

on Health, Education, Labor, and Pensions:

## S. RES. 325

Whereas an estimated 12,400 children are diagnosed with cancer each year;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about 1 percent each year;

Whereas 1 in every 330 people in the United States develops cancer before age 20;

Whereas approximately 8 percent of deaths of individuals between 1 and 19 years old are caused by cancer;

Whereas, while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to the field of pediatric oncology;

Whereas the results of peer-reviewed clinical trials have helped to raise the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to increase, with about 1 in 640 adults between ages 20 to 39 having a history of cancer;

Whereas up to ⅓ of childhood cancer survivors are likely to experience at least 1 late effect from treatment, which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and have serious consequences; and

Whereas 89 percent of children with terminal cancer experience substantial suffering in the last month of life: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about—

(A) the incidence of cancer among children;

(B) the signs and symptoms of cancer in children; and

(C) options for the treatment of, and long-term follow-up for, childhood cancers;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologicals designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients;

(7) policies that enhance education, services, and other resources related to late effects from treatment; and

(8) grassroots efforts to promote awareness and support research for cures for childhood cancer.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, 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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#### TEXT OF AMENDMENTS

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, 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; as follows:

Strike section 215.

#### NOTICE OF HEARING

##### COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 26, 2007, at 10 a.m., to conduct an executive business meeting to consider on the Nomination of Robert C. Tapella of Virginia, to be Public Printer, Government Printing Office; and the nominations of Steven T. Walther of Nevada, David M. Mason of Virginia, Robert D. Lenhard of Maryland, and Hans von Spakovsky of Georgia to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee.

#### RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE

Mr. CASEY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 320, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 320) recognizing the achievements of the people of Ukraine in pursuit of freedom and democracy, and expressing the hope that the parliamentary elections on September 30, 2007, preserve and extend these gains and provide for a stable and representative government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

## S. RES. 320

Whereas the people of Ukraine have overcome financial and political hardships to achieve a democratic system in which decisions have been reached without violence and through free and fair elections;

Whereas Ukraine has already conducted elections considered free, fair, and consistent with the principles of the Organization for Security and Cooperation in Europe on 2 previous occasions;

Whereas the people of Ukraine deserve an elected and representative government that can work together and pass legislation to improve the quality of life for all Ukrainians; and

Whereas the people of Ukraine have successfully established a growing free press, an increasingly independent judiciary, and a respect for human rights and the rule of law, which enhance freedom, stability, and prosperity: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine's independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;

(2) expresses the admiration of the American people for the ongoing success of the Ukrainian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair presidential elections of December 26, 2004, and the parliamentary elections of March 26, 2006;

(3) encourages the people of Ukraine to maintain the democratic successes of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in keeping with the standards of the Organization for Security and Cooperation in Europe (OSCE), of which both the United States and Ukraine are participating states;

(4) urges the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine deserve; and

(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

#### GANG ABATEMENT AND PREVENTION ACT OF 2007

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 290, S. 456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 456) 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.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Gang Abatement and Prevention Act of 2007”.

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

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 INTER-STATE 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. Prohibition on firearms possession based on valid gang injunction and conviction for gang-related misdemeanor.

Sec. 216. 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.

**SEC. 3. FINDINGS.**

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.3 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdictions providing information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

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

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that gangs and gang members commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways directly and substantially affecting interstate and foreign commerce;

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

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gangs prey upon and incorporate minors into their ranks, exploiting the fact that adolescents have immature decision-making capacity, therefore, gang activity and recruitment can be reduced and deterred through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement, and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and even during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

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

and connection to the community that is needed to assist in combating gang violence, consultation and coordination between Federal, State, and local law enforcement and collaboration with other community agencies is critical to the successful prosecutions of criminal street gangs and reduction of gang problems.

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

**SEC. 101. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.**

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

**“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. 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.

**“§ 521. Definitions**

“In this chapter:

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

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

“(B) who collectively commit 3 or more gang crimes (not less than 1 of which is a serious violent felony), in separate criminal episodes (not less than 1 of which occurs after the date of enactment of the Gang Abatement and Prevention Act of 2007, and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual)).

“(2) GANG CRIME.—The term ‘gang crime’ means 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 in any of the following categories:

“(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, kidnapping, or extortion.

