

111TH CONGRESS  
1ST SESSION

# S. 132

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. BAYH, Mr. KERRY, Mrs. MURRAY, Mr. KYL, Mr. SPECTER, Mr. SCHUMER, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, 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.**

2       This Act may be cited as the “Gang Abatement and  
3 Prevention Act of 2009”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

**TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT  
VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL  
GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE**

Sec. 101. Revision and extension of penalties related to criminal street gang activity.

**TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG  
VIOLENCE**

- Sec. 201. Violent crimes in aid of racketeering activity.
- Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.
- Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
- Sec. 204. Statute of limitations for violent crime.
- Sec. 205. Study of hearsay exception for forfeiture by wrongdoing.
- Sec. 206. Possession of firearms by dangerous felons.
- Sec. 207. Conforming amendment.
- Sec. 208. Amendments relating to violent crime.
- Sec. 209. Publicity campaign about new criminal penalties.
- Sec. 210. Statute of limitations for terrorism offenses.
- Sec. 211. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.
- Sec. 212. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
- Sec. 213. Clarification of Hobbs Act.
- Sec. 214. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.
- Sec. 215. Amendment of sentencing guidelines.

**TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND  
PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL  
STREET GANGS AND FOR OTHER PURPOSES**

- Sec. 301. Designation of and assistance for high intensity gang activity areas.
- Sec. 302. Gang prevention grants.
- Sec. 303. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.
- Sec. 304. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
- Sec. 305. Grants to prosecutors and law enforcement to combat violent crime.

- Sec. 306. Expansion and reauthorization of the mentoring initiative for system involved youth.
- Sec. 307. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
- Sec. 308. Short-Term State Witness Protection Section.
- Sec. 309. Witness protection services.
- Sec. 310. Expansion of Federal witness relocation and protection program.
- Sec. 311. Family abduction prevention grant program.
- Sec. 312. Study on adolescent development and sentences in the Federal system.
- Sec. 313. National youth anti-heroin media campaign.
- Sec. 314. Training at the national advocacy center.

#### TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

- Sec. 401. Short title.
- Sec. 402. Purposes.
- Sec. 403. Definitions.
- Sec. 404. National Commission on Public Safety Through Crime Prevention.
- Sec. 405. Innovative crime prevention and intervention strategy grants.

### 1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) violent crime and drug trafficking are per-  
 4 vasive problems at the national, State, and local  
 5 level;

6 (2) according to recent Federal Bureau of In-  
 7 vestigation, Uniform Crime Reports, violent crime in  
 8 the United States is on the rise, with a 2.3 percent  
 9 increase in violent crime in 2005 (the largest in-  
 10 crease in the United States in 15 years) and an even  
 11 larger 3.7 percent jump during the first 6 months  
 12 of 2006, and the Police Executive Research Forum  
 13 reports that, among jurisdictions providing informa-  
 14 tion, homicides are up 10.21 percent, robberies are  
 15 up 12.27 percent, and aggravated assaults with fire-  
 16 arms are up 9.98 percent since 2004;

1           (3) these disturbing rises in violent crime are  
2           attributable in part to the spread of criminal street  
3           gangs and the willingness of gang members to com-  
4           mit acts of violence and drug trafficking offenses;

5           (4) according to a recent National Drug Threat  
6           Assessment, criminal street gangs are responsible for  
7           much of the retail distribution of the cocaine, meth-  
8           amphetamine, heroin, and other illegal drugs being  
9           distributed in rural and urban communities through-  
10          out the United States;

11          (5) gangs commit acts of violence or drug of-  
12          fenses for numerous motives, such as membership in  
13          or loyalty to the gang, for protecting gang territory,  
14          and for profit;

15          (6) gang presence and intimidation, and the or-  
16          ganized and repetitive nature of the crimes that  
17          gangs and gang members commit, has a pernicious  
18          effect on the free flow of interstate commercial ac-  
19          tivities and directly affects the freedom and security  
20          of communities plagued by gang activity, dimin-  
21          ishing the value of property, inhibiting the desire of  
22          national and multinational corporations to transact  
23          business in those communities, and in a variety of  
24          ways directly and substantially affecting interstate  
25          and foreign commerce;

1           (7) gangs often recruit and utilize minors to en-  
2       engage in acts of violence and other serious offenses  
3       out of a belief that the criminal justice systems are  
4       more lenient on juvenile offenders;

5           (8) gangs often intimidate and threaten wit-  
6       nesses to prevent successful prosecutions;

7           (9) gangs prey upon and incorporate minors  
8       into their ranks, exploiting the fact that adolescents  
9       have immature decision-making capacity, therefore,  
10      gang activity and recruitment can be reduced and  
11      deterred through increased vigilance, appropriate  
12      criminal penalties, partnerships between Federal and  
13      State and local law enforcement, and proactive pre-  
14      vention and intervention efforts, particularly tar-  
15      geted at juveniles and young adults, prior to and  
16      even during gang involvement;

17          (10) State and local prosecutors and law en-  
18      forcement officers, in hearings before the Committee  
19      on the Judiciary of the Senate and elsewhere, have  
20      enlisted the help of Congress in the prevention, in-  
21      vestigation, and prosecution of gang crimes and in  
22      the protection of witnesses and victims of gang  
23      crimes; and

24          (11) because State and local prosecutors and  
25      law enforcement have the expertise, experience, and

1 connection to the community that is needed to assist  
 2 in combating gang violence, consultation and coordi-  
 3 nation between Federal, State, and local law enforce-  
 4 ment and collaboration with other community agen-  
 5 cies is critical to the successful prosecutions of  
 6 criminal street gangs and reduction of gang prob-  
 7 lems.

8 **TITLE I—NEW FEDERAL CRIMI-**  
 9 **NAL LAWS NEEDED TO FIGHT**  
 10 **VIOLENT NATIONAL, INTER-**  
 11 **NATIONAL, REGIONAL, AND**  
 12 **LOCAL GANGS THAT AFFECT**  
 13 **INTERSTATE AND FOREIGN**  
 14 **COMMERCE**

15 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**  
 16 **LATED TO CRIMINAL STREET GANG ACTIV-**  
 17 **ITY.**

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

20 **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Definitions.

“522. Criminal street gang prosecutions.

“523. Recruitment of persons to participate in a criminal street gang.

“524. Violent crimes in furtherance of criminal street gangs.

“525. Forfeiture.

21 **“SEC. 521. DEFINITIONS.**

22 “In this chapter:

1           “(1) CRIMINAL STREET GANG.—The term  
 2           ‘criminal street gang’ means a formal or informal  
 3           group, organization, or association of 5 or more indi-  
 4           viduals—

5                   “(A) each of whom has committed at least  
 6           1 gang crime; and

7                   “(B) who collectively commit 3 or more  
 8           gang crimes (not less than 1 of which is a seri-  
 9           ous violent felony), in separate criminal epi-  
 10          sodes (not less than 1 of which occurs after the  
 11          date of enactment of the Gang Abatement and  
 12          Prevention Act of 2009, and the last of which  
 13          occurs not later than 5 years after the commis-  
 14          sion of a prior gang crime (excluding any time  
 15          of imprisonment for that individual)).

16          “(2) GANG CRIME.—The term ‘gang crime’  
 17          means an offense under Federal law punishable by  
 18          imprisonment for more than 1 year, or a felony of-  
 19          fense under State law that is punishable by a term  
 20          of imprisonment of 5 years or more in any of the  
 21          following categories:

22                   “(A) A crime that has as an element the  
 23           use, attempted use, or threatened use of phys-  
 24           ical force against the person of another, or is  
 25           burglary, arson, kidnapping, or extortion.

1           “(B) A crime involving obstruction of jus-  
 2           tice, or tampering with or retaliating against a  
 3           witness, victim, or informant.

4           “(C) A crime involving the manufacturing,  
 5           importing, distributing, possessing with intent  
 6           to distribute, or otherwise trafficking in a con-  
 7           trolled substance or listed chemical (as those  
 8           terms are defined in section 102 of the Con-  
 9           trolled Substances Act (21 U.S.C. 802)).

10           “(D) Any conduct punishable under—

11                   “(i) section 844 (relating to explosive  
 12                   materials);

13                   “(ii) subsection (a)(1), (d), (g)(1)  
 14                   (where the underlying conviction is a vio-  
 15                   lent felony or a serious drug offense (as  
 16                   those terms are defined in section 924(e)),  
 17                   (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9),  
 18                   (g)(10), (g)(11), (i), (j), (k), (n), (o), (p),  
 19                   (q), (u), or (x) of section 922 (relating to  
 20                   unlawful acts);

21                   “(iii) subsection (b), (c), (g), (h), (k),  
 22                   (l), (m), or (n) of section 924 (relating to  
 23                   penalties);



1 “(iv) section 930 (relating to posses-  
2 sion of firearms and dangerous weapons in  
3 Federal facilities);

4 “(v) section 931 (relating to purchase,  
5 ownership, or possession of body armor by  
6 violent felons);

7 “(vi) sections 1028 and 1029 (relating  
8 to fraud, identity theft, and related activity  
9 in connection with identification documents  
10 or access devices);

11 “(vii) section 1084 (relating to trans-  
12 mission of wagering information);

13 “(viii) section 1952 (relating to inter-  
14 state and foreign travel or transportation  
15 in aid of racketeering enterprises);

16 “(ix) section 1956 (relating to the  
17 laundering of monetary instruments);

18 “(x) section 1957 (relating to engag-  
19 ing in monetary transactions in property  
20 derived from specified unlawful activity);  
21 or

22 “(xi) sections 2312 through 2315 (re-  
23 lating to interstate transportation of stolen  
24 motor vehicles or stolen property).

1           “(E) Any conduct punishable under section  
2           274 (relating to bringing in and harboring cer-  
3           tain aliens), section 277 (relating to aiding or  
4           assisting certain aliens to enter the United  
5           States), or section 278 (relating to importation  
6           of aliens for immoral purposes) of the Immigra-  
7           tion and Nationality Act (8 U.S.C. 1324, 1327,  
8           and 1328).

9           “(F) Any crime involving aggravated sex-  
10          ual abuse, sexual assault, pimping or pandering  
11          involving prostitution, sexual exploitation of  
12          children (including sections 2251, 2251A, 2252  
13          and 2260), peonage, slavery, or trafficking in  
14          persons (including sections 1581 through 1592)  
15          and sections 2421 through 2427 (relating to  
16          transport for illegal sexual activity).

17          “(3) MINOR.—The term ‘minor’ means an indi-  
18          vidual who is less than 18 years of age.

19          “(4) SERIOUS VIOLENT FELONY.—The term  
20          ‘serious violent felony’ has the meaning given that  
21          term in section 3559.

22          “(5) STATE.—The term ‘State’ means each of  
23          the several States of the United States, the District  
24          of Columbia, and any commonwealth, territory, or  
25          possession of the United States.

1 **“SEC. 522. CRIMINAL STREET GANG PROSECUTIONS.**

2 “(a) STREET GANG CRIME.—It shall be unlawful for  
3 any person to knowingly commit, or conspire, threaten, or  
4 attempt to commit, a gang crime for the purpose of fur-  
5 thering the activities of a criminal street gang, or gaining  
6 entrance to or maintaining or increasing position in a  
7 criminal street gang, if the activities of that criminal street  
8 gang occur in or affect interstate or foreign commerce.

9 “(b) PENALTY.—Any person who violates subsection  
10 (a) shall be fined under this title and—

11 “(1) for murder, kidnapping, conduct that  
12 would violate section 2241 if the conduct occurred in  
13 the special maritime and territorial jurisdiction of  
14 the United States, or maiming, imprisonment for  
15 any term of years or for life;

16 “(2) for any other serious violent felony, by im-  
17 prisonment for not more than 30 years;

18 “(3) for any crime of violence that is not a seri-  
19 ous violent felony, by imprisonment for not more  
20 than 20 years; and

21 “(4) for any other offense, by imprisonment for  
22 not more than 10 years.

