20 the subject and cross-examine witnesses
 21 who appear at the hearing.

22 “(B) CONSIDERATION BY COURT.—In ad-
 23 dition to considering testimony and evidence
 24 presented at the hearing, the court shall con-
 25 sider the relevant portions of the record of the

1 criminal case that resulted in the order of for-
 2 feiture.

3 “(6) AMENDMENT OF ORDER OF FORFEIT-
 4 URE.—If, after holding a hearing under this sub-
 5 section, the court determines that a petitioner has
 6 established by a preponderance of the evidence —

7 “(A) that—

8 “(i) the petitioner has a legal right,
 9 title, or interest in the property that is the
 10 subject of the hearing; and

11 “(ii) right, title, or interest renders
 12 the order of forfeiture invalid in whole or
 13 in part because the right, title, or inter-
 14 est—

15 “(I) was vested in the petitioner
 16 rather than the defendant; or

17 “(II) was superior to any right,
 18 title, or interest of the defendant at
 19 the time of the commission of the acts
 20 which gave rise to the forfeiture of the
 21 property under this section; or

22 “(B) that the petitioner is a bona fide pur-
 23 chaser for value of the right, title, or interest
 24 in the property and was at the time of purchase
 25 reasonably without cause to believe that the

1 property was subject to forfeiture under this
 2 section;
 3 the court shall amend the order of forfeiture in ac-
 4 cordance with its determination.

5 “(7) ACTIONS OF COURT AFTER DISPOSITION
 6 OF PETITION.—After the disposition of the court of
 7 all petitions filed under this subsection, or if no such
 8 petitions are filed after the expiration of the period
 9 specified in paragraph (2), the United States—

10 “(A) shall have clear title to property that
 11 is the subject of the order of forfeiture; and

12 “(B) may warrant good title to any subse-
 13 quent purchaser or transferee.

14 “(m) CONSTRUCTION.—This section shall be liberally
 15 construed in such manner as to effectuate the remedial
 16 purposes of this section.

17 “(n) SUBSTITUTE ASSETS.—

18 “(1) IN GENERAL.—In accordance with para-
 19 graph (2), the court shall order the forfeiture of
 20 property of a defendant other than property de-
 21 scribed in subsection (a) if, as a result of an act or
 22 omission of the defendant, any of the property of the
 23 defendant that is described in subsection (a)—

24 “(A) cannot be located upon the exercise of
 25 due diligence;

1 “(B) has been transferred or sold to, or
2 deposited with, a third party;

3 “(C) has been placed beyond the jurisdic-
4 tion of the court;

5 “(D) has been substantially diminished in
6 value; or

7 “(E) has been commingled with other
8 property which cannot be divided without dif-
9 ficulty.

10 “(2) VALUE OF PROPERTY.—The value of any
11 property subject to forfeiture under paragraph (1)
12 shall not exceed the value of property of the defend-
13 ant with respect to which subparagraph (A), (B),
14 (C), (D), or (E) of paragraph (1) applies.”; and

15 (3) by striking the section heading and insert-
16 ing the following:

17 **“SEC. 2332c. USE AND STOCKPILING OF CHEMICAL WEAP-**
18 **ONS.”.**

19 (b) CONFORMING AMENDMENT TO FEDERAL RULES
20 OF EVIDENCE.—Section 1101(d)(3) of the Federal Rules
21 of Evidence is amended by striking “; and proceedings
22 with respect to release on bail or otherwise” and inserting
23 “, proceedings with respect to release on bail or otherwise;
24 and proceedings under section 2232c(c)(3) of title 18,
25 United States Code (except that the rules with respect to

1 privilege under subsection (c) of this section also shall
2 apply).”.

3 (c) CONFORMING AMENDMENT.—The chapter analy-
4 sis for chapter 113B of title 18, United States Code, is
5 amended by striking the item relating to section 2332b
6 and inserting the following:

“2332c. Use and stockpiling of chemical weapons.”.

7 **Subtitle B—International** 8 **Terrorism**

9 **SEC. 321. MULTILATERAL SANCTIONS.**

10 (a) POLICY ON ESTABLISHMENT OF SANCTIONS RE-
11 GIMES.—

12 (1) POLICY.—Congress urges the President to
13 commence immediately after the date of enactment
14 of this Act diplomatic efforts, in appropriate inter-
15 national fora (including the United Nations) and bi-
16 laterally, with allies of the United States, to estab-
17 lish, as appropriate, a multilateral sanctions regime
18 against each country that the Secretary of State de-
19 termines under section 6(j) of the Export Adminis-
20 tration Act of 1979 (50 U.S.C. App. 2405(j)) to
21 have repeatedly provided support for acts of inter-
22 national terrorism.

23 (2) REPORT.—The President shall include in
24 the annual report on patterns of global terrorism

1 prepared under section 143 a description of the ex-
 2 tent to which the diplomatic efforts referred to in
 3 paragraph (1) have been carried out and the degree
 4 of success of those efforts.

5 (b) ACTION PLANS FOR DESIGNATED TERRORIST
 6 NATIONS.—The President shall provide to Congress as a
 7 part of each report on patterns of global terrorism pre-
 8 pared under section 143 a plan of action (to be known
 9 as an “action plan”) for inducing each country referred
 10 to in paragraph (1) to cease the support of that country
 11 for acts of international terrorism.

12 **SEC. 322. INFORMATION ON COOPERATION WITH UNITED**
 13 **STATES ANTITERRORISM EFFORTS IN AN-**
 14 **NUAL COUNTRY REPORTS ON TERRORISM.**

15 Section 140 of the Foreign Relations Authorization
 16 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is
 17 amended—

18 (1) in subsection (a)—

19 (A) by striking “and” at the end of para-
 20 graph (1);

21 (B) by striking the period at the end of
 22 paragraph (2) and inserting a semicolon; and

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

1 “(3) with respect to each foreign country from
 2 which the United States Government has sought co-
 3 operation during the preceding 5-year period in the
 4 investigation or prosecution of an act of inter-
 5 national terrorism against United States citizens or
 6 interests, information on—

7 “(A) the extent to which the government of
 8 the foreign country is cooperating with the
 9 United States Government in apprehending,
 10 convicting, and punishing each individual re-
 11 sponsible for the act; and

12 “(B) the extent to which the government
 13 of the foreign country is cooperating in prevent-
 14 ing further acts of terrorism against United
 15 States citizens in the foreign country; and

16 “(4) with respect to each foreign country from
 17 which the United States Government has sought co-
 18 operation during the preceding 5-year period in the
 19 prevention of an act of international terrorism
 20 against such citizens or interests, the information
 21 described in paragraph (3)(B).”; and

22 (2) in subsection (c)—

23 (A) by striking “The report” and inserting
 24 the following:

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the report”; and

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

4 “(2) CLASSIFIED FORM.—If the Secretary of
5 State determines that the transmittal of the infor-
6 mation under paragraph (3) or (4) of subsection (a)
7 in classified form with respect to a foreign country
8 would increase the likelihood of cooperation of the
9 government of the foreign country (as specified in
10 that paragraph), the Secretary may transmit the in-
11 formation under that paragraph in classified form.”.

12 **SEC. 323. REPORT ON INTERNATIONAL TERRORISM.**

13 (a) ANNUAL REPORT.—Not later than 60 days after
14 the date of enactment of this Act, and annually thereafter,
15 at the same time as the Secretary of State submits the
16 report required by section 140 of the Foreign Relations
17 Authorization Act, Fiscal Years 1988 and 1989 (22
18 U.S.C. 2656f), the Secretary of State, in consultation with
19 the Director of Central Intelligence, shall submit, in classi-
20 fied and unclassified versions, to the Speaker and the Mi-
21 nority Leader of the House of Representatives, the Major-
22 ity Leader and the Minority Leader of the Senate, the
23 chairman and the ranking minority member of the Com-
24 mittee on International Relations of the House of Rep-
25 resentatives, and the chairman and the ranking minority

1 member of the Committee on Foreign Relations of the
2 Senate a report that includes—

3 (1) an assessment of—

4 (A) the magnitude of the anticipated
5 threat from international terrorism to United
6 States interests, persons, and property in the
7 United States and abroad, including the names
8 and background of major terrorist groups and
9 the leadership of those groups;

10 (B) the sources of financial and logistical
11 support of the groups;

12 (C) the nature and scope of the human
13 and technical infrastructure;

14 (D) the goals, doctrine, and strategies of
15 the groups;

16 (E) the quality and type of education and
17 training of the groups;

18 (F) the level of advancement of the groups;

19 (G) the bases of operation and training of
20 the groups;

21 (H) the operational capabilities of the
22 groups;

23 (I) the bases of recruitment of the groups;

24 (J) the linkages with governmental and
25 nongovernmental actors (such as ethnic groups,

1 religious communities, or criminal organiza-
2 tions) of the groups; and

3 (K) the intent and capability of each of the
4 groups to access and use weapons of mass de-
5 struction;

6 (2) a detailed assessment of any country that
7 provided support of any type for international ter-
8 rorism, terrorist groups, or individual terrorists, in-
9 cluding any country with respect to which the gov-
10 ernment of that country knowingly allowed terrorist
11 groups or individuals to transit or reside in the terri-
12 tory of that country, without regard to whether ter-
13 rorist acts were committed by the terrorist groups or
14 individuals in that territory;

15 (3) a detailed assessment of efforts of individual
16 countries to take effective action against countries
17 that the Secretary of State determines under section
18 6(j) of the Export Administration Act of 1979 (50
19 U.S.C. App. 2405(j)) to have repeatedly supported
20 acts of international terrorism, including the status
21 of—

22 (A) compliance with international sanc-
23 tions; and

24 (B) bilateral economic relations; and

1 (4)(A) a detailed assessment of efforts of the
2 United States Government to carry out this section;
3 and

4 (B) an identification of any failure or insuffi-
5 cient action on the part of the Government to carry
6 out this section.

7 (b) CONTENT OF ASSESSMENTS.—An assessment
8 under subsection (a)(1) shall—

9 (1) characterize the quality of the information
10 that supports the assessment and identify areas that
11 require enhanced information; and

12 (2) identify and analyze potential vulnerabilities
13 of terrorist groups that could serve to guide the de-
14 velopment of governmental policy.

15 (c) SUBMISSION TO THE COMMISSION ON TERROR-
16 ISM.—During the period that the National Commission on
17 Terrorism established under section 341 is operating, the
18 President shall submit a property of each report prepared
19 under subsection (a).

20 **SEC. 324. REVISION OF DEPARTMENT OF STATE REWARDS**
21 **PROGRAM.**

22 (a) IN GENERAL.—Section 36 of the State Depart-
23 ment Basic Authorities Act of 1956 (22 U.S.C. 2708) is
24 amended to read as follows:

1 **“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—The Secretary of State
4 shall establish a program for the payment of re-
5 wards by the Secretary in accordance with this sec-
6 tion.

7 “(2) CONSULTATION.—The rewards program
8 established under paragraph (1) shall be adminis-
9 tered by the Secretary of State, in consultation (as
10 appropriate), with the Attorney General.

11 “(b) REWARDS PROGRAM.—

12 “(1) The rewards program established under
13 subsection (a)(1) shall be designed to assist in the
14 prevention of acts of international terrorism, inter-
15 national narcotics trafficking, and other related
16 criminal acts.

17 “(2) At the sole discretion of the Secretary of
18 State and in consultation, as appropriate, with the
19 Attorney General, the Secretary of State may pay a
20 reward to any individual who furnishes information
21 leading to—

22 “(A) the arrest or conviction in any coun-
23 try of any individual for the commission of an
24 act of international terrorism against a person
25 or property;

1 “(B) the arrest or conviction in any coun-
2 try of any individual conspiring or attempting
3 to commit an act of international terrorism
4 against a United States person or United
5 States property;

6 “(C) the arrest or conviction in any coun-
7 try of any individual for committing, primarily
8 outside the territorial jurisdiction of the United
9 States, any narcotics-related offense if that of-
10 fense involves or is a significant part of conduct
11 that involves—

12 “(i) a violation of United States nar-
13 cotics laws which is such that the individ-
14 ual would be a major violator of such laws;

15 “(ii) the killing or kidnapping of—

16 “(I) any officer, employee, or
17 contract employee of the United
18 States Government while that individ-
19 ual is engaged in official duties, or on
20 account of the performance of official
21 duties of that individual, in connection
22 with—

23 “(aa) the enforcement of
24 United States narcotics laws; or

1 “(bb) the implementation of
2 United States narcotics control
3 objectives; or

4 “(II) a member of the immediate
5 family of any individual described in
6 subclause (I) on account of the official
7 duties of that individual in connection
8 with—

9 “(aa) the enforcement of
10 United States narcotics laws; or

11 “(bb) the implementation of
12 United States narcotics control
13 objectives; or

14 “(iii) an attempt or conspiracy to
15 commit any act described in clause (i) or
16 (ii);

17 “(D) the arrest or conviction in any coun-
18 try of any individual who aids or abets in the
19 commission of an act described in subparagraph
20 (A), (B), or (C); or

21 “(E) the prevention, frustration, or favor-
22 able resolution of an act described in subpara-
23 graph (A), (B), or (C).

24 “(c) COORDINATION.—

1 “(1) IN GENERAL.—To ensure that the pay-
2 ment of rewards under this section does not dupli-
3 cate or interfere with the payment of informants or
4 the obtaining of evidence or information, as author-
5 ized for the Department of Justice, the offering, ad-
6 ministration, and payment of rewards under this
7 section shall be conducted in accordance with proce-
8 dures that the Secretary of State, in consultation
9 with the Attorney General, shall establish.

10 “(2) CONTENTS OF PROCEDURES.—The proce-
11 dures referred to in paragraph (2) shall include pro-
12 cedures for—

13 “(A) identifying individuals, organizations,
14 and offenses with respect to which rewards are
15 to be offered;

16 “(B) the publication of rewards;

17 “(C) the offering of joint rewards with the
18 governments of foreign countries;

19 “(D) the receipt and analysis of data; and

20 “(E) the payment and approval of pay-
21 ment.

22 “(3) CONSULTATION WITH ATTORNEY GEN-
23 ERAL.—Before making a reward under this section
24 in a matter subject to Federal criminal jurisdiction,

1 the Secretary of State shall advise and consult with
2 the Attorney General.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—Notwithstanding section
5 102 of the Foreign Relations Authorization Act, Fis-
6 cal Years 1986 and 1987 (99 Stat. 408), and sub-
7 ject to paragraph (2), there are authorized to be ap-
8 propriated to the Department of State such sums as
9 may be necessary to carry out this section.

10 “(2) LIMITATION.—No amount of funds may be
11 appropriated to the Department of State for the
12 purpose specified in paragraph (1) in excess of the
13 difference between \$15,000,000 and the amount of
14 unobligated funds available for that purpose to the
15 Secretary of State for the fiscal year involved.

16 “(3) DISTRIBUTION OF FUNDS.—To the maxi-
17 mum extent practicable, funds made available to
18 carry out this section shall be distributed in equal
19 amounts for the purpose of preventing acts of inter-
20 national terrorism and for the purpose of preventing
21 international narcotics trafficking.

22 “(4) AVAILABILITY OF FUNDS.—Amounts ap-
23 propriated pursuant to the authorization under
24 paragraph (1) are authorized to remain available
25 until expended.

1 “(e) LIMITATION AND CERTIFICATION.—

2 “(1) LIMITATION.—A reward made under this
3 section by the Secretary of State may not exceed
4 \$5,000,000.

5 “(2) APPROVAL OF PRESIDENT OR SECRETARY
6 OF STATE.—A reward under this section in an
7 amount greater than \$100,000 may not be made
8 under the program under this section without the
9 approval of the President or the Secretary of State.

10 “(3) APPROVAL OF SECRETARY OF STATE.—
11 Any reward granted under the program under this
12 section shall be approved and certified for payment
13 by the Secretary of State.

14 “(4) PROHIBITION.—Neither the President nor
15 the Secretary of State may delegate the authority
16 under paragraph (2) to any other officer or em-
17 ployee of the United States Government.

18 “(5) PROTECTION.—If the Secretary of State
19 determines that it is necessary to protect the iden-
20 tity of the recipient of a reward or of the members
21 of the recipient’s immediate family, the Secretary
22 may take such measures in connection with the pay-
23 ment of the reward as the Secretary considers nec-
24 essary to effect that protection.

1 “(f) INELIGIBILITY.—An officer or employee of any
2 governmental entity who, while in the performance of the
3 official duties of that officer, furnishes information de-
4 scribed in subsection (b) shall not be eligible for a reward
5 under this section.

6 “(g) REPORTS.—

7 “(1) IN GENERAL.—

8 “(A) POST-AWARD REPORT.—Not later
9 than 30 days after the payment of any reward
10 under this section, the Secretary of State shall
11 submit a report to the appropriate congres-
12 sional committees with respect to that reward.

13 “(B) CLASSIFIED FORM.—If necessary, a
14 report under subparagraph (A) may be submit-
15 ted in classified form.

16 “(C) CONTENT OF REPORT.—A report
17 submitted under subparagraph (A) shall speci-
18 fy—

19 “(i) the amount of the reward paid;

20 “(ii) the recipient of the reward;

21 “(iii) the acts related to the informa-
22 tion for which the reward was paid; and

1 “(iv) the significance of the informa-
2 tion for which the reward was paid in deal-
3 ing with the acts described under clause
4 (iii).

5 “(2) ANNUAL REPORT.—

6 “(A) IN GENERAL.—Not later than 60
7 days after the end of each fiscal year, the Sec-
8 retary of State shall submit a report to the ap-
9 propriate congressional committees concerning
10 the operation of the rewards program under
11 this section.

12 “(B) CONTENTS OF REPORTS.—Each re-
13 port under subparagraph (A), shall provide in-
14 formation concerning—

15 “(i) the total amounts expended dur-
16 ing the fiscal year that is the subject of the
17 report to carry out this section, including
18 amounts spent to publicize the availability
19 of rewards; and

20 “(ii) all requests made for the pay-
21 ment of rewards under this section, includ-
22 ing the reasons for the denial of any such
23 request.

24 “(h) DEFINITIONS.—In this section:

1 “(1) ACT OF INTERNATIONAL TERRORISM.—

2 The term ‘act of international terrorism’ includes—

3 “(A) any act substantially contributing to
4 the acquisition of unsafeguarded special nuclear
5 material (as that term is defined in section
6 830(8) of the Nuclear Proliferation Prevention
7 Act of 1994 (108 Stat. 521)) or any nuclear ex-
8 plosive device (as that term is defined in section
9 830(4) of that Act (108 Stat. 521)) by an indi-
10 vidual, group, or non-nuclear weapon state (as
11 that term is defined in section 830(5) of that
12 Act (108 Stat. 521));

13 “(B) any act, as determined by the Sec-
14 retary of State, that materially supports the
15 conduct of international terrorism, including the
16 counterfeiting of United States currency or the
17 illegal use of other monetary instruments by an
18 individual, group, or country supporting inter-
19 national terrorism as determined under section
20 6(j) of the Export Administration Act of 1979;
21 and

22 “(C) any act that would be a violation of
23 chapter 113B of title 18, United States Code,
24 relating to terrorism.

1 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
 2 TEES.—The term ‘appropriate congressional com-
 3 mittees’ means the Committee on International Re-
 4 lations of the House of Representatives and the
 5 Committee on Foreign Relations of the Senate.

6 “(3) MEMBER OF THE IMMEDIATE FAMILY.—
 7 The term ‘member of the immediate family’ in-
 8 cludes—

9 “(A) a spouse, parent, brother, sister, or
 10 child of the individual;

11 “(B) a person to whom the individual
 12 stands in loco parentis; and

13 “(C) any other person living in the individ-
 14 ual’s household and related to the individual by
 15 blood or marriage.

16 “(4) UNITED STATES NARCOTICS LAWS.—The
 17 term ‘United States narcotics laws’ means the laws
 18 of the United States for the prevention and control
 19 of illicit traffic in controlled substances (as such
 20 term is defined in section 102(6) of the Controlled
 21 Substances Act (21 U.S.C. 802(6))).

22 “(i) JUDICIAL REVIEW.—A determination made by
 23 the Secretary of State concerning whether to authorize a
 24 reward under this section, or the amount of a reward, shall
 25 not be subject to judicial review.”.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
 2 gress that the Secretary of State should pursue additional
 3 means of funding the program established by section 36
 4 of the State Department Basic Authorities Act of 1956
 5 (22 U.S.C. 2708), including the authority—

6 (1) to seize and dispose of assets used in the
 7 commission of any offense under sections 1028,
 8 1541 through 1544, and 1546 of title 18, United
 9 States Code;

10 (2) to retain the proceeds derived from the dis-
 11 position of the assets referred to in paragraph (1);

12 (3) to participate in asset-sharing programs
 13 conducted by the Department of Justice; and

14 (4) to retain earnings accruing on all assets of
 15 foreign countries blocked by the President pursuant
 16 to the International Emergency Powers Act (50
 17 U.S.C. 1701 et seq.) to carry out the purposes of
 18 section 36 of the State Department Basic Authori-
 19 ties Act of 1956.

20 **Subtitle C—Commissions and** 21 **Studies**

22 **SEC. 331. NATIONAL COMMISSION ON TERRORISM.**

23 (a) ESTABLISHMENT.—There is established a com-
 24 mission to be known as the “National Commission on Ter-
 25 rorism” (in this section referred to as the “Commission”).

1 (b) MEMBERSHIP.—

2 (1) NUMBER AND APPOINTMENT.—

3 (A) IN GENERAL.—The Commission shall
4 be composed of 11 members, appointed from
5 persons specially qualified by training and expe-
6 rience to perform the duties of the Commission,
7 of whom—

8 (i) 3 shall be appointed by the Speak-
9 er of the House of Representatives, and 1
10 shall be appointed by the Minority Leader
11 of the House of Representatives;

12 (ii) 3 shall be appointed by the Major-
13 ity Leader of the Senate, and 1 shall be
14 appointed by the Minority Leader of the
15 Senate; and

16 (iii) 3 shall be appointed by the Presi-
17 dent.

18 (B) TIMING OF APPOINTMENTS.—The ap-
19 pointing authorities shall make their appoint-
20 ments to the Commission not later than 45
21 days after the date of enactment of this Act.

22 (2) DESIGNATION OF THE CHAIRPERSON AND
23 VICE CHAIRPERSON.—The Speaker of the House of
24 Representatives and the Majority Leader of the Sen-
25 ate shall jointly designate a Chairperson and a Vice

1 Chairperson from the members of the Commission
2 (in this section referred to as the “Chairperson” and
3 the “Vice Chairperson”, respectively).

4 (3) PERIOD OF APPOINTMENT; VACANCIES.—
5 Members shall be appointed for the life of the Com-
6 mission. Any vacancy in Commission membership
7 shall not affect the exercise of the Commission’s
8 powers, and shall be filled in the same manner as
9 the original appointment.

10 (c) MEETINGS.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date on which all initial members of the Com-
13 mission are appointed under subsection (b), the
14 Commission shall hold its initial meeting. Each sub-
15 sequent meeting of the Commission shall be held at
16 the call of the Chairperson.

17 (2) QUORUM.—A majority of the members of
18 the Commission shall constitute a quorum, but a
19 lesser number of members may hold hearings.

20 (d) SECURITY CLEARANCES.—Appropriate security
21 clearances shall be required for each member of the Com-
22 mission. Each such clearance shall—

23 (1) be processed and completed on an expedited
24 basis by appropriate elements of the executive
25 branch of the Federal Government; and

1 (2) to the extent practicable, be completed not
2 later than 90 days after the date on which the mem-
3 ber is appointed.

4 (e) APPLICATION OF CERTAIN PROVISIONS OF
5 LAW.—

6 (1) FEDERAL ADVISORY COMMITTEE ACT.—The
7 Federal Advisory Committee Act (5 U.S.C. App.),
8 and the regulations issued pursuant to that Act,
9 shall not apply to the Commission.

10 (2) FREEDOM OF INFORMATION ACT.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), section 552 of title 5, United
13 States Code (commonly known as the “Freedom
14 of Information Act”), shall not apply to the
15 Commission.

16 (B) EXCEPTIONS.—Records of the Com-
17 mission shall be subject to chapters 21 through
18 31 of title 44, United States Code. Any such
19 record that is transferred to the National Ar-
20 chives and Records Agency shall not be exempt
21 from section 552 of title 5, United States Code.

22 (f) DUTIES OF THE COMMISSION.—

23 (1) IN GENERAL.—The Commission shall—

24 (A) prepare and transmit the reports de-
25 scribed in paragraph (2);

1 (B) examine the long-term strategy of the
2 Federal Government in addressing the threat of
3 international terrorism, including intelligence
4 capabilities, international cooperation, military
5 responses, and technological capabilities;

6 (C) examine the efficacy and appropriate-
7 ness of efforts of the Federal Government to
8 prevent, detect, investigate, and prosecute acts
9 of terrorism, including—

10 (i) the coordination of counter terror-
11 ism efforts among Federal departments
12 and agencies, and coordination by the Fed-
13 eral Government of law enforcement with
14 State and local law enforcement entities in
15 responding to terrorist threats and acts;

16 (ii) the ability and utilization of coun-
17 terintelligence or counterterrorism efforts
18 to infiltrate and disable or disrupt inter-
19 national terrorist organizations and the ac-
20 tivities of those organizations;

21 (iii) the impact of Federal immigra-
22 tion laws and policies on acts of terrorism
23 transcending national boundaries;

24 (iv) the effectiveness of regulations
25 and practices in effect at the time of the

1 examination relating to civil aviation safety
2 and security to prevent acts of terrorism,
3 including a study of—

4 (I) the desirability of assigning,
5 on a permanent basis, personnel of
6 the Federal Bureau of Investigation
7 at high-risk airports; and

8 (II) the practicality and desirabil-
9 ity of transferring authority for Unit-
10 ed States airport security to an entity
11 other than the Federal Aviation Ad-
12 ministration;

13 (v) the extent and effectiveness of
14 present cooperative efforts with foreign na-
15 tions to prevent, detect, investigate, and
16 prosecute acts of terrorism; and

17 (vi)(I) the impact on counterterrorism
18 efforts in use at the time of the examina-
19 tion attributable to the failure to expend
20 and utilize resources made available, and
21 authority delegated by law for the imple-
22 mentation of enhanced counter terrorism
23 activities; and

1 (II) the reasons why the resources re-
 2 ferred to in subclause (I) have not been ex-
 3 pended in a timely manner; and

4 (D) examine all laws (including statutes
 5 and regulations) relating to—

6 (i) the collection and dissemination of
 7 personal information concerning individ-
 8 uals by law enforcement or other govern-
 9 mental entities; and

10 (ii) the necessity for additional protec-
 11 tions to prevent and deter the inappropri-
 12 ate collection and dissemination of the in-
 13 formation referred to in clause (i).

14 (2) REPORTS.—

15 (A) INITIAL REPORT.—Not later than 2
 16 months after the date on which the initial meet-
 17 ing of the Commission is held, the Commission
 18 shall transmit to the Committees on the Judici-
 19 ary of the House of Representatives and the
 20 Senate, the Committee on Foreign Relations of
 21 the Senate, the Committee on International Re-
 22 lations of the House of Representatives, the Se-
 23 lect Committee on Intelligence of the Senate,
 24 and the Permanent Select Committee on Intel-
 25 ligence of the House of Representatives a report

1 setting forth a plan for the work of the Com-
2 mission.

3 (B) INTERIM REPORTS.—Prior to the sub-
4 mission of the report under subparagraph (C),
5 the Commission may issue such interim reports
6 as the Commission determines to be necessary
7 or appropriate.

8 (C) FINAL REPORT.—

9 (i) IN GENERAL.—

10 (I) SUBMISSION.—Not later than
11 January 31, 1999, the Commission
12 shall submit to the President and to
13 the Committee on the Judiciary of the
14 Senate, the Committee on the Judici-
15 ary of the House of Representatives,
16 the Committee on Foreign Relations
17 of the Senate, the Committee on
18 International Relations of the House
19 of Representatives, the Select Com-
20 mittee on Intelligence of the Senate,
21 and the Permanent Select Committee
22 on Intelligence of the House of Rep-
23 resentatives, a report that describes

1 the activities, findings, and rec-
2 ommendations of the Commission, in-
3 cluding any recommendations for the
4 enactment of legislation that the Com-
5 mission considers advisable.

6 (II) AVAILABILITY OF REPORT.—

7 To the extent feasible, the final report
8 shall be unclassified and made avail-
9 able to the public. The report shall be
10 supplemented as necessary by a classi-
11 fied report or annex that shall be pro-
12 vided separately to the President and
13 the committees of the Congress listed
14 in subclause (I).

15 (ii) PROTECTION OF INDIVIDUALS.—

16 Prior to the submission of a report under
17 this paragraph—

18 (I) the Commission shall forward
19 a draft of the report to the Director
20 of Central Intelligence; and

21 (II) the Director of Central Intel-
22 ligence shall—

1 (aa) review the report to en-
 2 sure that disclosure of its con-
 3 tents will not endanger the life or
 4 safety of any person; and

5 (bb) upon completion of the
 6 review, promptly provide conclu-
 7 sions and recommendations to
 8 the Commission.

9 (g) POWERS.—

10 (1) HEARINGS.—The Commission or, at its di-
 11 rection, any panel or member of the Commission,
 12 may, for the purpose of carrying out this section,
 13 hold hearings, sit and act at times and places, take
 14 testimony, receive evidence, and administer oaths to
 15 the extent that the Commission or any panel or
 16 member considers advisable.

17 (2) INFORMATION FROM FEDERAL AGENCIES.—
 18 The Commission may secure directly from any intel-
 19 ligence agency or from any other Federal depart-
 20 ment or agency any information that the Commis-
 21 sion considers necessary to enable the Commission
 22 to carry out the responsibilities of the Commission
 23 under this section. Upon request of the Chairperson,

1 the head of any such department or agency expedi-
2 tiously shall furnish such information to the Com-
3 mission, unless the head of the department or agen-
4 cy determines that providing such information would
5 threaten national security, the health or safety of
6 any individual, or the integrity of an ongoing inves-
7 tigation or prosecution.

8 (3) POSTAL, PRINTING, AND BINDING SERV-
9 ICES.—The Commission may use the United States
10 mails and obtain printing and binding services in the
11 same manner and under the same conditions as
12 other departments and agencies of the Federal Gov-
13 ernment.

14 (4) SUBCOMMITTEES.—

15 (A) IN GENERAL.—The Commission may
16 establish panels composed of less than the full
17 membership of the Commission for the purpose
18 of carrying out the duties of the Commission.

19 (B) ACTIONS OF PANELS.—The actions of
20 each such panel shall be subject to the review
21 and control of the Commission.

22 (C) FINDINGS AND DETERMINATIONS OF
23 PANEL.—Any findings and determinations
24 made by such a panel shall not be considered

1 the findings and determinations of the Commis-
2 sion unless approved by the Commission.

