

H.R. 2794: Mr. PRICE of North Carolina and Mr. SANDERS.

H.R. 2807: Mr. JEFFERSON.

H.R. 2811: Mrs. NAPOLITANO.

H.R. 2815: Mr. MEEKS of New York and Mr. CROWLEY.

H.R. 2822: Mr. GREEN of Wisconsin.

H.R. 2823: Mr. BARTLETT of Maryland.

H.R. 2949: Mr. CROWLEY.

H.R. 2961: Mr. DEFazio and Mr. MORAN of Kansas.

H.R. 2963: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.

H.R. 2989: Mr. BARTLETT of Maryland, Ms. HERSETH, Mrs. CAPITO, and Mr. SODREL.

H.R. 3042: Mr. WYNN.

H.R. 3127: Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. SMITH of Washington, Ms. SOLIS, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. BRADLEY of New Hampshire, and Mr. CALVERT.

H.R. 3128: Mr. FILNER.

H.R. 3135: Mr. AKIN and Mr. LOBIONDO.

H.R. 3150: Mr. POE and Mr. MARCHANT.

H.R. 3162: Mr. ANDREWS.

H.R. 3184: Mr. ACKERMAN.

H.R. 3185: Mr. LARSEN of Washington, Mr. PAYNE, Mr. MCGOVERN, and Mr. CROWLEY.

H.R. 3189: Mr. MCGOVERN, Mr. CROWLEY, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 3192: Ms. MOORE of Wisconsin, Ms. MCKINNEY, and Mr. JEFFERSON.

H.R. 3195: Mr. LEWIS of Georgia.

H.R. 3255: Mr. BOREN.

H.R. 3282: Mr. MARCHANT, Mr. GREEN of Wisconsin, Mr. SAM JOHNSON of Texas, and Mr. GOODLATTE.

H.R. 3334: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. McDERMOTT, Mr. RUSH, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, and Mr. BROWN of Ohio.

H.R. 3360: Mr. GREEN of Wisconsin and Mr. PAUL.

H.R. 3361: Mr. GRIJALVA, Mr. WAXMAN, Mr. CALVERT, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mr. ISSA.

H.R. 3373: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. FATTAH, Mr. GUTIERREZ, Mr. EMANUEL, Mr. MARCHANT, Mr. WESTMORELAND, Mr. FORBES, Mr. ALEXANDER, and Ms. FOXX.

H.R. 3405: Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. KILPATRICK of Michigan, Mr. WELDON of Florida, Mr. COSTA, and Mr. MARCHANT.

H.R. 3417: Mr. JEFFERSON and Mrs. CAPITO.

H.R. 3420: Mr. TIERNEY.

H.R. 3502: Mr. SANDERS.

H.R. 3524: Mr. OWENS.

H.R. 3532: Mr. SCHWARZ of Michigan and Mr. UPTON.

H.R. 3547: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3565: Mr. JEFFERSON and Mr. OWENS.

H.R. 3575: Mr. CROWLEY.

H.R. 3583: Mr. ALLEN.

H.R. 3584: Mr. HINCHY.

H.R. 3602: Mr. LEWIS of Georgia.

H.R. 3616: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. CONAWAY, and Mr. STARK.

H.R. 3617: Ms. HART and Mr. TERRY.

H.R. 3662: Mr. BERMAN, Mr. GRIJALVA, Mr. OWENS, Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. CUMMINGS.

H.R. 3666: Mr. MCGOVERN.

H.R. 3667: Mr. SCHIFF, Ms. LINDA T. SANCHEZ OF CALIFORNIA, Ms. WATSON, Mr. BECERRA, Ms. ESHOO, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. WOOLSEY, Mrs. CAPPS, Mr. BERMAN, Mrs. DAVIS of California, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. FARR, Mr. CUNNINGHAM, Mr. CALVERT, Mr. POMBO, Ms. LEE, Mr. FILNER, Mr. RADANOVICH, Ms. MATSUI, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. McKEON, Mr. LEWIS of California, Mrs. BONO, Mr. ROHRABACHER, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.

H.R. 3680: Mr. ENGLISH of Pennsylvania, Mr. HERGER, and Mrs. MILLER of Michigan.

H.R. 3681: Mr. ABERCROMBIE, and Mr. WATT.

H.R. 3690: Mr. SERRANO, Ms. CARSON, Mr. HONDA, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Mr. WU, Mr. CUMMINGS, Mr. McDERMOTT, Mr. EVANS, and Mrs. MALONEY.

H.R. 3693: Mr. DEAL of Georgia, Mr. NORWOOD, Mr. WESTMORELAND, Mr. TANCREDO, and Mr. MARCHANT.