23 **“SEC. 523. RECRUITMENT OF PERSONS TO PARTICIPATE IN**  
24 **A CRIMINAL STREET GANG.**

25 “(a) PROHIBITED ACTS.—It shall be unlawful to  
26 knowingly recruit, employ, solicit, induce, command, co-

1 erce, or cause another person to be or remain as a member  
 2 of a criminal street gang, or attempt or conspire to do  
 3 so, with the intent to cause that person to participate in  
 4 a gang crime, if the defendant travels in interstate or for-  
 5 eign commerce in the course of the offense, or if the activi-  
 6 ties of that criminal street gang are in or affect interstate  
 7 or foreign commerce.

8 “(b) PENALTIES.—Whoever violates subsection (a)  
 9 shall—

10 “(1) if the person recruited, employed, solicited,  
 11 induced, commanded, coerced, or caused to partici-  
 12 pate or remain in a criminal street gang is a  
 13 minor—

14 “(A) be fined under this title, imprisoned  
 15 not more than 10 years, or both; and

16 “(B) at the discretion of the sentencing  
 17 judge, be liable for any costs incurred by the  
 18 Federal Government, or by any State or local  
 19 government, for housing, maintaining, and  
 20 treating the minor until the person attains the  
 21 age of 18 years;

22 “(2) if the person who recruits, employs, solie-  
 23 its, induces, commands, coerces, or causes the par-  
 24 ticipation or remaining in a criminal street gang is  
 25 incarcerated at the time the offense takes place, be

3           “(3) in any other case, be fined under this title,  
4           imprisoned not more than 5 years, or both.

5           “(c) CONSECUTIVE NATURE OF PENALTIES.—Any  
6 term of imprisonment imposed under subsection (b)(2)  
7 shall be consecutive to any term imposed for any other  
8 offense.

9 "SEC. 524. VIOLENT CRIMES IN FURTHERANCE OF CRIMI-  
10 NAL STREET GANGS.

“(a) IN GENERAL.—It shall be unlawful for any person, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance of, or in association with, a criminal street gang, or as consideration for anything of pecuniary value to or from a criminal street gang, to knowingly commit or threaten to commit against any individual a crime of violence that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or attempt or conspire to do so, if the activities of the criminal street gang occur in or affect interstate or foreign commerce.

24 “(b) PENALTY.—Any person who violates subsection  
25 (a) shall be punished by a fine under this title and—

1           “(1) for murder, kidnapping, conduct that  
2           would violate section 2241 if the conduct occurred in  
3           the special maritime and territorial jurisdiction of  
4           the United States, or maiming, by imprisonment for  
5           any term of years or for life;

6           “(2) for a serious violent felony other than one  
7           described in paragraph (1), by imprisonment for not  
8           more than 30 years; and

9           “(3) in any other case, by imprisonment for not  
10          more than 20 years.

11   **“SEC. 525. FORFEITURE.**

12          “(a) CRIMINAL FORFEITURE.—A person who is con-  
13          victed of a violation of this chapter shall forfeit to the  
14          United States—

15               “(1) any property used, or intended to be used,  
16               in any manner or part, to commit, or to facilitate  
17               the commission of, the violation; and

18               “(2) any property constituting, or derived from,  
19               any proceeds obtained, directly or indirectly, as a re-  
20               sult of the violation.

21          “(b) PROCEDURES APPLICABLE.—Pursuant to sec-  
22          tion 2461(c) of title 28, the provisions of section 413 of  
23          the Controlled Substances Act (21 U.S.C. 853), except  
24          subsections (a) and (d) of that section, shall apply to the  
25          criminal forfeiture of property under this section.”.

1 (b) AMENDMENT RELATING TO PRIORITY OF FOR-  
 2 FEITURE OVER ORDERS FOR RESTITUTION.—Section  
 3 3663(c)(4) of title 18, United States Code, is amended  
 4 by striking “chapter 46 or” and inserting “chapter 26,  
 5 chapter 46, or”.

6 (c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of  
 7 title 18, United States Code, is amended by inserting “,  
 8 section 522 (relating to criminal street gang prosecutions),  
 9 523 (relating to recruitment of persons to participate in  
 10 a criminal street gang), and 524 (relating to violent crimes  
 11 in furtherance of criminal street gangs)” before “, section  
 12 541”.

13 (d) AMENDMENT OF SPECIAL SENTENCING PROVI-  
 14 SION PROHIBITING PRISONER COMMUNICATIONS.—Sec-  
 15 tion 3582(d) of title 18, United States Code, is amended—

16 (1) by inserting “chapter 26 (criminal street  
 17 gangs),” before “chapter 95”; and

18 (2) by inserting “a criminal street gang or” be-  
 19 fore “an illegal enterprise”.

1 **TITLE II—VIOLENT CRIME RE-**  
 2 **FORMS TO REDUCE GANG VI-**  
 3 **OLENCE**

4 **SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING AC-**  
 5 **TIVITY.**

6 Section 1959(a) of title 18, United States Code, is  
 7 amended—

8 (1) in the matter preceding paragraph (1)—

9 (A) by inserting “or in furtherance or in  
 10 aid of an enterprise engaged in racketeering ac-  
 11 tivity,” before “murders,”; and

12 (B) by inserting “engages in conduct that  
 13 would violate section 2241 if the conduct oc-  
 14 curred in the special maritime and territorial  
 15 jurisdiction of the United States,” before  
 16 “maims,”;

17 (2) in paragraph (1), by inserting “conduct  
 18 that would violate section 2241 if the conduct oc-  
 19 curred in the special maritime and territorial juris-  
 20 diction of the United States, or maiming,” after  
 21 “kidnapping,”;

22 (3) in paragraph (2), by striking “maiming”  
 23 and inserting “assault resulting in serious bodily in-  
 24 jury”;



1 (4) in paragraph (3), by striking “or assault re-  
 2 sulting in serious bodily injury”;

3 (5) in paragraph (4)—

4 (A) by striking “five years” and inserting  
 5 “10 years”; and

6 (B) by adding “and” at the end; and

7 (6) by striking paragraphs (5) and (6) and in-  
 8 serting the following:

9 “(5) for attempting or conspiring to commit  
 10 any offense under this section, by the same penalties  
 11 (other than the death penalty) as those prescribed  
 12 for the offense, the commission of which was the ob-  
 13 ject of the attempt or conspiracy.”.

14 **SEC. 202. MURDER AND OTHER VIOLENT CRIMES COM-**  
 15 **MITTED DURING AND IN RELATION TO A**  
 16 **DRUG TRAFFICKING CRIME.**

17 (a) IN GENERAL.—Part D of the Controlled Sub-  
 18 stances Act (21 U.S.C. 841 et seq.) is amended by adding  
 19 at the end the following:

20 **“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COM-**  
 21 **MITTED DURING AND IN RELATION TO A**  
 22 **DRUG TRAFFICKING CRIME.**

23 “(a) IN GENERAL.—Whoever, during and in relation  
 24 to any drug trafficking crime, knowingly commits any  
 25 crime of violence against any individual that is an offense

1 under Federal law punishable by imprisonment for more  
2 than 1 year or a felony offense under State law that is  
3 punishable by a term of imprisonment of 5 years or more,  
4 or threatens, attempts or conspires to do so, shall be pun-  
5 ished by a fine under title 18, United States Code, and—

6 “(1) for murder, kidnapping, conduct that  
7 would violate section 2241 if the conduct occurred in  
8 the special maritime and territorial jurisdiction of  
9 the United States, or maiming, by imprisonment for  
10 any term of years or for life;

11 “(2) for a serious violent felony (as defined in  
12 section 3559 of title 18, United States Code) other  
13 than one described in paragraph (1) by imprison-  
14 ment for not more than 30 years;

15 “(3) for a crime of violence that is not a serious  
16 violent felony, by imprisonment for not more than  
17 20 years; and

18 “(4) in any other case by imprisonment for not  
19 more than 10 years.

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

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

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

1 “(c) DEFINITIONS.—In this section—

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

5 “(2) the term ‘drug trafficking crime’ has the  
6 meaning given that term in section 924(c)(2) of title  
7 18, United States Code.”.

8 (b) CLERICAL AMENDMENT.—The table of contents  
9 for the Comprehensive Drug Abuse Prevention and Con-  
10 trol Act of 1970 (Public Law 91–513; 84 Stat. 1236) is  
11 amended by inserting after the item relating to section  
12 423, the following:

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

13 **SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION**  
14 **AGAINST RELEASE OF PERSONS CHARGED**  
15 **WITH FIREARMS OFFENSES.**

16 Section 3142(e) of title 18, United States Code, is  
17 amended in the matter following paragraph (3), by insert-  
18 ing after “that the person committed” the following: “an  
19 offense under subsection (g)(1) (where the underlying con-  
20 viction is a drug trafficking crime or crime of violence (as  
21 those terms are defined in section 924(c))), (g)(2), (g)(3),  
22 (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section  
23 922,”.

1 **SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

2 (a) IN GENERAL.—Chapter 213 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 3299A. Violent crime offenses**

6 “No person shall be prosecuted, tried, or punished  
7 for any noncapital felony crime of violence, including any  
8 racketeering activity or gang crime which involves any  
9 crime of violence, unless the indictment is found or the  
10 information is instituted not later than 10 years after the  
11 date on which the alleged violation occurred or the con-  
12 tinuing offense was completed.”.

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

“3299A. Violent crime offenses.”.

16 **SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FOR-**  
17 **FEITURE BY WRONGDOING.**

18 The Judicial Conference of the United States shall  
19 study the necessity and desirability of amending section  
20 804(b) of the Federal Rules of Evidence to permit the in-  
21 troduction of statements against a party by a witness who  
22 has been made unavailable where it is reasonably foresee-  
23 able by that party that wrongdoing would make the declar-  
24 ant unavailable.

1 **SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FEL-**  
2 **ONS.**

3 (a) IN GENERAL.—Section 924(e) of title 18, United  
4 States Code, is amended by striking paragraph (1) and  
5 inserting the following:

6 “(1) In the case of a person who violates section  
7 922(g) of this title and has previously been convicted by  
8 any court referred to in section 922(g)(1) of a violent fel-  
9 ony or a serious drug offense shall—

10 “(A) in the case of 1 such prior conviction,  
11 where a period of not more than 10 years has  
12 elapsed since the later of the date of conviction and  
13 the date of release of the person from imprisonment  
14 for that conviction, be imprisoned for not more than  
15 15 years, fined under this title, or both;

16 “(B) in the case of 2 such prior convictions,  
17 committed on occasions different from one another,  
18 and where a period of not more than 10 years has  
19 elapsed since the later of the date of conviction and  
20 the date of release of the person from imprisonment  
21 for the most recent such conviction, be imprisoned  
22 for not more than 20 years, fined under this title,  
23 or both; and

24 “(C) in the case of 3 such prior convictions,  
25 committed on occasions different from one another,  
26 and where a period of not more than 10 years has

1        elapsed since the later of date of conviction and the  
 2        date of release of the person from imprisonment for  
 3        the most recent such conviction, be imprisoned for  
 4        any term of years not less than 15 years or for life  
 5        and fined under this title, and notwithstanding any  
 6        other provision of law, the court shall not suspend  
 7        the sentence of, or grant a probationary sentence to,  
 8        such person with respect to the conviction under sec-  
 9        tion 922(g).”.

10        (b) AMENDMENT TO SENTENCING GUIDELINES.—  
 11 Pursuant to its authority under section 994(p) of title 28,  
 12 United States Code, the United States Sentencing Com-  
 13 mission shall amend the Federal Sentencing Guidelines to  
 14 provide for an appropriate increase in the offense level for  
 15 violations of section 922(g) of title 18, United States  
 16 Code, in accordance with section 924(e) of that title 18,  
 17 as amended by subsection (a).

18 **SEC. 207. CONFORMING AMENDMENT.**

19        The matter preceding paragraph (1) in section  
 20 922(d) of title 18, United States Code, is amended by in-  
 21 serting “, transfer,” after “sell”.