3 (5) AUTHORITY OF INDIVIDUALS TO ACT FOR
4 COMMISSION.—Any member or agent of the Com-
5 mission may, if authorized by the Commission, take
6 any action that the Commission is authorized to
7 take under this section.

8 (h) PERSONNEL MATTERS.—

9 (1) COMPENSATION OF MEMBERS.—Each mem-
10 ber of the Commission who is not otherwise em-
11 ployed by the Federal Government shall be paid, if
12 requested, at a rate equal to the daily equivalent of
13 the annual rate of basic pay payable for level V of
14 the Executive Schedule under section 5316 of title
15 5, United States Code, for each day (including travel
16 time) during which the member is engaged in the
17 performance of the duties of the Commission. Each
18 Federal officer or member of the Commission who
19 is otherwise an officer or employee of the Federal
20 Government (including any Member of Congress or
21 member of the Federal Judiciary) shall serve with-
22 out compensation in addition to that received for
23 services as an officer or employee of the Federal
24 Government.

1 (2) TRAVEL EXPENSES.—Each member of the
 2 Commission shall be allowed travel expenses, includ-
 3 ing per diem in lieu of subsistence, at rates author-
 4 ized for employees of agencies under subchapter I of
 5 chapter 57 of title 5, United States Code, while
 6 away from their homes or regular places of business
 7 in the performance of services for the Commission.

8 (3) STAFF.—

9 (A) IN GENERAL.—

10 (i) IN GENERAL.—The Chairperson
 11 may, without regard to the provisions of
 12 title 5, United States Code, governing ap-
 13 pointments in the competitive service, ap-
 14 point a staff director and such additional
 15 personnel as may be necessary to enable
 16 the Commission to perform its duties.

17 (ii) STAFF DIRECTOR.—The staff di-
 18 rector of the Commission shall be a rep-
 19 resentative of the private sector. The ap-
 20 pointment shall be subject to the approval
 21 of the Commission as a whole.

22 (B) COMPENSATION.—The Chairperson
 23 may fix the pay of the staff director and other
 24 personnel without regard to the provisions of
 25 chapter 51 and subchapter III of chapter 53 of

1 title 5, United States Code, relating to classi-
 2 fication of positions and General Schedule pay
 3 rates, except that—

4 (i) the rate of pay fixed under this
 5 paragraph for the staff director may not
 6 exceed the rate payable for level V of the
 7 Executive Schedule under section 5316 of
 8 such title; and

9 (ii) the rate of pay for other personnel
 10 may not exceed the maximum rate payable
 11 for grade GS–15 of the General Schedule.

12 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

13 Upon the request of the Chairperson, the head of
 14 any Federal department or agency may detail, on a
 15 nonreimbursable basis, any personnel of that depart-
 16 ment or agency to the Commission to assist it in
 17 carrying out its administrative and clerical func-
 18 tions.

19 (5) PROCUREMENT OF TEMPORARY AND INTER-
 20 MITTENT SERVICES.—The Chairperson may procure
 21 temporary and intermittent services under section
 22 3109(b) of title 5, United States Code, at rates for
 23 individuals which do not exceed the daily equivalent
 24 of the annual rate of basic pay payable for level V

1 of the Executive Schedule under section 5316 of
 2 such title.

3 (i) PAYMENT OF COMMISSION EXPENSES.—The com-
 4 pensation, travel expenses, per diem allowances of mem-
 5 bers and employees of the Commission, and other expenses
 6 of the Commission shall be paid equally out of funds avail-
 7 able to the Attorney General, the Secretary of Defense,
 8 and the Secretary of State for the payment of compensa-
 9 tion, travel allowances, and per diem allowances, respec-
 10 tively, of employees of the Department of Justice, the De-
 11 partment of Defense, and the Department of State.

12 (j) TERMINATION OF THE COMMISSION.—The Com-
 13 mission shall terminate 1 month after the date on which
 14 the final report is submitted under subsection (f)(2)(C).

15 **TITLE IV—COMMUNITY** 16 **PROTECTION**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Community Protection
 19 Initiative Act of 1997”.

Subtitle A—Law Enforcement Assistance

SEC. 411. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

“§ 926B. Carrying of concealed firearms by qualified current and former law enforcement officers

“(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

“(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

“(2) carrying appropriate written identification.

“(b) EFFECT ON OTHER LAWS.—

“(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

1 “(A) a qualified law enforcement officer
 2 who does not meet the requirements of section
 3 46505(D) of title 49; or

4 “(B) a qualified former law enforcement
 5 officer.

6 “(2) FEDERAL LAWS.—Nothing in this section
 7 shall be construed to supersede or limit any Federal
 8 law or regulation prohibiting or restricting the pos-
 9 session of a firearm on any Federal property, instal-
 10 lation, building, base, or park.

11 “(3) STATE LAWS.—Nothing in this section
 12 shall be construed to supersede or limit the laws of
 13 any State that—

14 “(A) grant rights to carry a concealed fire-
 15 arm that are broader than the rights granted
 16 under this section;

17 “(B) permit private persons or entities to
 18 prohibit or restrict the possession of concealed
 19 firearms on their property; or

20 “(C) prohibit or restrict the possession of
 21 firearms on any State or local government prop-
 22 erty, installation, building, base, or park.

23 “(4) DEFINITIONS.—In this section:

1 “(A) APPROPRIATE WRITTEN IDENTIFICA-
2 TION.—The term ‘appropriate written identi-
3 fication’ means, with respect to an individual, a
4 document that—

5 “(i) was issued to the individual by
6 the public agency with which the individual
7 serves or served as a qualified law enforce-
8 ment officer; and

9 “(ii) identifies the holder of the docu-
10 ment as a current or former officer, agent,
11 or employee of the agency.

12 “(B) QUALIFIED LAW ENFORCEMENT OF-
13 FICER.—The term ‘qualified law enforcement
14 officer’ means an individual who—

15 “(i) is presently authorized by law to
16 engage in or supervise the prevention, de-
17 tection, or investigation of any violation of
18 criminal law;

19 “(ii) is authorized by the agency to
20 carry a firearm in the course of duty;

21 “(iii) meets any requirements estab-
22 lished by the agency with respect to fire-
23 arms; and

1 “(iv) is not the subject of a discipli-
2 nary action by the agency that prevents
3 the carrying of a firearm.

4 “(C) QUALIFIED FORMER LAW ENFORCE-
5 MENT OFFICER.—The term ‘qualified former
6 law enforcement officer’ means, an individual
7 who is—

8 “(i) retired from service with a public
9 agency, other than for reasons of mental
10 disability;

11 “(ii) immediately before such retire-
12 ment, was a qualified law enforcement offi-
13 cer with that public agency;

14 “(iii) has a nonforfeitable right to
15 benefits under the retirement plan of the
16 agency;

17 “(iv) was not separated from service
18 with a public agency due to a disciplinary
19 action by the agency that prevented the
20 carrying of a firearm;

21 “(v) meets the requirements estab-
22 lished by the State in which the individual
23 resides with respect to—

24 “(I) training in the use of fire-
25 arms; and

1 “(II) carrying a concealed weap-
2 on; and

3 “(vi) is not prohibited by Federal law
4 from receiving a firearm.

5 “(D) FIREARM.—The term ‘firearm’
6 means, any firearm that has, or of which any
7 component has, traveled in interstate or foreign
8 commerce.”.

9 (b) CLERICAL AMENDMENT.—The chapter analysis
10 for chapter 44 of title 18, United States Code, is amended
11 by inserting after the item relating to section 926A the
12 following:

“926B. Carrying of concealed firearms by qualified current and former law en-
forcement officers.”.

13 **Subtitle B—Citizens’ Assistance**

14 **SEC. 421. SHORT TITLE.**

15 This subtitle may be cited as the “Citizens’ Assist-
16 ance Act of 1997”.

17 **SEC. 422. AUTHORIZATION TO ENTER INTO INTERSTATE** 18 **COMPACTS.**

19 (a) IN GENERAL.—The consent of Congress is hereby
20 given to any 2 or more States—

21 (1) to enter into compacts or agreements for co-
22 operative effort in enabling individuals to carry con-
23 cealed weapons as dictated by laws of the State

1 within which the owner of the weapon resides and
2 is authorized to carry a concealed weapon; and

3 (2) to establish agencies or guidelines as they
4 may determine to be appropriate for making effective such agreements and compacts.

6 (b) RESERVATION OF RIGHTS.—The right to alter,
7 amend, or repeal this section is hereby expressly reserved
8 by Congress.

9 **SEC. 423. AUTHORIZED USES OF FEDERAL GRANT FUNDS.**

10 (a) IN GENERAL.—Section 501(b) of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
12 3751(b)) is amended—

13 (1) in paragraph (25), by striking “and” at the
14 end;

15 (2) in paragraph (26), by striking the period
16 and inserting “; and”; and

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

18 “(27) at the discretion of State or local law enforcement
19 authorities, to train members of the public in the safe possession, ownership, handling, carry,
20 and use of firearms, including handguns.”.

22 (b) EVALUATING DATA BAN.—Section 501(c) of the
23 Omnibus Crime Control and Safe Streets Act of 1968 (42
24 U.S.C. 3751(c)) is amended—

1 (1) by striking “Each” and inserting the follow-
 2 ing:

3 “(1) IN GENERAL.—Each”;

4 (2) by redesignating paragraphs (1) and (2) as
 5 subparagraphs (A) and (B), respectively, and indent-
 6 ing appropriately; and

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

8 “(2) COLLECTION AND USE OF DATA.—

9 “(A) IN GENERAL.—As a part of any eval-
 10 uation required by paragraph (1) or otherwise,
 11 the Attorney General may not require the col-
 12 lection, and a grant recipient may not under-
 13 take any collection, of any data about any per-
 14 son who participates in any program funded
 15 under this section for the purpose of training
 16 members of the public in the safe possession,
 17 ownership, handling, carry, and use of firearms,
 18 including handguns, other than data necessary
 19 to determine whether such a member lawfully
 20 may possess a firearm.

21 “(B) DESTRUCTION OF DATA.—Any data
 22 described in subparagraph (A) shall be de-
 23 stroyed by any party in possession of that data
 24 not later than 7 days after the date on which
 25 it is collected or once a member of the public

1 receives the training offered, whichever comes
2 first.”.

3 **SEC. 424. SELF-DEFENSE FOR VICTIMS OF ABUSE.**

4 Section 922(s)(1)(B) of title 18, United States Code,
5 is amended—

6 (1) by striking “the transferee has” and insert-
7 ing “the transferee—

8 “(i) has”; and

9 (2) by adding at the end the following: “or

10 “(ii) is named as a person protected
11 under a court order described in subsection
12 (g)(8).”.

13 **TITLE V—CRIMINAL**
14 **PROCEDURE IMPROVEMENTS**
15 **Subtitle A—Equal Protection for**
16 **Victims**

17 **SEC. 501. THE RIGHT OF THE VICTIM TO AN IMPARTIAL**
18 **JURY.**

19 Rule 24(b) of the Federal Rules of Criminal Proce-
20 dure is amended by striking “the government is entitled
21 to 6 peremptory challenges and the defendant or defend-
22 ants jointly to 10 peremptory challenges” and inserting
23 “each side is entitled to 10 peremptory challenges”.

24 **SEC. 502. JURY TRIAL IMPROVEMENTS.**

25 (a) JURIES OF 6.—

1 (1) IN GENERAL.—Rule 23(b) of the Federal
 2 Rules of Criminal Procedure is amended—

3 (A) by striking “JURY OF LESS THAN
 4 TWELVE. JURIES” and inserting the following:
 5 “(b) NUMBER OF JURORS.—

6 “(1) IN GENERAL.—Except as provided in sub-
 7 section (2), juries”; and

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

9 “(2) JURIES OF 6.—Juries may be of 6 upon
 10 request in writing by the defendant with the ap-
 11 proval of the court and the consent of the govern-
 12 ment.”.

13 (2) ALTERNATE JURORS.—Rule 24(c) of the
 14 Federal Rules of Criminal Procedure is amended by
 15 inserting after the first sentence the following: “In
 16 the case of a jury of 6, the court shall direct that
 17 not more than 3 jurors in addition to the regular
 18 jury be called and impanelled to sit as alternate ju-
 19 rors.”.

20 (b) CAPITAL CASES.—Section 3593(b) of title 18,
 21 United States Code, is amended by striking the last sen-
 22 tence and inserting the following: “A jury impanelled pur-
 23 suant to paragraph (2) may be made of 6 upon request
 24 in writing by the defendant with the approval of the court
 25 and the consent of the government. Otherwise, such jury

1 shall be made of 12, unless, at any time before the conclu-
 2 sion of the hearing, the parties stipulate, with the approval
 3 of the court, that it shall consist of a lesser number.”.

4 **SEC. 503. REBUTTAL OF ATTACKS ON THE CHARACTER OF**
 5 **THE VICTIM.**

6 Rule 404(a)(1) of the Federal Rules of Evidence is
 7 amended by inserting before the semicolon the following:
 8 “, or, if an accused offers evidence of a pertinent trait
 9 of character of the victim of the crime, evidence of a perti-
 10 nent trait of character of the accused offered by the pros-
 11 ecution”.

12 **SEC. 504. USE OF NOTICE CONCERNING RELEASE OF OF-**
 13 **FENDER.**

14 Section 4042(b) of title 18, United States Code, is
 15 amended by striking paragraph (4).

16 **SEC. 505. BALANCE IN THE COMPOSITION OF RULES COM-**
 17 **MITTEES.**

18 Section 2073 of title 28, United States Code, is
 19 amended—

20 (1) in subsection (a)(2), by adding at the end
 21 the following: “On each such committee that makes
 22 recommendations concerning rules that affect crimi-
 23 nal cases, including the Federal Rules of Criminal

1 Procedure, the Federal Rules of Evidence, the Fed-
 2 eral Rules of Appellate Procedure, the Rules Govern-
 3 ing Section 2254 Cases, and the Rules Governing
 4 Section 2255 Cases, the number of members who
 5 represent or supervise the representation of defend-
 6 ants in the trial, direct review, or collateral review
 7 of criminal cases shall not exceed the number of
 8 members who represent or supervise the representa-
 9 tion of the Government or a State in the trial, direct
 10 review, or collateral review of criminal cases.”; and

11 (2) in subsection (b), by adding at the end the
 12 following: “The number of members of the standing
 13 committee who represent or supervise the represen-
 14 tation of defendants in the trial, direct review, or
 15 collateral review of criminal cases shall not exceed
 16 the number of members who represent or supervise
 17 the representation of the Government or a State in
 18 the trial, direct review, or collateral review of crimi-
 19 nal cases.”.

20 **Subtitle B—Firearms**

21 **SEC. 521. MANDATORY MINIMUM SENTENCES FOR CRIMI-** 22 **NALS POSSESSING FIREARMS.**

23 Section 924(c) of title 18, United States Code, is
 24 amended—

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

3 “(c) POSSESSION OF FIREARM DURING COMMISSION
4 OF CRIME OF VIOLENCE OR DRUG TRAFFICKING
5 CRIME.—

6 “(1) TERM OF IMPRISONMENT.—

7 “(A) IN GENERAL.—Except to the extent
8 that a greater minimum sentence is otherwise
9 provided by this subsection or by any other pro-
10 vision of law, any person who, during and in re-
11 lation to any crime of violence or drug traffick-
12 ing crime (including a crime of violence or drug
13 trafficking crime that provides for an enhanced
14 punishment if committed by the use of a deadly
15 or dangerous weapon or device) for which a per-
16 son may be prosecuted in a court of the United
17 States, uses, carries, or possesses a firearm
18 shall, in addition to the punishment provided
19 for such crime of violence or drug trafficking
20 crime—

21 “(i) be sentenced to a term of impris-
22 onment of not less than 5 years;

23 “(ii) if the firearm is discharged, be
24 sentenced to a term of imprisonment of
25 not less than 10 years; and

1 “(iii) if the death of any person re-
2 sults, be sentenced to a term of imprison-
3 ment for life or sentenced to death.

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

7 “(i) is a short-barreled rifle, short-
8 barreled shotgun, or semiautomatic assault
9 weapon, the person shall be—

10 “(I) sentenced to a term of im-
11 prisonment of not less than 10 years;
12 and

13 “(II) if the death of any person
14 results, sentenced to a term of impris-
15 onment for life or sentenced to death;
16 and

17 “(ii) is a machinegun or a destructive
18 device, or is equipped with a firearm si-
19 lencer or firearm muffler, the person shall
20 be—

21 “(I) sentenced to a term of im-
22 prisonment of not less than 30 years;
23 and

1 “(II) if the death of any person
 2 results, sentenced to a term of impris-
 3 onment for life or sentenced to death.

4 “(C) EXCEPTION FOR CERTAIN OFFEND-
 5 ERS.—In the case of a second or subsequent
 6 conviction under this subsection, a person shall
 7 be sentenced to a term of imprisonment for life.

8 “(D) PROBATION AND CONCURRENT SEN-
 9 TENCES.—Notwithstanding any other provision
 10 of law—

11 “(i) a court shall not place on proba-
 12 tion or suspend the sentence of any person
 13 convicted of a violation of this subsection;
 14 and

15 “(ii) no term of imprisonment im-
 16 posed on a person under this subsection
 17 shall run concurrently with any other term
 18 of imprisonment imposed on the person,
 19 including any term of imprisonment im-
 20 posed for the crime of violence or drug
 21 trafficking crime during which the firearm
 22 was used, carried, or possessed.

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

25 (2) in paragraph (3)—

1 (A) by striking “(3) For” and inserting
 2 the following:

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

5 (B) by indenting each of subparagraphs
 6 (A) and (B) 2 ems to the right.

7 **SEC. 522. FIREARMS POSSESSION BY VIOLENT FELONS AND**
 8 **SERIOUS DRUG OFFENDERS.**

9 Section 924 of title 18, United States Code, is
 10 amended—

11 (1) in subsection (a)(1), by inserting before the
 12 period the following: “, and if the violation is of sec-
 13 tion 922(g)(1) by a person who has a previous con-
 14 viction for a violent felony (as defined in subsection
 15 (e)(2)(B)) or a serious drug offense (as defined in
 16 subsection (e)(2)(A)), a sentence imposed under this
 17 paragraph shall include a term of imprisonment of
 18 not less than 10 years”; and

19 (2) by adding at the end the following:
 20 “(o)(1) Notwithstanding paragraph (2), any person
 21 who violates section 922(g) and has 2 previous convictions
 22 by any court referred to in section 922(g)(1) for a violent
 23 felony (as defined in subsection (e)(2)(B)) or a serious

1 drug offense (as defined in subsection (e)(2)(A)) commit-
 2 ted on different occasions shall be fined as provided in this
 3 title, imprisoned not less than 20 years.

4 “(2) Notwithstanding any other law, the court shall
 5 not grant a probationary sentence to a person described
 6 in paragraph (1) with respect to the conviction under sec-
 7 tion 922(g).”.

8 **SEC. 523. USE OF FIREARMS IN CONNECTION WITH COUN-**
 9 **TERFEITING OR FORGERY.**

10 Section 924(c)(1) of title 18, United States Code, is
 11 amended in the first sentence by inserting “or during and
 12 in relation to any felony punishable under chapter 25,”
 13 after “United States,”.

14 **SEC. 524. POSSESSION OF AN EXPLOSIVE DURING THE**
 15 **COMMISSION OF A FELONY.**

16 Section 844(h) of title 18, United States Code, is
 17 amended—

18 (1) in paragraph (2), by striking “carries an ex-
 19 plosive during” and inserting “uses, carries, or oth-
 20 erwise possesses an explosive during”; and

21 (2) by striking “used or carried” and inserting
 22 “used, carried, or possessed”.

1 **SEC. 525. SECOND OFFENSE OF USING AN EXPLOSIVE TO**
2 **COMMIT A FELONY.**

3 Section 844(h) of title 18, United States Code, is
4 amended by striking “10” and inserting “20”.

5 **SEC. 526. INCREASED PENALTIES FOR INTERNATIONAL**
6 **DRUG TRAFFICKING.**

7 (a) IN GENERAL.—Section 1010 of the Controlled
8 Substances Import and Export Act (21 U.S.C. 960) is
9 amended by adding at the end the following:

10 “(e)(1) Notwithstanding any other provision of law,
11 the court shall sentence a person convicted of a violation
12 of subsection (a), consisting of bringing into the United
13 States a mixture or substance—

14 “(A) which is described in subsection (b)(1);
15 and

16 “(B) in an amount the Attorney General by
17 rule has determined is equal to 100 usual dosage
18 amounts of such mixture or substance;

19 to imprisonment for life without possibility of release. If
20 the defendant has violated this subsection on more than
21 one occasion and the requirements of chapter 228 of title
22 18, United States Code, are satisfied, the court shall sen-
23 tence the defendant to death.

24 “(2) The maximum fine that otherwise may be im-
25 posed, but for this subsection, shall not be reduced by op-
26 eration of this subsection.”.

1 (b) INCLUSION OF OFFENSE.—Section 3591(b) of
 2 title 18, United States Code, is amended—

3 (1) by striking “or” at the end of paragraph
 4 (1);

5 (2) by striking the comma at the end of para-
 6 graph (2) and inserting “; or” at the end of para-
 7 graph (2); and

8 (3) by inserting after paragraph (2) the follow-
 9 ing:

10 “(3) an offense described in section 1010(e)(1)
 11 of the Controlled Substances Import and Export
 12 Act;”.

13 (c) ADDITIONAL AGGRAVATING FACTOR.—Section
 14 3592(d) of title 18, United States Code, is amended by
 15 inserting after paragraph (8) the following:

16 “(9) SECOND IMPORTATION OFFENSE.—The of-
 17 fense consisted of a second or subsequent violation
 18 of section 1010(a) of the Controlled Substances Im-
 19 port and Export Act consisting of bringing a con-
 20 trolled substance into the United States.”.

21 **Subtitle C—Federal Death Penalty**

22 **SEC. 541. STRENGTHENING OF FEDERAL DEATH PENALTY** 23 **STANDARDS AND PROCEDURES.**

24 (a) AMENDMENTS TO CHAPTER 228.—Chapter 228
 25 of title 18, United States Code, is amended—

1 (1) in section 3592(c), by striking paragraph
 2 (2) and inserting the following:

3 “(2) INVOLVEMENT OF A FIREARM OR PRE-
 4 VIOUS CONVICTION OF VIOLENT FELONY INVOLVING
 5 A FIREARM.—For any offense, other than an offense
 6 for which a sentence of death is sought on the basis
 7 of section 924(c), the defendant—

8 “(A) during and in relation to the commis-
 9 sion of the offense or in escaping or attempting
 10 to escape apprehension used or possessed a fire-
 11 arm (as defined in section 921); or

12 “(B) has previously been convicted of a
 13 Federal or State offense punishable by a term
 14 of imprisonment of more than 1 year, involving
 15 the use or attempted or threatened use of a
 16 firearm (as defined in section 921) against an-
 17 other person.”;

18 (2) in section 3593—

19 (A) in subsection (a)—

20 (i) in the heading, by inserting “AND
 21 THE DEFENDANT” after “GOVERNMENT”;

22 (ii) by redesignating paragraphs (1)
 23 and (2) as subparagraphs (A) and (B), re-
 24 spectively, and indenting appropriately;

1 (iii) by striking “If, in a case” and in-
 2 serting the following:

3 “(1) IN GENERAL.—If, in a case”;

4 (iv) by designating the matter imme-
 5 diately following subparagraph (B), as re-
 6 designated, as paragraph (3), and indent-
 7 ing appropriately;

8 (v) by inserting after paragraph (1) as
 9 redesignated, the following:

10 “(2) NOTICE OF ANY MITIGATING FACTORS.—

11 The defendant shall, during a reasonable period of
 12 time before a hearing under subsection (b), sign and
 13 file with the court a notice setting forth the mitigat-
 14 ing factor or factors, if any, upon which the defend-
 15 ant intends to present information at the hearing.”;
 16 and

17 (vi) in paragraph (3), as redesign-
 18 nated—

19 (I) by inserting “by the attorney
 20 for the Government” after “this sub-
 21 section”;

22 (II) by striking “, and may in-
 23 clude” and all that follows through
 24 “relevant information”;

1 (III) by inserting “or the defend-
2 ant” after “permit the attorney for
3 the government”; and

4 (IV) by inserting “under this
5 subsection” after “to amend the no-
6 tice”.

7 (B) in subsection (c)—

8 (i) in the fourth sentence, by inserting
9 “for which notice has been provided under
10 subsection (a)” after “The defendant may
11 present any information relevant to a miti-
12 gating factor”; and

13 (ii) by inserting after the fifth sen-
14 tence the following: “The information pre-
15 sented by the government in support of
16 factors concerning the effect of the offense
17 on the victim and the family of the victim
18 may include oral testimony, a victim im-
19 pact statement that identifies the victim of
20 the offense and the nature and extent of
21 harm and loss suffered by the victim and
22 the family of the victim, and any other rel-
23 evant information.”; and

24 (C) in subsection (e), by striking “shall
25 consider” and all that follows through “lesser

1 sentence.” and inserting “shall then consider
2 whether the aggravating factor or factors found
3 to exist outweigh any mitigating factors. The
4 jury, or if there is no jury, the court shall rec-
5 ommend a sentence of death if it unanimously
6 finds not less than 1 aggravating factor and no
7 mitigating factor or if it finds one or more ag-
8 gravating factors that outweigh any mitigating
9 factors. In any other case, it shall not rec-
10 ommend a sentence of death. The jury shall be
11 instructed that it must avoid any influence of
12 sympathy, sentiment, passion, prejudice, or
13 other arbitrary factors in its decision, and shall
14 make such a recommendation as the informa-
15 tion warrants. The jury shall be instructed that
16 its recommendation concerning a sentence of
17 death is to be based on the aggravating factor
18 or factors and any mitigating factor or factors,
19 but that the final decision whether any evi-
20 dence, in fact, is aggravating or mitigating and
21 concerning the balance of aggravating and miti-
22 gating factors is a matter for the judgment of
23 the jury.”; and

24 (3) in section 3595(c)(2), by striking the last
25 sentence.

1 (b) UNIFORMITY OF PROCEDURES.—Section 408 of
 2 the Controlled Substances Act (21 U.S.C. 848) is amend-
 3 ed—

4 (1) by striking subsections (g) through (p), (q)
 5 (1) through (3), and (r); and

6 (2) in subsection (q) by—

7 (A) redesignating paragraphs (4) through
 8 (10) as paragraphs (1) through (7), respec-
 9 tively; and

10 (B) inserting “(g)” before “(1)” as redес-
 11 ignated.

12 (c) DEATH DURING COMMISSION OF ANOTHER
 13 CRIME.—Section 3592(c)(1) of title 18, United States
 14 Code, is amended by striking “of, or during the immediate
 15 flight from the commission of,” and inserting “of a felony,
 16 or during the immediate flight from the commission of a
 17 felony, including”.

18 (d) AGGRAVATING FACTORS.—Section 3592(c) of
 19 title 18, United States Code, is amended by inserting im-
 20 mediately after paragraph (15) the following:

21 “(16) OTHER CIRCUMSTANCES.—With regard
 22 to the capital offense—

23 “(A) the victim was a custodial parent or
 24 legal guardian of a child who was less than 18
 25 years of age;

1 “(B) the offense was committed by a per-
2 son imprisoned as a result of a felony convic-
3 tion;

4 “(C) the offense was committed for the
5 purpose of disrupting or hindering the lawful
6 exercise of any government or political function;

7 “(D) the victim was found to have been
8 murdered due to the association of the victim
9 with a particular group, gang, organization, or
10 other entity;

11 “(E) the offense was committed by a per-
12 son lawfully or unlawfully at liberty after being
13 sentenced to imprisonment as a result of a fel-
14 ony conviction;

15 “(F) the offense was committed by means
16 of a destructive device, bomb, explosive, or simi-
17 lar device that the defendant planted, hid, or
18 concealed in any place, area, dwelling, building,
19 or structure, or mailed or delivered, or caused
20 to be planted, hidden, concealed, mailed, or de-
21 livered, and the defendant knew that the ac-
22 tions of the defendant would create a great risk
23 of death to human life;

1 “(G) the offense was committed for the
2 purpose of avoiding or preventing an arrest or
3 effecting an escape from custody;

4 “(H) the victim was a current or former
5 judge or judicial officer of any civilian, military,
6 or tribal court of record in the United States or
7 the territories of the United States, a law en-
8 forcement officer or official, and the murder
9 was intentionally carried out in retaliation for,
10 or to prevent the performance of, the official
11 duties of the victim;

12 “(I) the defendant has been convicted of
13 more than one offense of murder in the first or
14 second degree either in the proceeding at bar or
15 as the result of any prior proceeding;

16 “(J) the victim was a witness or a relative
17 of a witness—

18 “(i) to a crime who was intentionally
19 killed for the purpose of preventing the
20 testimony of any person in any judicial or
21 administrative proceeding, and the killing
22 was not committed during the commission
23 or attempted commission of the crime to
24 which the testimony would be relevant; or

1 “(ii) in a judicial or administrative
2 proceeding and was intentionally killed in
3 retaliation for the testimony of any person
4 in such proceeding;

5 “(K) the victim was an elected or ap-
6 pointed official or former official of the Federal,
7 State, local, or tribal government, or a relative
8 of such an official, and the killing was inten-
9 tionally carried out in retaliation for, or to pre-
10 vent the performance of, the official duties of
11 the victim;

12 “(L) the defendant intentionally killed the
13 victim while lying in wait;

14 “(M) the victim was intentionally killed be-
15 cause of the race, color, gender, religion, na-
16 tionality, or country of origin of the victim;

17 “(N) the victim was a juror in any court
18 of record in the Federal, State, or local system
19 in any State or judicial district, and the murder
20 was intentionally carried out in retaliation for,
21 or to prevent the performance of the official du-
22 ties of the victim;

23 “(O) the murder was intentional and was
24 perpetrated by means of discharging a firearm
25 from a motor vehicle, whether or not the motor

1 vehicle was moving, intentionally at another
2 person or persons outside the vehicle;

3 “(P) the murder was committed against a
4 person who was held or otherwise detained as
5 a shield or hostage;

6 “(Q) the murder was committed against a
7 person who was held or detained by the defend-
8 ant for ransom or reward;

9 “(R) the defendant caused or directed an-
10 other to commit murder or committed murder
11 as an agent or employee of another person;

12 “(S) the victim was pregnant;

13 “(T) the victim was handicapped or se-
14 verely disabled;

15 “(U) the victim was a child 16 years of
16 age or younger;

17 “(V) at the time of the killing, the victim,
18 or a relative of the victim, was or had been a
19 nongovernmental informant or had otherwise
20 provided any investigative, law enforcement, or
21 police agency with information concerning

1 criminal activity, and the killing was in retaliation for the activities of any person as a non-
2 governmental informant or in providing information concerning criminal activity to an investigative, law enforcement, or police agency;

3 “(W) the murder was committed for the
4 purpose of interfering with the free exercise or
5 enjoyment by the victim of any right, privilege,
6 or immunity protected by the first amendment
7 to the Constitution of the United States or because the victim exercised or enjoyed said right;
8 and
9

10 “(X) the victim was employed in a jail,
11 correctional facility, or halfway house, and was
12 murdered while in the lawful performance of
13 the duties of the victim or in retaliation for the
14 lawful performance of the duties of the victim.”.