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

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

“(D) Any conduct punishable under—

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

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

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

“(iv) section 930 (relating to possession of firearms and dangerous weapons in Federal facilities);

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

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

“(vii) section 1084 (relating to transmission of wagering information);

“(viii) section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

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

“(x) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); or

“(xi) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

“(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of aliens for immoral purposes) of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, and 1328).

“(F) Any crime involving aggravated sexual abuse, sexual assault, pimping or pandering involving prostitution, sexual exploitation of children (including sections 2251, 2251A, 2252 and 2260), peonage, slavery, or trafficking in persons (including sections 1581 through 1592) and sections 2421 through 2427 (relating to transport for illegal sexual activity).

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

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

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

#### “§522. Criminal street gang prosecutions

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

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

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

“(2) for any other serious violent felony, by imprisonment for not more than 30 years;

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

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

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

“(a) PROHIBITED ACTS.—It shall be unlawful to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or attempt or conspire to do so, with the intent to cause that person to participate in a gang crime, if the defendant travels in interstate or foreign commerce in the course of the offense, or if the activities of that criminal street gang are in or affect interstate or foreign commerce.

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

“(1) if the person recruited, employed, solicited, induced, commanded, coerced, or caused to participate or remain in a criminal street gang is a minor—

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

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

“(2) if the person who recruits, employs, solicits, induces, commands, coerces, or causes the

participation or remaining in a criminal street gang is incarcerated at the time the offense takes place, be fined under this title, imprisoned not more than 10 years, or both; and

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

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

#### “§524. Violent crimes in furtherance of criminal 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.

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

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

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

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

#### “§525. Forfeiture

“(a) CRIMINAL FORFEITURE.—A person who is convicted of a violation of this chapter shall forfeit to the United States—

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

“(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation.

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

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

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

(d) AMENDMENT OF SPECIAL SENTENCING PROVISION PROHIBITING PRISONER COMMUNICATIONS.—Section 3582(d) of title 18, United States Code, is amended—

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

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

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

##### SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

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

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

(A) by inserting “or in furtherance or in aid of an enterprise engaged in racketeering activity,” before “murders;”; and

(B) by inserting “engages in conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States,” before “maims;”;

(2) in paragraph (1), by inserting “conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming,” after “kidnapping;”;

(3) in paragraph (2), by striking “maiming” and inserting “assault resulting in serious bodily injury”;

(4) in paragraph (3), by striking “or assault resulting in serious bodily injury”;

(5) in paragraph (4)—

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

(B) by adding “and” at the end; and

(6) by striking paragraphs (5) and (6) and inserting the following:

“(5) for attempting or conspiring to commit any offense under this section, by the same penalties (other than the death penalty) as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.”

##### SEC. 202. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

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

##### “SEC. 424. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

“(a) IN GENERAL.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual 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 threatens, attempts or conspires to do so, shall be punished by a fine under title 18, United States Code, and—

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

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

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

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

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

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

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

“(c) DEFINITIONS.—In this section—

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

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

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

“Sec. 424. 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.

Section 3142(e) of title 18, United States Code, is amended in the matter following paragraph

(3), by inserting after “that the person committed” the following: “an offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime or crime of violence (as those terms are defined in section 924(c))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section 922.”

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

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

**“§3299A. Violent crime offenses**

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

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

“3299A. Violent crime offenses.”

**SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.**

The Judicial Conference of the United States shall study the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

**SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FELONS.**

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

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

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

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

“(C) in the case of 3 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for any term of years not less than 15 years or for life and fined under this title, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).”

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

**SEC. 207. CONFORMING AMENDMENT.**

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

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

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

(1) in the matter preceding paragraph (1), by striking “, with the intent” and all that follows through “to do so, shall” and inserting “knowingly takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person of another by force and violence or by intimidation, causing a reasonable apprehension of fear of death or serious bodily injury in an individual, or attempts or conspires to do so, shall”;

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

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

(4) in paragraph (3), by inserting “the person takes or attempts to take the motor vehicle in violation of this section with intent to cause death or cause serious bodily injury, and” before “death results”.

(b) CLARIFICATION AND STRENGTHENING OF PROHIBITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

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

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting “chapter 26 of this title (criminal street gang prosecutions) or in” after “felony set forth in”; and

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

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking “five years, or both.” and inserting “10 years (unless the maximum penalty for the crime that served as the object of the conspiracy has a maximum penalty of imprisonment of less than 10 years, in which case the maximum penalty under this section shall be the penalty for such crime), or both. This paragraph does not supersede any other penalty specifically set forth for a conspiracy offense.”