22 **SEC. 208. AMENDMENTS RELATING TO VIOLENT CRIME.**

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

1           (1) in the matter preceding paragraph (1), by  
 2           striking “, with the intent” and all that follows  
 3           through “to do so, shall” and inserting “knowingly  
 4           takes a motor vehicle that has been transported,  
 5           shipped, or received in interstate or foreign com-  
 6           merce from the person of another by force and vio-  
 7           lence or by intimidation, causing a reasonable appre-  
 8           hension of fear of death or serious bodily injury in  
 9           an individual, or attempts or conspires to do so,  
 10          shall”;

11           (2) in paragraph (1), by striking “15 years”  
 12          and inserting “20 years”;

13           (3) in paragraph (2), by striking “or impris-  
 14          oned not more than 25 years, or both” and inserting  
 15          “and imprisoned for any term of years or for life”;  
 16          and

17           (4) in paragraph (3), by inserting “the person  
 18          takes or attempts to take the motor vehicle in viola-  
 19          tion of this section with intent to cause death or  
 20          cause serious bodily injury, and” before “death re-  
 21          sults”.

22          (b) CLARIFICATION AND STRENGTHENING OF PROHI-  
 23          BITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG  
 24          TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section

1 924(h) of title 18, United States Code, is amended to read  
2 as follows:

3 “(h) Whoever knowingly transfers a firearm that has  
4 moved in or that otherwise affects interstate or foreign  
5 commerce, knowing that the firearm will be used to com-  
6 mit, or possessed in furtherance of, a crime of violence  
7 (as defined in subsection (c)(3)) or drug trafficking crime  
8 (as defined in subsection (c)(2)) shall be fined under this  
9 title and imprisoned not more than 20 years.”.

10 (c) AMENDMENT OF SPECIAL SENTENCING PROVI-  
11 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-  
12 TION.—Section 3582(d) of title 18, United States Code,  
13 is amended—

14 (1) by inserting “chapter 26 of this title (crimi-  
15 nal street gang prosecutions) or in” after “felony set  
16 forth in”; and

17 (2) by inserting “a criminal street gang or” be-  
18 fore “an illegal enterprise”.

19 (d) CONSPIRACY PENALTY.—Section 371 of title 18,  
20 United States Code, is amended by striking “five years,  
21 or both.” and inserting “10 years (unless the maximum  
22 penalty for the crime that served as the object of the con-  
23 spiracy has a maximum penalty of imprisonment of less  
24 than 10 years, in which case the maximum penalty under  
25 this section shall be the penalty for such crime), or both.



1 This paragraph does not supersede any other penalty spe-  
2 cifically set forth for a conspiracy offense.”.

3 **SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL**  
4 **PENALTIES.**

5 The Attorney General is authorized to conduct media  
6 campaigns in any area designated as a high intensity gang  
7 activity area under section 301 and any area with existing  
8 and emerging problems with gangs, as needed, to educate  
9 individuals in that area about the changes in criminal pen-  
10 alties made by this Act, and shall report to the Committee  
11 on the Judiciary of the Senate and the Committee on the  
12 Judiciary of the House of Representatives the amount of  
13 expenditures and all other aspects of the media campaign.

14 **SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OF-**  
15 **FENSES.**

16 Section 3286(a) of title 18, United States Code, is  
17 amended—

- 18 (1) in the subsection heading, by striking  
19 “EIGHT-YEAR” and inserting “TEN-YEAR”; and  
20 (2) in the first sentence, by striking “8 years”  
21 and inserting “10 years”.

1 **SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EX-**  
 2 **CLUSIVE FEDERAL JURISDICTION AS RACK-**  
 3 **ETEERING PREDICATES.**

4 Section 1961(1)(A) of title 18, United States Code,  
 5 is amended by inserting “, or would have been so charge-  
 6 able if the act or threat (other than gambling) had not  
 7 been committed in Indian country (as defined in section  
 8 1151) or in any other area of exclusive Federal jurisdic-  
 9 tion,” after “chargeable under State law”.

10 **SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF**  
 11 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**  
 12 **TRONIC COMMUNICATIONS.**

13 Section 2516(1) of title 18, United States Code, is  
 14 amended—

15 (1) by striking “or” and the end of paragraph  
 16 (r);

17 (2) by redesignating paragraph (s) as para-  
 18 graph (u); and

19 (3) by inserting after paragraph (r) the fol-  
 20 lowing:

21 “(s) any violation of section 424 of the Con-  
 22 trolled Substances Act (relating to murder and other  
 23 violent crimes in furtherance of a drug trafficking  
 24 crime);

25 “(t) any violation of section 522, 523, or 524  
 26 (relating to criminal street gangs); or”.

1 **SEC. 213. CLARIFICATION OF HOBBS ACT.**

2 Section 1951(b) of title 18, United States Code, is  
3 amended—

4 (1) in paragraph (1), by inserting “including  
5 the unlawful impersonation of a law enforcement of-  
6 ficer (as that term is defined in section 245(c) of  
7 this title),” after “by means of actual or threatened  
8 force,”; and

9 (2) in paragraph (2), by inserting “including  
10 the unlawful impersonation of a law enforcement of-  
11 ficer (as that term is defined in section 245(c) of  
12 this title),” after “by wrongful use of actual or  
13 threatened force,”.

14 **SEC. 214. INTERSTATE TAMPERING WITH OR RETALIATION**  
15 **AGAINST A WITNESS, VICTIM, OR INFORMANT**  
16 **IN A STATE CRIMINAL PROCEEDING.**

17 (a) IN GENERAL.—Chapter 73 of title 18, United  
18 States Code, is amended by inserting after section 1513  
19 the following:

20 **“§ 1513A. Interstate tampering with or retaliation**  
21 **against a witness, victim, or informant in**  
22 **a state criminal proceeding**

23 “(a) IN GENERAL.—It shall be unlawful for any per-  
24 son—

25 “(1) to travel in interstate or foreign commerce,  
26 or to use the mail or any facility in interstate or for-

1       eign commerce, or to employ, use, command, coun-  
 2       sel, persuade, induce, entice, or coerce any individual  
 3       to do the same, with the intent to—

4               “(A) use or threaten to use any physical  
 5       force against any witness, informant, victim, or  
 6       other participant in a State criminal proceeding  
 7       in an effort to influence or prevent participation  
 8       in such proceeding, or to retaliate against such  
 9       individual for participating in such proceeding;

10       or

11              “(B) threaten, influence, or prevent from  
 12       testifying any actual or prospective witness in a  
 13       State criminal proceeding; or

14              “(2) to attempt or conspire to commit an of-  
 15       fense under subparagraph (A) or (B) of paragraph  
 16       (1).

17       “(b) PENALTIES.—

18              “(1) USE OF FORCE.—Any person who violates  
 19       subsection (a)(1)(A) by use of force—

20              “(A) shall be fined under this title, impris-  
 21       oned not more than 20 years, or both; and

22              “(B) if death, kidnapping, or serious bodily  
 23       injury results, shall be fined under this title,  
 24       imprisoned for any term of years or for life, or  
 25       both.

(b) CONFORMING AMENDMENT.—Section 1512 is amended, in the section heading, by adding at the end the following: “**in a Federal proceeding**”.

17 (1) by striking the item relating to section 1512  
18 and inserting the following:

(2) by inserting after the item relating to section 1513 the following:

•S 132 IS

1 **SEC. 215. AMENDMENT OF SENTENCING GUIDELINES.**

2 (a) IN GENERAL.—Pursuant to its authority under  
3 section 994 of title 28, United States Code, and in accord-  
4 ance with this section, the United States Sentencing Com-  
5 mission shall review and, if appropriate, amend its guide-  
6 lines and policy statements to conform with this title and  
7 the amendments made by this title.

8 (b) REQUIREMENTS.—In carrying out this section,  
9 the United States Sentencing Commission shall—

10 (1) establish new guidelines and policy state-  
11 ments, as warranted, in order to implement new or  
12 revised criminal offenses under this title and the  
13 amendments made by this title;

14 (2) consider the extent to which the guidelines  
15 and policy statements adequately address—

16 (A) whether the guidelines offense levels  
17 and enhancements—

18 (i) are sufficient to deter and punish  
19 such offenses; and

20 (ii) are adequate in view of the statu-  
21 tory increases in penalties contained in this  
22 title and the amendments made by this  
23 title; and

24 (B) whether any existing or new specific  
25 offense characteristics should be added to re-  
26 flect congressional intent to increase penalties

1           for the offenses set forth in this title and the  
2           amendments made by this title;

3           (3) ensure that specific offense characteristics  
4       are added to increase the guideline range—

5                   (A) by at least 2 offense levels, if a crimi-  
6           nal defendant committing a gang crime or gang  
7           recruiting offense was an alien who was present  
8           in the United States in violation of section 275  
9           or 276 of the Immigration and Nationality Act  
10          (8 U.S.C. 1325 and 1326) at the time the of-  
11       fense was committed; and

12                   (B) by at least 4 offense levels, if such de-  
13       fendant had also previously been ordered re-  
14       moved or deported under the Immigration and  
15       Nationality Act (8 U.S.C. 1101 et seq.) on the  
16       grounds of having committed a crime;

17          (4) determine under what circumstances a sen-  
18       tence of imprisonment imposed under this title or  
19       the amendments made by this title shall run con-  
20       secutively to any other sentence of imprisonment im-  
21       posed for any other crime, except that the Commis-  
22       sion shall ensure that a sentence of imprisonment  
23       imposed under section 424 of the Controlled Sub-  
24       stances Act (21 U.S.C. 841 et seq.), as added by  
25       this Act, shall run consecutively, to an extent that

the Sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(8) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

# **TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES**

## **SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.**

(a) DEFINITIONS.—In this section:



1           (1) GOVERNOR.—The term “Governor” means  
 2           a Governor of a State, the Mayor of the District of  
 3           Columbia, the tribal leader of an Indian tribe, or the  
 4           chief executive of a Commonwealth, territory, or pos-  
 5           session of the United States.

6           (2) HIGH INTENSITY GANG ACTIVITY AREA.—  
 7           The term “high intensity gang activity area” or  
 8           “HIGAA” means an area within 1 or more States  
 9           or Indian country that is designated as a high inten-  
 10          sity gang activity area under subsection (b)(1).

11          (3) INDIAN COUNTRY.—The term “Indian coun-  
 12          try” has the meaning given the term in section 1151  
 13          of title 18, United States Code.

14          (4) INDIAN TRIBE.—The term “Indian tribe”  
 15          has the meaning given the term in section 4(e) of  
 16          the Indian Self-Determination and Education Assist-  
 17          ance Act (25 U.S.C. 450b(e)).

18          (5) STATE.—The term “State” means a State  
 19          of the United States, the District of Columbia, and  
 20          any commonwealth, territory, or possession of the  
 21          United States.

22          (6) TRIBAL LEADER.—The term “tribal leader”  
 23          means the chief executive officer representing the  
 24          governing body of an Indian tribe.

25          (b) HIGH INTENSITY GANG ACTIVITY AREAS.—

1           (1) DESIGNATION.—The Attorney General,  
2           after consultation with the Governors of appropriate  
3           States, may designate as high intensity gang activity  
4           areas, specific areas that are located within 1 or  
5           more States, which may consist of 1 or more munici-  
6           palities, counties, or other jurisdictions as appro-  
7           priate.