15 **SEC. 542. MURDER OF WITNESS AS AGGRAVATING FACTOR.**

16 Section 3592(c)(1) of title 18, United States Code,
17 is amended by inserting “section 1512 (witness tampering), section 1513 (retaliation against witness),” after
18 “(hostage taking),”.

1 **SEC. 543. DEATH PENALTY FOR MURDERS COMMITTED IN**
2 **THE DISTRICT OF COLUMBIA.**

3 (a) IN GENERAL.—Chapter 51 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 1123. Capital punishment for murders in the Dis-**
7 **trict of Columbia**

8 “(a) OFFENSE.—It shall be unlawful to cause the
9 death of a person intentionally, knowingly, or through
10 recklessness manifesting extreme indifference to human
11 life, or to cause the death of a person through the inten-
12 tional infliction of serious bodily injury.

13 “(b) FEDERAL JURISDICTION.—There is Federal ju-
14 risdiction over an offense described in this section if the
15 conduct resulting in death or the death occurs in the Dis-
16 trict of Columbia.

17 “(c) PENALTY.—An offense described in this section
18 is a class A felony. A sentence of death may be imposed
19 for an offense described in this section as provided in this
20 section. Sections 3591 and 3592 of this title shall apply
21 in relation to capital sentencing for an offense described
22 in this section.

23 “(d) DEFINITIONS.—In this section—

24 “(1) the term ‘State’ has the meaning stated in
25 section 513; and

1 “(2) the term ‘offense’, as used in paragraphs
 2 (2), (5), and (13) of subsection (e), and in para-
 3 graph (5) of this subsection, means an offense under
 4 the law of a state or the United States.

5 “(e) OTHER CHARGES.—If an offense is charged
 6 under this section, the government may join any charge
 7 under the District of Columbia Code that arises from the
 8 same incident.”.

9 (b) TECHNICAL AMENDMENT.—The chapter analysis
 10 for chapter 51 of title 18, United States Code, is amended
 11 by adding at the end the following:

“1123. Capital punishment for murders in the District of Columbia.”.

12 **TITLE VI—INCREASED PEN-**
 13 **ALTIES FOR TRAFFICKING**
 14 **AND MANUFACTURE OF**
 15 **METHAMPHETAMINE AND**
 16 **PRECURSORS**

17 **SEC. 601. TRAFFICKING IN METHAMPHETAMINE PENALTY**
 18 **INCREASES.**

19 (a) CONTROLLED SUBSTANCES ACT.—

20 (1) LARGE AMOUNTS.—Section
 21 401(b)(1)(A)(viii) of the Controlled Substances Act
 22 (21 U.S.C. 841(b)(1)(A)(viii)) is amended by—

23 (A) striking “100 grams or more of meth-
 24 amphetamine,” and inserting “50 grams or
 25 more of methamphetamine,”; and

1 (B) striking “1 kilogram or more of a mix-
2 ture or substance containing a detectable
3 amount of methamphetamine” and inserting
4 “500 grams or more of a mixture or substance
5 containing a detectable amount of methamphet-
6 amine”.

7 (2) SMALLER AMOUNTS.—Section
8 401(b)(1)(B)(viii) of the Controlled Substances Act
9 (21 U.S.C. 841(b)(1)(B)(viii)) is amended by—

10 (A) striking “10 grams or more of meth-
11 amphetamine,” and inserting “5 grams or more
12 of methamphetamine,”; and

13 (B) striking “100 grams or more of a mix-
14 ture or substance containing a detectable
15 amount of methamphetamine” and inserting
16 “50 grams or more of a mixture or substance
17 containing a detectable amount of methamphet-
18 amine”.

19 (b) IMPORT AND EXPORT ACT.—

20 (1) LARGE AMOUNTS.—Section 1010(b)(1)(H)
21 of the Controlled Substances Import and Export Act
22 (21 U.S.C. 960(b)(1)(H)) is amended by—

23 (A) striking “100 grams or more of meth-
24 amphetamine,” and inserting “50 grams or
25 more of methamphetamine,”; and

1 (B) striking “1 kilogram or more of a mix-
 2 ture or substance containing a detectable
 3 amount of methamphetamine” and inserting
 4 “500 grams or more of a mixture or substance
 5 containing a detectable amount of methamphet-
 6 amine”.

7 (2) SMALLER AMOUNTS.—Section
 8 1010(b)(2)(H) of the Controlled Substances Import
 9 and Export Act (21 U.S.C.960(b)(2)(H)) is amend-
 10 ed by—

11 (A) striking “10 grams or more of meth-
 12 amphetamine,” and inserting “5 grams or more
 13 of methamphetamine,”; and

14 (B) striking “100 grams or more of a mix-
 15 ture or substance containing a detectable
 16 amount of methamphetamine” and inserting
 17 “50 grams or more of a mixture or substance
 18 containing a detectable amount of methamphet-
 19 amine”.

20 **SEC. 602. SENTENCING FOR VIOLATIONS INVOLVING CO-**
 21 **CAINE POWDER.**

22 (a) AMENDMENT OF CONTROLLED SUBSTANCES
 23 ACT.—

24 (1) LARGE QUANTITIES.—Section
 25 401(b)(1)(A)(ii) of the Controlled Substances Act

1 (21 U.S.C. 841(b)(1)(A)(ii)) is amended by striking
 2 “5 kilograms” and inserting “1 kilogram”.

3 (2) SMALL QUANTITIES.—Section
 4 401(b)(1)(B)(ii) of the Controlled Substances Act
 5 (21 U.S.C. 841(b)(1)(B)(ii)) is amended by striking
 6 “500 grams” and inserting “100 grams”.

7 (b) AMENDMENT OF SENTENCING GUIDELINES.—
 8 Pursuant to section 994 of title 28, United States Code,
 9 the United States Sentencing Commission shall promul-
 10 gate guidelines or amend existing guidelines to reflect the
 11 amendment made by subsection (a).

12 **SEC. 603. IMPLEMENTATION OF A SENTENCE OF DEATH.**

13 (a) IN GENERAL.—Section 3596(a) of title 18, Unit-
 14 ed States Code, is amended—

15 (1) by striking “pursuant to this chapter”; and

16 (2) in the second sentence, by striking “in the
 17 manner” and all that follows through the end of the
 18 subsection and inserting “pursuant to regulations
 19 promulgated by the Attorney General.”.

20 (b) REGULATIONS.—Not later than 6 months after
 21 the date of enactment of this Act, the Attorney General
 22 shall promulgate regulations to provide for the implemen-
 23 tation of a sentence of death under section 3596 of title
 24 18, United State Code.

1 (c) IN GENERAL.—Section 3597 of title 18, United
2 States Code, is amended—

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

5 **“§ 3597. Use of facilities and employees”;**

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—A United States marshal
9 charged with supervising the implementation of a sentence
10 of death shall use appropriate Federal facilities for that
11 purpose.”; and

12 (3) in subsection (b), by striking “any State de-
13 partment of corrections,”.

14 (d) TECHNICAL AMENDMENT.—The chapter analysis
15 for chapter 228 of title 18, United States Code, is amend-
16 ed by striking item relating to section 3597 and inserting
17 the following:

“3597. Use of facilities and employees.”.

18 **SEC. 604. LIMITATION ON DRUG ENFORCEMENT ADMINIS-**
19 **TRATOR TENURE.**

20 (a) IN GENERAL.—The term of office of the Adminis-
21 trator of the Drug Enforcement Agency (as established
22 by section 5(a) of the Reorganization Plan No. 2 of 1973
23 (5 U.S.C. App.)) shall be for not more than a single 10-
24 year period.

1 (b) APPLICABILITY.—This section does not apply to
 2 the individual who is serving as the Administrator of the
 3 Drug Enforcement Agency on the date of enactment of
 4 this Act, unless that individual is reappointed to the posi-
 5 tion on or after the date of enactment of this Act.

6 **SEC. 605. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
 7 **CAREER CRIMINAL ACT PREDICATES.**

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

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

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

12 and

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

14 “(iii) any act of juvenile delinquency,
 15 under Federal or State law, that, if com-
 16 mitted by an adult, would be an offense
 17 described in clause (i) or (ii).”.

18 **SEC. 606. MANDATORY MINIMUM PRISON SENTENCES FOR**
 19 **PERSONS WHO USE MINORS IN DRUG TRAF-**
 20 **FICKING ACTIVITIES OR SELL DRUGS TO MI-**
 21 **NORS.**

22 (a) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF
 23 AGE.—Section 420 of the Controlled Substances Act (21
 24 U.S.C. 861) is amended—

1 (1) in subsection (b), by striking the second
2 sentence and inserting the following: “Except to the
3 extent that a greater minimum sentence is otherwise
4 provided, a term of imprisonment of a person 21 or
5 more years of age convicted under this subsection
6 shall be not less than 10 years, and a term of im-
7 prisonment of a person between the ages of 18 and
8 21 convicted under this subsection shall be not less
9 than 3 years. Notwithstanding any other provision of
10 law, the court shall not place on probation or sus-
11 pend the sentence of any person sentenced under the
12 preceding sentence.”; and

13 (2) in subsection (c)—

14 (A) by striking “one year” and inserting
15 “6 years”;

16 (B) by inserting after the second sentence
17 the following: “Except to the extent that a
18 greater minimum sentence is otherwise pro-
19 vided, a term of imprisonment of a person 21
20 or more years of age convicted under this sub-
21 section shall be a mandatory term of life im-
22 prisonment. Notwithstanding any other provi-
23 sion of law, the court shall not place on proba-
24 tion or suspend the sentence of any person sen-
25 tenced under the preceding sentence.”; and

1 (C) in the third sentence, by striking
 2 “Penalties” and inserting: “Except to the ex-
 3 tent that a greater minimum sentence is other-
 4 wise provided, penalties”.

5 (b) MANDATORY MINIMUM PRISON SENTENCES FOR
 6 PERSONS CONVICTED OF DISTRIBUTION OF DRUGS TO
 7 MINORS.—

8 (1) IN GENERAL.—Section 418 of the Con-
 9 trolled Substances Act (21 U.S.C. 859) is amend-
 10 ed—

11 (A) in subsection (a)

12 (i) by striking “at least eighteen” and
 13 inserting “not less than 21”;

14 (ii) by striking “twenty-one” and in-
 15 serting “18”;

16 (iii) by striking “not less than one
 17 year” and inserting “not less than 10
 18 years”; and

19 (iv) by striking the last sentence;

20 (B) in subsection (b)—

21 (i) by striking “at least eighteen” and
 22 inserting “not less than 21”;

23 (ii) by striking “twenty-one” and in-
 24 serting “18”;

1 (iii) by striking “not less than one
 2 year” and inserting “a mandatory term of
 3 life imprisonment”; and

4 (iv) by striking the last sentence; and
 5 (C) in the section heading, by striking
 6 “TWENTY-ONE” and inserting “18”.

7 (2) TECHNICAL AMENDMENT.—The table of
 8 contents for the Comprehensive Drug Abuse Preven-
 9 tion and Control Act of 1970 is amended in the item
 10 relating to section 418 by striking “TWENTY-ONE”
 11 and inserting “18”.

12 (c) PENALTIES FOR DRUG OFFENSES IN DRUG-
 13 FREE ZONES.—

14 (1) INCREASED PENALTIES.—Section 419 of
 15 the Controlled Substances Act (21 U.S.C. 860) is
 16 amended—

17 (A) in subsection (a)—

18 (i) by striking “not less than one
 19 year” and inserting “not less than 5
 20 years”; and

21 (ii) by striking the last sentence;

22 (B) in subsection (b), by striking “not less
 23 than three years” and inserting “not less than
 24 10 years”; and

1 (C) by redesignating subsections (c), (d),
2 and (e) as subsections (d), (e), and (f), respec-
3 tively.

4 **SEC. 607. PENALTY INCREASES FOR TRAFFICKING IN LIST-**
5 **ED CHEMICALS.**

6 (a) CONTROLLED SUBSTANCES ACT.—Section
7 401(d) of the Controlled Substances Act (21 U.S.C.
8 841(d)) is amended by inserting before the period at the
9 end the following: “or, with respect to a violation of para-
10 graph (1) or (2) of this subsection involving a list I chemi-
11 cal, if the government proves the quantity of controlled
12 substance that could reasonably have been manufactured
13 in a clandestine setting using the quantity of list I chemi-
14 cals possessed or distributed, the penalty corresponding to
15 the quantity of controlled substance that could have been
16 produced under subsection (b)”.

17 (b) CONTROLLED SUBSTANCE IMPORT AND EXPORT
18 ACT.—Section 1010(d) of the Controlled Substances Im-
19 port and Export Act (21 U.S.C. 960(d)) is amended by
20 inserting before the period at the end the following: “, or,
21 with respect to an importation violation of paragraph (1)
22 or (3) of this subsection involving a list I chemical, if the
23 government proves the quality of controlled substance that
24 could reasonably have been manufactured in a clandestine
25 setting using the quantity of list I chemicals imported, the

1 penalty corresponding to the quantity of controlled sub-
 2 stance that could have been produced under title II”.

3 (c) DETERMINATION OF QUANTITY.—

4 (1) IN GENERAL.—For the purpose of this sec-
 5 tion and the amendments made by this section, the
 6 quantity of controlled substance that could reason-
 7 ably have been provided shall be determined by
 8 using a table of manufacturing conversion ratios for
 9 list I chemicals.

10 (2) TABLE.—The table described in paragraph
 11 (1) shall be—

12 (A) established by the United States Sen-
 13 tencing Commission based on scientific, law en-
 14 forcement, and other data the Sentencing Com-
 15 mission determines to be appropriate; and

16 (B) dispositive of this issue.

17 **TITLE VII—COMBATING VIO-**
 18 **LENCE AGAINST WOMEN AND**
 19 **CHILDREN**

20 **Subtitle A—General Reforms**

21 **SEC. 701. PARTICIPATION OF RELIGIOUS ORGANIZATIONS**
 22 **IN VIOLENCE AGAINST WOMEN ACT PRO-**
 23 **GRAMS.**

24 Notwithstanding any other provision of law, religious
 25 organizations shall be eligible to participate in any grant

1 program authorized pursuant to the Violence Against
 2 Women Act of 1994 (Title IV of Public Law 103–322)
 3 which allow for the participation of nongovernmental enti-
 4 ties, programs, or agencies, or any private organizations.
 5 No Federal or State governmental agency receiving funds
 6 under any such program shall discriminate against an or-
 7 ganization on the basis that the organization has a reli-
 8 gious character. Nothing in this section shall be construed
 9 to preempt any provision of a State constitution or State
 10 statute that prohibits or restricts the expenditure of State
 11 funds in or by religious organizations.

12 **SEC. 702. DOMESTIC VIOLENCE ARREST GRANTS.**

13 Paragraph (20) of section 1001(a) of title I of the
 14 Omnibus Crime Control and Safe Streets Act of 1968 is
 15 amended by striking “fiscal year 1998” and inserting “for
 16 each of the fiscal years 1998 and 1999”.

17 **SEC. 703. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE**
 18 **ENFORCEMENT ASSISTANCE.**

19 Section 13971(c) of title 42 United States Code is
 20 amended by striking “fiscal year 1998” and inserting “for
 21 each of the fiscal years, 1998 and 1999.”

22 **SEC. 704. RUNAWAY, HOMELESS, AND STREET YOUTH AS-**
 23 **SISTANCE GRANTS.**

24 Section 319(c)(3) of part A of the Runaway and
 25 Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended

1 by striking “fiscal year 1998” and inserting “for each of
2 the fiscal years 1998 and 1999”.

3 **Subtitle B—Domestic Violence**

4 **SEC. 711. DEATH PENALTY FOR FATAL INTERSTATE DO-** 5 **MESTIC VIOLENCE OFFENSES.**

6 Sections 2261(b)(1) and 2262(b)(1) of title 18, Unit-
7 ed States Code, are each amended by inserting “or may
8 be sentenced to death,” after “years,”.

9 **SEC. 712. DEATH PENALTY FOR FATAL INTERSTATE VIOLA-** 10 **TIONS OF PROTECTIVE ORDERS.**

11 Section 2262 of title 18, United States Code, is
12 amended by inserting “or may be sentenced to death,”
13 after “years,”.

14 **SEC. 713. EVIDENCE OF DISPOSITION OF DEFENDANT TO-** 15 **WARD VICTIM IN DOMESTIC VIOLENCE CASES** 16 **AND OTHER CASES.**

17 Rule 404(b) of the Federal Rules of Evidence is
18 amended by striking “or absence of mistake or accident”
19 and inserting “absence of mistake or accident, or a dis-
20 position toward a particular individual,”.

21 **SEC. 714. HIV TESTING OF DEFENDANTS IN SEXUAL AS-** 22 **SAULT CASES.**

23 (a) IN GENERAL.—Chapter 109A of title 18, United
24 States Code, is amended by adding at the end the follow-
25 ing:

1 **“§ 2249. Testing for human immunodeficiency virus;**
 2 **disclosure of test results to victim; effect**
 3 **on penalty**

4 “(a) TESTING AT TIME OF PRETRIAL RELEASE DE-
 5 TERMINATION.—

6 “(1) IN GENERAL.—In a case in which a person
 7 is charged with an offense under this chapter, upon
 8 request of the victim, a judicial officer issuing an
 9 order pursuant to section 3142(a) shall include in
 10 the order a requirement that a test for the human
 11 immunodeficiency virus be performed upon the per-
 12 son, and that followup tests for the virus be per-
 13 formed 6 months and 12 months following the date
 14 of the initial test, unless the judicial officer deter-
 15 mines that the conduct of the person created no risk
 16 of transmission of the virus to the victim, and so
 17 states in the order.

18 “(2) TIMING.—The order shall direct that the
 19 initial test be performed within 24 hours, or as soon
 20 thereafter as feasible.

21 “(3) NO RELEASE FROM CUSTODY.—Any per-
 22 son upon whom a test is performed under this sec-
 23 tion—

24 “(A) shall not be released from custody
 25 until the test is performed; and

1 “(B) unless indigent, shall be responsible
 2 for paying for the test at the time the test is
 3 performed.

4 “(b) TESTING AT LATER TIME.—

5 “(1) IN GENERAL.—If a person charged with
 6 an offense under this chapter was not tested for the
 7 human immunodeficiency virus pursuant to sub-
 8 section (a), the court may at a later time direct that
 9 such a test be performed upon the person, and that
 10 followup tests be performed 6 months and 12
 11 months following the date of the initial test, if it ap-
 12 pears to the court that the conduct of the person
 13 may have risked transmission of the virus to the vic-
 14 tim.

15 “(2) TIMING.—A testing requirement under
 16 this subsection may be imposed at any time while
 17 the charge is pending, or following conviction at any
 18 time prior to the completion of service of the sen-
 19 tence by the person.

20 “(c) TERMINATION OF TESTING REQUIREMENT.—A
 21 requirement of followup testing imposed under this section
 22 shall be canceled if any test is positive for the virus or
 23 the person obtains an acquittal on, or dismissal of, all
 24 charges under this chapter.

25 “(d) DISCLOSURE OF TEST RESULTS.—

1 “(1) IN GENERAL.—The results of any test for
2 the human immunodeficiency virus performed pursu-
3 ant to an order under this section shall be provided
4 to the judicial officer or court.

5 “(2) DISCLOSURE TO VICTIM.—The judicial of-
6 ficer or court shall ensure that the results are dis-
7 closed to the victim (or to the parent or legal guard-
8 ian of the victim, as appropriate), the attorney for
9 the government, and the person tested.

10 “(3) APPLICABILITY OF OTHER LAW.—Test re-
11 sults disclosed pursuant to this subsection shall be
12 subject to paragraphs (5) through (7) of section
13 40503(b) of the Violent Crime Control Act of 1994
14 (42 U.S.C. 14011(b)).

15 “(4) COUNSELING.—Any test result of the de-
16 fendant given to the victim or the defendant must be
17 accompanied by appropriate counseling, unless the
18 recipient does not wish to receive such counseling.

19 “(e) EFFECT ON PENALTY.—The United States Sen-
20 tencing Commission shall amend the Federal sentencing
21 guidelines for sentences for offenses under this chapter to
22 enhance the sentence if the offender knew or had reason
23 to know that the offender was infected with the human

1 immunodeficiency virus, except if the offender did not en-
 2 gage or attempt to engage in conduct creating a risk of
 3 transmission of the virus to the victim.”.

4 (b) TECHNICAL AMENDMENT.—The chapter analysis
 5 for chapter 109A of title 18, United States Code, is
 6 amended by inserting at the end the following:

“2249. Testing for human immunodeficiency virus; disclosure of test results to
 victim; effect on penalty.”.

7 (c) AMENDMENTS TO TESTING PROVISIONS.—Sec-
 8 tion 40503(b) of the Violent Crime Control and Law En-
 9 forcement Act of 1994 (42 U.S.C. 14011(b)) is amend-
 10 ed—

11 (1) by striking the subsection heading and in-
 12 serting the following:

13 “(b) TESTING OF DEFENDANTS.—”;

14 (2) in paragraph (1)—

15 (A) by inserting “, or the Government in
 16 such a case,” after “subsection (a)”;

17 (B) by inserting “(or to the parent or legal
 18 guardian of the victim, as appropriate)” after
 19 “communicated to the victim”; and

20 (C) by inserting “, unless the recipient
 21 does not wish to receive such counseling” after
 22 “counseling”; and

23 (3) in paragraph (2)—

(A) by striking “to obtain an order under paragraph (1), the victim must demonstrate that” and inserting “the victim or the Government may obtain an order under paragraph (1) by showing that”;

(B) in subparagraph (A)—

(i) by striking “the offense” and inserting “a sexual assault involving alleged conduct that poses a risk of transmission of the etiologic agent for acquired immune deficiency syndrome”; and

(ii) by inserting “and” after the semicolon;

(C) in subparagraph (B), by striking “after appropriate counseling; and” and inserting a period; and

(D) by striking subparagraph (C).

TITLE VIII—VIOLENT CRIME AND TERRORISM

Subtitle A—Violent Crime and Terrorism

SEC. 801. AMENDMENTS TO ANTITERRORISM STATUTES.

(a) **EXPLOSIVE MATERIALS.**—Section 844(f)(1) of title 18, United States Code, is amended by inserting “or

1 any institution or organization receiving Federal financial
2 assistance” after “or agency thereof,”; and

3 (b) BIOLOGICAL WEAPONS.—

4 (1) IN GENERAL.—Section 178 of title 18,
5 United States Code, is amended—

6 (A) in paragraph (1), by striking “means
7 any microorganism, virus, or infectious sub-
8 stance, or biological product that may be engi-
9 neered as a result of biotechnology or any natu-
10 rally occurring or bioengineered component of
11 any such microorganism, virus, infectious sub-
12 stance, or biological product” and inserting
13 “means any microorganism (including bacteria,
14 viruses, fungi, rickettsiae or protozoa), or infec-
15 tious substance, or any naturally occurring, bio-
16 engineered or synthesized component of any
17 such microorganism or infectious substance”;

18 (B) in paragraph (2), by striking “means
19 the toxic material of plants, animals, microorga-
20 nisms, viruses, fungi, or infectious substances,
21 or a recombinant molecule, whatever its origin
22 or method of production, including” and insert-
23 ing “means the toxic material or product of
24 plants, animals, microorganisms (including, but
25 not limited to, bacteria, viruses, fungi,

rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes”; and

(C) in paragraph (4), by striking “recombinant molecule, or biological product that may be engineered as a result of biotechnology” and inserting “recombinant or synthesized molecule”.

(2) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking “, including any biological agent, toxin, or vector (as those terms are defined in section 178)” and

(B) in subsection (b)(2)(C), by striking “disease organism” and inserting “any biological agent, toxin, or vector (as those terms are defined in section 178)”.

SEC. 802. KIDNAPPING; DEATH OF VICTIM BEFORE CROSSING STATE LINE AS NOT DEFEATING PROSECUTION, AND OTHER CHANGES.

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

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

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

4 “(6) an individual travels in interstate or for-
5 eign commerce in furtherance of the offense; or

6 “(7) the mail or a facility in interstate or for-
7 eign commerce is used in furtherance of the of-
8 fense;”.

9 **SEC. 803. EXPANSION OF SECTION 1959 OF TITLE 18 TO**
10 **COVER COMMISSION OF ALL VIOLENT**
11 **CRIMES IN AID OF RACKETEERING ACTIVITY**
12 **AND INCREASED PENALTIES.**

13 Section 1959(a) of title 18, United States Code, is
14 amended—

15 (1) by inserting “or commits any other crime of
16 violence” before “or threatens to commit a crime of
17 violence against”;

18 (2) in paragraph (4), by inserting “committing
19 any other crime of violence or for” before “threaten-
20 ing to commit a crime of violence”, and by striking
21 “five” and inserting “ten”;

22 (3) in paragraph (5) by striking “ten” and in-
23 serting “twenty”;

1 (4) in paragraph (6) by striking “or” before
2 “assault resulting in serious bodily injury,” by in-
3 serting “or any other crime of violence” after those
4 same words, and by striking “three” and inserting
5 “ten”; and

6 (5) by inserting “(as defined in section 1365 of
7 this title)” after “serious bodily injury” the first
8 place it appears.

9 **SEC. 804. CONFORMING AMENDMENT TO CONSPIRACY PEN-**
10 **ALTY.**

11 (a) FIREARMS.—Section 924 of title 18, United
12 States Code, is amended by adding at the end the follow-
13 ing:

14 “(o) Except as otherwise provided in this section, a
15 person who conspires to commit any offense defined in this
16 chapter shall be subject to the same penalties (including
17 the penalty of death) as those prescribed for the offense
18 the commission of which was the object of the conspir-
19 acy.”.

20 (b) EXPLOSIVES.—Section 844(n) of title 18, United
21 States Code, is amended by striking “other than” and in-
22 serting “including”.

1 **SEC. 805. INCLUSION OF CERTAIN ADDITIONAL SERIOUS**
2 **DRUG OFFENSES AS ARMED CAREER CRIMI-**
3 **NAL ACT PREDICATES.**

4 Section 924(e)(2)(A)(ii) of title 18, United States
5 Code, is amended by inserting before the semicolon the
6 following: “or which, if it had been prosecuted as a viola-
7 tion of the Controlled Substances Act (21 U.S.C. 801 et
8 seq.) at the time of the offense and because of the type
9 and quantity of the controlled substance involved, would
10 have been punishable by a maximum term of imprison-
11 ment of 10 years or more”.

12 **SEC. 806. INCREASED PENALTIES FOR VIOLENCE IN THE**
13 **COURSE OF RIOT OFFENSES.**

14 Section 2101(a) of title 18, United States Code, is
15 amended by striking “Shall be fined under this title, or
16 imprisoned not more than five years, or both” and insert-
17 ing “Shall be fined under this title or (i) if death results
18 from such act, be imprisoned for any term of years or for
19 life, or both, or may be sentenced to death; (ii) if serious
20 bodily injury (as defined in section 1365 of this title) re-
21 sults from such act, be imprisoned for not more than 20
22 years, or both; or (iii) in any other case, be imprisoned
23 for not more than 5 years, or both”.

1 **SEC. 807. ELIMINATION OF UNJUSTIFIED SCIENTER ELE-**
 2 **MENT FOR CARJACKING.**

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

6 **SEC. 808. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**
 7 **UNITED STATES BY PERSONS ACCOMPANY-**
 8 **ING THE ARMED FORCES.**

9 Title 18, United States Code, is amended by inserting
 10 after chapter 211 the following:

11 **“CHAPTER 212—CRIMINAL OFFENSES**
 12 **COMMITTED OUTSIDE THE UNITED**
 13 **STATES**

14 **“§ 3261. Criminal offenses committed by persons for-**
 15 **merly serving with, or presently em-**
 16 **ployed by or accompanying, the armed**
 17 **forces outside the United States**

18 “(a) Whoever, while serving with, employed by, or ac-
 19 companying the armed forces outside the United States,
 20 engages in conduct which would constitute an offense pun-
 21 ishable by imprisonment for more than one year if the con-
 22 duct had been engaged in within the special maritime and
 23 territorial jurisdiction of the United States, shall be guilty
 24 of a like offense and subject to a like punishment.

25 “(b) Nothing contained in this chapter deprives
 26 courts-martial, military commissions, provost courts, or

1 other military tribunals of concurrent jurisdiction with re-
2 spect of offenders or offenses that by statute or by the
3 law of war may be tried by courts-martial, military com-
4 missions, provost courts, or other military tribunals.

5 “(c) No prosecution may be commenced under this
6 section if a foreign government, in accordance with juris-
7 diction recognized by the United States, has prosecuted
8 or is prosecuting such person for the conduct constituting
9 such offense, except upon the approval of the Attorney
10 General of the United States or the Deputy Attorney Gen-
11 eral of the United States (or a person acting in either such
12 capacity), which function of approval may not be dele-
13 gated.

14 “(d)(1) The Secretary of Defense may designate and
15 authorize any person serving in a law enforcement position
16 in the Department of Defense to arrest outside the United
17 States any person described in subsection (a) who there
18 is probable cause to believe engaged in conduct which con-
19 stitutes a criminal offense under such section.

20 “(2) A person arrested under paragraph (1) shall be
21 released to the custody of civilian law enforcement authori-
22 ties of the United States for removal to the United States
23 for judicial proceedings in relation to conduct referred to
24 in such paragraph unless—

1 “(A) such person is delivered to authorities of
2 a foreign country under section 3262 of this title; or

3 “(B) such person has had charges preferred
4 against him under chapter 47 of title 10 for such
5 conduct.

6 **“§ 3262. Delivery to authorities of foreign countries**

7 “(a) IN GENERAL.—Any person designated and au-
8 thorized under section 3261(d) may deliver a person de-
9 scribed in section 3261(a) to the appropriate authorities
10 of a foreign country in which such person is alleged to
11 have engaged in conduct described in such subsection (a)
12 if—

13 “(1) the appropriate authorities of that country
14 request the delivery of the person to such country
15 for trial for such conduct as an offense under the
16 laws of that country; and

17 “(2) the delivery of such person to that country
18 is authorized by a treaty or other international
19 agreement to which the United States is a party.