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

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

**SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.**

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

(1) in the subsection heading, by striking “EIGHT-YEAR” and inserting “TEN-YEAR”; and

(2) in the first sentence, by striking “8 years” and inserting “10 years”.

**SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.**

Section 1961(1)(A) of title 18, United States Code, is amended by inserting “, or would have been so chargeable if the act or threat (other

than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,” after “chargeable under State law”.

**SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.**

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

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

(2) by redesignating paragraph (s) as paragraph (u); and

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

“(s) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

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

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

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

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

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

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

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

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

“(a) IN GENERAL.—It shall be unlawful for any person—

“(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

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

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

“(2) to attempt or conspire to commit an offense under subparagraph (A) or (B) of paragraph (1).

“(b) PENALTIES.—

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

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

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

“(2) OTHER VIOLATIONS.—Any person who violates subsection (a)(1)(A) by threatened use of force or violates paragraph (1)(B) or (2) of subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

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

(b) CONFORMING AMENDMENT.—Section 1512 is amended, in the section heading, by adding at

the end the following: “**IN A FEDERAL PROCEEDING**”.

(c) **CHAPTER ANALYSIS.**—The table of sections for chapter 73 of title 18, United States Code, is amended—

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

“1512. Tampering with a witness, victim, or an informant in a Federal proceeding.”;

and

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

“1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.”.

**SEC. 215. PROHIBITION ON FIREARMS POSSESSION BASED ON VALID GANG INJUNCTION AND CONVICTION FOR GANG-RELATED MISDEMEANOR.**

(a) **IN GENERAL.**—Section 922(g) of title 18, United States Code, is amended—

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

(2) in paragraph (9), by striking the comma at the end and inserting a semicolon;

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

“(10) who has been convicted in any court of a misdemeanor gang-related offense; or

“(11) who otherwise has, within the last 5 years, been found by any court to be in contempt of a gang injunction order, so long as the finding of contempt was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate and challenge the sufficiency of process and the constitutional validity of the underlying gang injunction order.”.

(b) **DEFINITION.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36)(A) The term ‘misdemeanor gang-related offense’ means an offense that—

“(i) is a misdemeanor under Federal, State, or Tribal law; and

“(ii) has, as an element, the membership of the defendant in a criminal street gang, illegal association with a criminal street gang, or participation in a criminal street gang activity.

“(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

“(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

“(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

“(aa) the case was tried by a jury; or

“(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

“(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

“(37) The term ‘gang injunction order’ means a court order that—

“(A) names the defendant as a member of a criminal street gang; and

“(B) restrains the defendant from associating with other gang members.”.

**SEC. 216. AMENDMENT OF SENTENCING GUIDELINES.**

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United

States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this title and the amendments made by this title.

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

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses under this title and the amendments made by this title;

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

(A) whether the guidelines offense levels and enhancements—

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

(ii) are adequate in view of the statutory increases in penalties contained in this title and the amendments made by this title; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set forth in this title and the amendments made by this title;

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

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

(B) by at least 4 offense levels, if such defendant had also previously been ordered removed or deported under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime;

(4) determine under what circumstances a sentence of imprisonment imposed under this title or the amendments made by this title shall run consecutively to any other sentence of imprisonment imposed for any other crime, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by 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) **GOVERNOR.**—The term “Governor” means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

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

(3) **INDIAN COUNTRY.**—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

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

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

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

(b) **HIGH INTENSITY GANG ACTIVITY AREAS.**—

(1) **DESIGNATION.**—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity gang activity areas, specific areas that are located within 1 or more States, which may consist of 1 or more municipalities, counties, or other jurisdictions as appropriate.