8           (2) ASSISTANCE.—In order to provide Federal  
9           assistance to high intensity gang activity areas, the  
10          Attorney General shall—

11                (A) establish local collaborative working  
12          groups, which shall include—

13                   (i) criminal street gang enforcement  
14                   teams, consisting of Federal, State, tribal,  
15                   and local law enforcement authorities, for  
16                   the coordinated investigation, disruption,  
17                   apprehension, and prosecution of criminal  
18                   street gangs and offenders in each high in-  
19                   tensity gang activity area;

20                   (ii) educational, community, and faith  
21                   leaders in the area;

22                   (iii) service providers in the commu-  
23                   nity, including those experienced at reach-  
24                   ing youth and adults who have been in-  
25                   volved in violence and violent gangs or

groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups, and those reentering society from prison; and

(iv) evaluation teams to research and collect information, assess data, recommend adjustments, and generally assure the accountability and effectiveness of program implementation;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) direct the reassignment or detailing of representatives from—

(i) the Department of Justice;

(ii) the Department of Education;

(iii) the Department of Labor;

(iv) the Department of Health and Human Services;

1 (v) the Department of Housing and  
2 Urban Development; and

3 (vi) any other Federal department or  
4 agency (subject to the approval of the head  
5 of that department or agency, in the case  
6 of a department or agency other than the  
7 Department of Justice) to each high inten-  
8 sity gang activity area to identify and co-  
9 ordinate efforts to access Federal pro-  
10 grams and resources available to provide  
11 gang prevention, intervention, and reentry  
12 assistance;

13 (D) prioritize and administer the Federal  
14 program and resource requests made by the  
15 local collaborative working group established  
16 under subparagraph (A) for each high intensity  
17 gang activity area;

18 (E) provide all necessary funding for the  
19 operation of each local collaborative working  
20 group in each high intensity gang activity area;  
21 and

22 (F) provide all necessary funding for na-  
23 tional and regional meetings of local collabo-  
24 rative working groups, criminal street gang en-  
25 forcement teams, and educational, community,

1 social service, faith-based, and all other related  
 2 organizations, as needed, to ensure effective op-  
 3 eration of such teams through the sharing of  
 4 intelligence and best practices and for any other  
 5 related purpose.

6 (3) COMPOSITION OF CRIMINAL STREET GANG  
 7 ENFORCEMENT TEAM.—Each team established  
 8 under paragraph (2)(A)(i) shall consist of agents  
 9 and officers, where feasible, from—

10 (A) the Federal Bureau of Investigation;

11 (B) the Drug Enforcement Administration;

12 (C) the Bureau of Alcohol, Tobacco, Fire-  
 13 arms, and Explosives;

14 (D) the United States Marshals Service;

15 (E) the Department of Homeland Security;

16 (F) the Department of Housing and Urban  
 17 Development;

18 (G) State, local, and, where appropriate,  
 19 tribal law enforcement;

20 (H) Federal, State, and local prosecutors;

21 and

22 (I) the Bureau of Indian Affairs, Office of  
 23 Law Enforcement Services, where appropriate.

24 (4) CRITERIA FOR DESIGNATION.—In consid-  
 25 ering an area for designation as a high intensity

1 gang activity area under this section, the Attorney  
2 General shall consider—

3 (A) the current and predicted levels of  
4 gang crime activity in the area;

5 (B) the extent to which qualitative and  
6 quantitative data indicate that violent crime in  
7 the area is related to criminal street gang activ-  
8 ity, such as murder, robbery, assaults,  
9 carjacking, arson, kidnapping, extortion, drug  
10 trafficking, and other criminal activity;

11 (C) the extent to which State, local, and,  
12 where appropriate, tribal law enforcement agen-  
13 cies, schools, community groups, social service  
14 agencies, job agencies, faith-based organiza-  
15 tions, and other organizations have committed  
16 resources to—

17 (i) respond to the gang crime prob-  
18 lem; and

19 (ii) participate in a gang enforcement  
20 team;

21 (D) the extent to which a significant in-  
22 crease in the allocation of Federal resources  
23 would enhance local response to the gang crime  
24 activities in the area; and

1 (E) any other criteria that the Attorney  
 2 General considers to be appropriate.

3 (5) RELATION TO HIDTAS.—If the Attorney  
 4 General establishes a high intensity gang activity  
 5 area that substantially overlaps geographically with  
 6 any existing high intensity drug trafficking area (in  
 7 this section referred to as a “HIDTA”), the Attor-  
 8 ney General shall direct the local collaborative work-  
 9 ing group for that high intensity gang activity area  
 10 to enter into an agreement with the Executive Board  
 11 for that HIDTA, providing that—

12 (A) the Executive Board of that HIDTA  
 13 shall establish a separate high intensity gang  
 14 activity area law enforcement steering com-  
 15 mittee, and select (with a preference for Fed-  
 16 eral, State, and local law enforcement agencies  
 17 that are within the geographic area of that high  
 18 intensity gang activity area) the members of  
 19 that committee, subject to the concurrence of  
 20 the Attorney General;

21 (B) the high intensity gang activity area  
 22 law enforcement steering committee established  
 23 under subparagraph (A) shall administer the  
 24 funds provided under subsection (g)(1) for the  
 25 criminal street gang enforcement team, after

1 consulting with, and consistent with the goals  
2 and strategies established by, that local collabo-  
3 rative working group;

4 (C) the high intensity gang activity area  
5 law enforcement steering committee established  
6 under subparagraph (A) shall select, from Fed-  
7 eral, State, and local law enforcement agencies  
8 within the geographic area of that high inten-  
9 sity gang activity area, the members of the  
10 Criminal Street Gang Enforcement Team, in  
11 accordance with paragraph (3); and

12 (D) the Criminal Street Gang Enforcement  
13 Team of that high intensity gang activity area,  
14 and its law enforcement steering committee,  
15 may, with approval of the Executive Board of  
16 the HIDTA with which it substantially over-  
17 laps, utilize the intelligence-sharing, administra-  
18 tive, and other resources of that HIDTA.

19 (c) REPORTING REQUIREMENTS.—

20 (1) IN GENERAL.—Not later than December 1  
21 of each year, the Attorney General shall submit a re-  
22 port to the appropriate committees of Congress and  
23 the Director of the Office of Management and Budg-  
24 et and the Domestic Policy Council that describes,



1       for each designated high intensity gang activity  
2       area—

3               (A) the specific long-term and short-term  
4       goals and objectives;

5               (B) the measurements used to evaluate the  
6       performance of the high intensity gang activity  
7       area in achieving the long-term and short-term  
8       goals;

9               (C) the age, composition, and membership  
10      of gangs;

11              (D) the number and nature of crimes com-  
12      mitted by gangs and gang members;

13              (E) the definition of the term “gang” used  
14      to compile that report; and

15              (F) the programmatic outcomes and fund-  
16      ing need of the high intensity gang area, includ-  
17      ing—

18                      (i) an evidence-based analysis of the  
19                      best practices and outcomes from the work  
20                      of the relevant local collaborative working  
21                      group; and

22                      (ii) an analysis of whether Federal re-  
23                      sources distributed meet the needs of the  
24                      high intensity gang activity area and, if  
25                      any programmatic funding shortfalls exist,

1                    recommendations for programs or funding  
2                    to meet such shortfalls.

3                    (2) APPROPRIATE COMMITTEES.—In this sub-  
4                    section, the term “appropriate committees of Con-  
5                    gress” means—

6                    (A) the Committee on the Judiciary, the  
7                    Committee on Appropriations, and the Com-  
8                    mittee on Health, Education, Labor, and Pen-  
9                    sions of the Senate; and

10                    (B) the Committee on the Judiciary, the  
11                    Committee on Appropriations, the Committee  
12                    on Education and Labor, and the Committee on  
13                    Energy and Commerce of the House of Rep-  
14                    resentatives.

15                    (d) ADDITIONAL ASSISTANT UNITED STATES ATTOR-  
16                    NEYS.—The Attorney General is authorized to hire 94 ad-  
17                    ditional Assistant United States attorneys, and non-  
18                    attorney coordinators and paralegals as necessary, to  
19                    carry out the provisions of this section.

20                    (e) ADDITIONAL DEFENSE COUNSEL.—In each of  
21                    the fiscal years 2009 through 2013, the Director of the  
22                    Administrative Office of the United States Courts is au-  
23                    thorized to hire 71 additional attorneys, nonattorney coor-  
24                    dinators, and investigators, as necessary, in Federal De-  
25                    fender Programs and Federal Community Defender Orga-

1 nizations, and to make additional payments as necessary  
 2 to retain appointed counsel under section 3006A of title  
 3 18, United States Code, to adequately respond to any in-  
 4 creased or expanded caseloads that may occur as a result  
 5 of this Act or the amendments made by this Act. Funding  
 6 under this subsection shall not exceed the funding levels  
 7 under subsection (d).

8 (f) NATIONAL GANG RESEARCH, EVALUATION, AND  
 9 POLICY INSTITUTE.—

10 (1) IN GENERAL.—The Office of Justice Pro-  
 11 grams of the Department of Justice, after consulting  
 12 with relevant law enforcement officials, practitioners  
 13 and researchers, shall establish a National Gang Re-  
 14 search, Evaluation, and Policy Institute (in this sub-  
 15 section referred to as the “Institute”).

16 (2) ACTIVITIES.—The Institute shall—

17 (A) promote and facilitate the implementa-  
 18 tion of data-driven, effective gang violence sup-  
 19 pression, prevention, intervention, and reentry  
 20 models, such as the Operation Ceasefire model,  
 21 the Strategic Public Health Approach, the  
 22 Gang Reduction Program, or any other prom-  
 23 ising municipally driven, comprehensive commu-  
 24 nity-wide strategy that is demonstrated to be  
 25 effective in reducing gang violence;

1 (B) assist jurisdictions by conducting time-  
2 ly research on effective models and designing  
3 and promoting implementation of effective local  
4 strategies, including programs that have objec-  
5 tives and data on how they reduce gang violence  
6 (including shootings and killings), using preven-  
7 tion, outreach, and community approaches, and  
8 that demonstrate the efficacy of these ap-  
9 proaches; and

10 (C) provide and contract for technical as-  
11 sistance as needed in support of its mission.

12 (3) NATIONAL CONFERENCE.—Not later than  
13 90 days after the date of its formation, the Institute  
14 shall design and conduct a national conference to re-  
15 duce and prevent gang violence, and to teach and  
16 promote gang violence prevention, intervention, and  
17 reentry strategies. The conference shall be attended  
18 by appropriate representatives from criminal street  
19 gang enforcement teams, and local collaborative  
20 working groups, including representatives of edu-  
21 cational, community, religious, and social service or-  
22 ganizations, and gang program and policy research  
23 evaluators.

24 (4) NATIONAL DEMONSTRATION SITES.—Not  
25 later than 120 days after the date of its formation,

1 the Institute shall select appropriate HIGAA areas  
 2 to serve as primary national demonstration sites,  
 3 based on the nature, concentration, and distribution  
 4 of various gang types, the jurisdiction's established  
 5 capacity to integrate prevention, intervention, re-  
 6 entry and enforcement efforts, and the range of par-  
 7 ticular gang-related issues. After establishing pri-  
 8 mary national demonstration sites, the Institute  
 9 shall establish such other secondary sites, to be  
 10 linked to and receive evaluation, research, and tech-  
 11 nical assistance through the primary sites, as it may  
 12 determine appropriate.

13 (5) DISSEMINATION OF INFORMATION.—Not  
 14 later than 180 days after the date of its formation,  
 15 the Institute shall develop and begin dissemination  
 16 of information about methods to effectively reduce  
 17 and prevent gang violence, including guides, research  
 18 and assessment models, case studies, evaluations,  
 19 and best practices. The Institute shall also create a  
 20 website, designed to support the implementation of  
 21 successful gang violence prevention models, and dis-  
 22 seminate appropriate information to assist jurisdic-  
 23 tions in reducing gang violence.

24 (6) GANG INTERVENTION ACADEMIES.—Not  
 25 later than 6 months after the date of its formation,

1 the Institute shall, either directly or through con-  
2 tracts with qualified nonprofit organizations, estab-  
3 lish not less than 1 training academy, located in a  
4 high intensity gang activity area, to promote effec-  
5 tive gang intervention and community policing. The  
6 purposes of an academy established under this para-  
7 graph shall be to increase professionalism of gang  
8 intervention workers, improve officer training for  
9 working with gang intervention workers, create best  
10 practices for independent cooperation between offi-  
11 cers and intervention workers, and develop training  
12 for community policing.

13 (7) SUPPORT.—The Institute shall obtain initial  
14 and continuing support from experienced researchers  
15 and practitioners, as it determines necessary, to test  
16 and assist in implementing its strategies nationally,  
17 regionally, and locally.