20 “(b) DETERMINATION OF APPROPRIATE AUTHORI-
21 TIES.—The Secretary of Defense shall determine what of-
22 ficials of a foreign country constitute appropriate authori-
23 ties for the purpose of this section.

1 **“§ 3263. Regulations**

2 “The Secretary of Defense shall issue regulations
3 governing the apprehension, detention, and removal of
4 persons under this chapter. Such regulations shall be uni-
5 form throughout the Department of Defense.

6 **“§ 3264. Definitions for chapter**

7 “In this chapter—

8 “(1) a person is ‘employed by the Armed
9 Forces outside the United States’—

10 “(A) if he or she is employed as a civilian
11 employee of a military department or of the De-
12 partment of Defense, as a Department of De-
13 fense contractor, or as an employee of a De-
14 partment of Defense contractor;

15 “(B) is present or residing outside the
16 United States in connection with such employ-
17 ment; and

18 “(C) is not a national of the host nation;
19 and

20 “(2) a person is ‘accompanying the Armed
21 Forces outside the United States’ if he or she—

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

24 “(B) is a dependent of a civilian employee
25 of a military department or of the Department
26 of Defense;

1 “(C) is residing with the member or civil-
2 ian employee outside the United States; and

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

4 **SEC. 809. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR**
5 **HIRE.**

6 Section 1958(a) of title 18, United States Code, is
7 amended by inserting “or other felony crime of violence
8 against the person” after “murder”.

9 **SEC. 810. PENALTY ENHANCEMENT FOR CERTAIN OF-**
10 **FENSES RESULTING IN DEATH.**

11 (a) MAILMEN.—Section 2114 of title 18, United
12 States Code, is amended—

13 (1) by designating the existing matter as sub-
14 section (a); and

15 (2) by adding a new subsection (b) as follows:

16 “(b) Whoever, in committing an offense described in
17 this section, or in avoiding or attempting to avoid appre-
18 hension for the commission of such offense, kills any per-
19 son shall be punished by death or by imprisonment for
20 life.”.

21 (b) CONTROLLED SUBSTANCES.—Section 2118(c)(2)
22 of title 18, United States Code, is amended by striking
23 all after “kills any person” and inserting “shall be pun-
24 ished by death or by imprisonment for life.”.

1 (c) INTERSTATE DOMESTIC VIOLENCE.—Sections
 2 2261(b)(1) and 2262(b)(1) of title 18, United States
 3 Code, are each amended by inserting before the semicolon
 4 “, and may be sentenced to death”.

5 (d) ANIMAL ENTERPRISE TERRORISM.—Section
 6 43(b)(2) of title 18, United States Code, is amended by
 7 inserting “or may be sentenced to death” after “impris-
 8 oned for life or for any term of years”.

9 (e) RACKETEERING.—Section 1952(a)(3)(B) of title
 10 18, United States Code, is amended by inserting “or may
 11 be sentenced to death” after “imprisoned for any term of
 12 years or for life”.

13 **SEC. 811. VIOLENCE DIRECTED AT DWELLINGS IN INDIAN**
 14 **COUNTRY.**

15 Section 1153(a) of title 18, United States Code, is
 16 amended by inserting “or 1363” after “section 661”.

17 **Subtitle B—Courts and Sentencing**

18 **SEC. 821. ALLOWING A REDUCTION OF SENTENCE FOR**
 19 **PROVIDING USEFUL INVESTIGATIVE INFOR-**
 20 **MATION ALTHOUGH NOT REGARDING A PAR-**
 21 **TICULAR INDIVIDUAL.**

22 Section 3553(e) of title 18, United States Code, sec-
 23 tion 994(n) of title 28, United States Code, and Rule
 24 35(b) of the Federal Rules of Criminal Procedure are each

1 amended by striking “substantial assistance in the inves-
2 tigation or prosecution of another person who has commit-
3 ted an offense” and inserting “substantial assistance in
4 an investigation of any offense or the prosecution of an-
5 other person who has committed an offense”.

6 **SEC. 822. APPEALS FROM CERTAIN DISMISSALS.**

7 Section 3731 of title 18, United States Code, is
8 amended by inserting “or any part thereof” after “as to
9 any one or more counts”.

10 **SEC. 823. ELIMINATION OF OUTMODED CERTIFICATION RE-**
11 **QUIREMENT.**

12 Section 3731 of title 18, United States Code, is
13 amended in the second paragraph by striking “, if the
14 United States attorney certifies to the district court that
15 the appeal is not taken for purpose of delay and that the
16 evidence is a substantial proof of a fact material in the
17 proceeding”.

18 **SEC. 824. IMPROVEMENT OF HATE CRIMES SENTENCING**
19 **PROCEDURE.**

20 Section 280003(b) of the Violent Crime Control and
21 Law Enforcement Act of 1994 (28 U.S.C. 994 note) is
22 amended by striking “the finder of fact at trial” and in-
23 serting “the court at sentencing”.

1 **SEC. 825. CLARIFICATION OF LENGTH OF SUPERVISED RE-**
2 **LEASE TERMS IN CONTROLLED SUBSTANCE**
3 **CASES.**

4 Section 401(b)(1) of the Controlled Substances Act
5 (21 U.S.C. 841(b)(1)) is amended in each of subpara-
6 graphs (A), (B), (C), and (D), by striking “Any sentence”
7 and inserting “Notwithstanding section 3583 of title 18,
8 United States Code, any sentence”.

9 **SEC. 826. AUTHORITY OF COURT TO IMPOSE A SENTENCE**
10 **OF PROBATION OR SUPERVISED RELEASE**
11 **WHEN REDUCING A SENTENCE OF IMPRISON-**
12 **MENT IN CERTAIN CASES.**

13 Section 3582(c)(1)(A) of title 18, United States
14 Code, is amended by inserting “(and may impose a sen-
15 tence of probation or supervised release with or without
16 conditions)” after “may reduce the term of imprison-
17 ment”.

18 **SEC. 827. TECHNICAL CORRECTION TO ASSURE COMPLI-**
19 **ANCE OF SENTENCING GUIDELINES WITH**
20 **PROVISIONS OF ALL FEDERAL STATUTES.**

21 Section 994(a) of title 28, United States Code, is
22 amended by striking “consistent with all pertinent provi-
23 sions of this title and title 18, United States Code,” and
24 inserting “consistent with all pertinent provisions of any
25 Federal statute”.

1 **Subtitle C—White Collar Crime**

2 **SEC. 841. CLARIFICATION OF SCIENTER REQUIREMENT** 3 **FOR RECEIVING PROPERTY STOLEN FROM** 4 **AN INDIAN TRIBAL ORGANIZATION.**

5 Section 1163 of title 18, United States Code, is
 6 amended in the second paragraph by striking “so”.

7 **SEC. 842. LARCENY INVOLVING POST OFFICE BOXES AND** 8 **POSTAL STAMP VENDING MACHINES.**

9 Section 2115 of title 18, United States Code, is
 10 amended—

11 (1) by striking “or” before “any building”;

12 (2) by inserting “or any post office box or post-
 13 al stamp vending machine for the sale of stamps
 14 owned by the Postal Service,” after “used in whole
 15 or in part as a post office,”; and

16 (3) by inserting “or in such box or machine,”
 17 after “so used”.

18 **SEC. 843. THEFT OF VESSELS.**

19 (a) DEFINITIONS.—Section 2311 of title 18, United
 20 States Code, is amended by adding at the end the follow-
 21 ing:

22 “‘Vessel’ means any watercraft or other con-
 23 trivance used or designed for transportation or navi-
 24 gation on, under, or immediately above, water.”.

1 (b) TRANSPORTATION, SALE, OR RECEIPT OF STO-
 2 LEN VEHICLES.—Sections 2312 and 2313 of title 18,
 3 United States Code, are each amended by striking “motor
 4 vehicle or aircraft” and inserting “motor vehicle, vessel,
 5 or aircraft”.

6 **SEC. 844. CONFORMING AMENDMENT TO LAW PUNISHING**
 7 **OBSTRUCTION OF JUSTICE BY NOTIFICATION**
 8 **OF EXISTENCE OF A SUBPOENA FOR**
 9 **RECORDS IN CERTAIN TYPES OF INVESTIGA-**
 10 **TIONS.**

11 Section 1510(b)(3)(B) of title 18, United States
 12 Code, is amended—

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

14 (2) in clause (ii), by striking the period at the
 15 end and inserting “; or”; and

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

17 “(iii) the Controlled Substances Act,
 18 the Controlled Substances Import and Ex-
 19 port Act, or section 6050I of the Internal
 20 Revenue Code of 1986.”.

21 **SEC. 845. INJUNCTIONS AGAINST COUNTERFEITING AND**
 22 **FORGERY.**

23 (a) IN GENERAL.—Chapter 25 of title 18, United
 24 States Code, is amended by adding at the end the follow-
 25 ing:

1 **“§ 514. Injunctions against counterfeiting and forgery**

2 “(a)(1) If a person is violating or about to violate
3 any provision of this chapter, the Attorney General may
4 commence a civil action in any Federal court to enjoin
5 such violation.

6 “(2) A permanent or temporary injunction or re-
7 straining order shall be granted without bond.

8 “(b) The court shall proceed as soon as practicable
9 to the hearing and determination of such an action, and
10 may, at any time before final determination, enter such
11 a restraining order or prohibition, or take such other ac-
12 tion as is warranted in its discretion. A proceeding under
13 this section is governed by the Federal Rules of Civil Pro-
14 cedure, except that, if an indictment has been returned
15 against the respondent, discovery is governed by the Fed-
16 eral Rules of Criminal Procedure.”.

17 (b) CLERICAL AMENDMENT.—The chapter analysis
18 for chapter 25 of title 18, United States Code, is amended
19 by adding at the end the following:

“514. Injunctions against counterfeiting and forgery.”.

20 **Subtitle D—Miscellaneous**
21 **Provisions**

22 **SEC. 861. INCREASED MAXIMUM PENALTY FOR CERTAIN**
23 **RICO VIOLATIONS.**

24 Section 1963(a) of title 18, United States Code, is
25 amended by striking “or imprisoned not more than 20

1 years (or for life if the violation is based on a racketeering
2 activity for which the maximum penalty includes life im-
3 prisonment)” and inserting “or imprisoned not more than
4 the greater of 20 years or the statutory maximum term
5 of imprisonment (including life) applicable to a racketeer-
6 ing activity on which the violation is based”.

7 **SEC. 862. CLARIFICATION OF INAPPLICABILITY TO CER-**
8 **TAIN DISCLOSURES.**

9 Section 2515 of title 18, United States Code, is
10 amended by adding at the end the following: “This section
11 does not apply to the disclosure by the United States, a
12 State, or political subdivision in a criminal trial or hearing
13 or before a grand jury of the contents of a wire or oral
14 communication, or evidence derived therefrom, the inter-
15 ception of which was in violation of section 2511(2)(d) (re-
16 lating to certain interceptions not involving governmental
17 misconduct).”.

18 **SEC. 863. CONFORMING AMENDMENTS RELATING TO SU-**
19 **PERVISED RELEASE.**

20 (a) Sections 1512(a)(1)(C), 1512(b)(3), 1512(c)(2),
21 1513(a)(1)(B), and 1513(b)(2) of title 18, United States

1 Code, are each amended by striking “violation of condi-
 2 tions of probation, parole or release pending judicial pro-
 3 ceedings” and inserting “violation of conditions of proba-
 4 tion, supervised release, parole, or release pending judicial
 5 proceedings”.

6 (b) Section 3142 of title 18, United States Code, is
 7 amended—

8 (1) in subsection (d)(1), by inserting “, super-
 9 vised release,” “probation”; and

10 (2) in subsection (g)(3), by inserting “or super-
 11 vised release” after “probation”.

12 **SEC. 864. ADDITION OF CERTAIN OFFENSES AS MONEY**
 13 **LAUNDERING PREDICATES.**

14 Section 1956(c)(7)(D) of title 18, United States
 15 Code, is amended by inserting “or section 2339B (relating
 16 to providing material support to designated foreign terror-
 17 ist organizations)” before “of this title”.

18 **SEC. 865. CLARIFICATION OF JURISDICTIONAL BASE IN-**
 19 **VOLVING THE MAIL.**

20 Section 2422(b) of title 18, United States Code, is
 21 amended—

22 (1) by inserting “the mail” after “using”; and

23 (2) by striking “including the mail,”.

1 **SEC. 866. COVERAGE OF FOREIGN BANK BRANCHES IN THE**
2 **TERRITORIES.**

3 Section 20(9) of title 18, United States Code, is
4 amended by inserting before the period the following: “,
5 except that for purposes of this section the definition of
6 the term ‘State’ in such Act shall be deemed to include
7 a commonwealth, territory, or possession of the United
8 States”.

9 **SEC. 867. CONFORMING STATUTE OF LIMITATIONS AMEND-**
10 **MENT FOR CERTAIN BANK FRAUD OFFENSES.**

11 Section 3293 of title 18, United States Code, is
12 amended—

13 (1) by inserting “225,” after “215,”; and

14 (2) by inserting “1032,” before “1033”.

15 **SEC. 868. CLARIFYING AMENDMENT TO SECTION 704.**

16 Section 704(b)(2) of title 18, United States Code, is
17 amended by striking “with respect to a Congressional
18 Medal of Honor”.

19 **TITLE IX—PRISON REFORM**
20 **Subtitle A—Prison Litigation**
21 **Reform**

22 **SEC. 901. AMENDMENT TO THE PRISON LITIGATION RE-**
23 **FORM ACT.**

24 Section 801 of the Prison Litigation Reform Act of
25 1995 is amended by striking “1995” and inserting
26 “1996”.

1 **SEC. 902. APPROPRIATE REMEDIES FOR PRISON CONDI-**
 2 **TIONS.**

3 Section 3626 of title 18, United States Code is
 4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)(B)(i), by striking
 7 “permits” and inserting “requires”; and

8 (B) in paragraph (3)—

9 (i) in subparagraph (A), by striking
 10 “no prisoner release order shall be entered
 11 unless—” and inserting “no court shall
 12 enter a prisoner release order unless—”;

13 (ii) in subparagraph (B), by—

14 (I) striking “(B) In” and insert-
 15 ing “(B)(i) In”; and

16 (II) striking “title 28 if the re-
 17 quirements of subparagraph (E) have
 18 been met” and inserting “title 28”;

19 (iii) by redesignating subparagraph
 20 (C) as clause (ii);

21 (iv) by redesignating subparagraph
 22 (D) as clause (iii);

23 (v) in subparagraph (E), by striking
 24 “The three-judge court shall enter a pris-
 25 oner release order only if” and inserting
 26 “In any civil action with respect to prison

1 conditions, no court shall enter a prisoner
 2 release order unless the requirements of
 3 subparagraph (A) have been met and”;

4 (vi) by redesignating subparagraph
 5 (E) as subparagraph (B) and redesignat-
 6 ing current subparagraph (B) as subpara-
 7 graph (C) and current subparagraph (F)
 8 as subparagraph (D); and

9 (vii) in subparagraph (D), as redesign-
 10 nated, by striking “program” and inserting
 11 “prison”;

12 (2) in subsection (b)—

13 (A) in paragraph (3), by striking “the
 14 court makes written findings based on the
 15 record that prospective relief remains necessary
 16 to correct a current or ongoing violation of the
 17 Federal right, extends no further than nec-
 18 essary to correct the violation of the Federal
 19 right, and that the prospective relief is narrowly
 20 drawn and the least intrusive means to correct
 21 the violation” and inserting “the plaintiff estab-
 22 lishes by a preponderance of the evidence and
 23 the court makes written findings based on the
 24 record that there is a current and ongoing vio-
 25 lation of a Federal right, that prospective relief

1 remains necessary to correct the current and
2 ongoing violation of that Federal right, and
3 that the relief extends no further than nec-
4 essary to correct the current and ongoing viola-
5 tion of the Federal right, is narrowly drawn,
6 and is the least intrusive means to correct the
7 current and ongoing violation of the Federal
8 right”; and

9 (B) by striking “or (2)” in paragraph 5, as
10 redesignated;

11 (3) in subsection (e)—

12 (A) in paragraph (2), by striking “Any
13 prospective relief subject to a pending motion
14 shall be automatically stayed during the pe-
15 riod—” and inserting “Any motion to modify or
16 terminate prospective relief made under sub-
17 section (b) shall operate as a stay during the
18 period—” ; and

19 (B) by adding the following:

20 “(3) ORDER REFUSING TO IMPOSE STAY.—Any
21 order staying or suspending the operation of the
22 automatic stay described in paragraph (2) shall be
23 treated as an order refusing to dissolve or modify an

1 injunction and shall be appealable pursuant to sec-
2 tion 1292(a)(1) of title 28, United States Code, re-
3 gardless of how the order is styled and whether it
4 is termed a preliminary or a final ruling.

5 “(4) INTERVENTION.—The court shall rule
6 within 30 days on any motion to intervene as of
7 right under subsection (a)(3)(D). Mandamus shall
8 lie to remedy any failure to act on such a motion.
9 Any State or local official or unit of government
10 seeking to intervene as of right pursuant to sub-
11 section (a)(3)(D) may simultaneously file a motion
12 to modify or terminate a prisoner release order. If
13 the motion to intervene has not been denied by the
14 30th day after the motion to modify or terminate
15 has been filed, in the case of a motion made under
16 paragraph (1) or (2), or by the 180th day after the
17 motion to modify or terminate has been filed, in the
18 case of a motion made pursuant to any other law,
19 the motion to modify or terminate shall operate as
20 a stay of the prospective relief pursuant to the provi-
21 sions of paragraph (2) beginning on the 30th or
22 180th day, respectively, and ending either on the
23 date the court enters a final order denying the mo-
24 tion to intervene, or, if the court grants the motion
25 to intervene, on the date that the court enters a

1 final order ruling on the motion to terminate or
2 modify the relief.”;

3 (4) in subsection (f)—

4 (A) after “Special Masters” by inserting
5 “In any civil action in a federal court with re-
6 spect to prison conditions”;

7 (B) In paragraph (1)(A), by striking from
8 “In any civil action” through “prison condi-
9 tions, the” and inserting “The”;

10 (C) in paragraphs (1)(B) and (3), by strik-
11 ing “under this subsection”;

12 (D) in paragraph (4), by striking “under
13 this section”;

14 (E) in paragraph (6), by striking “ap-
15 pointed under this subsection”;

16 (F) in paragraph (2)(A), by striking “in-
17 stitution”;

18 (G) in paragraph (2), by adding at the end
19 the following:

20 “(D) The requirements of this paragraph
21 shall apply only to special masters appointed
22 after the date of enactment of the Prison Liti-
23 gation Reform Act of 1995.”;

1 (H) in paragraph (4), by adding at the end
 2 the following: “In no event shall the court re-
 3 quire the parties to pay the compensation, ex-
 4 penses or costs of the special master.”;

5 (I) in paragraph (5), by striking from “In
 6 any civil action” through “subsection, the” and
 7 inserting “The”; and

8 (J) in paragraph (6)—

9 (i) in subparagraph (A), by striking
 10 “hearings” and inserting “hearings on the
 11 record”; and by striking “and prepare pro-
 12 posed findings of fact, which shall be made
 13 on the record” and inserting “, and shall
 14 make any findings based on the record as
 15 a whole”;

16 (ii) in subparagraph (B), by adding
 17 “and” at the end;

18 (iii) by striking subparagraph (C);

19 and

20 (iv) by redesignating subparagraph

21 (D) as subparagraph (C); and

22 (5) in subsection (g)—

23 (A) in paragraph (1), by striking “settle-
 24 ments” and inserting “settlement agreements”;

25 (B) in paragraph (3)—

1 (i) by inserting “Federal, State, local,
2 or other” before “facility”;

3 (ii) by striking “violations” and in-
4 serting “a violation”;

5 (iii) by striking “terms and condi-
6 tions” and inserting “terms or conditions”;
7 and

8 (iv) by inserting “or other post-convie-
9 tion conditional or supervised release,”
10 after “probation,”;

11 (C) in paragraph (5), by striking “or local
12 facility” and inserting “local, or other facility”;

13 (D) in paragraph (8), by striking “inher-
14 ent”;

15 (E) in paragraph (9), by striking “agree-
16 ments.” and inserting “agreements;”;

17 (F) by reversing the order of paragraphs
18 (8) and (9);

19 (G) by inserting at the end of the sub-
20 section the following new paragraph:

21 “(10)(A) the term ‘violation of a Federal right’
22 means a violation of a Federal constitutional or Fed-
23 eral statutory right;

24 “(B) the term ‘violation of a Federal right’ does
25 not include a violation of a court order that is not

1 independently a violation of a Federal statutory or
 2 Federal constitutional right;

3 “(C) the term ‘violation of a Federal right’
 4 shall not be interpreted to expand the authority of
 5 any individual or class to enforce the legal rights
 6 that individual or class may have pursuant to exist-
 7 ing law with regard to institutionalized persons, or
 8 to expand the authority of the United States to en-
 9 force those rights on behalf of any individual or
 10 class.”; and

11 (H) by renumbering the paragraphs.

12 **SEC. 903. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS.**

13 Section 7 of the Civil Rights of Institutionalized Per-
 14 sons Act (42 U.S.C. 1997e), as amended by section 803(d)
 15 of the Prison Litigation Reform Act of 1995, is amend-
 16 ed—

17 (1) by amending the title of the section to read
 18 “Civil Actions with Respect to Prison Conditions”;

19 (2) in subsections (a), (c), and (d), by striking
 20 “by a prisoner confined in any jail, prison, or other
 21 correctional facility”;

22 (3) in subsection (a), by striking “No action
 23 shall be brought with respect to prison conditions”
 24 and inserting “No civil action with respect to prison
 25 conditions shall be brought”; and by striking “until

1 such administrative remedies as are available are ex-
2 hausted.” and inserting in its place “until the plain-
3 tiff has exhausted such administrative remedies as
4 are available.”;

5 (4) in subsection (c), by striking “any action
6 brought with” and inserting “any civil action with”;

7 (5) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “any action brought by
10 a prisoner who is” and inserting “any civil
11 action with respect to prison conditions
12 brought by a plaintiff who is or has been”;

13 (ii) by amending subparagraph (A) to read
14 as follows:

15 “(A) the fee was directly and reasonably
16 incurred in—

17 “(i) proving an actual violation of the
18 plaintiff’s Federal rights;

19 “(ii) successfully obtaining contempt
20 sanctions for a violation of previously or-
21 dered prospective relief that meets the
22 standards set forth in section 3626 of title
23 18, United States Code, if the plaintiff
24 made a good faith effort to resolve the
25 matter without court action; or

1 “(iii) successfully obtaining court or-
2 dered enforcement of previously ordered
3 prospective relief that meets the standards
4 set forth in section 3626 of title 18, Unit-
5 ed States Code, if the enforcement order
6 was necessary to prevent an imminent risk
7 of serious bodily injury to the plaintiff and
8 the plaintiff made a good faith attempt to
9 resolve the matter without court action;
10 and”; and

11 (iii) by amending subparagraph (B) to
12 read as follows:

13 “(B) the amount of the fee is proportion-
14 ately related to the court ordered relief for the
15 violation.”;

16 (B) in paragraph (2), by striking the last
17 sentence and inserting “If a monetary judgment
18 is the sole or principal relief awarded, the
19 award of attorney’s fees shall not exceed 100
20 percent of the judgment.”;

21 (C) in paragraph (3)—

22 (i) by striking “greater than 150 per-
23 cent” and inserting “greater than the less-
24 er of—

25 “(A) 100 percent”; and

- 1 (ii) by striking “counsel.” and insert-
2 ing “counsel; or
3 “(B) a rate of \$100 per hour.”; and
4 (D) in paragraph (4), by striking “pris-
5 oner” and inserting “plaintiff”;
6 (6) in subsection (e), by striking “Federal civil
7 action” and inserting “civil action arising under
8 Federal law”;
9 (7) in subsection (f), by striking “action
10 brought with respect to prison conditions” and in-
11 serting “civil action with respect to prison conditions
12 brought”;
13 (8) in subsection (g)—
14 (i) by amending the heading to read as fol-
15 lows: “Waiver of Response”;
16 (ii) by amending paragraph (1) to read as
17 follows:
18 “(1) Any defendant may waive the right to re-
19 spond to any complaint in any civil action arising
20 under Federal law brought by a prisoner. Notwith-
21 standing any other law or rule of procedure, such

1 waiver shall not constitute an admission of the alle-
 2 gations contained in the complaint or waive any af-
 3 firmative defense available to the defendant. No re-
 4 lief shall be granted to the plaintiff unless a re-
 5 sponse has been filed. The court may direct any de-
 6 fendant to file a response.”; and

7 (iii) by striking paragraph (2); and

8 (9) by amending subsection (h) to read as fol-
 9 lows:

10 “(h) As used in this section, the terms ‘civil action
 11 with respect to prison conditions’, ‘prison’, and ‘prisoner’
 12 have the meanings given those terms in section 3626(g)
 13 of title 18, United States Code.”.

14 **SEC. 904. PROCEEDINGS IN FORMA PAUPERIS.**

15 (a) Section 1915(b)(1)(B) of title 28, United States
 16 Code, is amended—

17 (1) by inserting after “average” the following:
 18 “of the highest”;

19 (2) by inserting after “balance” the following:
 20 “recorded for”;

21 (3) by striking “in”; and

22 (4) by striking “the 6-month period” and in-
 23 serting “each of the 6 months”.

24 (b) Section 1915(b)(2) of title 28, United States
 25 Code, is amended—

1 (1) by striking “forward” and inserting “de-
2 duct”;

3 (2) by striking “to the clerk of the court”; and

4 (3) by adding at the end the following: “The
5 agency having custody of the prisoner shall forward
6 the deducted payments to clerk of the court either
7 upon deduction or on a monthly basis accompanied
8 by appropriate documentation.”.

9 (c) Section 1915(f)(2)(A) of title 28, United States
10 Code, is amended by inserting “provides for or” before
11 “includes”.

12 (d) Section 1915(f)(2)(B), of title 28, United States
13 Code, is amended to add the following sentence at the end:
14 “If the judgment for costs is held by the agency, or the
15 employees of the agency, having custody of the prisoner,
16 the agency may withdraw 20 percent of each deposit to
17 the prisoner’s account and apply that amount to payment
18 of the judgment until the judgment is paid in full.”.

19 (e) Section 1915(g) of title 28, United States Code,
20 is amended—

21 (1) by striking “is frivolous” and inserting
22 “was frivolous”; and

23 (2) by striking “fails” and inserting “failed”.

1 (f) Section 1915(h) of title 28, United States Code,
 2 as added by section 804(e) of the Prison Litigation Re-
 3 form Act of 1995, is amended—

4 (1) by inserting “Federal, State, local, or
 5 other” before “facility”;

6 (2) by striking “violations” and inserting “a
 7 violation”;

8 (3) by striking “terms and conditions” and in-
 9 serting “terms or conditions”; and

10 (4) by inserting “or other post-conviction condi-
 11 tional or supervised release,” after “probation,”.

12 (g) Section 1915A of title 28, United States Code,
 13 is amended by striking “, before docketing, if feasible or,
 14 in any event,”.

15 **SEC. 905. NOTICE TO STATE AUTHORITIES OF MALICIOUS**
 16 **FILING BY PRISONER.**

17 (a) AMENDMENT.—Chapter 123 of title 28, United
 18 States Code, is amended—

19 (1) by inserting after section 1915A the follow-
 20 ing new section:

21 **“§ 1915B. Notice to state authorities of finding of ma-**
 22 **licious filing by a prisoner**

23 “(1) FINDING.—In any civil action brought in
 24 Federal court by a prisoner (other than a prisoner
 25 confined in a Federal correctional facility), the court

1 may, on its own motion or the motion of any adverse
2 party, make a finding whether—

3 “(A) the claim was filed for a malicious
4 purpose;

5 “(B) the claim was filed to harass the
6 party against which it was filed; or

7 “(C) the claimant testified falsely or other-
8 wise knowingly presented false evidence or in-
9 formation to the court.

10 “(2) The court shall transmit to the State De-
11 partment of Corrections or other appropriate author-
12 ity any affirmative finding under paragraph (1). If
13 the court makes such a finding, the Department of
14 Corrections or other appropriate authority may, pur-
15 suant to State or local law—

16 “(A) revoke such amount of good time
17 credit or the institutional equivalent accrued to
18 the prisoner as is deemed appropriate; or

19 “(B) consider such finding in determining
20 whether the prisoner should be released from
21 prison under any other State or local program
22 governing the release of prisoners, including pa-
23 role, probation, other post-conviction or super-
24 vised release, or diversionary program.”;

1 (2) by redesignating subsection 1915A(c) as
 2 section 1915C, and in that section, as redesign-
 3 nated—

4 (A) by striking “this section” and inserting
 5 “sections 1915A and 1915B”;

6 (B) by inserting “Federal, State, local, or
 7 other” before “facility”;

8 (C) by striking “violations” and inserting
 9 “a violation”;

10 (D) by striking “terms and conditions”
 11 and inserting “terms or conditions”; and

12 (E) by inserting “or other post-conviction
 13 conditional or supervised release,” after “proba-
 14 tion,”; and

15 (3) by inserting in the analysis for chapter 123
 16 of title 28, United States Code, and as further
 17 amended by this Act, after the item relating to sec-
 18 tion 1915A the following:

“1915B. Notice to state authorities of finding of malicious filing by a prisoner.
 “1915C. Definition.”.

19 **SEC. 906. PAYMENT OF DAMAGE AWARD IN SATISFACTION**
 20 **OF PENDING RESTITUTION AWARDS.**

21 (a) Section 807 of the Prison Litigation Reform Act
 22 of 1995 is designated as section 1915D(a) of chapter 123
 23 of title 28, United States Code.

1 (b) That section is amended by striking the word
2 “compensatory” and the last sentence of that section.

3 (c) Section 808 of the Prison Litigation Reform Act
4 of 1995 is designated as section 1915D(b) of chapter 123
5 of title 28, United States Code.

6 (d) The analysis for chapter 123 of title 28, United
7 States Code, is amended by inserting after the item relat-
8 ing to section 1915C the following:

“1915D. Payment of damage award in satisfaction of pending restitution
order.”.

9 **SEC. 907. EARNED RELEASE CREDIT OR GOOD TIME CRED-**
10 **IT REVOCATION.**

11 (a) Section 1932 of title 28, United States Code, is
12 redesignated as section 3624A of title 18, United States
13 Code.