H.R. 3697: Mr. FARR, Mr. FILNER, Mr. CARNAHAN, Ms. SOLIS, Mr. SABO, Mr. WEINER, Mr. FORD, Mr. THOMPSON of California, Mr. AL GREEN of Texas, Mr. COOPER, Mr. PRICE of North Carolina, and Mr. PALLONE.

H.R. 3698: Mr. MARKEY, Mr. WYNN, Mr. PALLONE, Mr. ROSS, Mr. DAVIS of Florida, Mr. STRICKLAND, and Mr. GORDON.

H.R. 3699: Mr. CANNON.

H.R. 3706: Mr. CASE, Ms. WASSERMAN SCHULTZ, and Ms. BERKLEY.

H.R. 3710: Mr. CROWLEY, Mr. GRIJALVA, Mr. HINCHY, Ms. LEE, and Mr. NADLER.

H.R. 3714: Mr. BACHUS, Mr. OWENS, Mr. REYES, Mr. PRICE of Georgia, and Mr. ALEXANDER.

H.R. 3717: Mrs. DRAKE, Mr. SHAYS, Mr. HERGER, and Mr. ALEXANDER.

H.R. 3722: Mr. SANDERS.

H.J. Res. 39: Mr. KING of Iowa and Mr. SAM JOHNSON of Texas.

H.J. Res. 58: Mr. BROWN of Ohio.

H.J. Res. 61: Mr. McDERMOTT, Mr. CASE, Ms. CARSON, Mr. HALL, Mr. PETRI, Mr. HIGGINS, Mr. CARNAHAN, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, and Mr. LYNCH.

H. Con. Res. 129: Ms. NORTON.

H. Con. Res. 137: Mr. CROWLEY.

H. Con. Res. 140: Mr. McHUGH.

H. Con. Res. 172: Mr. THOMPSON of California and Mr. EMANUEL.

H. Con. Res. 178: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, and Mr. MILLER of North Carolina.

H. Con. Res. 190: Ms. SCHAKOWSKY.

H. Con. Res. 195: Ms. SCHAKOWSKY.

H. Con. Res. 197: Mr. FRANK of Massachusetts.

H. Con. Res. 209: Ms. BALDWIN, Mr. SANDERS, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. KILDEE, Mr. BOSWELL, Ms. MATSUI, Mrs. McCARTHY, Mr. HOLDEN, Mr. GOODE, Mr. GRIJALVA, Mr. KUCINICH, and Mr. SHERMAN.

H. Con. Res. 228: Ms. BALDWIN.

H. Con. Res. 231: Mr. McHUGH, Ms. HART, and Mr. WAMP.

H. Con. Res. 234: Ms. SCHAKOWSKY, Mr. HINCHY, Mr. SHERMAN, Mr. BUTTERFIELD, Mr. WATT, and Ms. SOLIS.

H. Con. Res. 237: Mr. AKIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. ENGEL, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. HASTINGS of Florida, Mr. ISSA, Mr. KING of New York, Mr. MACK, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. POE, Mr. REYES, Ms. ROSLEHTINEN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SIMPSON, Mr. SOUDER, Mr. TANCREDO, Mr. WATT, and Mr. YOUNG of Alaska.

H. Res. 15: Mr. NUNES, Mr. LEWIS of Kentucky, Mr. GINGREY, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. WELDON of Pennsylvania, Mr. PETRI, Mr. KIND, Mr. ROGERS of Kentucky, Mr. BAKER, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD, Mr. ROTHMAN, and Ms. WASSERMAN SCHULTZ.

H. Res. 38: Mr. ACKERMAN.

H. Res. 123: Mr. FARR and Mr. ENGLISH of Pennsylvania.

H. Res. 158: Mr. SHAYS, Mr. MURPHY, and Mr. CROWLEY.

H. Res. 192: Mr. LANTOS.

H. Res. 276: Mr. FITZPATRICK of Pennsylvania, Mr. SNYDER, Mrs. McCARTHY, and Mr. PETERSON of Minnesota.

H. Res. 286: Mr. JEFFERSON and Mr. KUCINICH.

H. Res. 297: Mr. SHAYS.

H. Res. 325: Mr. ISSA.

H. Res. 368: Mr. MARSHALL, Mr. DOOLITTLE, Mr. MENENDEZ, Mr. CARDOZA, Mr. BOOZMAN, and Mr. BLUMENAUER.

H. Res. 375: Mr. MENENDEZ, Ms. CARSON, Mr. CARDIN, Ms. SOLIS, Mr. ROTHMAN, Ms. MATSUI, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. CARDOZA, Mr. INSLEE, Ms. LINDA T. SANCHEZ of California, Mr. MOLLOHAN, Ms. BERKLEY, Mr. NEAL of Massachusetts, and Mr. ANDREWS.