18 (8) RESEARCH AGENDA.—The Institute shall  
19 establish and implement a core research agenda de-  
20 signed to address areas of particular challenge, in-  
21 cluding—

22 (A) how best to apply and continue to test  
23 the models described in paragraph (2) in par-  
24 ticularly large jurisdictions;

1 (B) how to foster and maximize the con-  
 2 tinuing impact of community moral voices in  
 3 this context;

4 (C) how to ensure the long-term sustain-  
 5 ability of reduced violent crime levels once ini-  
 6 tial levels of enthusiasm may subside; and

7 (D) how to apply existing intervention  
 8 frameworks to emerging local, regional, na-  
 9 tional, or international gang problems, such as  
 10 the emergence of the gang known as MS-13.

11 (9) EVALUATION.—The National Institute of  
 12 Justice shall evaluate, on a continuing basis, com-  
 13 prehensive gang violence prevention, intervention,  
 14 suppression, and reentry strategies supported by the  
 15 Institute, and shall report the results of these eval-  
 16 uations by no later than October 1 each year to the  
 17 Committee on the Judiciary of the Senate and the  
 18 Committee on the Judiciary of the House of Rep-  
 19 resentatives.

20 (10) FUNDS.—The Attorney General shall use  
 21 not less than 3 percent, and not more than 5 per-  
 22 cent, of the amounts made available under this sec-  
 23 tion to establish and operate the Institute.

24 (g) USE OF FUNDS.—Of amounts made available to  
 25 a local collaborative working group under this section for

1 each fiscal year that are remaining after the costs of hir-  
2 ing a full time coordinator for the local collaborative ef-  
3 fort—

4 (1) 50 percent shall be used for the operation  
5 of criminal street gang enforcement teams; and

6 (2) 50 percent shall be used—

7 (A) to provide at-risk youth with positive  
8 alternatives to gangs and other violent groups  
9 and to address the needs of those who leave  
10 gangs and other violent groups through—

11 (i) service providers in the community,  
12 including schools and school districts; and

13 (ii) faith leaders and other individuals  
14 experienced at reaching youth who have  
15 been involved in violence and violent gangs  
16 or groups;

17 (B) for the establishment and operation of  
18 the National Gang Research, Evaluation, and  
19 Policy Institute; and

20 (C) to support and provide technical assist-  
21 ance to research in criminal justice, social serv-  
22 ices, and community gang violence prevention  
23 collaborations.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out this section



1 \$75,000,000 for each of fiscal years 2009 through 2013.

2 Any funds made available under this subsection shall re-  
3 main available until expended.

4 **SEC. 302. GANG PREVENTION GRANTS.**

5 (a) **AUTHORITY TO MAKE GRANTS.**—The Office of  
6 Justice Programs of the Department of Justice may make  
7 grants, in accordance with such regulations as the Attor-  
8 ney General may prescribe, to States, units of local gov-  
9 ernment, tribal governments, and qualified private enti-  
10 ties, to develop community-based programs that provide  
11 crime prevention, research, and intervention services that  
12 are designed for gang members and at-risk youth.

13 (b) **USE OF GRANT AMOUNTS.**—A grant under this  
14 section may be used (including through subgrants) for—

15 (1) preventing initial gang recruitment and in-  
16 volvement among younger teenagers;

17 (2) reducing gang involvement through non-  
18 violent and constructive activities, such as commu-  
19 nity service programs, development of nonviolent  
20 conflict resolution skills, employment and legal as-  
21 sistance, family counseling, and other safe, commu-  
22 nity-based alternatives for high-risk youth;

23 (3) developing in-school and after-school gang  
24 safety, control, education, and resistance procedures  
25 and programs;

1           (4) identifying and addressing early childhood  
2 risk factors for gang involvement, including parent  
3 training and childhood skills development;

4           (5) identifying and fostering protective factors  
5 that buffer children and adolescents from gang in-  
6 volvement;

7           (6) developing and identifying investigative pro-  
8 grams designed to deter gang recruitment, involve-  
9 ment, and activities through effective intelligence  
10 gathering;

11          (7) developing programs and youth centers for  
12 first-time nonviolent offenders facing alternative  
13 penalties, such as mandated participation in commu-  
14 nity service, restitution, counseling, and education  
15 and prevention programs;

16          (8) implementing regional, multidisciplinary ap-  
17 proaches to combat gang violence through coordi-  
18 nated programs for prevention and intervention (in-  
19 cluding street outreach programs and other peace-  
20 making activities) or coordinated law enforcement  
21 activities (including regional gang task forces and  
22 regional crime mapping strategies that enhance fo-  
23 cused prosecutions and reintegration strategies for  
24 offender reentry); or

1           (9) identifying at-risk and high-risk students  
2           through home visits organized through joint collabo-  
3           rations between law enforcement, faith-based organi-  
4           zations, schools, and social workers.

5           (c) GRANT REQUIREMENTS.—

6           (1) MAXIMUM.—The amount of a grant under  
7           this section may not exceed \$1,000,000.

8           (2) CONSULTATION AND COOPERATION.—Each  
9           recipient of a grant under this section shall have in  
10          effect on the date of the application by that entity  
11          agreements to consult and cooperate with local,  
12          State, or Federal law enforcement and participate,  
13          as appropriate, in coordinated efforts to reduce gang  
14          activity and violence.

15          (d) ANNUAL REPORT.—Each recipient of a grant  
16          under this section shall submit to the Attorney General,  
17          for each year in which funds from a grant received under  
18          this section are expended, a report containing—

19               (1) a summary of the activities carried out with  
20               grant funds during that year;

21               (2) an assessment of the effectiveness of the  
22               crime prevention, research, and intervention activi-  
23               ties of the recipient, based on data collected by the  
24               grant recipient;

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

8                   (5) such other information as the Attorney  
9       General may require.

(e) DEFINITION.—In this section, the term “units of local government” includes sheriffs departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section \$35,000,000 for each of the fiscal years 2009 through 2013.

17 SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-  
18 HOODS INITIATIVE TO IMPROVE ENFORCE-  
19 MENT OF CRIMINAL LAWS AGAINST VIOLENT  
20 GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe

1 Neighborhoods program to require each United States at-  
 2 torney to—

3           (1) identify, investigate, and prosecute signifi-  
 4 cant criminal street gangs operating within their dis-  
 5 trict; and

6           (2) coordinate the identification, investigation,  
 7 and prosecution of criminal street gangs among Fed-  
 8 eral, State, and local law enforcement agencies.

9           (b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-  
 10 BORHOODS.—

11           (1) IN GENERAL.—The Attorney General may  
 12 hire Assistant United States attorneys, non-attorney  
 13 coordinators, or paralegals to carry out the provi-  
 14 sions of this section.

15           (2) ENFORCEMENT.—The Attorney General  
 16 may hire Bureau of Alcohol, Tobacco, Firearms, and  
 17 Explosives agents for, and otherwise expend addi-  
 18 tional resources in support of, the Project Safe  
 19 Neighborhoods/Firearms Violence Reduction pro-  
 20 gram.

21           (3) AUTHORIZATION OF APPROPRIATIONS.—  
 22 There are authorized to be appropriated  
 23 \$20,000,000 for each of fiscal years 2009 through  
 24 2013 to carry out this section. Any funds made

1       available under this paragraph shall remain available  
2       until expended.

3   **SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FED-**  
4                   **ERAL BUREAU OF INVESTIGATION TO INVES-**  
5                   **TIGATE AND PROSECUTE VIOLENT CRIMINAL**  
6                   **STREET GANGS.**

7       (a) EXPANSION OF SAFE STREETS PROGRAM.—The  
8   Attorney General is authorized to expand the Safe Streets  
9   Program of the Federal Bureau of Investigation for the  
10   purpose of supporting criminal street gang enforcement  
11   teams.

12       (b) NATIONAL GANG ACTIVITY DATABASE.—

13           (1) IN GENERAL.—The Attorney General shall  
14       establish a National Gang Activity Database to be  
15       housed at and administered by the Department of  
16       Justice.

17           (2) DESCRIPTION.—The database required by  
18       paragraph (1) shall—

19               (A) be designed to disseminate gang infor-  
20       mation to law enforcement agencies throughout  
21       the country and, subject to appropriate con-  
22       trols, to disseminate aggregate statistical infor-  
23       mation to other members of the criminal justice  
24       system, community leaders, academics, and the  
25       public;

1 (B) contain critical information on gangs,  
2 gang members, firearms, criminal activities, ve-  
3 hicles, and other information useful for inves-  
4 tigators in solving and reducing gang-related  
5 crimes;

6 (C) operate in a manner that enables law  
7 enforcement agencies to—

8 (i) identify gang members involved in  
9 crimes;

10 (ii) track the movement of gangs and  
11 members throughout the region;

12 (iii) coordinate law enforcement re-  
13 sponse to gang violence;

14 (iv) enhance officer safety;

15 (v) provide realistic, up-to-date figures  
16 and statistical data on gang crime and vio-  
17 lence;

18 (vi) forecast trends and respond ac-  
19 cordingly; and

20 (vii) more easily solve crimes and pre-  
21 vent violence; and

22 (D) be subject to guidelines, issued by the  
23 Attorney General, specifying the criteria for  
24 adding information to the database, the appro-  
25 priate period for retention of such information,

1           and a process for removing individuals from the  
2           database, and prohibiting disseminating gang  
3           information to any entity that is not a law en-  
4           forcement agency, except aggregate statistical  
5           information where appropriate.

6           (3) USE OF RISS SECURE INTRANET.—From  
7           amounts made available to carry out this section, the  
8           Attorney General shall provide the Regional Infor-  
9           mation Sharing Systems such sums as are necessary  
10          to use the secure intranet known as RISSNET to  
11          electronically connect existing gang information sys-  
12          tems (including the RISSGang National Gang Data-  
13          base) with the National Gang Activity Database,  
14          thereby facilitating the automated information ex-  
15          change of existing gang data by all connected sys-  
16          tems without the need for additional databases or  
17          data replication.

18          (c) AUTHORIZATION OF APPROPRIATIONS.—

19               (1) IN GENERAL.—In addition to amounts oth-  
20               erwise authorized, there are authorized to be appro-  
21               priated to the Attorney General \$10,000,000 for  
22               each of fiscal years 2009 through 2013 to carry out  
23               this section.



1           (2) AVAILABILITY.—Any amounts appropriated  
2       under paragraph (1) shall remain available until ex-  
3       pended.

4 **SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCE-**  
5 **MENT TO COMBAT VIOLENT CRIME.**

6       (a) IN GENERAL.—Section 31702 of the Violent  
7 Crime Control and Law Enforcement Act of 1994 (42  
8 U.S.C. 13862) is amended—

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

11          (2) in paragraph (4), by striking the period at  
12      the end and inserting a semicolon; and

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

14           “(5) to hire additional prosecutors to—

15               “(A) allow more cases to be prosecuted;

16               and

17               “(B) reduce backlogs; and

18           “(6) to fund technology, equipment, and train-  
19      ing for prosecutors and law enforcement in order to  
20      increase accurate identification of gang members  
21      and violent offenders, and to maintain databases  
22      with such information to facilitate coordination  
23      among law enforcement and prosecutors.”.

24       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
25 31707 of the Violent Crime Control and Law Enforcement

1 Act of 1994 (42 U.S.C. 13867) is amended to read as  
 2 follows:

3 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated  
 5 \$20,000,000 for each of the fiscal years 2009 through  
 6 2013 to carry out this subtitle.”.

7 **SEC. 306. EXPANSION AND REAUTHORIZATION OF THE**  
 8 **MENTORING INITIATIVE FOR SYSTEM IN-**  
 9 **VOLVED YOUTH.**

10 (a) EXPANSION.—Section 261(a) of the Juvenile Jus-  
 11 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
 12 5665(a)) is amended by adding at the end the following:  
 13 “The Administrator shall expand the number of sites re-  
 14 ceiving such grants from 4 to 12.”.