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

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

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

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

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved 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;

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

(vi) any other 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) to each high intensity gang activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

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

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

(F) provide all necessary funding for national and regional meetings of local collaborative working groups, criminal street gang enforcement teams, and educational, community, social service, faith-based, and all other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

(3) **COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.**—Each team established

under paragraph (2)(A)(i) shall consist of agents and officers, where feasible, from—

- (A) the Federal Bureau of Investigation;
- (B) the Drug Enforcement Administration;
- (C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (D) the United States Marshals Service;
- (E) the Department of Homeland Security;
- (F) the Department of Housing and Urban Development;
- (G) State, local, and, where appropriate, tribal law enforcement;
- (H) Federal, State, and local prosecutors; and
- (I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) **CRITERIA FOR DESIGNATION.**—In considering an area for designation as a high intensity gang activity area under this section, the Attorney General shall consider—

- (A) the current and predicted levels of gang crime activity in the area;
- (B) the extent to which qualitative and quantitative data indicate that violent crime in the area is related to criminal street gang activity, such as murder, robbery, assaults, carjacking, arson, kidnapping, extortion, drug trafficking, and other criminal activity;
- (C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies, schools, community groups, social service agencies, job agencies, faith-based organizations, and other organizations have committed resources to—

- (i) respond to the gang crime problem; and
- (ii) participate in a gang enforcement team;
- (D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and
- (E) any other criteria that the Attorney General considers to be appropriate.

(5) **RELATION TO HIDTAS.**—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a “HIDTA”), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—

(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select (with a preference for Federal, State, and local law enforcement agencies that are within the geographic area of that high intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds provided under subsection (g)(1) for the criminal street gang enforcement team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity gang activity area, the members of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and

(D) the Criminal Street Gang Enforcement Team of that high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it substantially overlaps, utilize the intelligence-sharing, administrative, and other resources of that HIDTA.

(c) **REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than December 1 of each year, the Attorney General shall submit a report to the appropriate committees of Congress and the Director of the Office of Management

and Budget and the Domestic Policy Council that describes, for each designated high intensity gang activity area—

- (A) the specific long-term and short-term goals and objectives;
- (B) the measurements used to evaluate the performance of the high intensity gang activity area in achieving the long-term and short-term goals;
- (C) the age, composition, and membership of gangs;
- (D) the number and nature of crimes committed by gangs and gang members;
- (E) the definition of the term “gang” used to compile that report; and
- (F) the programmatic outcomes and funding need of the high intensity gang area, including—

- (i) an evidence-based analysis of the best practices and outcomes from the work of the relevant local collaborative working group; and
- (ii) an analysis of whether Federal resources distributed meet the needs of the high intensity gang activity area and, if any programmatic funding shortfalls exist, recommendations for programs or funding to meet such shortfalls.

(2) **APPROPRIATE COMMITTEES.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on the Judiciary, the Committee on Appropriations, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(d) **ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS.**—The Attorney General is authorized to hire 94 additional Assistant United States attorneys, and nonattorney coordinators and paralegals as necessary, to carry out the provisions of this section.

(e) **ADDITIONAL DEFENSE COUNSEL.**—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts is authorized to hire 71 additional attorneys, nonattorney coordinators, and investigators, as necessary, in Federal Defender Programs and Federal Community Defender Organizations, and to make additional payments as necessary to retain appointed counsel under section 3006A of title 18, United States Code, to adequately respond to any increased or expanded caseloads that may occur as a result of this Act or the amendments made by this Act. Funding under this subsection shall not exceed the funding levels under subsection (d).

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

(1) **IN GENERAL.**—The Office of Justice Programs of the Department of Justice, after consulting with relevant law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the “Institute”).

(2) **ACTIVITIES.**—The Institute shall—

(A) promote and facilitate the implementation of data-driven, effective gang violence suppression, prevention, intervention, and reentry models, such as the Operation Ceasefire model, the Strategic Public Health Approach, the Gang Reduction Program, or any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(B) assist jurisdictions by conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that have objectives and data on how they reduce gang violence (including shootings and killings), using prevention, outreach, and community approaches, and that demonstrate the efficacy of these approaches; and

(C) provide and contract for technical assistance as needed in support of its mission.

(3) **NATIONAL CONFERENCE.**—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to reduce and prevent gang violence, and to teach and promote gang violence prevention, intervention, and reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement teams, and local collaborative working groups, including representatives of educational, community, religious, and social service organizations, and gang program and policy research evaluators.

(4) **NATIONAL DEMONSTRATION SITES.**—Not later than 120 days after the date of its formation, the Institute shall select appropriate HIGAA areas to serve as primary national demonstration sites, based on the nature, concentration, and distribution of various gang types, the jurisdiction’s established capacity to integrate prevention, intervention, re-entry and enforcement efforts, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to be linked to and receive evaluation, research, and technical assistance through the primary sites, as it may determine appropriate.