H. Res. 409: Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. PENCE, Mr. BLUMENAUER, Mr. McDERMOTT, Mr. SCHIFF, Mr. LEACH, Mr. CROWLEY, Mr. GRIJALVA, Mr. ENGEL, Mr. GREEN of Wisconsin, Mr. ACKERMAN, Mr. CHANDLER, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, and Mr. FRANK of Massachusetts.

H. Res. 413: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 415: Mr. ROHRABACHER.

H. Res. 417: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 418: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 419: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 420: Mr. CONYERS, Mr. KUCINICH, Mr. TIERNEY, Mr. McDERMOTT, Mr. ACKERMAN, Mr. DEFazio, Mr. HINCHY, Mr. DELAHUNT, Mr. DOYLE, Mr. UDALL of Colorado, Mr. VISCLOSKY, Mr. MCGOVERN, Mr. PALLONE, Ms. LEE, Ms. MATSUI, Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 434: Mr. HOLDEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2567: Mr. GENE GREEN of Texas.

AMENDMENTS

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

H.R. 889

OFFERED BY: MRS. MILLER OF MICHIGAN

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

SEC. _____. TREATMENT OF S/V HIGHLANDER SEA.

The Secretary of the department in which the Coast Guard is operating may treat the vessel S/V HIGHLANDER SEA (United States official number 224289) as a small passenger vessel for purposes of chapter 33 of title 46, United States Code, if the Secretary determines that such treatment will not compromise safety.

H.R. 3132

OFFERED BY: MR. PENCE

AMENDMENT No. 1: Add at the end the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Pornography Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such

activities, thereby reducing both supply and demand in the interstate market for child pornography.

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

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

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

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

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

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

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

SEC. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

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

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

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

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

(4) by amending paragraph (1) of subsection

(h) to read as follows:

“(1) the term ‘sexually explicit conduct’ has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title;”;

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

(6) in subsection (f)—

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

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

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

“(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegate to conduct an inspection under subsection (c).”.

(7) in subsection (h)(3), by striking “to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted” and inserting “actually filming, videotaping, photographing; creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being; or

digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct”;

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

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

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

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

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

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

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

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

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

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

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

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

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

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

(b) AMENDMENTS TO CHILD EXPLOITATION FORFEITURE PROVISIONS.—

(1) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

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

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

(ii) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

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

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

(2) CIVIL FORFEITURE.—Section 2254(a) of title 18, United States Code, is amended—

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

(B) in paragraph (2)—

(i) by striking “or” and inserting “of” before “chapter 117”;

(ii) by inserting “, or an offense under section 2252B or 2257 of this chapter,” after “Chapter 117,” and

(iii) by inserting “, or an offense under chapter 109A” before the period; and

(C) in paragraph (3) by—

(i) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(ii) inserting “, a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A” before the period.

(C) AMENDMENTS TO RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “2252A, 2252B,” after “2252”.

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

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

(1) by inserting “**Production and**” before “**Transportation**” in the heading of the section;

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

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

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

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

(2) in subsection (b), by inserting, “produces” before “sells or transfers or offers to sell or transfer obscene matter”; and

(3) in subsection (b) by inserting “production,” before “selling or transferring or offering to sell or transfer such material.”.

H.R. 3132

OFFERED BY: MR. NADLER

AMENDMENT No. 2: Page 4, before line 1, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISION

Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISION

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

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

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

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

(3) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”.

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

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

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

(3) by inserting after paragraph (9) the following:

“(10) who has been convicted in any court of a misdemeanor sex offense against a minor.”.

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

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

“(B) The term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

“(C) The term ‘minor’ means an individual who has not attained 18 years of age.”.

H.R. 3132

OFFERED BY: MR. PORTER

AMENDMENT No. 3: At the end of title III of the bill, insert the following (and make such conforming changes to the table of contents as may be necessary):

SEC. 304. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

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

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

H.R. 3132

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 4: Page 31, line 17, strike “not less than 10”.

Page 43, line 10, strike paragraph (1) and redesignate succeeding paragraphs accordingly.

Page 44, beginning on line 5, strike “not less than 10 years and”.

Page 45, line 8, strike subparagraph (A) and redesignate succeeding subparagraphs accordingly.

Page 45, line 11, strike the semicolon and insert “; and”.

Page 45, line 18, strike the semicolon and insert a period.