15 (b) AUTHORIZATION OF PROGRAM.—Section 299(c)  
 16 of the Juvenile Justice and Delinquency Prevention Act  
 17 of 1974 (42 U.S.C. 5671(c)) is amended—

18 (1) by striking “There are authorized” and in-  
 19 serting the following:

20 “(1) IN GENERAL.—There are authorized”; and

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

22 “(2) AUTHORIZATION OF APPROPRIATIONS FOR  
 23 MENTORING INITIATIVE.—There are authorized to  
 24 be appropriated to carry out the Mentoring Initiative  
 25 for System Involved Youth Program under part E

1       \$4,800,000 for each of fiscal years 2009 through  
2       2013.”.

3   **SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**  
4                   **ATIVE APPROACHES TO GANG ACTIVITY AND**  
5                   **AFTER-SCHOOL PROGRAMS.**

6       (a) IN GENERAL.—The Attorney General may make  
7   grants to public or nonprofit private entities (including  
8   faith-based organizations) for the purpose of assisting the  
9   entities in carrying out projects involving innovative ap-  
10   proaches to combat gang activity.

11      (b) CERTAIN APPROACHES.—Approaches under sub-  
12   section (a) may include the following:

13           (1) Encouraging teen-driven approaches to  
14   gang activity prevention.

15           (2) Educating parents to recognize signs of  
16   problems and potential gang involvement in their  
17   children.

18           (3) Teaching parents the importance of a nur-  
19   turing family and home environment to keep chil-  
20   dren out of gangs.

21           (4) Facilitating communication between parents  
22   and children, especially programs that have been  
23   evaluated and proven effective.

24      (c) MATCHING FUNDS.—

1           (1) IN GENERAL.—The Attorney General may  
2           make a grant under this section only if the entity re-  
3           ceiving the grant agrees to make available (directly  
4           or through donations from public or private entities)  
5           non-Federal contributions toward the cost of activi-  
6           ties to be performed with that grant in an amount  
7           that is not less than 25 percent of such costs.

8           (2) DETERMINATION OF AMOUNT CONTRIB-  
9           UTED.—Non-Federal contributions required under  
10          paragraph (1) may be in cash or in kind, fairly eval-  
11          uated, including facilities, equipment, or services.  
12          Amounts provided by the Federal Government, or  
13          services assisted or subsidized to any significant ex-  
14          tent by the Federal Government, may not be in-  
15          cluded in determining the amount of such non-Fed-  
16          eral contributions.

17         (d) EVALUATION OF PROJECTS.—

18                 (1) IN GENERAL.—The Attorney General shall  
19                 establish criteria for the evaluation of projects in-  
20                 volving innovative approaches under subsection (a).

21                 (2) GRANTEES.—A grant may be made under  
22                 subsection (a) only if the entity involved—

23                         (A) agrees to conduct evaluations of the  
24                         approach in accordance with the criteria estab-  
25                         lished under paragraph (1);

1 (B) agrees to submit to the Attorney Gen-  
2 eral reports describing the results of the evalua-  
3 tions, as the Attorney General determines to be  
4 appropriate; and

5 (C) submits to the Attorney General, in  
6 the application under subsection (e), a plan for  
7 conducting the evaluations.

8 (e) APPLICATION FOR GRANT.—A public or nonprofit  
9 private entity desiring a grant under this section shall sub-  
10 mit an application in such form, in such manner, and con-  
11 taining such agreements, assurances, and information (in-  
12 cluding the agreements under subsections (c) and (d) and  
13 the plan under subsection (d)(2)(C)) as the Attorney Gen-  
14 eral determines appropriate.

15 (f) REPORT TO CONGRESS.—Not later than February  
16 1 of each year, the Attorney General shall submit to Con-  
17 gress a report describing the extent to which the ap-  
18 proaches under subsection (a) have been successful in re-  
19 ducing the rate of gang activity in the communities in  
20 which the approaches have been carried out. Each report  
21 under this subsection shall describe the various ap-  
22 proaches used under subsection (a) and the effectiveness  
23 of each of the approaches.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated \$5,000,000 to carry out

1 this section for each of the fiscal years 2009 through  
2 2013.

3 **SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SEC-**  
4 **TION.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—Chapter 37 of title 28,  
7 United States Code, is amended by adding at the  
8 end the following:

9 **“§ 570. Short-term state witness protection section**

10 “(a) IN GENERAL.—There is established in the  
11 United States Marshals Service a Short-Term State Wit-  
12 ness Protection Section which shall provide protection for  
13 witnesses in State and local trials involving homicide or  
14 other major violent crimes pursuant to cooperative agree-  
15 ments with State and local criminal prosecutor’s offices  
16 and the United States attorney for the District of Colum-  
17 bia.

18 “(b) ELIGIBILITY.—

19 “(1) IN GENERAL.—The Short-Term State Wit-  
20 ness Protection Section shall give priority in award-  
21 ing grants and providing services to—

22 “(A) criminal prosecutor’s offices for  
23 States with an average of not less than 100  
24 murders per year; and

1           “(B) criminal prosecutor’s offices for juris-  
 2           dictions that include a city, town, or township  
 3           with an average violent crime rate per 100,000  
 4           inhabitants that is above the national average.

5           “(2) CALCULATION.—The rate of murders and  
 6           violent crime under paragraph (1) shall be calculated  
 7           using the latest available crime statistics from the  
 8           Federal Bureau of Investigation during 5-year pe-  
 9           riod immediately preceding an application for protec-  
 10          tion.”.

11          (2) CHAPTER ANALYSIS.—The chapter analysis  
 12          for chapter 37 of title 28, United States Code, is  
 13          amended by striking the items relating to sections  
 14          570 through 576 and inserting the following:

“570. Short-Term State Witness Protection Section.”.

15          (b) GRANT PROGRAM.—

16           (1) DEFINITIONS.—In this subsection—

17           (A) the term “eligible prosecutor’s office”  
 18           means a State or local criminal prosecutor’s of-  
 19           fice or the United States attorney for the Dis-  
 20           trict of Columbia; and

21           (B) the term “serious violent felony” has  
 22           the same meaning as in section 3559(c)(2) of  
 23           title 18, United States Code.

24          (2) GRANTS AUTHORIZED.—

1 (A) IN GENERAL.—The Attorney General  
2 is authorized to make grants to eligible prosecu-  
3 tor’s offices for purposes of identifying wit-  
4 nesses in need of protection or providing short  
5 term protection to witnesses in trials involving  
6 homicide or serious violent felony.

7 (B) ALLOCATION.—Each eligible prosecu-  
8 tor’s office receiving a grant under this sub-  
9 section may—

10 (i) use the grant to identify witnesses  
11 in need of protection or provide witness  
12 protection (including tattoo removal serv-  
13 ices); or

14 (ii) pursuant to a cooperative agree-  
15 ment with the Short-Term State Witness  
16 Protection Section of the United States  
17 Marshals Service, credit the grant to the  
18 Short-Term State Witness Protection Sec-  
19 tion to cover the costs to the section of  
20 providing witness protection on behalf of  
21 the eligible prosecutor’s office.

22 (3) APPLICATION.—

23 (A) IN GENERAL.—Each eligible prosecu-  
24 tor’s office desiring a grant under this sub-  
25 section shall submit an application to the Attor-



ney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this subsection \$90,000,000 for each of fiscal years 2009 through 2011.

**SEC. 309. WITNESS PROTECTION SERVICES.**

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

“(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the

1 investigation or prosecution in any way relates to crimes  
 2 of violence committed by a criminal street gang, as defined  
 3 under the laws of the relevant State seeking assistance  
 4 under this title.”.

5 **SEC. 310. EXPANSION OF FEDERAL WITNESS RELOCATION**  
 6 **AND PROTECTION PROGRAM.**

7 Section 3521(a)(1) of title 18 is amended by inserting  
 8 “, criminal street gang, serious drug offense, homicide,”  
 9 after “organized criminal activity”.

10 **SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PRO-**  
 11 **GRAM.**

12 (a) STATE GRANTS.—The Attorney General is au-  
 13 thorized to make grants to States for projects involving—

14 (1) the extradition of individuals suspected of  
 15 committing a family abduction;

16 (2) the investigation by State and local law en-  
 17 forcement agencies of family abduction cases;

18 (3) the training of State and local law enforce-  
 19 ment agencies in responding to family abductions  
 20 and recovering abducted children, including the de-  
 21 velopment of written guidelines and technical assist-  
 22 ance;

23 (4) outreach and media campaigns to educate  
 24 parents on the dangers of family abductions; and

25 (5) the flagging of school records.

1 (b) MATCHING REQUIREMENT.—Not less than 50  
 2 percent of the cost of a project for which a grant is made  
 3 under this section shall be provided by non-Federal  
 4 sources.

5 (c) DEFINITIONS.—In this section:

6 (1) FAMILY ABDUCTION.—The term “family  
 7 abduction” means the taking, keeping, or concealing  
 8 of a child or children by a parent, other family mem-  
 9 ber, or person acting on behalf of the parent or fam-  
 10 ily member, that prevents another individual from  
 11 exercising lawful custody or visitation rights.

12 (2) FLAGGING.—The term “flagging” means  
 13 the process of notifying law enforcement authorities  
 14 of the name and address of any person requesting  
 15 the school records of an abducted child.

16 (3) STATE.—The term “State” means each of  
 17 the several States, the District of Columbia, the  
 18 Commonwealth of Puerto Rico, the Commonwealth  
 19 of the Northern Mariana Islands, American Samoa,  
 20 Guam, the Virgin Islands, any territory or posses-  
 21 sion of the United States, and any Indian tribe.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 23 are authorized to be appropriated to carry out this section  
 24 \$500,000 for fiscal year 2009 and such sums as may be  
 25 necessary for each of fiscal years 2010 and 2011.

1 **SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND**  
2 **SENTENCES IN THE FEDERAL SYSTEM.**

3 (a) IN GENERAL.—The United States Sentencing  
4 Commission shall conduct a study to examine the appro-  
5 priateness of sentences for minors in the Federal system.

6 (b) CONTENTS.—The study conducted under sub-  
7 section (a) shall—

8 (1) incorporate the most recent research and  
9 expertise in the field of adolescent brain development  
10 and culpability;

11 (2) evaluate the toll of juvenile crime, particu-  
12 larly violent juvenile crime, on communities;

13 (3) consider the appropriateness of life sen-  
14 tences without possibility for parole for minor of-  
15 fenders in the Federal system; and

16 (4) evaluate issues of recidivism by juveniles  
17 who are released from prison or detention after serv-  
18 ing determinate sentences.

19 (c) REPORT.—Not later than 1 year after the date  
20 of enactment of this Act, the United States Sentencing  
21 Commission shall submit to Congress a report regarding  
22 the study conducted under subsection (a), which shall—

23 (1) include the findings of the Commission;

24 (2) describe significant cases reviewed as part  
25 of the study; and

26 (3) make recommendations, if any.

1       (d) REVISION OF GUIDELINES.—If determined ap-  
 2       propriate by the United States Sentencing Commission,  
 3       after completing the study under subsection (a) the Com-  
 4       mission may, pursuant to its authority under section 994  
 5       of title 28, United States Code, establish or revise guide-  
 6       lines and policy statements, as warranted, relating to the  
 7       sentencing of minors under this Act or the amendments  
 8       made by this Act.

9       **SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAM-**  
 10       **PAIGN.**

11       Section 709 of the Office of National Drug Control  
 12       Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is  
 13       amended—

14               (1) by redesignating subsections (k) and (l) as  
 15       subsections (l) and (m), respectively; and

16               (2) by inserting after subsection (j) the fol-  
 17       lowing:

18       “(k) PREVENTION OF HEROIN ABUSE.—

19               “(1) FINDINGS.—Congress finds the following:

20                       “(A) Heroin, and particularly the form  
 21       known as ‘cheese heroin’ (a drug made by mix-  
 22       ing black tar heroin with diphenhydramine),  
 23       poses a significant and increasing threat to  
 24       youth in the United States.

1           “(B) Drug organizations import heroin  
2           from outside of the United States, mix the  
3           highly addictive drug with diphenhydramine,  
4           and distribute it mostly to youth.

5           “(C) Since the initial discovery of cheese  
6           heroin on Dallas school campuses in 2005, at  
7           least 21 minors have died after overdosing on  
8           cheese heroin in Dallas County.