(5) **DISSEMINATION OF INFORMATION.**—Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information about methods to effectively reduce and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also create a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) **GANG INTERVENTION ACADEMIES.**—Not later than 6 months after the date of its formation, the Institute shall, either directly or through contracts with qualified nonprofit organizations, establish not less than 1 training academy, located in a high intensity gang activity area, to promote effective gang intervention and community policing. The purposes of an academy established under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

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

(8) **RESEARCH AGENDA.**—The Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions;

(B) how to foster and maximize the continuing impact of community moral voices in this context;

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS-13.

(9) **EVALUATION.**—The National Institute of Justice shall evaluate, on a continuing basis, comprehensive gang violence prevention, intervention, suppression, and reentry strategies supported by the Institute, and shall report the results of these evaluations by no later than October 1 each year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(10) **FUNDS.**—The Attorney General shall use not less than 3 percent, and not more than 5

percent, of the amounts made available under this section to establish and operate the Institute.

(g) **USE OF FUNDS.**—Of amounts made available to a local collaborative working group under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative effort—

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

(2) 50 percent shall be used—

(A) to provide 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 through—

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

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

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

(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2008 through 2012. Any funds made available under this subsection shall remain available until expended.

### SEC. 302. GANG PREVENTION GRANTS.

(a) **AUTHORITY TO MAKE GRANTS.**—The Office of Justice Programs of the Department of Justice may make grants, in accordance with such regulations as the Attorney General may prescribe, to States, units of local government, tribal governments, and qualified private entities, to develop community-based programs that provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth.

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

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) reducing gang involvement through non-violent and constructive activities, such as community service programs, development of non-violent conflict resolution skills, employment and legal assistance, family counseling, and other safe, community-based alternatives for high-risk youth;

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

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

(5) identifying and fostering protective factors that buffer children and adolescents from gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time nonviolent offenders facing alternative penalties, such as mandated participation in community service, restitution, counseling, and education and prevention programs;

(8) implementing regional, multidisciplinary approaches to combat gang violence through coordinated programs for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including regional gang task forces and regional crime mapping strategies that enhance focused prosecutions and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, and social workers.

(c) **GRANT REQUIREMENTS.**—

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

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

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

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

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(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

(5) such other information as the Attorney 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 2008 through 2012.

### SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT 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 Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) **ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.**—

(1) **IN GENERAL.**—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) **ENFORCEMENT.**—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe Neighborhoods/Firearms Violence Reduction program.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$20,000,000 for each of fiscal years 2008 through 2012 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

### SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

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

(b) **NATIONAL GANG ACTIVITY DATABASE.**—

(1) **IN GENERAL.**—The Attorney General shall establish a National Gang Activity Database to

be housed at and administered by the Department of Justice.

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

(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to disseminate aggregate statistical information to other members of the criminal justice system, community leaders, academics, and the public;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving and reducing gang-related crimes;

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

(i) identify gang members involved in crimes;

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

(iii) coordinate law enforcement response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence; and

(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(3) **USE OF RISS SECURE INTRANET.**—From amounts made available to carry out this section, the Attorney General shall provide the Regional Information Sharing Systems such sums as are necessary to use the secure intranet known as RISSNET to electronically connect existing gang information systems (including the RISSGang National Gang Database) with the National Gang Activity Database, thereby facilitating the automated information exchange of existing gang data by all connected systems without the need for additional databases or data replication.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General \$10,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

(2) **AVAILABILITY.**—Any amounts appropriated under paragraph (1) shall remain available until expended.

### SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME.

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

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

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

(3) by adding at the end the following:

“(5) to hire additional prosecutors to—

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

“(B) reduce backlogs; and

“(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors.”

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

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

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.”

**SEC. 306. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.**

(a) **EXPANSION.**—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: “The Administrator shall expand the number of sites receiving such grants from 4 to 12.”.

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

(1) by striking “There are authorized” and inserting the following:

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

(2) by adding at the end the following:

“(2) **AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.**—There are authorized to be appropriated to carry out the Mentoring Initiative for System Involved Youth Program under part E \$4,800,000 for each of fiscal years 2008 through 2012.”.

**SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.**

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

(b) **CERTAIN APPROACHES.**—Approaches under subsection (a) may include the following:

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

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

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

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

(c) **MATCHING FUNDS.**—

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

(2) **DETERMINATION OF AMOUNT CONTRIBUTED.**—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) **EVALUATION OF PROJECTS.**—

(1) **IN GENERAL.**—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

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

(A) agrees to conduct evaluations of the approach in accordance with the criteria established under paragraph (1);

(B) agrees to submit to the Attorney General reports describing the results of the evaluations, as the Attorney General determines to be appropriate; and

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

(e) **APPLICATION FOR GRANT.**—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including the agreements under subsections (c) and (d) and the plan under subsection (d)(2)(C)) as the Attorney General determines appropriate.

(f) **REPORT TO CONGRESS.**—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the approaches under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 to carry out this section for each of the fiscal years 2008 through 2012.

**SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SECTION.**

(a) **ESTABLISHMENT.**—

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

**“§570. Short-Term State Witness Protection Section**

“(a) **IN GENERAL.**—There is established in the United States Marshals Service a Short-Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor’s offices and the United States attorney for the District of Columbia.

“(b) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to—

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

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

“(2) **CALCULATION.**—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during 5-year period immediately preceding an application for protection.”.

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

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

(b) **GRANT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “eligible prosecutor’s office” means a State or local criminal prosecutor’s office or the United States attorney for the District of Columbia; and

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

(2) **GRANTS AUTHORIZED.**—

(A) **IN GENERAL.**—The Attorney General is authorized to make grants to eligible prosecutor’s offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) **ALLOCATION.**—Each eligible prosecutor’s office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including tattoo removal services); or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor’s office.

(3) **APPLICATION.**—

(A) **IN GENERAL.**—Each eligible prosecutor’s office desiring a grant under this subsection

shall submit an application to the Attorney 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 2008 through 2010.

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

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

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

**SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.**

(a) **STATE GRANTS.**—The Attorney General is authorized to make grants to States for projects involving—

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

(2) the investigation by State and local law enforcement agencies of family abduction cases;

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

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

(5) the flagging of school records.

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

(c) **DEFINITIONS.**—In this section:

(1) **FAMILY ABDUCTION.**—The term “family abduction” means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

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

(3) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 and 2010.



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

(a) *IN GENERAL.*—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) *CONTENTS.*—The study conducted under subsection (a) shall—

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

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

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

(1) include the findings of the Commission;

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

(3) make recommendations, if any.

(d) *REVISION OF GUIDELINES.*—If determined appropriate by the United States Sentencing Commission, after completing the study under subsection (a) the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors under this Act or the amendments made by this Act.

**SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAMPAIGN.**

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

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

(2) by inserting after subsection (j) the following:

“(k) *PREVENTION OF HEROIN ABUSE.*—

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

“(A) Heroin, and particularly the form known as ‘cheese heroin’ (a drug made by mixing black tar heroin with diphenhydramine), poses a significant and increasing threat to youth in the United States.

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

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

“(D) The number of arrests involving possession of cheese heroin in the Dallas area during the 2006–2007 school year increased over 60 percent from the previous school year.

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

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

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

“(2) *PREVENTION OF HEROIN ABUSE.*—In conducting advertising and activities otherwise authorized under this section, the Director shall promote prevention of youth heroin use, including cheese heroin.”

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

(a) *IN GENERAL.*—The National District Attorneys Association may use the services of the National Advocacy Center in Columbia, South Carolina to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State

and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

(b) *TRAINING.*—The National Advocacy Center in Columbia, South Carolina may provide comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Attorney General to carry out this section \$6,500,000, to remain available until expended, for fiscal years 2008 through 2011.

**TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES****SEC. 401. SHORT TITLE.**

This title may be cited as the “Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007” 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 title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

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

**SEC. 403. DEFINITIONS.**

In this title, the following definitions shall apply:

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

(2) *RIGOROUS EVIDENCE.*—The term “rigorous evidence” means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

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

(A) Family and community settings (including public health-based strategies).

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

(C) School settings (including antigang and general anti-violence strategies).

(4) *TOP-TIER.*—The term “top-tier” means any strategy supported by rigorous evidence of the sizeable, sustained benefits to participants in the strategy or to society.

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

(a) *ESTABLISHMENT.*—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) *MEMBERS.*—

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

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

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

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) *PERSONS ELIGIBLE.*—

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

(B) *REQUIRED REPRESENTATIVES.*—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

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

(3) *CONSULTATION REQUIRED.*—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

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

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

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

(7) *EX OFFICIO MEMBERS.*—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) *OPERATION.*—

(1) *CHAIRPERSON.*—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of 2/3 of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of 2/3 of the members of the Commission.