Page 45, strike line 19 through line 6 on page 46.

Page 46, strike line 18 and all that follows through line 8 on page 47.

Page 47, line 4, strike the semicolon and insert “; and”.

Page 47, line 5, strike “; and” and insert a period.

Page 47, starting on line 6, strike clause (iii) and all that follows through line 13 on page 49.

Page 55, strike section 504 and all that follows through line 22 on page 57, and redesignate succeeding sections accordingly.

Page 68, line 21, strike the semicolon and insert “; and”.

Page 68, strike lines 22 through 23.

Page 69, strike lines 8 through 11.

H.R. 3132

OFFERED BY: MR. RYUN OF KANSAS

AMENDMENT No. 5: At the end of title IV add the following:

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

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

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

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

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

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

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

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

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

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

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

H.R. 3132

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 6: Strike section 303. Redesignate any succeeding sections accordingly.

H.R. 3132

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 7: Strike section 302. Redesignate any succeeding sections accordingly.

Page 44, strike line 10 and all that follows through line 2 on page 11.

H.R. 3132

OFFERED BY: MS. WASSERMAN SCHULTZ

AMENDMENT NO. 8: Insert after section 511 the following new section (and redesignate succeeding sections accordingly):

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

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

(b) ELIGIBILITY.—

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

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

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

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

(c) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

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

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

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

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

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

H.R. 3132

OFFERED BY: MR. INGLIS OF SOUTH CAROLINA

AMENDMENT NO. 9: Page 27, line 7, strike “not less than 5 years nor”.

Page 27, lines 17 through 18, strike “not less than 5 years nor”.

H.R. 3132

OFFERED BY: MR. McDERMOTT

AMENDMENT NO. 10: Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

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

of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina.

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

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

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of child placement services for such children, for the proper and efficient administration of the plan with respect to such children, or for the provision of services which seek to improve the well-being of such children.

H.R. 3132

OFFERED BY: MR. McDERMOTT

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

TITLE VI—MISCELLANEOUS PROVISIONS

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

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

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

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

H.R. 3132

OFFERED BY: MR. HERGER

AMENDMENT NO. 12: Page 54, beginning on line 21, strike “in furtherance” and all that follows through line 23 and insert “for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.”

Page 55, beginning on line 18, strike “placement of foster or adoptive children” and insert “licensing or approval of foster or adoptive parents”.

H.R. 3132

OFFERED BY: MR. FLAKE

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

Page 42, after line 6, insert the following:

“(k) SENTENCING CLAIMS.—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary

to clearly established Federal law, as determined by the Supreme Court of the United States.”.

H.R. 3132

OFFERED BY: MR. BAIRD

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

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

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

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

H.R. 3132

OFFERED BY: MR. McDERMOTT

AMENDMENT NO. 15: Page 52, line 13, strike the close quotation marks and the period and insert “and”.

Page 52, after line 13, insert the following:

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

H.R. 3132

OFFERED BY: MR. GIBBONS

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

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER’S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

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

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

(2) Not later than October 2006, the Government Accountability Office shall complete a

study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

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

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

H.R. 3132

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 17: Add at the end the following new title:

TITLE VI—PERSONAL DATA OF CHILDREN

SEC. 601. MISAPPROPRIATION OF DATA.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

“§ 1802. Misappropriation of personal data of children

“Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

“1802. Misappropriation of personal data of children.”.

H.R. 3132

OFFERED BY: MR. CUELLAR

AMENDMENT NO. 18: Page 11, line 4, after the comma insert “and a minimum term of imprisonment that is no less than 90 days.”.

H.R. 3132

OFFERED BY: MR. POE

AMENDMENT NO. 19: At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. _____. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

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

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

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

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

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

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

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

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) \$1,000,000 to carry out subsection (a); and

(2) \$2,000,000 to carry out subsection (b).

H.R. 3132

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 20: At the end of the bill, add the following new section:

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

(a) IN GENERAL.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) FAILURE TO COMPLY.—

(1) IN GENERAL.—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

H.R. 3132

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 21: Add at the end of title IV the following:

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

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

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

“Whoever, during and in relation to—

(1) manufacturing, distributing, dispensing, or possessing a controlled substance in violation of the Controlled Substances Act, or attempting or conspiring to do so; or

(2) transporting or causing to be transported materials (including chemicals) for manufacturing a controlled substance in violation of that Act, or attempting or conspiring to do so, commits a sex offense (as defined in section 111 of the Children’s Safety Act of 2005) against an individual less than 18 years of age; shall be fined under this title, and imprisoned for life or for any term of years not less than 25.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code is amended by adding at the end the following new item:

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

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT NO. 22: At the end of title I, add the following new subtitle:

Subtitle C—Children’s Safety Office

SEC. 171. ESTABLISHMENT.