9           “(D) The number of arrests involving pos-  
10          session of cheese heroin in the Dallas area dur-  
11          ing the 2006–2007 school year increased over  
12          60 percent from the previous school year.

13          “(E) The ease of communication via the  
14          Internet and cell phones allows a drug trend to  
15          spread rapidly across the country, creating a  
16          national threat.

17          “(F) Gangs recruit youth as new members  
18          by providing them with this inexpensive drug.

19          “(G) Reports show that there is rampant  
20          ignorance among youth about the dangerous  
21          and potentially fatal effects of cheese heroin.

22          “(2) PREVENTION OF HEROIN ABUSE.—In con-  
23          ducting advertising and activities otherwise author-  
24          ized under this section, the Director shall promote

1 prevention of youth heroin use, including cheese her-  
 2 oin.”.

3 **SEC. 314. TRAINING AT THE NATIONAL ADVOCACY CENTER.**

4 (a) IN GENERAL.—The National District Attorneys  
 5 Association may use the services of the National Advocacy  
 6 Center in Columbia, South Carolina to conduct a national  
 7 training program for State and local prosecutors for the  
 8 purpose of improving the professional skills of State and  
 9 local prosecutors and enhancing the ability of Federal,  
 10 State, and local prosecutors to work together.

11 (b) TRAINING.—The National Advocacy Center in  
 12 Columbia, South Carolina may provide comprehensive con-  
 13 tinuing legal education in the areas of trial practice, sub-  
 14 stantive legal updates, and support staff training.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 16 are authorized to be appropriated to the Attorney General  
 17 to carry out this section \$6,500,000, to remain available  
 18 until expended, for fiscal years 2009 through 2012.

19 **TITLE IV—CRIME PREVENTION**  
 20 **AND INTERVENTION STRATE-**  
 21 **GIES**

22 **SEC. 401. SHORT TITLE.**

23 This title may be cited as the “Prevention Resources  
 24 for Eliminating Criminal Activity Using Tailored Inter-

ventions in Our Neighborhoods Act of 2009” or the  
 “PRECAUTION Act”.

**SEC. 402. PURPOSES.**

The purposes of this title are to—

- (1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;
- (2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;
- (3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;
- (4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;
- (5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of



1 title I of the Omnibus Crime Control and Safe  
 2 Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant  
 3 programs administered by the Office of Community  
 4 Oriented Policing Services of the Department of  
 5 Justice, grant programs administered by the Office  
 6 of Safe and Drug-Free Schools of the Department  
 7 of Education, and other similar programs; and

8 (6) reduce the costs that rising violent crime  
 9 imposes on interstate commerce.

10 **SEC. 403. DEFINITIONS.**

11 In this title, the following definitions shall apply:

12 (1) COMMISSION.—The term “Commission”  
 13 means the National Commission on Public Safety  
 14 Through Crime Prevention established under section  
 15 404(a).

16 (2) RIGOROUS EVIDENCE.—The term “rigorous  
 17 evidence” means evidence generated by scientifically  
 18 valid forms of outcome evaluation, particularly ran-  
 19 domized trials (where practicable).

20 (3) SUBCATEGORY.—The term “subcategory”  
 21 means 1 of the following categories:

22 (A) Family and community settings (in-  
 23 cluding public health-based strategies).

24 (B) Law enforcement settings (including  
 25 probation-based strategies).

1 (C) School settings (including antigang  
2 and general antiviolenace strategies).

3 (4) TOP-TIER.—The term “top-tier” means any  
4 strategy supported by rigorous evidence of the siz-  
5 able, sustained benefits to participants in the strat-  
6 egy or to society.

7 **SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY**  
8 **THROUGH CRIME PREVENTION.**

9 (a) ESTABLISHMENT.—There is established a com-  
10 mission to be known as the National Commission on Pub-  
11 lic Safety Through Crime Prevention.

12 (b) MEMBERS.—

13 (1) IN GENERAL.—The Commission shall be  
14 composed of 9 members, of whom—

15 (A) 3 shall be appointed by the President,  
16 1 of whom shall be the Assistant Attorney Gen-  
17 eral for the Office of Justice Programs or a  
18 representative of such Assistant Attorney Gen-  
19 eral;

20 (B) 2 shall be appointed by the Speaker of  
21 the House of Representatives, unless the Speak-  
22 er is of the same party as the President, in  
23 which case 1 shall be appointed by the Speaker  
24 of the House of Representatives and 1 shall be

1 appointed by the minority leader of the House  
2 of Representatives;

3 (C) 1 shall be appointed by the minority  
4 leader of the House of Representatives (in addi-  
5 tion to any appointment made under subpara-  
6 graph (B));

7 (D) 2 shall be appointed by the majority  
8 leader of the Senate, unless the majority leader  
9 is of the same party as the President, in which  
10 case 1 shall be appointed by the majority leader  
11 of the Senate and 1 shall be appointed by the  
12 minority leader of the Senate; and

13 (E) 1 member appointed by the minority  
14 leader of the Senate (in addition to any ap-  
15 pointment made under subparagraph (D)).

16 (2) PERSONS ELIGIBLE.—

17 (A) IN GENERAL.—Each member of the  
18 Commission shall be an individual who has  
19 knowledge or expertise in matters to be studied  
20 by the Commission.

21 (B) REQUIRED REPRESENTATIVES.—At  
22 least—

23 (i) 2 members of the Commission  
24 shall be respected social scientists with ex-

1 perience implementing or interpreting rig-  
 2 orous, outcome-based trials; and

3 (ii) 2 members of the Commission  
 4 shall be law enforcement practitioners.

5 (3) CONSULTATION REQUIRED.—The President,  
 6 the Speaker of the House of Representatives, the mi-  
 7 nority leader of the House of Representatives, and  
 8 the majority leader and minority leader of the Sen-  
 9 ate shall consult prior to the appointment of the  
 10 members of the Commission to achieve, to the max-  
 11 imum extent possible, fair and equitable representa-  
 12 tion of various points of view with respect to the  
 13 matters to be studied by the Commission.

14 (4) TERM.—Each member shall be appointed  
 15 for the life of the Commission.

16 (5) TIME FOR INITIAL APPOINTMENTS.—The  
 17 appointment of the members shall be made not later  
 18 than 60 days after the date of enactment of this  
 19 Act.

20 (6) VACANCIES.—A vacancy in the Commission  
 21 shall be filled in the manner in which the original  
 22 appointment was made, and shall be made not later  
 23 than 60 days after the date on which the vacancy  
 24 occurred.

1           (7) EX OFFICIO MEMBERS.—The Director of  
2       the National Institute of Justice, the Director of the  
3       Office of Juvenile Justice and Delinquency Preven-  
4       tion, the Director of the Community Capacity Devel-  
5       opment Office, the Director of the Bureau of Justice  
6       Statistics, the Director of the Bureau of Justice As-  
7       sistance, and the Director of Community Oriented  
8       Policing Services (or a representative of each such  
9       director) shall each serve in an ex officio capacity on  
10      the Commission to provide advice and information to  
11      the Commission.

12      (c) OPERATION.—

13           (1) CHAIRPERSON.—At the initial meeting of  
14      the Commission, the members of the Commission  
15      shall elect a chairperson from among its voting  
16      members, by a vote of  $\frac{2}{3}$  of the members of the  
17      Commission. The chairperson shall retain this posi-  
18      tion for the life of the Commission. If the chair-  
19      person leaves the Commission, a new chairperson  
20      shall be selected, by a vote of  $\frac{2}{3}$  of the members of  
21      the Commission.

22           (2) MEETINGS.—The Commission shall meet at  
23      the call of the chairperson. The initial meeting of the  
24      Commission shall take place not later than 30 days

1 after the date on which all the members of the Com-  
2 mission have been appointed.

3 (3) QUORUM.—A majority of the members of  
4 the Commission shall constitute a quorum to con-  
5 duct business, and the Commission may establish a  
6 lesser quorum for conducting hearings scheduled by  
7 the Commission.

8 (4) RULES.—The Commission may establish by  
9 majority vote any other rules for the conduct of  
10 Commission business, if such rules are not incon-  
11 sistent with this title or other applicable law.

12 (d) PUBLIC HEARINGS.—

13 (1) IN GENERAL.—The Commission shall hold  
14 public hearings. The Commission may hold such  
15 hearings, sit and act at such times and places, take  
16 such testimony, and receive such evidence as the  
17 Commission considers advisable to carry out its du-  
18 ties under this section.

19 (2) FOCUS OF HEARINGS.—The Commission  
20 shall hold at least 3 separate public hearings, each  
21 of which shall focus on 1 of the subcategories.

22 (3) WITNESS EXPENSES.—Witnesses requested  
23 to appear before the Commission shall be paid the  
24 same fees as are paid to witnesses under section  
25 1821 of title 28, United States Code. The per diem

1       and mileage allowances for witnesses shall be paid  
2       from funds appropriated to the Commission.

3       (e) COMPREHENSIVE STUDY OF EVIDENCE-BASED  
4 CRIME PREVENTION AND INTERVENTION STRATEGIES.—

5           (1) IN GENERAL.—The Commission shall carry  
6       out a comprehensive study of the effectiveness of  
7       crime and delinquency prevention and intervention  
8       strategies, organized around the 3 subcategories.

9           (2) MATTERS INCLUDED.—The study under  
10      paragraph (1) shall include—

11           (A) a review of research on the general ef-  
12      fectiveness of incorporating crime prevention  
13      and intervention strategies into an overall law  
14      enforcement plan;

15           (B) an evaluation of how to more effec-  
16      tively communicate the wealth of social science  
17      research to practitioners;

18           (C) a review of evidence regarding the ef-  
19      fectiveness of specific crime prevention and  
20      intervention strategies, focusing on those strate-  
21      gies supported by rigorous evidence;

22           (D) an identification of—

23               (i) promising areas for further re-  
24      search and development; and

1 (ii) other areas representing gaps in  
 2 the body of knowledge that would benefit  
 3 from additional research and development;

4 (E) an assessment of the best practices for  
 5 implementing prevention and intervention strat-  
 6 egies;

7 (F) an assessment of the best practices for  
 8 gathering rigorous evidence regarding the im-  
 9 plementation of intervention and prevention  
 10 strategies; and

11 (G) an assessment of those top-tier strate-  
 12 gies best suited for duplication efforts in a  
 13 range of settings across the country.

14 (3) INITIAL REPORT ON TOP-TIER CRIME PRE-  
 15 VENTION AND INTERVENTION STRATEGIES.—

16 (A) DISTRIBUTION.—Not later than 18  
 17 months after the date on which all members of  
 18 the Commission have been appointed, the Com-  
 19 mission shall submit a public report on the  
 20 study carried out under this subsection to—

21 (i) the President;

22 (ii) Congress;

23 (iii) the Attorney General;

24 (iv) the Chief Federal Public Defender  
 25 of each district;



1 (v) the chief executive of each State;

2 (vi) the Director of the Administrative

3 Office of the Courts of each State;

4 (vii) the Director of the Administra-

5 tive Office of the United States Courts;

6 and

7 (viii) the attorney general of each

8 State.

9 (B) CONTENTS.—The report under sub-  
10 paragraph (A) shall include—

11 (i) the findings and conclusions of the  
12 Commission;

13 (ii) a summary of the top-tier strate-  
14 gies, including—

15 (I) a review of the rigorous evi-  
16 dence supporting the designation of  
17 each strategy as top-tier;

18 (II) a brief outline of the keys to  
19 successful implementation for each  
20 strategy; and

21 (III) a list of references and  
22 other information on where further in-  
23 formation on each strategy can be  
24 found;

1 (iii) recommended protocols for imple-  
 2 menting crime and delinquency prevention  
 3 and intervention strategies generally;

4 (iv) recommended protocols for evalu-  
 5 ating the effectiveness of crime and delin-  
 6 quency prevention and intervention strate-  
 7 gies; and

8 (v) a summary of the materials relied  
 9 upon by the Commission in preparation of  
 10 the report.