(2) *MEETINGS.*—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) *QUORUM.*—A majority of the members of the Commission shall constitute a quorum to

conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

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

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

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

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

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

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

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

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

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

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

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

(i) the President;

(ii) Congress;

(iii) the Attorney General;

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

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

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

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

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

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 405.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

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

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 405, the Commission shall collect the results of the study of the effectiveness of that grant under section 405(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 405 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 405 shall be carried out by—

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

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 405,

at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 405, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

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

(D) the type and design of the effectiveness study conducted under section 405(b)(3) for that strategy;

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

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 405(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

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

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

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

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of  $\frac{2}{3}$  of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a  $\frac{2}{3}$  affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

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

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

(k) **TERMINATION.**—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

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

**SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.**

(a) **GRANTS AUTHORIZED.**—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) **GRANT DISTRIBUTION.**—

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

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

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

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

(3) **EVALUATION SET-ASIDE.**—

(A) **IN GENERAL.**—A grantee shall use not less than \$300,000 and not more than \$700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) **METHODOLOGY OF STUDY.**—

(i) **IN GENERAL.**—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) **CRITERIA.**—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

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

(iii) **APPROVAL.**—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

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

(5) **TYPE OF GRANTS.**—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 404(f) shall be considered.

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

(c) **DEDICATED STAFF.**—

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

(2) **STUDY OVERSIGHT.**—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) **LIAISON.**—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

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

(e) **COOPERATION WITH THE COMMISSION.**—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

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

Mr. LEAHY. Mr. President, today the Senate considers The Gang Abatement and Prevention Act of 2007, a bill concerned with the Nation's growing gang problem. I want to thank Senator FEINSTEIN for her tireless work on this issue over many years and, in particular, for working diligently with me to address my concerns and to formulate what I hope we all agree is an even better gang bill.

Violent crime in America is again on the rise. This troubling news is in my view at least in part the result of the Bush administration's failure to heed the lessons learned from our successful fight against violent crime in the 1990s. Congress and the Clinton administration provided significant new funding to strengthen State and local law enforcement and supported programs to prevent gang and youth violence. Our efforts worked. Studies have repeatedly shown that, violent crime and gang offenses steadily dropped to historic lows. But the Bush administration chose a different course, and, despite warnings from me and others, has repeatedly cut funding for State and local cops on the beat and community programs targeting the prevention of youth crime.

I hope that this bill will be part of a return to productive law enforcement strategies that worked so well in the past. I share the views expressed at the hearing in June by Los Angeles Police Chief William J. Bratton that "we can't arrest our way out of our gang crime problem." As those who have worked on this issue for years know all too well, we must match our commitment to law enforcement with an equal commitment to intervention and prevention as a means of curbing gang violence. Neither strategy works without the other, and I believe, as so many law enforcement and civil leaders do, that any legislative proposal to address gang violence must focus on new means to prevent youth and gang violence. I am glad that Senator FEINSTEIN's bill now reflects these priorities.

The Gang Abatement and Prevention Act of 2007 represents a significant improvement over earlier gang legislation. It does not contain the death penalties, mandatory minimums, and ex-

pansive juvenile transfer provisions that were among my strongest objections to some past proposals. Further, Senator FEINSTEIN has worked with me and others to ensure that this bill will provide some of the resources necessary to reverse the policies of this administration, which have neglected the officers who combat gang violence on a daily basis and the organizations that work to keep children out of gangs. I particularly appreciate provisions in the bill to provide up to \$1 billion over 10 years to support collaborative law enforcement and community prevention efforts, with a significant portion of that amount going to civic groups for innovative prevention programs that truly work to reduce gang violence.

I have long said that I don't believe that sweeping new Federal crimes, which federalize the kind of street crime that States have traditionally addressed and can handle with the right resources and assistance, are the right way to go. The bill still contains more emphasis on federalizing crime and mandating sentences than I would like. But I have tried to work with Senator FEINSTEIN to reduce its impact on the sphere of criminal law traditionally handled by the States and to focus on the most serious offenders and conduct, for which Federal attention is needed. I also appreciate Senator FEINSTEIN and Senator SCHUMER working with Senator WHITEHOUSE and me to ensure that small States such as Rhode Island and Vermont could be eligible under the bill to receive crucially important witness protection grants.