14 (b) Section 3624A of title 18, United States Code,
15 as redesignated by subsection (a) of this section, is amend-
16 ed—

17 (1) by striking “In any” and inserting “(a)
18 Finding—In any”;

19 (2) by striking “an adult” and inserting “a per-
20 son”;

21 (3) by striking “order the revocation” and all
22 that follows through “finds that—” and inserting “,
23 on its own motion or the motion of any adverse
24 party, make a finding whether—”;

1 (4) in paragraph (2), by striking “solely”;

2 (5) in paragraph (3)—

3 (A) by striking “testifies” and inserting
4 “testified”; and

5 (B) by striking “presents” and inserting
6 “presented”; and

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

8 “(b) TRANSMISSION OF FINDING.—The court shall
9 transmit to the Bureau of Prisons any affirmative finding
10 under subsection (a). If the court makes such a finding,
11 the Bureau of Prisons shall revoke an amount of unvested
12 good time credit or the institutional equivalent accrued to
13 the prisoner pursuant to section 3264 as is deemed appro-
14 priate by the Director of the Bureau of Prisons.”.

15 (c)(1) The analysis for chapter 123 of title 28, United
16 States Code, is amended by striking the item relating to
17 section 1932.

18 (2) The analysis for chapter 229 of title 18, United
19 States Code, is amended by inserting after the item relat-
20 ing to section 3624 the following:

“3624A. Revocation of earned release credit.”.

21 **SEC. 908. RELEASE OF PRISONER.**

22 Section 3624(b) of title 18, United States Code, is
23 amended—

24 (1) in paragraph (1), by amending the fifth
25 sentence to read as follows: “Credit that has not

1 been earned may not later be granted, and credit
 2 that has been revoked pursuant to section 3624A
 3 may not later be reinstated.”; and

4 (2) in paragraph (2), by inserting before the pe-
 5 riod at the end the following: “, and may be revoked
 6 by the Bureau of Prisons for noncompliance with in-
 7 stitutional disciplinary regulations at any time be-
 8 fore vesting”.

9 **SEC. 909. EFFECTIVE DATE.**

10 This subtitle and the amendments made by this sub-
 11 title shall take effect on the date of enactment of this Act,
 12 and shall apply to all proceedings in all pending cases on
 13 the date of enactment of this Act.

14 **Subtitle B—Federal Prisons**

15 **SEC. 911. PRISON COMMUNICATIONS.**

16 Section 2522 of title 18, United States Code, is
 17 amended by adding at the end the following:

18 “(e) EXEMPTION.—

19 “(1) IN GENERAL.—This chapter and chapter
 20 121 do not apply with respect to the interception by
 21 a law enforcement officer of any wire, oral, or elec-
 22 tronic communication, or the use of a pen register,
 23 a trap and trace device, or a clone pager, if—

1 “(A) in the case of any wire, oral, or elec-
2 tronic communication, at least one of the par-
3 ties to the communication is, an inmate or de-
4 tainee in the custody of the Attorney General of
5 the United States or is in the custody of a
6 State or political subdivision thereof; or

7 “(B) in the case of a pen register, a trap
8 and trace device, or a clone pager, the facility
9 is regularly used by, an inmate or detainee in
10 the custody of the Attorney General of the
11 United States or is in the custody of a State or
12 political subdivision thereof.

13 “(2) STATE DEFINED.—As used in this sub-
14 section, the term ‘State’ means each of the several
15 States of the United States, the District of Colum-
16 bia, and the territories and possessions of the United
17 States.

18 “(f) REGULATIONS.—The Attorney General shall
19 promulgate regulations governing interceptions described
20 in subsection (e) in order to protect communications pro-
21 tected by the attorney-client privilege and the right to
22 counsel guaranteed by the sixth amendment to Constitu-
23 tion of the United States.”.

1 **SEC. 912. PRISON AMENITIES AND PRISONER WORK RE-**
2 **QUIREMENT.**

3 (a) IN GENERAL.—Chapter 303 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 4048. Certain amenities for prisoners prohibited**

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), the Bureau of Prisons shall ensure that no prisoner
9 or detainee under its jurisdiction—

10 “(1) engages in any physical activity designed
11 to increase or enhance the fighting ability of the
12 prisoner or detainee;

13 “(2) engages in any physical activity designed
14 to increase the physical strength of such prisoner or
15 detainee; or

16 “(3) is permitted—

17 “(A) access to in-cell television viewing, ex-
18 cept for prisoners segregated from the general
19 prison population for their own safety;

20 “(B) access to the viewing of any movie or
21 film, through whatever medium presented, that
22 has been given a Motion Picture Association of
23 America rating of NC–17, R, or X;

24 “(C) possession of any in-cell coffee pot,
25 hot plate, or other heating element;

1 “(D) access to any pornographic or other
2 sexually explicit printed material;

3 “(E) access to any bodybuilding or
4 weightlifting equipment; or

5 “(F) use or possession of any electric or
6 electronic musical equipment.

7 “(b) EXCEPTION FOR CERTAIN PRISONERS.—The
8 Director of the Bureau of Prisons may grant an exception
9 to paragraph (2) or (3)(E) of subsection (a) with respect
10 to a prisoner or detainee, if a licensed medical doctor em-
11 ployed by the Bureau of Prisons certifies that such excep-
12 tion is medically necessary in order to enable the prisoner
13 or detainee to pursue a program of physical therapy or
14 rehabilitation.

15 “(c) EFFECT ON OTHER REGULATIONS.—Nothing in
16 the section shall be construed to preempt or repeal any
17 regulation or policy of the Bureau of Prisons that imposes
18 greater restrictions on prisoners and detainees than those
19 required by this section, or to prevent the adoption by the
20 Bureau of Prisons of any regulation or policy that imposes
21 greater restrictions on prisoners and detainees than those
22 required by this section.

23 “(d) NO CAUSE OF ACTION.—Nothing in this section
24 shall be construed to create a cause of action by or on

1 behalf of any person against the United States or any offi-
2 cer, employee, or contractor thereof.

3 **“§ 4049. Prisoner work requirement**

4 “(a) IN GENERAL.—Subject to subsection (b), the
5 Director of the Bureau of Prisons shall ensure that each
6 convicted inmate in the custody of the Attorney General
7 and confined in any Federal prison, correctional facility,
8 jail, or other facility shall be engaged in work. The type
9 of work that a particular inmate shall be engaged in shall
10 be determined on the basis of appropriate security and dis-
11 ciplinary considerations and by the health of the inmate.

12 “(b) EXCUSE.—An inmate described in subsection
13 (a) may be excused from the requirement of subsection
14 (a) in whole or in part, only as necessitated by—

15 “(1) security considerations;

16 “(2) disciplinary action;

17 “(3) medical certification of disability, such as
18 would make it impractical for prison officials to ar-
19 range useful work for the inmate to perform; or

20 “(4) a need for the inmate to work less than a
21 full work schedule in order to participate in literacy
22 training, drug rehabilitation, or other similar pro-
23 gram in addition to performing work.

1 “(c) NO COMPENSATION.—Nothing in this section
 2 shall be construed to entitle any inmate to any wage, com-
 3 pensation, or benefit, or be construed to provide a cause
 4 of action by or on behalf of any person against the United
 5 States or any officer, employee, or contractor thereof.”.

6 (b) CLERICAL AMENDMENT.—The chapter analysis
 7 for chapter 303 of title 18, United States Code, is amend-
 8 ed by adding at the end the following:

“4048. Certain amenities for prisoners prohibited.

“4049. Prisoner work requirement.”.

9 **SEC. 913. ELIMINATION OF SENTENCING INEQUITIES AND**
 10 **AFTERCARE FOR FEDERAL INMATES.**

11 Section 3621 of title 18, United States Code, is
 12 amended—

13 (1) in subsection (b), by striking the last sen-
 14 tence and inserting “The Bureau shall endeavor to
 15 make available appropriate substance abuse treat-
 16 ment for each prisoner the Bureau determines has
 17 a treatable drug abuse problem, with a priority to be
 18 given to younger offenders and those who would ben-
 19 efit most from the treatment”; and

20 (2) in subsection (e), by striking paragraphs
 21 (1), (2), and (5), and redesignating paragraphs (3),
 22 (4), and (6), as paragraphs (1), (2), and (3), respec-
 23 tively.

1 **TITLE X—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 1001. SENSE OF THE SENATE REGARDING ONDCP.**

4 It is the sense of the Senate that—

5 (1) the Office of National Drug Control Policy
6 should, in principle, be reauthorized for an addi-
7 tional 5 years; and

8 (2) prior to any such reauthorization, the Com-
9 mittee on the Judiciary of the Senate should conduct
10 an extensive review of the National Drug Control
11 Strategy for 1997 submitted by President Clinton.

12 **SEC. 1002. RESTRICTIONS ON DOCTORS PRESCRIBING**
13 **SCHEDULE I SUBSTANCES.**

14 (a) IN GENERAL.—Not later than 45 days after the
15 date of enactment of this Act, the Secretary of Health and
16 Human Services shall promulgate regulations that require
17 any and all hospitals or health care service providers who
18 receive Federal medicare or medicaid payments based
19 upon appropriate compliance certification, as an additional
20 certification requirement, to certify that no physician or
21 other health care professional who has privileges with such
22 hospital or health care service provider, or is otherwise em-
23 ployed by them, is currently, or will in the future, pre-
24 scribe or otherwise recommend a schedule I substance to
25 any person.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary of Health and
3 Human Services shall report to Congress the number and
4 names of institutions refusing or otherwise failing to fulfill
5 certification requirement of subsection (a).

6 (c) REVOCATION OF CERTIFICATION.—The Attorney
7 General shall promulgate regulations to revoke the DEA
8 registration of any physician or other health care provider
9 who recommends or prescribes a schedule I controlled sub-
10 stance.

11 **SEC. 1003. ANTIDRUG USE PUBLIC SERVICE REQUIREMENT.**

12 The Federal Communications Commission shall—

13 (1) coordinate with the President’s Commission
14 on Alcohol and Drug Abuse Prevention, to develop
15 a comprehensive education and public service pro-
16 gram targeting youth drug abuse pursuant to sec-
17 tion 8003 of Public Law 99–570 (21 U.S.C. 1302);

18 (2) encourage the priority use of public service
19 resources dedicated to promoting youth drug abuse
20 prevention and education;

21 (3) contact and encourage the donation of
22 greater public resources dedicated to youth drug
23 abuse programs from—

24 (A) television, radio, movies, cable commu-
25 nications, and print media;

1 (B) the recording industry;

2 (C) the advertising industry;

3 (D) business; and

4 (E) professional sports; and

5 (4) encourage each of the organizations and in-
6 dustries referred to in paragraph (3) to assist the
7 implementation of new programs and national strat-
8 egies for dissemination of information intended to
9 prevent youth drug abuse.

10 **SEC. 1004. CHILD PORNOGRAPHY.**

11 (a) IN GENERAL.—The Secretary of State is directed
12 to review all extradition treaties in force, and, if necessary,
13 to renegotiate all such treaties, in order to ensure that
14 offenses involving the sexual exploitation and abuse of
15 children under sections 2251 through 2258 of title 18,
16 United States Code, are extraditable offenses.

17 (b) STATUTE OF LIMITATIONS.—In any case in which
18 a defendant is charged with an offense under chapter 110
19 of title 18, United States Code, and is alleged to have com-
20 mitted an offense, in whole or in part, beyond the jurisdic-
21 tion of the United States, the statute of limitations shall
22 be tolled during any period in which the defendant is be-
23 yond the jurisdiction of the United States.

1 **SEC. 1005. 2,000 BOYS AND GIRLS CLUBS BEFORE 2000.**

2 (a) IN GENERAL.—Section 401(a) of the Economic
3 Espionage Act of 1996 (Public Law 104–294; 110 Stat.
4 3496) is amended by striking paragraph (2) and inserting
5 the following:

6 “(2) PURPOSE.—The purpose of this section is
7 to provide adequate resources in the form of seed
8 money for the Boys and Girls Clubs of America to
9 establish 1,000 additional local clubs where needed,
10 with particular emphasis placed on establishing clubs
11 in public housing projects and distressed areas, and
12 to insure that there are a total of no less than 2000
13 Boys and Girls Club of America facilities in oper-
14 ation not later than December 31, 1999.”.

15 (b) ACCELERATED GRANTS.—Section 401 of the
16 Economic Espionage Act of 1996 (Public Law 104–294;
17 110 Stat. 3496) is amended by striking subsection (c) and
18 inserting the following:

19 “(c) ESTABLISHMENT.—

20 “(1) IN GENERAL.—For each of the fiscal years
21 1997, 1998, 1999, 2000, and 2001, the Director of
22 the Bureau of Justice Assistance of the Department
23 of Justice shall make a grant to the Boys and Girls
24 Clubs of America for the purpose of establishing
25 Boys and Girls Clubs facilities where needed, with

1 particular emphasis placed on establishing clubs in
2 public housing projects and distressed areas.

3 “(2) CONTRACTING AUTHORITY.—To the extent
4 that the Secretary of Housing and Urban Develop-
5 ment determines to be appropriate, the Secretary of
6 Housing and Urban Development, in consultation
7 with the Attorney General, shall enter into contracts
8 with the Boys and Girls Clubs of America to estab-
9 lish clubs pursuant to the grants under paragraph
10 (1).

11 “(3) APPLICATIONS.—The Attorney General
12 shall accept an application for a grant under this
13 subsection if submitted by the Boys and Girls Clubs
14 of America, and approve or deny the grant not later
15 than 90 days after the date on which the application
16 is submitted, if the application—

17 “(A) includes a long-term strategy to es-
18 tablish 1000 additional Boys and Girls Clubs
19 and detailed summary of those areas in which
20 new facilities will be established during the next
21 fiscal year;

22 “(B) includes a plan to insure that there
23 are a total of not less than 2000 Boys and Girls
24 Clubs of America facilities in operation before
25 January 1, 2000;

1 “(C) certifies that there will be appropriate
2 coordination with those communities where
3 clubs will be located; and

4 “(D) explains the manner in which new fa-
5 cilities will operate without additional, direct
6 Federal financial assistance to the Boys and
7 Girls Clubs once assistance under this sub-
8 section is discontinued.”.

9 (c) **ROLE MODEL GRANTS.**—Section 401 of the Eco-
10 nomic Espionage Act of 1996 (Public Law 104–294; 110
11 Stat. 3496) is amended by adding at the end the following:

12 “(f) **ROLE MODEL GRANTS.**—Of amounts made
13 available under subsection (e) in any fiscal year—

14 “(1) not more than 5 percent may be used to
15 provide a grant to the Boys and Girls Clubs of
16 America for administrative, travel, and other costs
17 associated with a national role-model speaking tour
18 program; and

19 “(2) no amount may be used to compensate
20 speakers other than to reimburse speakers for rea-
21 sonable travel and accommodation costs associated
22 with the program described in paragraph (1).”.

1 **SEC. 1006. CELLULAR TELEPHONE INTERCEPTIONS.**

2 Subsection 2511 of title 18, United States Code, is
3 amended by inserting “, imprisoned not more than 1 year,
4 or both” after “under this title”.

5 **TITLE XI—VIOLENT AND REPEAT**
6 **JUVENILE OFFENDERS**

7 **SEC. 1101. SHORT TITLE.**

8 This title may be cited as the “Violent and Repeat
9 Juvenile Offender Act of 1997”.

10 **SEC. 1102. FINDINGS AND PURPOSES.**

11 (a) FINDINGS.—Congress finds that—

12 (1) at the outset of the twentieth century, the
13 States adopted 2 separate juvenile justice systems
14 for violent and nonviolent offenders;

15 (2) violent crimes committed by juveniles, such
16 as homicide, rape, and robbery, were an unknown
17 phenomenon at that time, but the rate at which ju-
18 veniles commit such crimes has escalated astronomi-
19 cally since that time;

20 (3) in 1994—

21 (A) the number of persons arrested overall
22 for murder in the United States decreased by
23 5.8 percent, but the number of persons who are
24 less than 15 years of age arrested for murder
25 increased by 4 percent; and

1 (B) the number of persons arrested for all
2 violent crimes increased by 1.3 percent, but the
3 number of persons who are less than 15 years
4 of age arrested for violent crimes increased by
5 9.2 percent, and the number of persons less
6 than 18 years of age arrested for such crimes
7 increased by 6.5 percent;

8 (4) from 1985 to 1996, the number of persons
9 arrested for all violent crimes increased by 52.3 per-
10 cent, but the number of persons under age 18 ar-
11 rested for violent crimes rose by 75 percent;

12 (5) the number of juvenile offenders is expected
13 to undergo a massive increase during the first 2 dec-
14 ades of the twenty-first century, culminating in an
15 unprecedented number of violent offenders who are
16 less than 18 years of age;

17 (6) the rehabilitative model of sentencing for ju-
18 veniles, which Congress rejected for adult offenders
19 when Congress enacted the Sentencing Reform Act
20 of 1984, is inadequate and inappropriate for dealing
21 with violent and repeat juvenile offenders;

22 (7) the Federal Government should encourage
23 the States to experiment with progressive solutions
24 to the escalating problem of juveniles who commit

1 violent crimes and who are repeat offenders, includ-
2 ing prosecuting all such offenders as adults, but
3 should not impose specific strategies or programs on
4 the States;

5 (8) an effective strategy for reducing violent ju-
6 venile crime requires greater collection of investiga-
7 tive data and other information, such as fingerprints
8 and DNA evidence, as well as greater sharing of
9 such information among Federal, State, and local
10 agencies, including the courts, in the law enforce-
11 ment and educational systems;

12 (9) data regarding violent juvenile offenders
13 must be made available to the adult criminal justice
14 system if recidivism by criminals is to be addressed
15 adequately;

16 (10) holding juvenile proceedings in secret de-
17 nies victims of crime the opportunity to attend and
18 be heard at such proceedings, helps juvenile offend-
19 ers to avoid accountability for their actions, and
20 shields juvenile proceedings from public scrutiny and
21 accountability;

22 (11) the injuries and losses suffered by the vic-
23 tims of violent crime are no less painful or devastat-
24 ing because the offender is a juvenile; and

1 (12) the investigation, prosecution, adjudica-
2 tion, and punishment of criminal offenses committed
3 by juveniles is, and should remain, primarily the re-
4 sponsibility of the States, to be carried out without
5 interference from the Federal Government.

6 (b) PURPOSES.—The purposes of this title are—

7 (1) to reform juvenile law so that the para-
8 mount concerns of the juvenile justice system are
9 providing for the safety of the public and holding ju-
10 venile wrongdoers accountable for their actions,
11 while providing the wrongdoer a genuine opportunity
12 for self-reform;

13 (2) to revise the procedures in Federal court
14 that are applicable to the prosecution of juvenile of-
15 fenders;

16 (3) to address specifically the problem of violent
17 crime and controlled substance offenses committed
18 by youth gangs; and

19 (4) to encourage and promote, consistent with
20 the ideals of federalism, adoption of policies by the
21 States to ensure that the victims of crimes of vio-
22 lence committed by juveniles receive the same level
23 of justice as do victims of violent crimes that are
24 committed by adults.

1 **SEC. 1103. SEVERABILITY.**

2 If any provision of this title, an amendment made by
 3 this title, or the application of such provision or amend-
 4 ment to any person or circumstance is held to be unconsti-
 5 tutional, the remainder of this title, the amendments made
 6 by this title, and the application of the provisions of such
 7 to any person or circumstance shall not be affected there-
 8 by.

9 **Subtitle A—Juvenile Justice**
 10 **Reform**

11 **SEC. 1111. REPEAL OF GENERAL PROVISION.**

12 (a) IN GENERAL.—Chapter 401 of title 18, United
 13 States Code, is amended—

14 (1) by striking section 5001; and

15 (2) by redesignating section 5003 as section
 16 5001.

17 (b) TECHNICAL AMENDMENTS.—The chapter analy-
 18 sis for chapter 401 of title 18, United States Code, is
 19 amended—

20 (1) by striking the item relating to section
 21 5001; and

22 (2) by redesignating the item relating to section
 23 5003 as 5001.

1 **SEC. 1112. TREATMENT OF FEDERAL JUVENILE OFFEND-**
2 **ERS.**

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

5 **“§ 5032. Delinquency proceedings in district courts;**
6 **juveniles tried as adults; transfer for**
7 **other criminal prosecution**

8 “(a) IN GENERAL.—A juvenile who is not less than
9 14 years of age and who is alleged to have committed an
10 act that, if committed by an adult, would be a criminal
11 offense, shall be tried in the appropriate district court of
12 the United States—

13 “(1) as an adult at the discretion of the United
14 States Attorney in the appropriate jurisdiction, upon
15 a finding by that United States Attorney, which
16 finding shall not be subject to review in or by any
17 court, trial or appellate, that there is a substantial
18 Federal interest in the case or the offense to war-
19 rant the exercise of Federal jurisdiction, if the juve-
20 nile is charged with a Federal offense that—

21 “(A) is a crime of violence (as that term
22 is defined in section 16); or

23 “(B) involves a controlled substance (as
24 that term is defined in section 102 of the Con-
25 trolled Substances Act (21 U.S.C. 802)) for

1 which the penalty is a term of imprisonment of
2 not less than 5 years; and

3 “(2) in all other cases, as a juvenile.

4 “(b) REFERRAL BY UNITED STATES ATTORNEY.—

5 “(1) IN GENERAL.—If the United States Attor-
6 ney in the appropriate jurisdiction declines prosecu-
7 tion of a charged offense under subsection (a)(2),
8 the United States Attorney may refer the matter to
9 the appropriate legal authorities of the State or In-
10 dian tribe.

11 “(2) DEFINITIONS.—In this section—

12 “(A) the term ‘State’ includes a State of
13 the United States, the District of Columbia,
14 and any commonwealth, territory, or possession
15 of the United States; and

16 “(B) the term ‘Indian tribe’ has the same
17 meaning as in section 4(e) of the Indian Self-
18 Determination and Education Assistance Act.

19 “(c) APPLICABLE PROCEDURES.—Any action pros-
20 ecuted in a district court of the United States under this
21 section—

22 “(1) shall proceed in the same manner as is re-
23 quired by this title and by the Federal Rules of
24 Criminal Procedure in proceedings against an adult

1 in the case of a juvenile who is being tried as an
2 adult in accordance with subsection (a); and

3 “(2) in all other cases, shall proceed in accord-
4 ance with this chapter, unless the juvenile has re-
5 quested in writing, upon advice of counsel, to be pro-
6 ceeded against as an adult.

7 “(d) CAPITAL CASES.—Subject to section 3591, if a
8 juvenile is tried and sentenced as an adult, the juvenile
9 shall be subject to being sentenced to death on the same
10 terms and in accordance with the same procedures as an
11 adult.

12 “(e) APPLICATION OF LAWS.—In any case in which
13 a juvenile is prosecuted in a district court of the United
14 States as an adult, the juvenile shall be subject to the
15 same laws, rules, and proceedings regarding sentencing
16 that would be applicable in the case of an adult. No juve-
17 nile sentenced to a term of imprisonment shall be released
18 from custody simply because the juvenile reaches the age
19 of 18 years.

20 “(f) OPEN PROCEEDINGS.—

21 “(1) IN GENERAL.—Any offense tried in a dis-
22 trict court of the United States pursuant to this sec-
23 tion shall be open to the general public, in accord-
24 ance with rules 10, 26, 31(a), and 53 of the Federal
25 Rules of Criminal Procedure, unless good cause is

1 established by the moving party or is otherwise
2 found by the court, for closure.

3 “(2) STATUS ALONE INSUFFICIENT.—The sta-
4 tus of the defendant as a juvenile, absent other fac-
5 tors, shall not constitute good cause for purposes of
6 this subsection.

7 “(g) AVAILABILITY OF RECORDS.—

8 “(1) IN GENERAL.—In making a determination
9 concerning the prosecution of a juvenile in a district
10 court of the United States under this section, sub-
11 ject to the requirements of section 5038, the United
12 States Attorney of the appropriate jurisdiction shall
13 have complete access to the prior Federal juvenile
14 records of the subject juvenile, and to the extent
15 permitted by State law, the prior State juvenile
16 records of the subject juvenile.

17 “(2) CONSIDERATION OF ENTIRE RECORD.—In
18 any case in which a juvenile is found guilty in an ac-
19 tion pursuant to this section, the district court re-
20 sponsible for imposing sentence shall have complete
21 access to the prior juvenile records of the subject ju-
22 venile, and, to the extent permitted under State law,
23 the prior State juvenile records of the subject juve-
24 nile. At sentencing, the district court shall consider

1 the entire available prior juvenile record of the sub-
 2 ject juvenile.

3 “(3) RELEASE OF RECORDS.—The United
 4 States Attorney may release such Federal records,
 5 and, to the extent permitted by State law, such
 6 State records, to law enforcement authorities of any
 7 jurisdiction and to officials of any school, school dis-
 8 trict, or postsecondary school at which the individual
 9 who is the subject of the juvenile record is enrolled
 10 or seeks, intends, or is instructed to enroll, if such
 11 school officials are held liable to the same standards
 12 and penalties to which law enforcement and juvenile
 13 justice system employees are held liable under Fed-
 14 eral and State law, for the handling and disclosure
 15 of such information.”.

16 (b) TECHNICAL AMENDMENT.—The chapter analysis
 17 for chapter 403 of title 18, United States Code, is amend-
 18 ed by striking the item relating to section 5032 and insert-
 19 ing the following:

“5032. Delinquency proceedings in district courts; juveniles tried as adults;
 transfer for other criminal prosecution.”.

20 **SEC. 1113. CAPITAL CASES.**

21 Section 3591 of title 18, United States Code, is
 22 amended by striking “18 years” each place that term ap-
 23 pears and inserting “16 years”.

1 **SEC. 1114. DEFINITIONS.**

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

4 **“§ 5031. Definitions**

5 “In this chapter—

6 “(1) the term ‘juvenile’ means a person who is
7 less than 18 years of age; and

8 “(2) the term ‘juvenile delinquency’ means the
9 violation of a law of the United States committed by
10 a juvenile that would be a crime if committed by an
11 adult.”.

12 **SEC. 1115. NOTIFICATION AFTER ARREST.**

13 Section 5033 of title 18, United States Code, is
14 amended in the first sentence by striking “Attorney Gen-
15 eral” and inserting “United States Attorney of the appro-
16 priate jurisdiction”.

17 **SEC. 1116. DETENTION PRIOR TO DISPOSITION.**

18 Section 5035 of title 18, United States Code, is
19 amended—

20 (1) by striking “A juvenile” and inserting the
21 following:

22 “(a) IN GENERAL.—A juvenile”; and

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

24 “(b) DETENTION OF CERTAIN JUVENILES.—Not-
25 withstanding subsection (a), a juvenile who is to be tried
26 as an adult pursuant to section 5032 shall be subject to

1 detention in accordance with chapter 203 in the same
 2 manner and to the same extent as an adult would be sub-
 3 ject to that chapter.”.

4 **SEC. 1117. SPEEDY TRIAL.**

5 Section 5036 of title 18, United States Code, is
 6 amended—

7 (1) by striking “thirty” and inserting “70”; and

8 (2) by striking “the court,” and all that follows
 9 through the end of the section and inserting “the
 10 court. The periods of exclusion under section
 11 3161(h) shall apply to this section.”.

12 **SEC. 1118. DISPOSITIONAL HEARINGS.**

13 Section 5037 of title 18, United States Code, is
 14 amended—

15 (1) in subsection (a), by striking “(a)” and all
 16 that follows through “After the” and inserting the
 17 following:

18 “(a) IN GENERAL.—

19 “(1) DISPOSITIONAL HEARING.—In any case in
 20 which a juvenile is found to be a juvenile delinquent
 21 in district court pursuant to section 5032, but is not
 22 tried as an adult under that section, not later than

1 20 days after the hearing in which a finding of juve-
 2 nile delinquency is made, the court shall hold a dis-
 3 position hearing concerning the appropriate disposi-
 4 tion unless the court has ordered further study pur-
 5 suant to subsection (d).

6 “(2) ACTIONS OF COURT AFTER HEARING.—
 7 After the”;

8 (2) in subsection (b), by striking “extend—”
 9 and all that follows through “The provisions” and
 10 inserting the following: “extend, in the case of a ju-
 11 venile, beyond the maximum term that would be au-
 12 thorized by section 3561(b), if the juvenile had been
 13 tried and convicted as an adult. The provisions”;

14 (3) in subsection (c), by striking “extend—”
 15 and all that follows through “Section 3624” and in-
 16 serting the following: “extend beyond the maximum
 17 term of imprisonment that would be authorized if
 18 the juvenile had been tried and convicted as an
 19 adult. No juvenile sentenced to a term of imprison-
 20 ment shall be released from custody simply because
 21 the juvenile reaches the age of 18 years. Section
 22 3624”;

23 (4) by redesignating subsection (d) as sub-
 24 section (e); and

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

3 “(d) APPLICABILITY OF RESTITUTION PROVI-
4 SIONS.—If a juvenile has been tried and convicted as an
5 adult, or adjudicated delinquent for any offense in which
6 the juvenile is otherwise tried pursuant to section 5032,
7 the restitution provisions contained in this title (including
8 sections 3663, 3663A, 2248, 2259, 2264, and 2327) and
9 title 21 shall apply to that juvenile in the same manner
10 and to the same extent as those provisions apply to
11 adults.”.

12 **SEC. 1119. USE OF JUVENILE RECORDS.**

13 Section 5038 of title 18, United States Code, is
14 amended—

15 (1) in subsection (a)—

16 (A) in paragraph (5), by striking “and” at
17 the end;

18 (B) in paragraph (6), by striking the pe-
19 riod at the end and inserting “; and”;

20 (C) by inserting after paragraph (6) the
21 following:

22 “(7) inquiries from any school or other edu-
23 cational institution for the purpose of ensuring the
24 public safety and security at such institution.”; and

1 (D) by striking “Unless” and inserting the
2 following:

3 “(c) PROHIBITION ON RELEASE OF CERTAIN INFOR-
4 MATION.—Unless”;

5 (2) by redesignating subsections (b) and (c) as
6 subsections (d) and (e), respectively;

7 (3) by inserting immediately after subsection
8 (a) the following:

9 “(b) ACCESS BY UNITED STATES ATTORNEY.—Not-
10 withstanding subsection (a), in determining the appro-
11 priate disposition of a juvenile matter under section 5032,
12 the United States Attorney of the appropriate jurisdiction
13 shall have complete access to the official records of the
14 juvenile proceedings conducted under this title.”;

15 (4) by inserting after subsection (e), as redesign-
16 nated, the following:

17 “(f) RECORDS OF JUVENILES TRIED AS ADULTS.—
18 In any case in which a juvenile is tried as an adult, access
19 to the record of the offenses of the juvenile shall be made
20 available in the same manner as is applicable to adult de-
21 fendants.”;

22 (5) by striking “(d) Whenever” and all that fol-
23 lows through “adult defendants.” and inserting the
24 following:

1 “(g) FINGERPRINTS AND PHOTOGRAPHS.—Finger-
2 prints and photographs of a juvenile—

3 “(1) who is prosecuted as an adult, shall be
4 made available in the same manner as is applicable
5 to an adult defendant; and

6 “(2) who is not prosecuted as an adult, shall be
7 made available only as provided in subsection (a).”;

8 (6) by striking “(e) Unless,” and inserting the
9 following:

10 “(h) NO PUBLICATION OF NAME OR PICTURE.—Un-
11 less”;

12 (7) by striking “(f) Whenever” and inserting
13 the following:

14 “(i) INFORMATION TO FEDERAL BUREAU OF INVES-
15 TIGATION.—Whenever”; and

16 (8) in subsection (i), as redesignated—

17 (A) by striking “of committing an act”
18 and all that follows through “5032 of this title”
19 and inserting “by a district court of the United
20 States pursuant to section 5032 of committing
21 an act”; and

22 (B) by inserting “involved a juvenile tried
23 as an adult or” before “were juvenile adjudica-
24 tions”.