11 (C) CONSULTATION WITH OUTSIDE AU-  
 12 THORITIES.—In developing the recommended  
 13 protocols for implementation and rigorous eval-  
 14 uation of top-tier crime and delinquency preven-  
 15 tion and intervention strategies under this para-  
 16 graph, the Commission shall consult with the  
 17 Committee on Law and Justice at the National  
 18 Academy of Science and with national associa-  
 19 tions representing the law enforcement and so-  
 20 cial science professions, including the National  
 21 Sheriffs' Association, the Police Executive Re-  
 22 search Forum, the International Association of  
 23 Chiefs of Police, the Consortium of Social  
 24 Science Associations, and the American Society  
 25 of Criminology.

1       (f) RECOMMENDATIONS REGARDING DISSEMINATION  
 2 OF THE INNOVATIVE CRIME PREVENTION AND INTER-  
 3 VENTION STRATEGY GRANTS.—

4           (1) SUBMISSION.—

5               (A) IN GENERAL.—Not later than 30 days  
 6 after the date of the final hearing under sub-  
 7 section (d) relating to a subcategory, the Com-  
 8 mission shall provide the Director of the Na-  
 9 tional Institute of Justice with recommenda-  
 10 tions on qualifying considerations relating to  
 11 that subcategory for selecting grant recipients  
 12 under section 405.

13           (B) DEADLINE.—Not later than 13  
 14 months after the date on which all members of  
 15 the Commission have been appointed, the Com-  
 16 mission shall provide all recommendations re-  
 17 quired under this subsection.

18           (2) MATTERS INCLUDED.—The recommenda-  
 19 tions provided under paragraph (1) shall include rec-  
 20 ommendations relating to—

21               (A) the types of strategies for the applica-  
 22 ble subcategory that would best benefit from  
 23 additional research and development;

24               (B) any geographic or demographic tar-  
 25 gets;

1 (C) the types of partnerships with other  
 2 public or private entities that might be perti-  
 3 nent and prioritized; and

4 (D) any classes of crime and delinquency  
 5 prevention and intervention strategies that  
 6 should not be given priority because of a pre-  
 7 existing base of knowledge that would benefit  
 8 less from additional research and development.

9 (g) FINAL REPORT ON THE RESULTS OF THE INNO-  
 10 VATIVE CRIME PREVENTION AND INTERVENTION STRAT-  
 11 EGY GRANTS.—

12 (1) IN GENERAL.—Following the close of the 3-  
 13 year implementation period for each grant recipient  
 14 under section 405, the Commission shall collect the  
 15 results of the study of the effectiveness of that grant  
 16 under section 405(b)(3) and shall submit a public  
 17 report to the President, the Attorney General, Con-  
 18 gress, the chief executive of each State, and the at-  
 19 torney general of each State describing each strategy  
 20 funded under section 405 and its results. This re-  
 21 port shall be submitted not later than 5 years after  
 22 the date of the selection of the chairperson of the  
 23 Commission.

24 (2) COLLECTION OF INFORMATION AND EVI-  
 25 DENCE REGARDING GRANT RECIPIENTS.—The Com-

1 mission's collection of information and evidence re-  
2 garding each grant recipient under section 405 shall  
3 be carried out by—

4 (A) ongoing communications with the  
5 grant administrator at the National Institute of  
6 Justice;

7 (B) visits by representatives of the Com-  
8 mission (including at least 1 member of the  
9 Commission) to the site where the grant recipi-  
10 ent is carrying out the strategy with a grant  
11 under section 405, at least once in the second  
12 and once in the third year of that grant;

13 (C) a review of the data generated by the  
14 study monitoring the effectiveness of the strat-  
15 egy; and

16 (D) other means as necessary.

17 (3) MATTERS INCLUDED.—The report sub-  
18 mitted under paragraph (1) shall include a review of  
19 each strategy carried out with a grant under section  
20 405, detailing—

21 (A) the type of crime or delinquency pre-  
22 vention or intervention strategy;

23 (B) where the activities under the strategy  
24 were carried out, including geographic and de-  
25 mographic targets;

1 (C) any partnerships with public or private  
2 entities through the course of the grant period;

3 (D) the type and design of the effective-  
4 ness study conducted under section 405(b)(3)  
5 for that strategy;

6 (E) the results of the effectiveness study  
7 conducted under section 405(b)(3) for that  
8 strategy;

9 (F) lessons learned regarding implementa-  
10 tion of that strategy or of the effectiveness  
11 study conducted under section 405(b)(3), in-  
12 cluding recommendations regarding which types  
13 of environments might best be suited for suc-  
14 cessful replication; and

15 (G) recommendations regarding the need  
16 for further research and development of the  
17 strategy.

18 (h) PERSONNEL MATTERS.—

19 (1) TRAVEL EXPENSES.—The members of the  
20 Commission shall be allowed travel expenses, includ-  
21 ing per diem in lieu of subsistence, at rates author-  
22 ized for employees of agencies under subchapter I of  
23 chapter 57 of title 5, United States Code, while  
24 away from their homes or regular places of business  
25 in the performance of service for the Commission.

1           (2) COMPENSATION OF MEMBERS.—Members of  
2     the Commission shall serve without compensation.

3           (3) STAFF.—

4           (A) IN GENERAL.—The chairperson of the  
5     Commission may, without regard to the civil  
6     service laws and regulations, appoint and termi-  
7     nate an executive director and such other addi-  
8     tional personnel as may be necessary to enable  
9     the Commission to perform its duties. The em-  
10    ployment of an executive director shall be sub-  
11    ject to confirmation by the Commission.

12          (B) COMPENSATION.—The chairperson of  
13    the Commission may fix the compensation of  
14    the executive director and other personnel with-  
15    out regard to the provisions of chapter 51 and  
16    subchapter III of chapter 53 of title 5, United  
17    States Code, relating to classification of posi-  
18    tions and General Schedule pay rates, except  
19    that the rate of pay for the executive director  
20    and other personnel may not exceed the rate  
21    payable for level V of the Executive Schedule  
22    under section 5316 of such title.

23          (4) DETAIL OF FEDERAL EMPLOYEES.—With  
24    the affirmative vote of  $\frac{2}{3}$  of the members of the  
25    Commission, any Federal Government employee,

1 with the approval of the head of the appropriate  
 2 Federal agency, may be detailed to the Commission  
 3 without reimbursement, and such detail shall be  
 4 without interruption or loss of civil service status,  
 5 benefits, or privileges.

6 (i) CONTRACTS FOR RESEARCH.—

7 (1) NATIONAL INSTITUTE OF JUSTICE.—With a  
 8  $\frac{2}{3}$  affirmative vote of the members of the Commis-  
 9 sion, the Commission may select nongovernmental  
 10 researchers and experts to assist the Commission in  
 11 carrying out its duties under this title. The National  
 12 Institute of Justice shall contract with the research-  
 13 ers and experts selected by the Commission to pro-  
 14 vide funding in exchange for their services.

15 (2) OTHER ORGANIZATIONS.—Nothing in this  
 16 subsection shall be construed to limit the ability of  
 17 the Commission to enter into contracts with other  
 18 entities or organizations for research necessary to  
 19 carry out the duties of the Commission under this  
 20 section.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
 22 are authorized to be appropriated \$5,000,000 to carry out  
 23 this section.

24 (k) TERMINATION.—The Commission shall terminate  
 25 on the date that is 30 days after the date on which the



1 Commission submits the last report required by this sec-  
2 tion.

3 (l) EXEMPTION.—The Commission shall be exempt  
4 from the Federal Advisory Committee Act.

5 **SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVEN-**  
6 **TION STRATEGY GRANTS.**

7 (a) GRANTS AUTHORIZED.—The Director of the Na-  
8 tional Institute of Justice may make grants to public and  
9 private entities to fund the implementation and evaluation  
10 of innovative crime or delinquency prevention or interven-  
11 tion strategies. The purpose of grants under this section  
12 shall be to provide funds for all expenses related to the  
13 implementation of such a strategy and to conduct a rig-  
14 orous study on the effectiveness of that strategy.

15 (b) GRANT DISTRIBUTION.—

16 (1) PERIOD.—A grant under this section shall  
17 be made for a period of not more than 3 years.

18 (2) AMOUNT.—The amount of each grant under  
19 this section—

20 (A) shall be sufficient to ensure that rig-  
21 orous evaluations may be performed; and

22 (B) shall not exceed \$2,000,000.

23 (3) EVALUATION SET-ASIDE.—

24 (A) IN GENERAL.—A grantee shall use not  
25 less than \$300,000 and not more than

1           \$700,000 of the funds from a grant under this  
2           section for a rigorous study of the effectiveness  
3           of the strategy during the 3-year period of the  
4           grant for that strategy.

5           (B) METHODOLOGY OF STUDY.—

6           (i) IN GENERAL.—Each study con-  
7           ducted under subparagraph (A) shall use  
8           an evaluator and a study design approved  
9           by the employee of the National Institute  
10          of Justice hired or assigned under sub-  
11          section (c).

12          (ii) CRITERIA.—The employee of the  
13          National Institute of Justice hired or as-  
14          signed under subsection (c) shall ap-  
15          prove—

16               (I) an evaluator that has success-  
17               fully carried out multiple studies pro-  
18               ducing rigorous evidence of effective-  
19               ness; and

20               (II) a proposed study design that  
21               is likely to produce rigorous evidence  
22               of the effectiveness of the strategy.

23          (iii) APPROVAL.—Before a grant is  
24          awarded under this section, the evaluator  
25          and study design of a grantee shall be ap-

1                   proved by the employee of the National In-  
 2                   stitute of Justice hired or assigned under  
 3                   subsection (c).

4                   (4) DATE OF AWARD.—Not later than 6 months  
 5                   after the date of receiving recommendations relating  
 6                   to a subcategory from the Commission under section  
 7                   404(f), the Director of the National Institute of Jus-  
 8                   tice shall award all grants under this section relating  
 9                   to that subcategory.

10                  (5) TYPE OF GRANTS.—One-third of the grants  
 11                  made under this section shall be made in each sub-  
 12                  category. In distributing grants, the recommenda-  
 13                  tions of the Commission under section 404(f) shall  
 14                  be considered.

15                  (6) AUTHORIZATION OF APPROPRIATIONS.—  
 16                  There are authorized to be appropriated  
 17                  \$18,000,000 to carry out this subsection.

18                  (c) DEDICATED STAFF.—

19                   (1) IN GENERAL.—The Director of the National  
 20                   Institute of Justice shall hire or assign a full-time  
 21                   employee to oversee the grants under this section.

22                   (2) STUDY OVERSIGHT.—The employee of the  
 23                   National Institute of Justice hired or assigned under  
 24                   paragraph (1) shall be responsible for ensuring that

1 grantees adhere to the study design approved before  
2 the applicable grant was awarded.

3 (3) LIAISON.—The employee of the National  
4 Institute of Justice hired or assigned under para-  
5 graph (1) may be used as a liaison between the  
6 Commission and the recipients of a grant under this  
7 section. That employee shall be responsible for en-  
8 suring timely cooperation with Commission requests.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—  
10 There are authorized to be appropriated \$150,000  
11 for each of fiscal years 2009 through 2013 to carry  
12 out this subsection.

13 (d) APPLICATIONS.—A public or private entity desir-  
14 ing a grant under this section shall submit an application  
15 at such time, in such manner, and accompanied by such  
16 information as the Director of the National Institute of  
17 Justice may reasonably require.

18 (e) COOPERATION WITH THE COMMISSION.—Grant  
19 recipients shall cooperate with the Commission in pro-  
20 viding them with full information on the progress of the  
21 strategy being carried out with a grant under this section,  
22 including—

23 (1) hosting visits by the members of the Com-  
24 mission to the site where the activities under the  
25 strategy are being carried out;

1           (2) providing pertinent information on the lo-  
2           gistics of establishing the strategy for which the  
3           grant under this section was received, including de-  
4           tails on partnerships, selection of participants, and  
5           any efforts to publicize the strategy; and

6           (3) responding to any specific inquiries that  
7           may be made by the Commission.

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