We all care deeply about eradicating gang violence, and we must work together to create a comprehensive solution to this troubling, persistent problem. I hope that this bill will be a step toward reversing the mistakes of the Bush administration and reinvigorating our efforts to provide Federal support for those who combat gang violence every day and to protect those who are its victims.

Mr. HATCH. I rise today to congratulate my fellow Senators on the passage of the Gang Abatement and Prevention Act of 2007. This vital legislation makes important changes to the federal criminal code which will allow a more effective response to the ever growing threat that violent street gangs present to our society.

Americans are acutely aware of the myriad problems brought about by the influence and prevalence of criminal gangs in this country. I have long shared this concern, and introduced legislation over 10 years ago that attempted to address the problem. Senator FEINSTEIN joined me in that effort, and since that time has pursued this matter with a vigor and tenacity that should make the residents of California proud. I want to offer my heartfelt congratulations and appreciation to Senator FEINSTEIN for her tireless efforts in sponsoring this bill, and am pleased that our combined efforts over the

years have brought us one step closer to having this legislation signed into law.

I believe that all members of the Senate share their constituents' desire to see a diminished role of gangs and associated violence in our communities. The question is very simple: How do we achieve this goal?

The prevailing thought is to either modify the criminal code or provide financial assistance that enhances procedures and programs that have been proven to effectively reduce gang participation. The bill that passed today does both of these things, and it is my hope that the vital tools in this initiative can be utilized by state and local personnel to provide for a greatly diminished threat from criminal street gangs.

One thing I want to make perfectly clear is that my involvement with this issue does not diminish my concerns with the federalization of crimes. I want to read a few sentences I said on the Senate Floor in 1996 when introducing the Federal Gang Violence Act of 1996: "Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play."

I said this in 1996, and my thoughts have not changed. The federal government too many times hands out money like a broken ATM, subsidizing projects that are more appropriately left to the states. However, the fact that Gangs have operations which spread throughout our country necessitates a federal law enforcement response. I am confident that Americans would approve of their tax dollars being effectively utilized in attempts to reduce gangs and criminal activity, and provide a safer environment for their families.

The young people who join criminal gangs have made an unfortunate choice to squander all of the opportunities available in their life, opportunities which are abundant in our great nation. But even worse, their choice to

participate in violent gang crimes put the lives of innocent Americans in danger. The same innocent people who have rightly chosen to live their life in a productive manner benefiting fellow citizens.

Numerous cities in my home state of Utah, such as Orem, St. George, and Provo are facing an increase in gang activity. National gangs, like MS-13, are expanding their presence in Utah. Law enforcement is also reporting an increase in gang members relocating from areas of Southern California. It is vital that we provide immediate assistance to cities that are in the beginning stages of a battle with highly sophisticated national gangs. If a city can't deal with this problem swiftly and severely, then the gangs will fester like a disease, amplifying to an unmanageable level. We have seen this throughout the country, and I am dedicated to ensure that the cities in Utah and other states receive appropriate and necessary assistance from Congress to increase community prevention efforts.

I applaud the efforts of lawmakers whose tireless efforts produced this bill, and am hopeful that the funds provided for prevention and mentoring can be utilized to help negate the persistent efforts of gangs to augment their ranks with additional kids. Life provides many choices, and I hope that our youth will find the strength and courage to resist the gang lifestyle.

I recognize that there is no mechanism which can easily remove the scourge of criminal gangs, but am confident that this bill will provide resources which can enhance and amplify the efforts of dedicated personnel who endeavor to bestow positive influence to our communities.

Mr. CASEY. Mr. President, I ask unanimous consent that the committee substitute amendment be considered; the Feinstein-Hatch amendment, which is at the desk, be agreed to; the committee substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3022) was agreed to, as follows:

Strike section 215.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 456), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

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#### ORDERS FOR MONDAY, SEPTEMBER 24, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, September 24; that on Monday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Senator BYRD recognized for 25 minutes of the majority's time, and the Republicans controlling the final portion; that at 3 p.m. the Senate proceed to the consideration of the conference report to accompany H.R. 1495, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 2007, AT 2 P.M.

Mr. CASEY. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:24 p.m., adjourned until Monday, September 24, 2007, at 2 p.m.

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#### NOMINATIONS

Executive nomination received by the Senate :

##### DEPARTMENT OF JUSTICE

MICHAEL B. MUKASEY, OF NEW YORK, TO BE ATTORNEY GENERAL, VICE ALBERTO R. GONZALES, RESIGNED.