1 **SEC. 1120. INCARCERATION OF VIOLENT OFFENDERS.**

2 Section 5039 of title 18, United States Code, is
3 amended—

4 (1) by designating the first 3 undesignated
5 paragraphs as subsections (a) through (c), respec-
6 tively; and

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

8 “(d) SEGREGATION OF JUVENILES CONVICTED OF
9 VIOLENT OFFENSES.—

10 “(1) DEFINITION.—In this subsection, the term
11 ‘crime of violence’ has the same meaning as in sec-
12 tion 16 of title 18, United States Code.

13 “(2) SEGREGATION.—The Director of the Bu-
14 reau of Prisons shall ensure that juveniles who are
15 alleged to be or determined to be delinquent are not
16 confined in any institution in which the juvenile has
17 regular sustained physical contact with adult persons
18 who are detained or confined.”.

19 **SEC. 1121. FEDERAL SENTENCING GUIDELINES.**

20 Section 994(h) of title 28, United States Code, is
21 amended by inserting “, or in which the defendant is a
22 juvenile who is tried as an adult,” after “old or older”.

23 **Subtitle B—Juvenile Gangs**

24 **SEC. 1141. SHORT TITLE.**

25 This subtitle may be cited as the “Federal Gang Vio-
26 lence Act”.

1 **SEC. 1142. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
2 **TION IN CRIME AS A GANG MEMBER.**

3 (a) DEFINITION.—In this section, the term “criminal
4 street gang” has the same meaning as in section 521(a)
5 of title 18, United States Code, as amended by section
6 1243 of this subtitle.

7 (b) AMENDMENT OF SENTENCING GUIDELINES.—
8 Pursuant to its authority under section 994(p) of title 28,
9 United States Code, the United States Sentencing Com-
10 mission shall amend the Federal sentencing guidelines to
11 provide an appropriate enhancement, increasing the of-
12 fense level by not less than 6 levels, for any offense, if
13 the offense was both committed in connection with, or in
14 furtherance of, the activities of a criminal street gang and
15 the defendant was a member of the criminal street gang
16 at the time of the offense.

17 (c) CONSTRUCTION WITH OTHER GUIDELINES.—
18 The amendment made pursuant to subsection (b) shall
19 provide that the increase in the offense level shall be in
20 addition to any other adjustment under chapter 3 of the
21 Federal sentencing guidelines.

22 **SEC. 1143. AMENDMENT OF TITLE 18 WITH RESPECT TO**
23 **CRIMINAL STREET GANGS.**

24 (a) IN GENERAL.—Section 521 of title 18, United
25 States Code, is amended—

26 (1) in subsection (a)—

1 (A) by striking “(a) DEFINITIONS.—” and
 2 inserting the following:

3 “(a) DEFINITIONS.—In this section:”, and

4 (B) by striking “‘conviction’ and all that
 5 follows through the end of the subsection and
 6 inserting the following:

7 “(1) CRIMINAL STREET GANG.—The term
 8 ‘criminal street gang’ means an ongoing group, club,
 9 organization, or association of 3 or more persons,
 10 whether formal or informal—

11 “(A) a primary activity of which is the
 12 commission of 1 or more predicate gang crimes;

13 “(B) any members of which engage, or
 14 have engaged during the 5-year period preced-
 15 ing the date in question, in a pattern of crimi-
 16 nal gang activity; and

17 “(C) the activities of which affect inter-
 18 state or foreign commerce.

19 “(2) PATTERN OF CRIMINAL GANG ACTIVITY.—
 20 The term ‘pattern of criminal gang activity’ means
 21 the commission of 2 or more predicate gang crimes
 22 committed in connection with, or in furtherance of,
 23 the activities of a criminal street gang—

1 “(A) at least 1 of which was committed
2 after the date of enactment of the Federal
3 Gang Violence Act;

4 “(B) the first of which was committed not
5 more than 5 years before the commission of an-
6 other predicate gang crime; and

7 “(C) that were committed on separate oc-
8 casions.

9 “(3) PREDICATE GANG CRIME.—The term
10 ‘predicate gang crime’ means an offense, including
11 an act of juvenile delinquency that, if committed by
12 an adult, would be an offense that is—

13 “(A) a Federal offense—

14 “(i) that is a crime of violence (as
15 that term is defined in section 16) includ-
16 ing carjacking, drive-by-shooting, shooting
17 at an unoccupied dwelling or motor vehicle,
18 assault with a deadly weapon, and homi-
19 cide;

20 “(ii) that involves a controlled sub-
21 stance (as that term is defined in section
22 102 of the Controlled Substances Act (21
23 U.S.C. 802)) for which the penalty is im-
24 prisonment for not less than 5 years;

1 “(iii) that is a violation of section
2 844, section 875 or 876 (relating to extor-
3 tion and threats), section 1084 (relating to
4 gambling), section 1955 (relating to gam-
5 bling), chapter 44 (relating to firearms), or
6 chapter 73 (relating to obstruction of jus-
7 tice);

8 “(iv) that is a violation of section
9 1956 (relating to money laundering), inso-
10 far as the violation of such section is relat-
11 ed to a Federal or State offense involving
12 a controlled substance (as that term is de-
13 fined in section 102 of the Controlled Sub-
14 stances Act (21 U.S.C. 802)); or

15 “(v) that is a violation of section
16 274(a)(1)(A), 277, or 278 of the Immigra-
17 tion and Nationality Act (8 U.S.C.
18 1324(a)(1)(A), 1327, or 1328) (relating to
19 alien smuggling);

20 “(B) a State offense involving conduct that
21 would constitute an offense under subparagraph
22 (A) if Federal jurisdiction existed or had been
23 exercised; or

1 “(C) a conspiracy, attempt, or solicitation
2 to commit an offense described in subparagraph
3 (A) or (B).

4 “(4) STATE.—The term ‘State’ includes a State
5 of the United States, the District of Columbia, Puer-
6 to Rico, Guam, the Virgin Islands, and any other
7 territory of possession of the United States.”; and

8 (2) by striking subsections (b), (c), and (d) and
9 inserting the following:

10 “(b) CRIMINAL PENALTIES.—Any person who en-
11 gages in a pattern of criminal gang activity—

12 “(1) shall be sentenced to—

13 “(A) a term of imprisonment of not less
14 than 10 years and not more than life, fined in
15 accordance with this title, or both; and

16 “(B) the forfeiture prescribed in section
17 413 of the Controlled Substances Act (21
18 U.S.C. 853); and

19 “(2) if any person engages in such activity after
20 1 or more prior convictions under this section have
21 become final, shall be sentenced to—

22 “(A) a term of imprisonment of not less
23 than 20 years and not more than life, fined in
24 accordance with this title, or both; and

1 “(B) the forfeiture prescribed in section
 2 412 of the Controlled Substances Act (21
 3 U.S.C. 853).”.

4 (b) CONFORMING AMENDMENT.—Section 3663(c)(4)
 5 of title 18, United States Code, is amended by inserting
 6 before “chapter 46” the following: “section 521 of this
 7 title.”.

8 **SEC. 1144. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
 9 **PORTATION IN AID OF CRIMINAL STREET**
 10 **GANGS.**

11 (a) TRAVEL ACT AMENDMENTS.—

12 (1) PROHIBITED CONDUCT AND PENALTIES.—
 13 Section 1952(a) of title 18, United States Code, is
 14 amended to read as follows:

15 “(a) PROHIBITED CONDUCT AND PENALTIES.—

16 “(1) IN GENERAL.—Any person who—

17 “(A) travels in interstate or foreign com-
 18 merce or uses the mail or any facility in inter-
 19 state or foreign commerce, with intent to—

20 “(i) distribute the proceeds of any un-
 21 lawful activity; or

22 “(ii) otherwise promote, manage, es-
 23 tablish, carry on, or facilitate the pro-
 24 motion, management, establishment, or
 25 carrying on, of any unlawful activity; and

1 “(B) after travel or use of the mail or any
 2 facility in interstate or foreign commerce de-
 3 scribed in subparagraph (A), performs, at-
 4 tempts to perform, or conspires to perform an
 5 act described in clause (i) or (ii) of subpara-
 6 graph (A),

7 shall be fined under this title, imprisoned not more
 8 than 10 years, or both.

9 “(2) CRIMES OF VIOLENCE.—Any person
 10 who—

11 “(A) travels in interstate or foreign com-
 12 merce or uses the mail or any facility in inter-
 13 state or foreign commerce, with intent to com-
 14 mit any crime of violence to further any unlaw-
 15 ful activity; and

16 “(B) after travel or use of the mail or any
 17 facility in interstate or foreign commerce de-
 18 scribed in subparagraph (A), commits, attempts
 19 to commit, or conspires to commit any crime of
 20 violence to further any unlawful activity,
 21 shall be fined under this title, imprisoned for not
 22 more than 20 years, or both, and if death results
 23 shall be sentenced to death or be imprisoned for any
 24 term of years or for life.”.

1 (2) DEFINITIONS.—Section 1952(b) of title 18,
2 United States Code, is amended to read as follows:

3 “(b) DEFINITIONS.—In this section:

4 “(1) CONTROLLED SUBSTANCE.—The term
5 ‘controlled substance’ has the same meaning as in
6 section 102(6) of the Controlled Substances Act (21
7 U.S.C. 802(6)).

8 “(2) STATE.—The term ‘State’ includes a State
9 of the United States, the District of Columbia, and
10 any commonwealth, territory, or possession of the
11 United States.

12 “(3) UNLAWFUL ACTIVITY.—The term ‘unlaw-
13 ful activity’ means—

14 “(A) predicate gang crime (as that term is
15 defined in section 521);

16 “(B) any business enterprise involving
17 gambling, liquor on which the Federal excise
18 tax has not been paid, narcotics or controlled
19 substances, or prostitution offenses in violation
20 of the laws of the State in which the offense is
21 committed or of the United States;

22 “(C) extortion, bribery, arson, robbery,
23 burglary, assault with a deadly weapon, retalia-
24 tion against or intimidation of witnesses, vic-
25 tims, jurors, or informants, assault resulting in

1 bodily injury, possession of or trafficking in sto-
 2 len property, illegally trafficking in firearms,
 3 kidnapping, alien smuggling, or shooting at an
 4 occupied dwelling or motor vehicle, in each case,
 5 in violation of the laws of the State in which
 6 the offense is committed or of the United
 7 States; or

8 “(D) any act that is indictable under sec-
 9 tion 1956 or 1957 of this title or under sub-
 10 chapter II of chapter 53 of title 31.”.

11 (b) AMENDMENT OF SENTENCING GUIDELINES.—

12 (1) IN GENERAL.—Pursuant to its authority
 13 under section 994(p) of title 28, United States Code,
 14 the United States Sentencing Commission shall
 15 amend chapter 2 of the Federal sentencing guide-
 16 lines so that—

17 (A) the base offense level for traveling in
 18 interstate or foreign commerce in aid of a
 19 criminal street gang or other unlawful activity
 20 is increased to 12; and

21 (B) the base offense level for the commis-
 22 sion of a crime of violence in aid of a criminal
 23 street gang or other unlawful activity is in-
 24 creased to 24.

25 (2) DEFINITIONS.—In this subsection—

1 (A) the term “crime of violence” has the
 2 same meaning as in section 16 of title 18, Unit-
 3 ed States Code;

4 (B) the term “criminal street gang” has
 5 the same meaning as in 521(a) of title 18,
 6 United States Code, as amended by section
 7 1243 of this subtitle; and

8 (C) the term “unlawful activity” has the
 9 same meaning as in section 1952(b) of title 18,
 10 United States Code, as amended by this sec-
 11 tion.

12 **SEC. 1145. SOLICITATION OR RECRUITMENT OF PERSONS**
 13 **IN CRIMINAL GANG ACTIVITY.**

14 (a) PROHIBITED ACTS.—Chapter 26 of title 18,
 15 United States Code, is amended by adding at the end the
 16 following:

17 **“§ 522. Recruitment of persons to participate in**
 18 **criminal street gang activity**

19 “(a) PROHIBITED ACT.—It shall be unlawful for any
 20 person to—

21 “(1) use any facility in, or travel in, interstate
 22 or foreign commerce, or cause another to do so, to
 23 recruit, solicit, request, induce, counsel, command,
 24 or cause another person to be a member of a crimi-
 25 nal street gang, or conspire to do so; or

1 “(2) recruit, solicit, request, induce, counsel,
 2 command, or cause another person to engage in a
 3 predicate gang crime for which such person may be
 4 prosecuted in a court of the United States, or con-
 5 spire to do so.

6 “(b) PENALTIES.—A person who violates subsection
 7 (a) shall—

8 “(1) if the person recruited—

9 “(A) is a minor, be imprisoned for a term
 10 of not less than 4 years and not more than 10
 11 years, fined in accordance with this title, or
 12 both; or

13 “(B) is not a minor, be imprisoned for a
 14 term of not less than 1 year and not more than
 15 10 years, fined in accordance with this title, or
 16 both; and

17 “(2) be liable for any costs incurred by the
 18 Federal Government or by any State or local govern-
 19 ment for housing, maintaining, and treating the
 20 minor until the minor reaches the age of 18.

21 “(c) DEFINITIONS.—In this section—

22 “(1) the terms ‘criminal street gang’ and ‘pred-
 23 icate gang crime’ have the same meanings as in sec-
 24 tion 521; and

1 “(2) the term ‘minor’ means a person who is
2 younger than 18 years of age.”.

3 (b) SENTENCING GUIDELINES.—Pursuant to its au-
4 thority under section 994(p) of title 28, United States
5 Code, the United States Sentencing Commission shall
6 amend chapter 2 of the Federal sentencing guidelines to
7 provide an appropriate enhancement for any offense in-
8 volving the recruitment of a minor to participate in a gang
9 activity.

10 (c) TECHNICAL AMENDMENT.—The chapter analysis
11 for chapter 26 of title 18, United States Code, is amended
12 by adding at the end the following:

“522. Recruitment of persons to participate in criminal street gang activity.”.

13 **SEC. 1146. CRIMES INVOLVING THE RECRUITMENT OF PER-**
14 **SONS TO PARTICIPATE IN CRIMINAL STREET**
15 **GANGS AND FIREARMS OFFENSES AS RICO**
16 **PREDICATES.**

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

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

20 (2) by inserting before the semicolon at the end
21 the following: “, (G) an offense under section 522 of
22 this title, or (H) an act or conspiracy to commit any
23 violation of chapter 44 of this title (relating to fire-
24 arms)”.

1 **SEC. 1147. PROHIBITIONS RELATING TO FIREARMS.**

2 (a) PENALTIES.—Section 924(a)(6) of title 18, Unit-
3 ed States Code, is amended—

4 (1) by striking subparagraph (A);

5 (2) by redesignating subparagraph (B) as sub-
6 paragraph (A);

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

8 (A) by striking “(B) A person other than
9 a juvenile who knowingly” and inserting “(A) A
10 person who knowingly”;

11 (B) in clause (i), by striking “not more
12 than 1 year” and inserting “not less than 1
13 year and not more than 5 years”; and

14 (C) in clause (ii), by inserting “not less
15 than 1 year and” after “imprisoned”; and

16 (4) by adding at the end the following:

17 “(B) Notwithstanding subparagraph (A), no
18 mandatory minimum sentence shall apply to a juve-
19 nile who is less than 13 years of age.”.

20 (b) SERIOUS JUVENILE DRUG OFFENSES AS ARMED
21 CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A)
22 of title 18, United States Code, is amended—

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

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

25 and

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

1 “(iii) any act of juvenile delinquency that
2 if committed by an adult would be an offense
3 described in clause (i) or (ii);”.

4 (c) **TRANSFER OF FIREARMS TO MINORS FOR USE**
5 **IN CRIME.**—Section 924(h) of title 18, United States
6 Code, is amended by striking “10 years, fined in accord-
7 ance with this title, or both” and inserting “10 years, and
8 if the transferee is a person who is under 18 years of age,
9 imprisoned for a term of not less than 3 years, fined in
10 accordance with this title, or both”.

11 **SEC. 1148. AMENDMENT OF SENTENCING GUIDELINES**
12 **WITH RESPECT TO BODY ARMOR.**

13 (a) **DEFINITIONS.**—In this section—

14 (1) the term “body armor” means any product
15 sold or offered for sale as personal protective body
16 covering intended to protect against gunfire, regard-
17 less of whether the product is to be worn alone or
18 is sold as a complement to another product or gar-
19 ment; and

20 (2) the term “law enforcement officer” means
21 any officer, agent, or employee of the United States,
22 a State, or a political subdivision of a State, author-
23 ized by law or by a government agency to engage in
24 or supervise the prevention, detection, investigation,
25 or prosecution of any violation of criminal law.

1 (b) SENTENCING ENHANCEMENT.—The United
2 States Sentencing Commission shall amend the Federal
3 sentencing guidelines to provide an appropriate sentencing
4 enhancement, increasing the offense level not less than 2
5 levels, for any crime in which the defendant used body
6 armor.

7 (c) APPLICABILITY.—No Federal sentencing guide-
8 line amendment made pursuant to this section shall apply
9 if the Federal crime in which the body armor is used con-
10 stitutes a violation of, attempted violation of, or conspir-
11 acy to violate the civil rights of a person by a law enforce-
12 ment officer acting under color of the authority of such
13 law enforcement officer.

14 **SEC. 1149. ADDITIONAL PROSECUTORS.**

15 There are authorized to be appropriated \$20,000,000
16 for each of the fiscal years 1998, 1999, 2000, 2001, and
17 2002 for the hiring of Assistant United States Attorneys
18 and attorneys in the Criminal Division of the Department
19 of Justice to prosecute juvenile criminal street gangs (as
20 that term is defined in section 521(a) of title 18, United
21 States Code, as amended by section 1243 of this subtitle).

1 **Subtitle C—Juvenile Crime Control**
2 **and Accountability**

3 **SEC. 1161. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**
4 **TIONS.**

5 Title I of the Juvenile Justice and Delinquency Pre-
6 vention Act of 1974 (42 U.S.C. 5601 et seq.) is amended
7 to read as follows:

8 **“TITLE I—FINDINGS AND**
9 **DECLARATION OF PURPOSE**

10 **“SEC. 101. FINDINGS.**

11 “Congress makes the following findings:

12 “(1) During the past several years, the United
13 States has experienced an alarming increase in ar-
14 rests of adolescents for murder, assault, and weap-
15 ons offenses.

16 “(2) In 1994, juveniles accounted for 1 in 5 ar-
17 rests for violent crimes, including murder, robbery,
18 aggravated assault, and rape, including 514 such ar-
19 rests per 100,000 juveniles 10 through 17 years of
20 age.

21 “(3) Understaffed, overcrowded juvenile courts,
22 prosecutorial and public defender offices, probation
23 services, and correctional facilities no longer ade-
24 quately address the changing nature of juvenile

1 crime, protect the public, and correct youth offend-
2 ers.

3 “(4) The juvenile justice system has proven in-
4 adequate to meet the needs of society, because insuf-
5 ficient sanctions are imposed on serious youth of-
6 fenders and the needs of children, who may be at
7 risk of becoming delinquents.

8 “(5) Existing programs and policies have not
9 adequately responded to the particular threat of
10 drugs, alcohol abuse, violence, and gangs pose to the
11 youth of the Nation.

12 “(6) Demographic increases projected in the
13 number of youth offenders require reexamination of
14 the prosecution and incarceration policies for serious
15 violent youth offenders.

16 “(7) State and local communities that experi-
17 ence directly the devastating failures of the juvenile
18 justice system require assistance to deal comprehen-
19 sively with the problems of juvenile delinquency.

20 “(8) Existing Federal programs have not pro-
21 vided the States with necessary flexibility, and have
22 not provided coordination, resources, and leadership
23 required to meet the crisis of youth violence.

1 “(9) Overlapping and uncoordinated Federal
2 programs have created a multitude of Federal fund-
3 ing streams to State and local governments, that
4 have become a barrier to effective program coordina-
5 tion, responsive public safety initiatives, and the pro-
6 vision of comprehensive services for children and
7 youth.

8 “(10) Violent crime by juveniles constitutes a
9 growing threat to the national welfare that requires
10 an immediate and comprehensive governmental re-
11 sponse, combining flexibility and coordinated evalua-
12 tion.

13 “(11) Limited State and local resources are
14 being wasted complying with the unnecessary Fed-
15 eral mandate that status offenders be deinstitution-
16 alized. Some communities believe that curfews
17 are appropriate for juveniles, and those communities
18 should not be prohibited by the Federal Government
19 from using confinement for status offenses as a
20 means of dealing with delinquent behavior before it
21 becomes criminal conduct.

22 “(12) Limited State and local resources are
23 being wasted complying with the unnecessary Fed-
24 eral mandate that no juvenile be detained or con-
25 fined in any jail or lockup for adults, because it can

1 be feasible to separate adults and juveniles in 1 fa-
2 cility. This mandate is particularly burdensome for
3 rural communities.

4 “(13) The role of the Federal Government
5 should be to encourage and empower communities to
6 develop and implement policies to protect adequately
7 the public from serious juvenile crime as well as
8 comprehensive programs to reduce risk factors and
9 prevent juvenile delinquency.

10 “(14) A strong partnership among law enforce-
11 ment, local government, juvenile and family courts,
12 schools, businesses, philanthropic organizations,
13 families, and the religious community, can create a
14 community environment that supports the youth of
15 the Nation in reaching their highest potential and
16 reduces the destructive trend of juvenile crime.

17 **“SEC. 102. PURPOSE AND STATEMENT OF POLICY.**

18 “(a) IN GENERAL.—The purposes of this Act are—

19 “(1) to protect the public and to hold juveniles
20 accountable for their acts;

21 “(2) to empower States and communities to de-
22 velop and implement comprehensive programs that
23 support families and reduce risk factors and prevent
24 serious youth crime and juvenile delinquency;

1 “(3) to provide for the thorough and ongoing
2 evaluation of all federally funded programs address-
3 ing juvenile crime and delinquency;

4 “(4) to provide technical assistance to public
5 and private nonprofit entities that protect public
6 safety, administer justice and corrections to delin-
7 quent youth, or provide services to youth at risk of
8 delinquency, and their families;

9 “(5) to establish a centralized research effort on
10 the problems of youth crime and juvenile delin-
11 quency, including the dissemination of the findings
12 of such research and all related data;

13 “(6) to establish a Federal assistance program
14 to deal with the problems of runaway and homeless
15 youth;

16 “(7) to assist State and local governments in
17 improving the administration of justice for juveniles;

18 “(8) to assist the State and local governments
19 in reducing the level of youth violence;

20 “(9) to assist State and local governments in
21 promoting public safety by supporting juvenile delin-
22 quency prevention and control activities;

23 “(10) to encourage and promote programs de-
24 signed to keep in school juvenile delinquents expelled
25 or suspended for disciplinary reasons;

1 “(11) to assist State and local governments in
2 promoting public safety by encouraging accountabil-
3 ity through the imposition of meaningful sanctions
4 for acts of juvenile delinquency;

5 “(12) to assist State and local governments in
6 promoting public safety by improving the extent, ac-
7 curacy, availability and usefulness of juvenile court
8 and law enforcement records and the openness of
9 the juvenile justice system;

10 “(13) to assist State and local governments in
11 promoting public safety by encouraging the identi-
12 fication of violent and hardcore juveniles and trans-
13 ferring such juveniles out of the jurisdiction of the
14 juvenile justice system and into the jurisdiction of
15 adult criminal court;

16 “(14) to assist State and local governments in
17 promoting public safety by providing resources to
18 States to build or expand juvenile detention facili-
19 ties;

20 “(15) to provide for the evaluation of federally
21 assisted juvenile crime control programs, and train-
22 ing necessary for the establishment and operation of
23 such programs;

1 “(16) to ensure the dissemination of informa-
2 tion regarding juvenile crime control programs by
3 providing a national clearinghouse; and

4 “(17) to provide technical assistance to public
5 and private nonprofit juvenile justice and delin-
6 quency prevention programs.

7 “(b) STATEMENT OF POLICY.—It is the policy of
8 Congress to provide resources, leadership, and coordina-
9 tion—

10 “(1) to combat youth violence and to prosecute
11 and punish effectively violent juvenile offenders; and

12 “(2) to improve the quality of juvenile justice in
13 the United States.

14 **“SEC. 103. DEFINITIONS.**

15 “In this Act:

16 “(1) ADMINISTRATOR.—The term ‘Adminis-
17 trator’ means the Administrator of the Office of Ju-
18 venile Crime Control and Accountability.

19 “(2) CONSTRUCTION.—The term ‘construction’
20 means acquisition, expansion, remodeling, and alter-
21 ation of existing buildings, and initial equipment of
22 any such buildings, or any combination of such ac-
23 tivities (including architects’ fees but not the cost of
24 acquisition of land for buildings).

1 “(3) JUVENILE POPULATION.—The term ‘juve-
2 nile population’ means the population of a State
3 under 18 years of age.

4 “(4) OFFICE.—The term ‘Office’ means the Of-
5 fice of Juvenile Crime Control and Accountability es-
6 tablished under section 201.

7 “(5) OUTCOME OBJECTIVE.—The term ‘out-
8 come objective’ means an objective that relates to
9 the impact of a program or initiative, that measures
10 the reduction of high risk behaviors, such as inci-
11 dence of arrest, the commission of criminal acts or
12 acts of delinquency, failure in school, violence, the
13 use of alcohol or illegal drugs, involvement of youth
14 gangs, and teenage pregnancy, among youth in the
15 community.

16 “(6) PROCESS OBJECTIVE.—The term ‘process
17 objective’ means an objective that relates to the
18 manner in which a program or initiative is carried
19 out, including—

20 “(A) an objective relating to the degree to
21 which the program or initiative is reaching the
22 target population; and

23 “(B) an objective relating to the degree to
24 which the program or initiative addresses
25 known risk factors for youth problem behaviors

1 and incorporates activities that inhibit the be-
2 haviors and that build on protective factors for
3 youth.

4 “(7) STATE.—The term ‘State’ means any
5 State of the United States, the District of Columbia,
6 the Commonwealth of Puerto Rico, the Trust Terri-
7 tory of the Pacific Islands, the Virgin Islands,
8 Guam, American Samoa, and the Commonwealth of
9 the Northern Mariana Islands.

10 “(8) STATE OFFICE.—The term ‘State office’
11 means an office designated by the chief executive of-
12 ficer of a State to carry out this title, as provided
13 in section 507 of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3757).

15 “(9) TREATMENT.—The term ‘treatment’ in-
16 cludes medical and other rehabilitative services de-
17 signed to protect the public, including any services
18 designed to benefit addicts and other users by—

19 “(A) eliminating their dependence on alco-
20 hol or other addictive or nonaddictive drugs; or

21 “(B) controlling their dependence and sus-
22 ceptibility to addiction or use.

23 “(10) YOUTH.—The term ‘youth’ means an in-
24 dividual who is not less than 6 years of age and not
25 more than 17 years of age.”.

1 **SEC. 1162. YOUTH CRIME CONTROL AND ACCOUNTABILITY**

2 **BLOCK GRANTS.**

3 (a) OFFICE OF JUVENILE CRIME CONTROL AND AC-
4 COUNTABILITY.—Section 201 of the Juvenile Justice and
5 Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is
6 amended—

7 (1) in subsection (a), by striking “Office of Ju-
8 venile Justice and Delinquency Prevention” and in-
9 serting “Office of Juvenile Crime Control and Ac-
10 countability”; and

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

12 “(d) DELEGATION AND ASSIGNMENT.—

13 “(1) IN GENERAL.—Except as otherwise ex-
14 pressly prohibited by law or otherwise provided by
15 this title, the Administrator may—

16 “(A) delegate any of the functions of the
17 Administrator, and any function transferred or
18 granted to the Administrator after the date of
19 enactment of this Act, to such officers and em-
20 ployees of the Office as the Administrator may
21 designate; and

22 “(B) authorize successive redelegations of
23 such functions as may be necessary or appro-
24 priate.

25 “(2) RESPONSIBILITY.—No delegation of func-
26 tions by the Administrator under this subsection or

1 under any other provision of this title shall relieve
2 the Administrator of responsibility for the adminis-
3 tration of such functions.

4 “(e) REORGANIZATION.—The Administrator may al-
5 locate or reallocate any function transferred among the
6 officers of the Office, and establish, consolidate, alter, or
7 discontinue such organizational entities in that Office as
8 may be necessary or appropriate.”.

9 (b) NATIONAL PROGRAM.—Section 204 of the Juve-
10 nile Justice and Delinquency Prevention Act of 1974 (42
11 U.S.C. 5614) is amended to read as follows:

12 **“SEC. 204. NATIONAL PROGRAM.**

13 “(a) NATIONAL JUVENILE CRIME CONTROL AND JU-
14 VENILE OFFENDER ACCOUNTABILITY PLAN.—

15 “(1) IN GENERAL.—The Administrator shall
16 develop objectives, priorities, and short- and long-
17 term plans, and shall implement overall policy and
18 a strategy to carry out such plan, for all Federal ju-
19 venile crime control and juvenile offender account-
20 ability programs and activities relating to improving
21 juvenile crime control and the enhancement of ac-
22 countability by offenders within the juvenile justice
23 system in the United States.

24 “(2) CONTENTS OF PLANS.—

1 “(A) IN GENERAL.—Each plan described
2 in paragraph (1) shall—

3 “(i) contain specific, measurable goals
4 and criteria for reducing the incidence of
5 crime and delinquency among juveniles,
6 improving juvenile crime control, and en-
7 suring accountability by offenders within
8 the juvenile justice system in the United
9 States, and shall include criteria for any
10 discretionary grants and contracts, for con-
11 ducting research, and for carrying out
12 other activities under this title;

13 “(ii) provide for coordinating the ad-
14 ministration of programs and activities
15 under this title with the administration of
16 all other Federal juvenile crime control and
17 juvenile offender accountability programs
18 and activities, including proposals for joint
19 funding to be coordinated by the Adminis-
20 trator;

21 “(iii) provide a detailed summary and
22 analysis of the most recent data available
23 regarding the number of juveniles taken
24 into custody, the rate at which juveniles

1 are taken into custody, and the trends
2 demonstrated by such data.