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

SEC. 172. PURPOSE.

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

SEC. 173. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

- (1) proven academic, management, and leadership credentials;
- (2) a superior record of achievement; and
- (3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children's safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children's safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children's safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 174. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 175. STAFF.

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

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 177. NONMONETARY ASSISTANCE.

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

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT No. 23: At the end of title III insert the following:

SEC. 304. STATISTICS.

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

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

H.R. 3132

OFFERED BY: MR. CONYERS

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

SEC. 1. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

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

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

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

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

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

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

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

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

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT No. 25: At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the “Local Law Enforcement Hate Crimes Prevention Act of 2005”.

SEC. 602. FINDINGS.

Congress makes the following findings:

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

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

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

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

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

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

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

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

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

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term “hate crime” has the same meaning as in section 28003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

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

(b) GRANTS.—

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

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

(3) APPLICATION.—

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

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

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

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

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

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

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

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

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

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

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

SEC. 605. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney Gen-

eral may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

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

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

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

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

“§ 249. Hate crime acts

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

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

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

“(i) death results from the offense; or

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

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

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

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

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

“(I) death results from the offense; or

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

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

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

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

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign

commerce in connection with the conduct described in subparagraph (A);

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

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

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

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

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

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

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

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

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

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title;

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

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

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

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

“249. Hate crime acts.”.

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

SEC. 609. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

H.R. 3132

OFFERED BY: MRS. KELLY

AMENDMENT NO. 26: At the end of the bill add the following (and amend the table of contents accordingly):

TITLE VI—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT**SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.**

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

(b) INFORMATION.—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) SCOPE OF INFORMATION.—**(1) IN GENERAL.—**

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) EXCEPTION.—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

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

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

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

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

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

H.R. 3132

OFFERED BY: MR. SENENBRENNER

AMENDMENT NO. 27: Page 11, line 2, after “jurisdiction” insert “, other than a Federally recognized Indian tribe”.

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

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

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

Page 6, line 20, insert “The” before “Northern”.

Page 10, line 4, strike “and interpret”.

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

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

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

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

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

Page 18, beginning in line 7, strike “a one-year extension” and insert “up to two one-year extensions”.

Page 19, line 3, after “title” insert “or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title”.

Page 25, beginning in line 14, strike “for damages directly related to” and insert “arising from”.

Page 26, beginning in line 20, strike “receives a notice from an official that such person”.

Page 27, line 16, insert “or section 1591, after “117.”.

Page 29, line 3, insert “or section 1591, after “117.”.

Page 29, strike lines 14 through 17 and insert the following:

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

Page 10, line 26, after “Act” insert “or its effective date in a particular jurisdiction”.

Page 19, after line 3, insert the following:

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

Page 11, line 20, after “plate number” insert “and description”.

Page 26, after line 7, insert the following:

SEC. 135. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

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

“(f) SEX OFFENDER MANAGEMENT.

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

“(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

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

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

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

At the end of title I, insert the following:

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

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

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

SEC. 156. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

Page 15, line 13, strike “Each” and insert “(a) IN GENERAL.—Except as provided in subsection (b), each”.

Page 15, after line 19, insert the following:

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a sex offender required to register for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

Page 8, line 15, insert “a” before “sexual act”.

Page 12, line 13, insert “, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense” before the period.

Page 5, after line 23, insert the following:

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

Page 24, beginning in line 7, strike “in a range” and all that follows through “by” in line 9 and inserting “that is one of”.

Page 21, after line 15, insert the following (and redesignate succeeding subsections accordingly): y-24

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

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

(1) assessing the effectiveness and value of programs funded by this section;

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

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

H.R. 3132

OFFERED BY: MR. SENENBRENNER

AMENDMENT NO. 28: Page 26, after line 7, insert the following:

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

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

H.R. 3132

OFFERED BY: MR. SENSENBRENNER

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

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

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

“§ 3298. Child abduction and sex offenses.

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

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

“3298. Child abduction and sex offenses.”.

SEC. 515. CHILD ABUSE REPORTING.

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

H.R. 3132

OFFERED BY: MR. SENSENBRENNER

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

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local child welfare agency for the purpose of conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the states may charge any applicable fees for the checks.

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

(c) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person

authorized by law to receive that information.

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

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term “child welfare agency” means—

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

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

H.R. 3132

OFFERED BY MS. JACKSON-LEE OF TEXAS

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

SEC. _____. SENSE OF CONGRESS.

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