3 “(iv) provide a description of the ac-
4 tivities for which amounts are expended
5 under this title;

6 “(v) provide specific information relat-
7 ing to the attainment of goals set forth in
8 the plan, including specific, measurable
9 standards for assessing progress toward
10 national juvenile crime reduction and juve-
11 nile offender accountability goals; and

12 “(vi) provide for the coordination of
13 Federal, State, and local initiatives for the
14 reduction of youth crime and ensuring ac-
15 countability for juvenile offenders.

16 “(B) SUMMARY AND ANALYSIS.—Each
17 summary and analysis under subparagraph
18 (A)(iii) shall set out the information required by
19 clauses (i), (ii), and (iii) of this subparagraph
20 separately for juvenile nonoffenders, juvenile
21 status offenders, and other juvenile offenders.
22 Such summary and analysis shall separately ad-
23 dress with respect to each category of juveniles
24 specified in the preceding sentence—

1 “(i) the types of offenses with which
2 the juveniles are charged;

3 “(ii) the ages of the juveniles;

4 “(iii) the types of facilities used to
5 hold the juveniles (including juveniles
6 treated as adults for purposes of prosecu-
7 tion) in custody, including secure detention
8 facilities, secure correctional facilities, jails,
9 and lockups; and

10 “(iv) the number of juveniles who died
11 while in custody and the circumstances
12 under which each juvenile died.

13 “(3) ANNUAL REVIEW.—The Administrator
14 shall annually—

15 “(A) review each plan submitted under this
16 subsection;

17 “(B) revise the plans, as the Administrator
18 considers appropriate; and

19 “(C) not later than March 1 of each year,
20 present the plans to the Committees on the Ju-
21 diciary of the Senate and the House of Rep-
22 resentatives.

23 “(b) DUTIES OF ADMINISTRATOR.—In carrying out
24 this title, the Administrator shall—

1 “(1) advise the President through the Attorney
2 General as to all matters relating to federally as-
3 sisted juvenile crime control and juvenile offender
4 accountability programs, and Federal policies re-
5 garding juvenile crime and justice, including policies
6 relating to juveniles prosecuted or adjudicated in the
7 Federal courts;

8 “(2) implement and coordinate Federal juvenile
9 crime control and juvenile offender accountability
10 programs and activities among Federal departments
11 and agencies and between such programs and activi-
12 ties and other Federal programs and activities that
13 the Administrator determines may have an impor-
14 tant bearing on the success of the entire national ju-
15 venile crime control and juvenile offender account-
16 ability effort;

17 “(3) provide for the auditing of grants provided
18 pursuant to this title;

19 “(4) collect, prepare, and disseminate useful
20 data regarding the prevention, correction, and con-
21 trol of juvenile crime and delinquency, and issue, not
22 less frequently than once each calendar year, a re-
23 port on successful programs and juvenile crime re-
24 duction methods utilized by States, localities, and
25 private entities;

1 “(5) ensure the performance of comprehensive
 2 rigorous independent scientific evaluations, each of
 3 which shall—

4 “(A) be independent in nature, and shall
 5 employ rigorous and scientifically valid stand-
 6 ards and methodologies; and

7 “(B) include measures of outcome and
 8 process objectives, such as reductions in juve-
 9 nile crime, youth gang activity, youth substance
 10 abuse, and other high risk factors, as well as in-
 11 creases in protective factors that reduce the
 12 likelihood of delinquency and criminal behavior;

13 “(6) involve consultation with appropriate au-
 14 thorities in the States and with appropriate private
 15 entities in the development, review, and revision of
 16 the plans required by subsection (a) and in the de-
 17 velopment of policies relating to juveniles prosecuted
 18 or adjudicated in the Federal courts; and

19 “(7) provide technical assistance to the States,
 20 units of local government, and private entities in im-
 21 plementing programs funded by grants under this
 22 title.

23 “(c) NATIONAL JUVENILE CRIME CONTROL AND JU-
 24 VENILE OFFENDER ACCOUNTABILITY BUDGET.—

25 “(1) IN GENERAL.—The Administrator shall—

1 “(A) develop for each fiscal year, with the
2 advice of the program managers of departments
3 and agencies with responsibilities for any Fed-
4 eral juvenile crime control or juvenile offender
5 accountability program, a consolidated National
6 Juvenile Crime Control and Juvenile Offender
7 Accountability Plan budget proposal to imple-
8 ment the National Juvenile Crime Control and
9 Juvenile Offender Accountability Plan; and

10 “(B) transmit such budget proposal to the
11 President and to Congress.

12 “(2) SUBMISSION OF JUVENILE OFFENDER AC-
13 COUNTABILITY BUDGET REQUEST.—

14 “(A) IN GENERAL.—Each Federal Govern-
15 ment program manager, agency head, and de-
16 partment head with responsibility for any Fed-
17 eral juvenile crime control or juvenile offender
18 accountability program shall submit the juvenile
19 crime control and juvenile offender accountabil-
20 ity budget request of the program, agency, or
21 department to the Administrator at the same
22 time as such request is submitted to their supe-
23 riors (and before submission to the Office of
24 Management and Budget) in the preparation of

1 the budget of the President submitted to Con-
2 gress under section 1105(a) of title 31, United
3 States Code.

4 “(B) TIMELY DEVELOPMENT AND SUBMIS-
5 SION.—The head of each department or agency
6 with responsibility for a Federal juvenile crime
7 control or juvenile offender accountability pro-
8 gram shall ensure timely development and sub-
9 mission to the Administrator of juvenile crime
10 control and juvenile offender accountability
11 budget requests transmitted pursuant to this
12 subsection, in such format as may be des-
13 ignated by the Administrator with the concur-
14 rence of the Administrator of the Office of
15 Management and Budget.

16 “(3) REVIEW AND CERTIFICATION.—The Ad-
17 ministrator shall—

18 “(A) review each juvenile crime control and
19 juvenile offender accountability budget request
20 transmitted to the Administrator under para-
21 graph (2);

22 “(B) certify in writing as to the adequacy
23 of such request in whole or in part to imple-
24 ment the objectives of the National Juvenile

1 Crime Control and Juvenile Offender Account-
2 ability Plan for the year for which the request
3 is submitted and, with respect to a request that
4 is not certified as adequate to implement the
5 objectives of the National Juvenile Crime Con-
6 trol and Juvenile Offender Accountability Plan,
7 include in the certification an initiative or fund-
8 ing level that would make the request adequate;
9 and

10 “(C) notify the program manager, agency
11 head, or department head, as applicable, re-
12 garding the certification of the Administrator
13 under subparagraph (B).

14 “(4) RECORDKEEPING REQUIREMENT.—The
15 Administrator shall maintain records regarding cer-
16 tifications under paragraph (3)(B).

17 “(5) FUNDING REQUESTS.—The Administrator
18 shall request the head of a department or agency to
19 include in the budget submission of the department
20 or agency to the Office of Management and Budget,
21 funding requests for specific initiatives that are con-
22 sistent with the priorities of the President for the
23 National Juvenile Crime Control and Juvenile Of-
24 fender Accountability Plan and certifications made

1 pursuant to paragraph (3), and the head of the de-
2 partment or agency shall comply with such a re-
3 quest.

4 “(6) REPROGRAMMING AND TRANSFER RE-
5 QUESTS.—

6 “(A) IN GENERAL.—No department or
7 agency with responsibility for a Federal juvenile
8 crime control or juvenile offender accountability
9 program shall submit to Congress a reprogram-
10 ming or transfer request with respect to any
11 amount of appropriated amounts greater than
12 \$5,000,000 that is included in the National Ju-
13 venile Crime Control and Juvenile Offender Ac-
14 countability Plan budget unless such request
15 has been approved by the Administrator.

16 “(B) APPEAL TO PRESIDENT.—The head
17 of any department or agency with responsibility
18 for a Federal juvenile crime control or juvenile
19 offender accountability program may appeal to
20 the President any disapproval by the Adminis-
21 trator of a reprogramming or transfer request.

22 “(7) QUARTERLY REPORTS.—The Adminis-
23 trator shall report to Congress on a quarterly basis
24 regarding the need for any reprogramming or trans-
25 fer of appropriated amounts for National Juvenile

1 Crime Control and Juvenile Offender Accountability
 2 Plan activities.

3 “(d) INFORMATION, REPORTS, STUDIES, AND SUR-
 4 VEYS FROM OTHER AGENCIES.—The Administrator may
 5 require, through appropriate authority, Federal depart-
 6 ments and agencies engaged in any activity involving any
 7 Federal juvenile crime control and juvenile offender ac-
 8 countability program to provide the Administrator with
 9 such information and reports, and to conduct such studies
 10 and surveys, as the Administrator determines to be nec-
 11 essary to carry out the purposes of this title.

12 “(e) UTILIZATION OF SERVICES AND FACILITIES OF
 13 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-
 14 trator may utilize the services and facilities of any agency
 15 of the Federal Government and of any other public agency
 16 or institution in accordance with appropriate agreements,
 17 and to pay for such services either in advance or by way
 18 of reimbursement as may be agreed upon.

19 “(f) COORDINATION OF FUNCTIONS OF ADMINIS-
 20 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
 21 ICES.—All functions of the Administrator under title shall
 22 be coordinated as appropriate with the functions of the
 23 Secretary of Health and Human Services under title III.

24 “(g) ANNUAL JUVENILE DELINQUENCY DEVELOP-
 25 MENT STATEMENTS.—

1 “(1) IN GENERAL.—The Administrator shall re-
2 quire through appropriate authority each Federal
3 agency that administers a Federal juvenile crime
4 control and juvenile offender accountability program
5 to submit annually to the Office a juvenile crime
6 control and juvenile offender accountability develop-
7 ment statement. Such statement shall be in addition
8 to any information, report, study, or survey that the
9 Administrator may require under subsection (d).

10 “(2) CONTENTS.—Each development statement
11 submitted to the Administrator under paragraph (1)
12 shall contain such information, data, and analyses as
13 the Administrator may require. Such analyses shall
14 include an analysis of the extent to which the pro-
15 gram of the Federal agency submitting such develop-
16 ment statement conforms with and furthers Federal
17 juvenile crime control and juvenile offender account-
18 ability prevention and treatment goals and policies.

19 “(3) REVIEW AND COMMENT.—

20 “(A) IN GENERAL.—The Administrator
21 shall review and comment upon each juvenile
22 crime control and juvenile offender accountabil-
23 ity development statement transmitted to the
24 Administrator under paragraph (1).

1 “(B) INCLUSION IN OTHER DOCUMENTA-
 2 TION.—Such development statement, together
 3 with the comments of the Administrator, shall
 4 be included by the Federal agency involved in
 5 every recommendation or request made by such
 6 agency for Federal legislation that significantly
 7 affects juvenile crime control and juvenile of-
 8 fender accountability.

9 “(h) JUVENILE CRIME CONTROL AND JUVENILE OF-
 10 FENDER ACCOUNTABILITY INCENTIVE BLOCK GRANTS.—

11 “(1) IN GENERAL.—The Administrator shall
 12 make, subject to the availability of appropriations,
 13 grants to States to assist them in planning, estab-
 14 lishing, operating, coordinating, and evaluating
 15 projects, directly or through grants and contracts
 16 with public and private agencies, for the develop-
 17 ment of more effective investigation, prosecution,
 18 and punishment (including the imposition of grad-
 19 uated sanctions) of crimes or acts of delinquency
 20 committed by juveniles, programs to improve the ad-
 21 ministration of justice for and ensure accountability
 22 by juvenile offenders, and programs to reduce the
 23 risk factors (such as truancy, drug or alcohol use,
 24 and gang involvement) associated with juvenile crime
 25 or delinquency.

1 “(2) USE OF GRANTS.—Grants under this title
2 may be used—

3 “(A) for programs to enhance the identi-
4 fication, investigation, prosecution, and punish-
5 ment of juvenile offenders, such as—

6 “(i) the utilization of graduated sanc-
7 tions;

8 “(ii) the utilization of short-term con-
9 finement of juveniles who are charged with
10 or who are convicted of—

11 “(I) a crime of violence (as that
12 term is defined in section 16 of title
13 18, United States Code);

14 “(II) an offense involving a con-
15 trolled substance (as that term is de-
16 fined in section 102 of the Controlled
17 Substances Act (21 U.S.C. 802);

18 “(III) an offense involving pos-
19 session of a firearm (as that term is
20 defined in section 921(a) of title 18,
21 United States Code); or

22 “(IV) an offense involving posses-
23 sion of a destructive device (as that
24 term is defined in section 921(a) of
25 title 18, United States Code); and

1 “(iii) the incarceration of violent juve-
2 nile offenders for extended periods of time
3 (including up to the length of adult sen-
4 tences);

5 “(B) for programs that provide restitution
6 to the victims of crimes committed by juveniles;

7 “(C) for programs that require juvenile of-
8 fenders to attend and successfully complete
9 school or vocational training;

10 “(D) for programs that require juvenile of-
11 fenders who are parents to demonstrate paren-
12 tal responsibility by working and paying child
13 support;

14 “(E) for programs that seek to curb or
15 punish truancy;

16 “(F) for programs designed to collect,
17 record, and disseminate information useful in
18 the identification, prosecution, and sentencing
19 of offenders, such as criminal history informa-
20 tion, fingerprints, and DNA tests;

21 “(G) for programs that provide that, when-
22 ever a juvenile who is not less than 14 years of
23 age is adjudicated delinquent, as defined by
24 Federal or State law in a juvenile delinquency
25 proceeding for conduct that, if committed by an

1 adult, would constitute a felony under Federal
2 or State law, the State shall ensure that a
3 record is kept relating to the adjudication that
4 is—

5 “(i) equivalent to the record that
6 would be kept of an adult conviction for
7 such an offense;

8 “(ii) retained for a period of time that
9 is equal to the period of time that records
10 are kept for adult convictions;

11 “(iii) made available to law enforce-
12 ment agencies of any jurisdiction; and

13 “(iv) made available to officials of a
14 school, school district, or postsecondary
15 school where the individual who is the sub-
16 ject of the juvenile record seeks, intends,
17 or is instructed to enroll, and that such of-
18 ficials are held liable to the same stand-
19 ards and penalties that law enforcement
20 and juvenile justice system employees are
21 held liable to, under Federal and State
22 law, for handling and disclosing such infor-
23 mation;

1 “(H) for juvenile crime control and preven-
2 tion programs (such as curfews, youth organi-
3 zations, antidrug programs, antigang programs,
4 and after school activities) that include a rigor-
5 ous, comprehensive evaluation component that
6 measures the decrease in risk factors associated
7 with the juvenile crime and delinquency and
8 employs scientifically valid standards and meth-
9 odologies;

10 “(I) for the development and implementa-
11 tion of coordinated multijurisdictional or multi-
12 agency programs for the identification, control,
13 supervision, prevention, investigation, and treat-
14 ment of the most serious juvenile offenses and
15 offenders, sometimes known as a ‘SHOCAP
16 Program’ (Serious Habitual Offenders Com-
17 prehensive Action Program); or

18 “(J) for the development and implementa-
19 tion of coordinated multijurisdictional or multi-
20 agency programs for the identification, control,
21 supervision, prevention, investigation, and dis-
22 ruption of youth gangs.

1 “(3) REQUIREMENTS.—To be eligible to receive
2 a grant under this title, a State shall make reason-
3 able efforts, as certified by the Governor, to ensure
4 that, not later than July 1, 2000—

5 “(A) juveniles age 14 and older can be
6 prosecuted under State law as adults, as a mat-
7 ter of law or prosecutorial discretion for a crime
8 of violence (as that term is defined in section
9 16 of title 18, United States Code) such as
10 murder or armed robbery, an offense involving
11 a controlled substance (as defined in section
12 102 of the Controlled Substances Act (21
13 U.S.C. 802)), or the unlawful possession of a
14 firearm (as that term is defined in section
15 921(a) of title 18, United States Code) or a de-
16 structive device (as that term is defined in sec-
17 tion 921(a) of title 18, United States Code);

18 “(B) the State has in place a system of
19 graduated sanctions for juvenile offenders;

20 “(C) the State has in place a juvenile court
21 system that treats juvenile offenders uniformly
22 throughout the State;

23 “(D) the State collects, records, and dis-
24 seminates information useful in the identifica-
25 tion, prosecution, and sentencing of offenders,

1 such as criminal history information, finger-
 2 prints, and DNA tests (if taken), to other Fed-
 3 eral, State, and local law enforcement agencies;

4 “(E) the State ensures that religious orga-
 5 nizations can participate in rehabilitative pro-
 6 grams designed to purposes authorized by this
 7 title; and

8 “(F) the State shall not detain or confine
 9 juveniles who are alleged to be or determined to
 10 be delinquent in any institution in which the ju-
 11 venile has regular sustained physical contact
 12 with adult persons who are detained or con-
 13 fined.

14 “(i) DISTRIBUTION BY STATE OFFICES TO ELIGIBLE
 15 APPLICANTS.—

16 “(1) IN GENERAL.—Of amounts made available
 17 to the State, not more than 20 percent shall be used
 18 for programs pursuant to paragraph (2)(ii).

19 “(2) ELIGIBLE APPLICANTS.—Entities eligible
 20 to receive amounts distributed by the State office
 21 under this title are—

22 “(A) a unit of local government;

23 “(B) local police or sheriff’s departments;

24 “(C) State or local prosecutor’s offices;

1 “(D) State or local courts responsible for
2 the administration of justice in cases involving
3 juvenile offenders;

4 “(E) schools;

5 “(F) nonprofit, educational, religious, or
6 community groups active in crime prevention or
7 drug use prevention and treatment; or

8 “(G) any combination of the entities de-
9 scribed in subparagraphs (A) through (F).

10 “(j) APPLICATION TO STATE OFFICE.—

11 “(1) IN GENERAL.—To be eligible to receive
12 amounts from the State office, the applicant shall
13 prepare and submit to the State office an application
14 in written form that—

15 “(A) describes the types of activities and
16 services for which the amount will be provided;

17 “(B) includes information indicating the
18 extent to which the activities and services
19 achieve the purposes of the title;

20 “(C) provide for the evaluation component
21 required by subsection (b)(2), which evaluation
22 shall be conducted by an independent entity;
23 and

24 “(D) provides any other information that
25 the State office may require.

1 “(2) PRIORITY.—In approving applications
2 under this subsection, the State office should give
3 priority to those applicants demonstrating coordina-
4 tion with, consolidation of, or expansion of existing
5 State or local juvenile crime control and juvenile of-
6 fender accountability programs.

7 “(k) FUNDING PERIOD.—The State office may award
8 such a grant for a period of not more than 3 years.

9 “(l) RENEWAL OF GRANTS.—The State office may
10 renew grants made under this title. After the initial grant
11 period, in determining whether to renew a grant to an en-
12 tity to carry out activities, the State office shall give sub-
13 stantial weight to the effectiveness of the activities in
14 achieving reductions in crimes committed by juveniles and
15 in improving the administration of justice to juvenile of-
16 fenders.

17 “(m) SPECIAL GRANTS.—Of amounts made available
18 under this title in any fiscal year, the Administrator may
19 use—

20 “(1) not more than 7 percent for grants for re-
21 search and evaluation;

22 “(2) not more than 3 percent for grants to In-
23 dian tribes for purposes authorized by this title; and

1 “(3) not more than 5 percent for salaries and
2 expenses of the Office related to administering this
3 title.”.

4 (c) REPEALS; ADMINISTRATIVE PROVISIONS.—Title
5 II of the Juvenile Justice and Delinquency Prevention Act
6 of 1974 (42 U.S.C. 5611 et seq.) is amended—

7 (1) by striking sections 206 and 207 and insert-
8 ing the following:

9 **“SEC. 206. ALLOCATION OF GRANTS AND AUTHORIZATION**
10 **OF APPROPRIATIONS.—**

11 “(a) ALLOCATION OF GRANT AMOUNTS.—

12 “(1) IN GENERAL.—Amounts made available
13 under section 204(h) or part B shall be allocated to
14 the States as follows:

15 “(A) 0.25 percent shall be allocated to
16 each State; and

17 “(B) of the total amount remaining after
18 the allocation under subparagraph (A), there
19 shall be allocated to each State an amount that
20 bears the same ratio to the amount of remain-
21 ing funds described in this paragraph as the ju-
22 venile population of such State bears to the ju-
23 venile population of all the States.

24 “(2) EXCEPTIONS.—The amount allocated to
25 the Virgin Islands of the United States, Guam,

1 American Samoa, the Trust Territory of the Pacific
 2 Islands, and the Commonwealth of the Northern
 3 Mariana Islands shall be not less than \$75,000 and
 4 not more than \$100,000.

5 “(3) REALLOCATION PROHIBITED.—Any
 6 amounts appropriated but not allocated due to the
 7 ineligibility or nonparticipation of any State shall
 8 not be reallocated, but shall revert to the Treasury
 9 at the end of the fiscal year for which they were
 10 appropriated.

11 “(4) RESTRICTIONS ON THE USE OF
 12 AMOUNTS.—

13 “(A) EXPERIMENTATION ON INDIVID-
 14 UALS.—

15 “(i) IN GENERAL.—No amounts made
 16 available to carry out this title may be
 17 used for any biomedical or behavior control
 18 experimentation on individuals or any re-
 19 search involving such experimentation.

20 “(ii) DEFINITION OF ‘BEHAVIOR CON-
 21 TROL’.—In this subparagraph, the term
 22 ‘behavior control’—

23 “(I) means any experimentation
 24 or research employing methods that—

1 “(aa) involve a substantial
2 risk of physical or psychological
3 harm to the individual subject;
4 and

5 “(bb) are intended to modify
6 or alter criminal and other anti-
7 social behavior, including aversive
8 conditioning therapy, drug ther-
9 apy, chemotherapy (except as
10 part of routine clinical care),
11 physical therapy of mental dis-
12 orders, electroconvulsive therapy,
13 or physical punishment; and

14 “(II) does not include a limited
15 class of programs generally recognized
16 as involving no such risk, including
17 methadone maintenance and certain
18 alcohol treatment programs, psycho-
19 logical counseling, parent training, be-
20 havior contracting, survival skills
21 training, restitution, or community
22 service, if safeguards are established
23 for the informed consent of subjects
24 (including parents or guardians of mi-
25 nors).

1 “(B) PROHIBITION AGAINST USE OF
2 AMOUNTS IN CONSTRUCTION.—No amount
3 made available to any public or private agency,
4 or institution or to any individual under this
5 title (either directly or through a State office)
6 may be used for construction, except for minor
7 renovations or additions to an existing struc-
8 ture.

9 “(C) JOB TRAINING.—No amount made
10 available under this title may be used to carry
11 out a youth employment program to provide
12 subsidized employment opportunities, job train-
13 ing activities, or school-to-work activities for
14 participants.

15 “(D) LOBBYING.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), no amount made avail-
18 able under this title to any public or pri-
19 vate agency, organization, or institution or
20 to any individual shall be used to pay for
21 any personal service, advertisement, tele-
22 gram, telephone communication, letter,
23 printed or written matter, or other device
24 intended or designed to influence a Mem-
25 ber of Congress or any other Federal,

1 State, or local elected official to favor or
2 oppose any Act, bill, resolution, or other
3 legislation, or any referendum, initiative,
4 constitutional amendment, or any other
5 procedure of Congress, any State legisla-
6 ture, any local council, or any similar gov-
7 erning body.

8 “(ii) EXCEPTION.—This subpara-
9 graph does not preclude the use of
10 amounts made available under this title in
11 connection with communications to Fed-
12 eral, State, or local elected officials, upon
13 the request of such officials through proper
14 official channels, pertaining to authoriza-
15 tion, appropriation, or oversight measures
16 directly affecting the operation of the pro-
17 gram involved.

18 “(E) LEGAL ACTION.—No amounts made
19 available under this title to any public or pri-
20 vate agency, organization, institution, or to any
21 individual, shall be used in any way directly or
22 indirectly to file an action or otherwise take any
23 legal action against any Federal, State, or local
24 agency, institution, or employee.

25 “(F) RELIGIOUS ORGANIZATIONS.—

1 “(i) IN GENERAL.—The purpose of
2 this subparagraph is to allow State and
3 local governments to contract with reli-
4 gious organizations, or to allow religious
5 organizations to accept certificates, vouch-
6 ers, or other forms of disbursement under
7 any program described in this title, on the
8 same basis as any other nongovernmental
9 provider without impairing the religious
10 character of such organizations, and with-
11 out diminishing the religious freedom of
12 beneficiaries of assistance funded under
13 such program.

14 “(ii) NONDISCRIMINATION AGAINST
15 RELIGIOUS ORGANIZATIONS.—A State or
16 local government exercising its authority to
17 distribute grants to applicants under this
18 title shall ensure that religious organiza-
19 tions are eligible, on the same basis as any
20 other private organization, as contractors
21 to provide assistance, or to accept certifi-
22 cates, vouchers, or other forms of disburse-
23 ment, under any program described in this
24 title, so long as the programs are imple-
25 mented consistent with the Establishment

1 Clause of the United States Constitution.
2 Except as provided in clause (x), neither
3 the Federal Government nor a State re-
4 ceiving funds under such programs shall
5 discriminate against an organization which
6 is or applies to be a contractor to provide
7 assistance, or which is or applies to be a
8 contractor to provide assistance, or which
9 accepts certificates, vouchers, or other
10 forms of disbursement, on the basis that
11 the organization has a religious character.

12 “(iii) RELIGIOUS CHARACTER AND
13 FREEDOM.—

14 “(I) RELIGIOUS ORGANIZA-
15 TIONS.—A religious organization that
16 participates in a program authorized
17 by this title shall retain its independ-
18 ence from Federal, State, and local
19 governments, including such organiza-
20 tion’s control over the definition, de-
21 velopment, practice, and expression of
22 its religious beliefs.

1 “(II) ADDITIONAL SAFE-
2 GUARDS.—Neither the Federal Gov-
3 ernment nor a State shall require a
4 religious organization to—

5 “(aa) alter its form of inter-
6 nal governance; or

7 “(bb) remove religious art,
8 icons, scripture, or other symbols;
9 in order to be eligible to contract to
10 provide assistance, or to accept certifi-
11 cates, vouchers, or other forms of dis-
12 bursements, funded under a program
13 described in this title.

14 “(iv) RIGHTS OF BENEFICIARIES OF
15 ASSISTANCE.—If juvenile offender has an
16 objection to the religious character of the
17 organization or institution from which the
18 juvenile offender receives, or would receive,
19 assistance funded under any program de-
20 scribed in this title, the State in which the
21 individual resides shall provide such indi-
22 vidual (if otherwise eligible for such assist-
23 ance) within a reasonable period of time
24 after the date of such objection with assist-
25 ance from an alternative provider.

1 “(v) EMPLOYMENT PRACTICES.—A re-
2 ligious organization’s exemption provided
3 under section 702 of the Civil Rights Act
4 of 1964 (42 U.S.C. 2000e–1a) regarding
5 employment practices shall not be affected
6 by its participation in, or receipt of funds
7 from, programs described in this title.

8 “(vi) NONDISCRIMINATION AGAINST
9 BENEFICIARIES.—Except as otherwise pro-
10 vided in law, a religious organization shall
11 not discriminate against an individual in
12 regard to rendering assistance funded
13 under any program described in this title
14 on the basis of religion, a religious belief,
15 or refusal to actively participate in a reli-
16 gious practice.

17 “(vii) FISCAL ACCOUNTABILITY.—

18 “(I) IN GENERAL.—Subject to
19 subclause (II), any religious organiza-
20 tion contracting to provide assistance
21 funded under any program described
22 in clause (i)(II) shall be subject to the
23 same regulations as other contractors
24 to account in accord with generally
25 accepted auditing principles for the

1 use of such funds provided under such
2 programs.

3 “(II) LIMITED AUDIT.—If such
4 organization segregates Federal funds
5 provided under such programs into
6 separate accounts, then only the fi-
7 nancial assistance provided with such
8 funds shall be subject to audit.

9 “(viii) COMPLIANCE.—Any party
10 which seeks to enforce its rights under this
11 subparagraph may assert a civil action for
12 injunctive relief exclusively in an appro-
13 priate State court against the entity or
14 agency that allegedly commits such viola-
15 tion.

16 “(ix) LIMITATIONS ON USE OF FUNDS
17 FOR CERTAIN PURPOSES.—No funds pro-
18 vided directly to institutions or organiza-
19 tions to provide services and administer
20 programs under this title shall be expended
21 for sectarian worship, instruction, or pros-
22 elytization.

23 “(x) PREEMPTION.—Nothing in this
24 subparagraph shall be construed to pre-
25 empt any provision of a State constitution

1 or State statute that prohibits or restricts
2 the expenditure of State funds in or by re-
3 ligious organizations.

4 “(5) PENALTIES.—

5 “(A) IN GENERAL.—If any amounts are
6 used for the purposes prohibited in either sub-
7 paragraph (D) or (E) of paragraph (4)—

8 “(i) all funding for the agency, orga-
9 nization, institution, or individual at issue
10 shall be immediately discontinued; and

11 “(ii) the agency, organization, institu-
12 tion, or individual using amounts for the
13 purpose prohibited in subparagraph (D) or
14 (E) of paragraph (4) shall be liable for re-
15 imbursement of all amounts granted to the
16 individual or entity for the fiscal year for
17 which the amounts were granted.

18 “(B) LIABILITY FOR EXPENSES AND DAM-
19 AGES.—In relation to a violation of paragraph
20 (4)(E), the individual filing the lawsuit or re-
21 sponsible for taking the legal action against the
22 Federal, State, or local agency or institution, or
23 individual working for the Government, shall be
24 individually liable for all legal expenses and any

other expenses of the government agency, institution, or individual working for the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the government, and any punitive damages.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this title—

“(A) \$650,000,000 for fiscal year 1998;

“(B) \$650,000,000 for fiscal year 1999;

“(C) \$650,000,000 for fiscal year 2000;

“(D) \$650,000,000 for fiscal year 2001;

and

“(E) \$650,000,000 for fiscal year 2002.

“(2) ALLOCATION OF APPROPRIATIONS.—Of amounts authorized to be appropriated under paragraph (1) in each fiscal year—

“(A) \$500,000,000 shall be for programs under section 204(h); and

“(B) \$150,000,000 shall be for programs under part B.

“(3) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this subsection, and allocated

1 pursuant to paragraph (1) in any fiscal year shall
2 remain available until expended.

3 **“SEC. 207. ADMINISTRATIVE PROVISIONS.**

4 “(a) AUTHORITY OF ADMINISTRATOR.—The Office
5 shall be administered by the Administrator under the gen-
6 eral authority of the Attorney General.

7 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL
8 PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c),
9 812(a), 812(b), and 812(d) of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),
11 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),
12 3789g(d)) shall apply with respect to the administration
13 of and compliance with this Act, except that for purposes
14 of this Act—

15 “(1) any reference to the Office of Justice Pro-
16 grams in such sections shall be considered to be a
17 reference to the Assistant Attorney General who
18 heads the Office of Justice Programs; and

19 “(2) the term ‘this title’ as it appears in such
20 sections shall be considered to be a reference to this
21 Act.

22 “(c) APPLICABILITY OF CERTAIN OTHER CRIME
23 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806
24 of the Omnibus Crime Control and Safe Streets Act of
25 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply

1 with respect to the administration of and compliance with
2 this Act, except that, for purposes of this Act—

3 “(1) any reference to the Attorney General, the
4 Assistant Attorney General who heads the Office of
5 Justice Programs, the Director of the National In-
6 stitute of Justice, the Director of the Bureau of Jus-
7 tice Statistics, or the Director of the Bureau of Jus-
8 tice Assistance shall be considered to be a reference
9 to the Administrator;

10 “(2) any reference to the Office of Justice Pro-
11 grams, the Bureau of Justice Assistance, the Na-
12 tional Institute of Justice, or the Bureau of Justice
13 Statistics shall be considered to be a reference to
14 the Office of Juvenile Justice and Delinquency Pre-
15 vention; and

16 “(3) the term ‘this title’ as it appears in such
17 sections shall be considered to be a reference to this
18 Act.

19 “(d) RULES, REGULATIONS, AND PROCEDURES.—
20 The Administrator may, after appropriate consultation
21 with representatives of States and units of local govern-
22 ment, establish such rules, regulations, and procedures as
23 are necessary for the exercise of the functions of the Office
24 and as are consistent with the purpose of this Act.

1 “(e) WITHHOLDING.—The Administrator shall initi-
 2 ate such proceedings as the Administrator determines to
 3 be appropriate if the Administrator, after giving reason-
 4 able notice and opportunity for hearing to a recipient of
 5 financial assistance under this title, finds that—

6 “(1) the program or activity for which the
 7 grant or contract involved was made has been so
 8 changed that the program or activity no longer com-
 9 plies with this title; or

10 “(2) in the operation of such program or activ-
 11 ity there is failure to comply substantially with any
 12 provision of this title.”;

13 (2) in part B—

14 (A) in section 221(b)—

15 (i) in paragraph (1)—

16 (I) by striking “section 223” and
 17 inserting “section 222”; and

18 (II) by striking “section 223(c)”
 19 and inserting “section 222(c)”; and

20 (ii) in paragraph (2), by striking “sec-
 21 tion 299(c)(1)” and inserting “section
 22 222(a)(1)”; and

23 (B) by striking sections 222 and 223 and
 24 inserting the following:

1 **“SEC. 222. STATE PLANS.**

2 “(a) IN GENERAL.—In order to receive formula
3 grants under this part, a State shall submit a plan for
4 carrying out its purposes applicable to a 3-year period.
5 The State shall submit annual performance reports to the
6 Administrator which shall describe progress in implement-
7 ing programs contained in the original plan, and shall de-
8 scribe the status of compliance with State plan require-
9 ments. In accordance with regulations which the Adminis-
10 trator shall prescribe, such plan shall—

11 “(1) designate a State agency as the sole agen-
12 cy for supervising the preparation and administra-
13 tion of the plan;

14 “(2) contain satisfactory evidence that the
15 State agency designated in accordance with para-
16 graph (1) has or will have authority, by legislation
17 if necessary, to implement such plan in conformity
18 with this part;

19 “(3) provide for the active consultation with
20 and participation of units of general local govern-
21 ment or combinations thereof in the development of
22 a State plan which adequately takes into account the
23 needs and requests of local governments, except that
24 nothing in the plan requirements, or any regulations
25 promulgated to carry out such requirements, shall be

1 construed to prohibit or impede the State from mak-
 2 ing grants to, or entering into contracts with, local
 3 private agencies, including religious organizations;

4 “(4) provide that the chief executive officer of
 5 the unit of general local government shall assign re-
 6 sponsibility for the preparation and administration
 7 of the local government’s part of a State plan, or for
 8 the supervision of the preparation and administra-
 9 tion of the local government’s part of the State plan,
 10 to that agency within the local government’s struc-
 11 ture or to a regional planning agency (in this part
 12 referred to as the ‘local agency’) which can most ef-
 13 fectively carry out the purposes of this part and
 14 shall provide for supervision of the programs funded
 15 under this part by that local agency;

16 “(5)(A) provide for—

17 “(i) an analysis of juvenile crime problems
 18 (including the joining of gangs that commit
 19 crimes) and juvenile justice and delinquency
 20 prevention needs (including educational needs)
 21 within the relevant jurisdiction (including any
 22 geographical area in which an Indian tribe per-
 23 forms law enforcement functions), a description
 24 of the services to be provided, and a description
 25 of performance goals and priorities, including a

1 specific statement of the manner in which pro-
2 grams are expected to meet the identified juve-
3 nile crime problems (including the joining of
4 gangs that commit crimes) and juvenile justice
5 and delinquency prevention needs (including
6 educational needs) of the jurisdiction;

7 “(ii) an indication of the manner in which
8 the programs relate to other similar State or
9 local programs which are intended to address
10 the same or similar problems; and

11 “(iii) a plan for the concentration of State
12 efforts which shall coordinate all State juvenile
13 delinquency programs with respect to overall
14 policy and development of objectives and prior-
15 ities for all State juvenile delinquency programs
16 and activities, including provision for regular
17 meetings of State officials with responsibility in
18 the area of juvenile justice and delinquency pre-
19 vention;

20 “(B) contain—

21 “(i) an analysis of services for the preven-
22 tion and treatment of juvenile delinquency in
23 rural areas, including the need for such serv-
24 ices, the types of such services available in rural

1 areas, and geographically unique barriers to
2 providing such services; and

3 “(ii) a plan for providing needed services
4 for the prevention and treatment of juvenile de-
5 linquency in rural areas; and

6 “(C) contain—

7 “(i) an analysis of mental health services
8 available to juveniles in the juvenile justice sys-
9 tem (including an assessment of the appro-
10 priateness of the particular placements of juve-
11 niles in order to receive such services) and of
12 barriers to access to such services; and

13 “(ii) a plan for providing needed mental
14 health services to juveniles in the juvenile jus-
15 tice system;

16 “(6) provide for the active consultation with
17 and participation of private agencies in the develop-
18 ment and execution of the State plan; and provide
19 for coordination and maximum utilization of existing
20 juvenile delinquency programs and other related pro-
21 grams, such as education, special education, recre-
22 ation, health, and welfare within the State;

23 “(7) provide for the development of an adequate
24 research, training, and evaluation capacity within
25 the State;

1 “(8) provide that not less than 75 percent of
2 the funds made available to the State pursuant to
3 grants under section 221, whether expended directly
4 by the State, by the unit of general local govern-
5 ment, or by a combination thereof, or through
6 grants and contracts with public or private nonprofit
7 agencies, shall be used for—

8 “(A) community-based alternatives (includ-
9 ing home-based alternatives) to incarceration
10 and institutionalization, specifically—

11 “(i) for youth who can remain at
12 home with assistance, home probation and
13 programs providing professional supervised
14 group activities or individualized mentoring
15 relationships with adults that involve the
16 family and provide counseling and other
17 supportive services;

18 “(ii) for youth who need temporary
19 placement, crisis intervention, shelter, and
20 after-care; and

21 “(iii) for youth who need residential
22 placement, a continuum of foster care or
23 group home alternatives that provide ac-
24 cess to a comprehensive array of services;

1 “(B) community-based programs and serv-
2 ices to work with—

3 “(i) parents and other family mem-
4 bers to strengthen families, including par-
5 ent self-help groups, so that juveniles may
6 be retained in their homes;

7 “(ii) juveniles during their incarcer-
8 ation, and with their families, to ensure
9 the safe return of such juveniles to their
10 homes and to strengthen the families; and

11 “(iii) parents with limited-English
12 speaking ability, particularly in areas
13 where there is a large population of fami-
14 lies with limited-English speaking ability;

15 “(C) comprehensive juvenile justice and de-
16 linquency prevention programs that meet the
17 needs of youth through the collaboration of the
18 many local systems before which a youth may
19 appear, including schools, courts, law enforce-
20 ment agencies, child protection agencies, mental
21 health agencies, welfare services, health care
22 agencies, and private nonprofit agencies offer-
23 ing youth services;

24 “(D) projects designed to develop and im-
25 plement programs stressing advocacy activities

1 aimed at improving services for and protecting
2 the rights of youth affected by the juvenile jus-
3 tice system;

4 “(E) educational programs or supportive
5 services for delinquent or other juveniles, pro-
6 vided equitably regardless of sex, race, or family
7 income, designed to—

8 “(i) encourage juveniles to remain in
9 elementary and secondary schools or in al-
10 ternative learning situations, including—

11 “(I) education in settings that
12 promote experiential, individualized
13 learning and exploration of academic
14 and career options;

15 “(II) assistance in making the
16 transition to the world of work and
17 self-sufficiency;

18 “(III) alternatives to suspension
19 and expulsion; and

20 “(IV) programs to counsel delin-
21 quent juveniles and other juveniles re-
22 garding the opportunities that edu-
23 cation provides; and

1 “(ii) enhance coordination with the
2 local schools that such juveniles would oth-
3 erwise attend, to ensure that—

4 “(I) the instruction that juveniles
5 receive outside school is closely
6 aligned with the instruction provided
7 in school; and

8 “(II) information regarding any
9 learning problems identified in such
10 alternative learning situations are
11 communicated to the schools;

12 “(F) expanded use of home probation and
13 recruitment and training of home probation of-
14 ficers, other professional and paraprofessional
15 personnel, and volunteers to work effectively to
16 allow youth to remain at home with their fami-
17 lies as an alternative to incarceration or institu-
18 tionalization;

19 “(G) youth-initiated outreach programs de-
20 signed to assist youth (including youth with
21 limited proficiency in English) who otherwise
22 would not be reached by traditional youth as-
23 sistance programs;

1 “(H) programs designed to develop and
2 implement projects relating to juvenile delin-
3 quency and learning disabilities, including on-
4 the-job training programs to assist community
5 services, law enforcement, and juvenile justice
6 personnel to more effectively recognize and pro-
7 vide for learning disabled and other handi-
8 capped youth;

9 “(I) projects designed both to deter in-
10 volvement in illegal activities and to promote in-
11 volvement in lawful activities on the part of
12 gangs whose membership is substantially com-
13 posed of youth;

14 “(J) programs and projects designed to
15 provide for the treatment of youths’ dependence
16 on or abuse of alcohol or other addictive or non-
17 addictive drugs;

18 “(K) law-related education programs (and
19 projects) for delinquent and at-risk youth de-
20 signed to prevent juvenile delinquency;

21 “(L) programs for positive youth develop-
22 ment that assist delinquent and other at-risk
23 youth in obtaining—

24 “(i) a sense of safety and structure;

1 “(ii) a sense of belonging and mem-
2 bership;

3 “(iii) a sense of self-worth and social
4 contribution;

5 “(iv) a sense of independence and con-
6 trol over one’s life;

7 “(v) a sense of closeness in inter-
8 personal relationships; and

9 “(vi) a sense of competence and mas-
10 tery including health and physical com-
11 petence, personal and social competence,
12 cognitive and creative competence, voca-
13 tional competence, and citizenship com-
14 petence, including ethics and participation;

15 “(M) programs that, in recognition of
16 varying degrees of the seriousness of delinquent
17 behavior and the corresponding gradations in
18 the responses of the juvenile justice system in
19 response to that behavior, are designed to—

20 “(i) encourage courts to develop and
21 implement a continuum of post-adjudica-
22 tion restraints that bridge the gap between
23 traditional probation and confinement in a
24 correctional setting (including expanded
25 use of probation, mediation, restitution,

1 community service, treatment, home deten-
2 tion, intensive supervision, electronic mon-
3 itoring, boot camps and similar programs,
4 and secure community-based treatment fa-
5 cilities linked to other support services
6 such as health, mental health, education
7 (remedial and special), job training, and
8 recreation); and

9 “(ii) assist in the provision by the Ad-
10 ministrator of information and technical
11 assistance, including technology transfer,
12 to States in the design and utilization of
13 risk assessment mechanisms to aid juvenile
14 justice personnel in determining appro-
15 priate sanctions for delinquent behavior;

16 “(N) programs designed to prevent and re-
17 duce hate crimes committed by juveniles, in-
18 cluding educational programs and sentencing
19 programs designed specifically for juveniles who
20 commit hate crimes and that provide alter-
21 natives to incarceration; and

22 “(O) programs (including referral to lit-
23 eracy programs and social service programs) to
24 assist families with limited-English speaking

1 ability that include delinquent juveniles to over-
2 come language and cultural barriers that may
3 prevent the complete treatment of such juve-
4 niles and the preservation of their families;

5 “(9) provide for the development of an adequate
6 research, training, and evaluation capacity within
7 the State;

8 “(10) provide that the State shall not detain or
9 confine juveniles who are alleged to be or determined
10 to be delinquent in any institution in which the juve-
11 nile has regular sustained physical contact with
12 adult persons who are detained or confined;

13 “(11) provide for an adequate system of mon-
14 itoring jails, detention facilities, correctional facili-
15 ties, and nonsecure facilities to ensure that the re-
16 quirements of paragraph (10) are met, and for an-
17 nual reporting of the results of such monitoring to
18 the Administrator, except that such reporting re-
19 quirements shall not apply in the case of a State
20 which is in compliance with the other requirements
21 of this paragraph, which is in compliance with the
22 requirements in paragraph (10), and which has en-
23 acted legislation which conforms to such require-
24 ments and which contains, in the opinion of the Ad-
25 ministrator, sufficient enforcement mechanisms to

1 ensure that such legislation will be administered ef-
2 fectively;

3 “(12) provide assurance that youth in the juve-
4 nile justice system are treated equitably on the basis
5 of gender, race, family income, and mentally, emo-
6 tionally, or physically handicapping conditions;

7 “(13) provide assurance that consideration will
8 be given to and that assistance will be available for
9 approaches designed to strengthen the families of
10 delinquent and other youth to prevent juvenile delin-
11 quency (which approaches should include the involve-
12 ment of grandparents or other extended family
13 members when possible and appropriate and the pro-
14 vision of family counseling during the incarceration
15 of juvenile family members and coordination of fam-
16 ily services when appropriate and feasible);

17 “(14) provide for procedures to be established
18 for protecting the rights of recipients of services and
19 for assuring appropriate privacy with regard to
20 records relating to such services provided to any in-
21 dividual under the State plan;

22 “(15) provide for such fiscal control and fund
23 accounting procedures necessary to assure prudent
24 use, proper disbursement, and accurate accounting
25 of funds received under this title;

1 “(16) provide reasonable assurances that Fed-
2 eral funds made available under this part for any pe-
3 riod shall be so used as to supplement and increase
4 (but not supplant) the level of the State, local, and
5 other non-Federal funds that would in the absence
6 of such Federal funds be made available for the pro-
7 grams described in this part, and shall in no event
8 replace such State, local, and other non-Federal
9 funds; and

10 “(17) provide that the State agency designated
11 under paragraph (1) will from time to time, but not
12 less often than annually, review its plan and submit
13 to the Administrator an analysis and evaluation of
14 the effectiveness of the programs and activities car-
15 ried out under the plan, and any modifications in
16 the plan, including the survey of State and local
17 needs, which it considers necessary.

18 “(b) APPROVAL BY STATE AGENCY.—The State
19 agency designated under subsection (a)(1) shall approve
20 the State plan and any modification thereof prior to sub-
21 mission to the Administrator.

22 “(c) APPROVAL BY ADMINISTRATOR; COMPLIANCE
23 WITH STATUTORY REQUIREMENTS.—

1 “(1) IN GENERAL.—The Administrator shall
2 approve any State plan and any modification thereof
3 that meets the requirements of this section.

4 “(2) REDUCED ALLOCATIONS.—If a State fails
5 to comply with any requirement of subsection
6 (a)(10) in any fiscal year beginning after January 1,
7 1998, the State shall be ineligible to receive any allo-
8 cation under that section for such fiscal year un-
9 less—

10 “(A) the State agrees to expend all the re-
11 maining funds the State receives under this
12 part for that fiscal year only to achieve compli-
13 ance with such paragraph; or

14 “(B) the Administrator determines, in the
15 discretion of the Administrator, that the
16 State—

17 “(i) has achieved substantial compli-
18 ance with such paragraph; and

19 “(ii) has made, through appropriate
20 executive or legislative action, an unequiv-
21 ocal commitment to achieving full compli-
22 ance within a reasonable time.”; and

23 (3) by striking parts C, D, E, F, G, and H, and
24 each part designated as part I.

1 **SEC. 1163. RUNAWAY AND HOMELESS YOUTH.**

2 Section 385 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5751) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “1993
6 and such sums as may be necessary for fiscal
7 years 1994, 1995, and 1996” and inserting
8 “1998 and such sums as may be necessary for
9 fiscal years 1999, 2000, 2001, and 2002”; and

10 (B) by striking paragraph (3) and redesign-
11 ating paragraphs (4) and (5) as paragraphs
12 (3) and (4), respectively;

13 (2) in subsection (b), by striking “1993 and
14 such sums as may be necessary for fiscal years
15 1994, 1995, and 1996” and inserting “1998 and
16 such sums as may be necessary for fiscal years
17 1999, 2000, 2001, and 2002”; and

18 (3) in subsection (c), by striking “1993, 1994,
19 1995, and 1996” and inserting “1998, 1999, 2000,
20 2001, and 2002”.

21 **SEC. 1164. AUTHORIZATION OF APPROPRIATIONS.**

22 Title IV of the Juvenile Justice and Delinquency Pre-
23 vention Act of 1974 (42 U.S.C. 5771 et seq.) is amend-
24 ed—

25 (1) in section 403, by striking paragraph (2)
26 and inserting the following:

1 “(2) the term ‘Administrator’ means the Ad-
 2 ministrator of the Office of Juvenile Crime Control
 3 and Accountability.”;

4 (2) by striking section 404; and

5 (3) in section 408, by striking “1993, 1994,
 6 1995, and 1996” and inserting “1998, 1999, 2000,
 7 2001, and 2002”.

8 **SEC. 1165. REPEAL.**

9 Title V of the Juvenile Justice and Delinquency Pre-
 10 vention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

11 **SEC. 1166. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
 12 **SIONS.**

13 (a) DEFINITIONS.—In this section, unless otherwise
 14 provided or indicated by the context—

15 (1) the term “Administrator of the Office”
 16 means the Administrator of the Office of Juvenile
 17 Justice and Delinquency Prevention;

18 (2) the term “Bureau of Justice Assistance”
 19 means the bureau established under section 401 of
 20 title I of the Omnibus Crime Control and Safe
 21 Streets Act of 1968;

22 (3) the term “Administrator” means the Ad-
 23 ministrator of the Office of Juvenile Crime Control
 24 and Accountability established by operation of sub-
 25 section (b);

1 (4) the term “Federal agency” has the meaning
2 given the term “agency” by section 551(1) of title
3 5, United States Code;

4 (5) the term “function” means any duty, obli-
5 gation, power, authority, responsibility, right, privi-
6 lege, activity, or program;

7 (6) the term “Office of Juvenile Crime Control
8 and Accountability” means the office established by
9 operation of subsection (b);

10 (7) the term “Office of Juvenile Justice and
11 Delinquency Prevention” means the Office of Juve-
12 nile Justice and Delinquency Prevention within the
13 Department of Justice, established by section 201 of
14 the Juvenile Justice and Delinquency Prevention Act
15 of 1974, as in effect on the day before the date of
16 enactment of this Act; and

17 (8) the term “office” includes any office, ad-
18 ministration, agency, institute, unit, organizational
19 entity, or component thereof.

20 (b) TRANSFER OF FUNCTIONS.—There are trans-
21 ferred to the Office of Juvenile Crime Control and Ac-
22 countability all functions that the Administrator of the Of-
23 fice exercised before the date of enactment of this Act (in-
24 cluding all related functions of any officer or employee of

1 the Office of Juvenile Justice and Delinquency Preven-
2 tion), and authorized after the enactment of this Act, re-
3 lating to carrying out the Juvenile Justice and Delin-
4 quency Prevention Act of 1974.

5 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
6 TIONS AND PERSONNEL.—

7 (1) IN GENERAL.—Except as otherwise pro-
8 vided in this section and in section 101(a) (relating
9 to Juvenile Justice Programs) of the Omnibus Con-
10 solidated Appropriations Act, 1997, the personnel
11 employed in connection with, and the assets, liabil-
12 ities, contracts, property, records, and unexpended
13 balances of appropriations, authorizations, alloca-
14 tions, and other amounts employed, used, held, aris-
15 ing from, available to, or to be made available in
16 connection with the functions transferred by this
17 section, subject to section 1531 of title 31, United
18 States Code, shall be transferred to the Office of Ju-
19 venile Crime Control and Accountability.

20 (2) UNEXPENDED AMOUNTS.—Any unexpended
21 amounts transferred pursuant to this subsection
22 shall be used only for the purposes for which the
23 amounts were originally authorized and appro-
24 priated.

25 (d) INCIDENTAL TRANSFERS.—

1 (1) IN GENERAL.—The Director of the Office of
2 Management and Budget, at such time or times as
3 the Director of that Office shall provide, may make
4 such determinations as may be necessary with re-
5 gard to the functions transferred by this section, and
6 to make such additional incidental dispositions of
7 personnel, assets, liabilities, grants, contracts, prop-
8 erty, records, and unexpended balances of appropria-
9 tions, authorizations, allocations, and other amounts
10 held, used, arising from, available to, or to be made
11 available in connection with such functions, as may
12 be necessary to carry out this section.

13 (2) TERMINATION OF AFFAIRS.—The Director
14 of the Office of Management and Budget shall pro-
15 vide for the termination of the affairs of all entities
16 terminated by this section and for such further
17 measures and dispositions as may be necessary to ef-
18 fectuate the purposes of this section.

19 (e) EFFECT ON PERSONNEL.—

20 (1) IN GENERAL.—Except as otherwise pro-
21 vided by this section, the transfer pursuant to this
22 section of full-time personnel (except special Govern-
23 ment employees) and part-time personnel holding

1 permanent positions shall not cause any such em-
2 ployee to be separated or reduced in grade or com-
3 pensation for 1 year after the date of transfer of
4 such employee under this section.

5 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
6 as otherwise provided in this section, any person
7 who, on the day before the date of enactment of this
8 Act, held a position compensated in accordance with
9 the Executive Schedule prescribed in chapter 53 of
10 title 5, United States Code, and who, without a
11 break in service, is appointed in the Office of Juve-
12 nile Crime Control and Accountability to a position
13 having duties comparable to the duties performed
14 immediately preceding such appointment shall con-
15 tinue to be compensated in such new position at not
16 less than the rate provided for such previous posi-
17 tion, for the duration of the service of such person
18 in such new position.

19 (3) TRANSITION RULE.—

20 (A) IN GENERAL.—The incumbent Admin-
21 istrator of the Office as of the date immediately
22 preceding the date of enactment of this Act
23 shall continue to serve as Administrator after
24 the enactment of this Act until such time as the
25 incumbent resigns, is relieved of duty by the

1 President, or an Administrator is appointed by
2 the President, by and with the advice and con-
3 sent of the Senate.

4 (B) NOMINEE.—Not later than 6 months
5 after the date of enactment of this Act, the
6 President shall submit to the Senate for its con-
7 sideration the name of the individual nominated
8 to be appointed as the Administrator.

9 (f) SAVINGS PROVISIONS.—

10 (1) CONTINUING EFFECT OF LEGAL DOCU-
11 MENTS.—All orders, determinations, rules, regula-
12 tions, permits, agreements, grants, contracts, certifi-
13 cates, licenses, registrations, privileges, and other
14 administrative actions—

15 (A) that have been issued, made, granted,
16 or allowed to become effective by the President,
17 any Federal agency or official thereof, or by a
18 court of competent jurisdiction, in the perform-
19 ance of functions that are transferred under
20 this section; and

21 (B) that are in effect at the time this sec-
22 tion takes effect, or were final before the date
23 of enactment of this Act and are to become ef-
24 fective on or after the date of enactment of this
25 Act, shall continue in effect according to their

1 terms until modified, terminated, superseded,
2 set aside, or revoked in accordance with law by
3 the President, the Administrator, or other au-
4 thorized official, a court of competent jurisdic-
5 tion, or by operation of law.

6 (2) PROCEEDINGS NOT AFFECTED.—

7 (A) IN GENERAL.—This section shall not
8 affect any proceedings, including notices of pro-
9 posed rulemaking, or any application for any li-
10 cense, permit, certificate, or financial assistance
11 pending before the Office of Juvenile Justice
12 and Delinquency Prevention on the date on
13 which this section takes effect, with respect to
14 functions transferred by this section but such
15 proceedings and applications shall be continued.

16 (B) ORDERS; APPEALS; PAYMENTS.—Or-
17 ders shall be issued in such proceedings, ap-
18 peals shall be taken therefrom, and payments
19 shall be made pursuant to such orders, as if
20 this section had not been enacted, and orders
21 issued in any such proceedings shall continue in
22 effect until modified, terminated, superseded, or
23 revoked by a duly authorized official, by a court
24 of competent jurisdiction, or by operation of
25 law.

1 (C) DISCONTINUANCE OR MODIFICA-
2 TION.—Nothing in this paragraph shall be con-
3 strued to prohibit the discontinuance or modi-
4 fication of any such proceeding under the same
5 terms and conditions and to the same extent
6 that such proceeding could have been discon-
7 tinued or modified if this paragraph had not
8 been enacted.

9 (3) SUITS NOT AFFECTED.—This section shall
10 not affect suits commenced before the date of enact-
11 ment of this Act, and in all such suits, proceedings
12 shall be had, appeals taken, and judgments rendered
13 in the same manner and with the same effect as if
14 this section had not been enacted.

15 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
16 tion, or other proceeding commenced by or against
17 the Office of Juvenile Justice and Delinquency Pre-
18 vention, or by or against any individual in the offi-
19 cial capacity of such individual as an officer of the
20 Office of Juvenile Justice and Delinquency Preven-
21 tion, shall abate by reason of the enactment of this
22 section.

1 (5) ADMINISTRATIVE ACTIONS RELATING TO
2 PROMULGATION OF REGULATIONS.—Any administra-
3 tive action relating to the preparation or promulga-
4 tion of a regulation by the Office of Juvenile Justice
5 and Delinquency Prevention relating to a function
6 transferred under this section may be continued, to
7 the extent authorized by this section, by the Office
8 of Juvenile Crime Control and Accountability with
9 the same effect as if this section had not been en-
10 acted.

11 (g) TRANSITION.—The Administrator may utilize—

12 (1) the services of such officers, employees, and
13 other personnel of the Office of Juvenile Justice and
14 Delinquency Prevention with respect to functions
15 transferred to the Office of Juvenile Crime Control
16 and Accountability by this section; and

17 (2) amounts appropriated to such functions for
18 such period of time as may reasonably be needed to
19 facilitate the orderly implementation of this section.

20 (h) REFERENCES.—Reference in any other Federal
21 law, Executive order, rule, regulation, or delegation of au-
22 thority, or any document of or relating to—

23 (1) the Administrator of the Office of Juvenile
24 Justice and Delinquency Prevention with regard to
25 functions transferred by operation of subsection (b),

1 shall be considered to refer to the Administrator of
 2 the Office of Juvenile Crime Control and Account-
 3 ability; and

4 (2) the Office of Juvenile Justice and Delin-
 5 quency Prevention with regard to functions trans-
 6 ferred by operation of subsection (b), shall be con-
 7 sidered to refer to the Office of Juvenile Crime Con-
 8 trol and Accountability.

9 (i) TECHNICAL AND CONFORMING AMENDMENT.—
 10 Section 5315 of title 5, United States Code, is amended
 11 by striking “Administrator, Office of Juvenile Crime Con-
 12 trol and Accountability”.

13 **SEC. 1167. REPEAL OF UNNECESSARY AND DUPLICATIVE**
 14 **PROGRAMS.**

15 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
 16 MENT ACT OF 1994.—

17 (1) TITLE III.—Title III of the Violent Crime
 18 Control and Law Enforcement Act of 1994 (42
 19 U.S.C. 13741 et seq.) is amended by striking sub-
 20 titles A through S, subtitle U, and subtitle X.

21 (2) TITLE V.—Title V of the Violent Crime
 22 Control and Law Enforcement Act of 1994 (42
 23 U.S.C. 3797 et seq.) is repealed.

1 (3) TITLE XXVII.—Title XXVII of the Violent
2 Crime Control and Law Enforcement Act of 1994
3 (42 U.S.C. 14191 et seq.) is repealed.

4 (b) ELEMENTARY AND SECONDARY EDUCATION
5 ACT.—

6 (1) TITLE IV.—Title IV of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C. 7101)
8 is repealed.

9 (2) TITLE V.—Part C of title V of the Elemen-
10 tary and Secondary Education Act of 1965 (20
11 U.S.C. 7261 et seq.) is repealed.

12 (c) PUBLIC HEALTH SERVICE ACT.—Section 517 of
13 the Public Health Service Act (42 U.S.C. 290bb–23) is
14 repealed.

15 (d) HUMAN SERVICES REAUTHORIZATION ACT.—
16 Section 408 of the Human Services Reauthorization Act
17 is repealed.

18 (e) COMMUNITY SERVICES BLOCK GRANTS ACT.—
19 Section 682 of the Community Services Block Grants Act
20 (42 U.S.C. 9901) is repealed.

21 (f) ANTI-DRUG ABUSE ACT.—Subtitle B of title III
22 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801
23 et seq.) is amended by striking chapters 1 and 2.

1 **SEC. 1168. CIVIL MONETARY PENALTY SURCHARGE.**

2 (a) IMPOSITION.—Subject to subsection (b) and not-
3 withstanding any other provision of law, a surcharge of
4 40 percent of the principal amount of a civil monetary
5 penalty shall be added to each civil monetary penalty as-
6 sessed by the United States or any agency thereof at the
7 time the penalty is assessed.

8 (b) LIMITATION.—This section does not apply to any
9 monetary penalty assessed under the Internal Revenue
10 Code of 1986.

11 (c) USE OF SURCHARGES.—Amounts collected from
12 the surcharge imposed under this section shall be used for
13 Federal programs to combat youth violence.

14 (d) EFFECTIVE DATES.—

15 (1) IN GENERAL.—A surcharge under sub-
16 section (b) shall be added to each civil monetary
17 penalty assessed on or after the later of October 1,
18 1997 and the date of enactment of this Act.

19 (2) EXPIRATION OF AUTHORITY.—The author-
20 ity to add a surcharge under this subsection shall
21 terminate at the close of September 30, 2002.

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