

103^D CONGRESS
2^D SESSION

H. R. 3355

**AMENDMENTS
TO
SENATE AMENDMENT**

In the House of Representatives, U. S.,

April 21, 1994.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3355) entitled “An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety”, with the following

AMENDMENTS:

In lieu of the matter inserted by said amendment, insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Violent Crime Control*
3 *and Law Enforcement Act of 1994”.*

4 ***SEC. 2. TABLE OF TITLES.***

5 *The following is the table of titles for this Act:*

TITLE I—VICTIMS OF CRIME

TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

TITLE III—ASSAULTS AGAINST CHILDREN

TITLE IV—CONSUMER PROTECTION

TITLE V—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

TITLE VI—VIOLENT OFFENDER INCARCERATION

TITLE VII—DEATH PENALTY

TITLE VIII—TRUTH IN SENTENCING

TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE

TITLE XI—YOUTH VIOLENCE

TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994

TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

TITLE XIV—COMMUNITY POLICING

TITLE XV—DNA IDENTIFICATION

TITLE XVI—VIOLENCE AGAINST WOMEN

TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT

TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

TITLE XIX—YOUTH HANDGUN SAFETY

TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

TITLE XXIV—IMMIGRATION RELATED PROVISIONS AND CRIMINAL ALIENS

TITLE XXV—RURAL CRIME

TITLE XXVI—COMMISSION ON CRIME AND VIOLENCE

TITLE XXVII—POLICE CORPS AND LAW ENFORCEMENT
SCHOLARSHIP ACT

TITLE XXVIII—NATIONAL STALKER AND DOMESTIC VIOLENCE
REDUCTION

TITLE XXIX—PROTECTING THE PRIVACY OF INFORMATION IN
STATE MOTOR VEHICLE RECORDS

TITLE XXX—MISCELLANEOUS

1 **TITLE I—VICTIMS OF CRIME**

2 **Subtitle A—Victims of Crime**

3 **SEC. 101. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

4 *Rule 32 of the Federal Rules of Criminal Procedure*
5 *is amended by—*

6 (1) *striking “and” following the semicolon in*
7 *subdivision (a)(1)(B);*

8 (2) *striking the period at the end of subdivision*
9 *(a)(1)(C) and inserting in lieu thereof “; and”;*

10 (3) *inserting after subdivision (a)(1)(C) the*
11 *following:*

12 *“(D) if sentence is to be imposed for a crime*
13 *of violence or sexual abuse, address the victim*
14 *personally if the victim is present at the sentenc-*
15 *ing hearing and determine if the victim wishes*
16 *to make a statement and to present any informa-*
17 *tion in relation to the sentence.”;*

18 (4) *in the second to last sentence of subdivision*
19 *(a)(1), striking “equivalent opportunity” and insert-*
20 *ing in lieu thereof “opportunity equivalent to that of*
21 *the defendant’s counsel”;*

1 (5) *in the last sentence of subdivision (a)(1) in-*
2 *serting “the victim,” before “or the attorney for the*
3 *Government.”; and*

4 (6) *adding at the end the following:*

5 “(f) *DEFINITIONS.—For purposes of this rule—*

6 “(1) *‘victim’ means any individual against*
7 *whom an offense for which a sentence is to be imposed*
8 *has been committed, but the right of allocution under*
9 *subdivision (a)(1)(D) may be exercised instead by—*

10 “(A) *a parent or legal guardian in case the*
11 *victim is below the age of eighteen years or in-*
12 *competent; or*

13 “(B) *one or more family members or rel-*
14 *atives designated by the court in case the victim*
15 *is deceased or incapacitated;*

16 *if such person or persons are present at the sentencing*
17 *hearing, regardless of whether the victim is present;*
18 *and*

19 “(2) *‘crime of violence or sexual abuse’ means a*
20 *crime that involved the use or attempted or threatened*
21 *use of physical force against the person or property*
22 *of another, or a crime under chapter 109A of title 18,*
23 *United States Code.”.*

1 **Subtitle B—Crime Victims’ Fund**

2 **SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.**

3 (a) *GENERALLY.*—Section 1402(d) of the Victims of
4 *Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—*

5 (1) *striking paragraph (2) and inserting the*
6 *following:*

7 “(2) *the next \$10,000,000 deposited in the Fund*
8 *shall be available for grants under section 1404A.*”;

9 (2) *striking paragraph (3) and inserting the*
10 *following:*

11 “(3) *Of the remaining amount deposited in the*
12 *Fund in a particular fiscal year—*

13 “(A) *48 percent shall be available for grants*
14 *under section 1403;*

15 “(B) *48 percent shall be available for grants*
16 *under section 1404(a); and*

17 “(C) *4 percent shall be available for grants*
18 *under section 1404(c).*”;

19 (3) *striking paragraph (4) and inserting the*
20 *following:*

21 “(4) *The Director may retain any portion of the*
22 *Fund that was deposited during a fiscal year that is*
23 *in excess of 110 percent of the total amount deposited*
24 *in the Fund during the preceding fiscal year as a re-*
25 *serve for use in a year in which the Fund falls below*

1 *the amount available in the previous year. Such re-*
2 *serve may not exceed \$20,000,000.”; and*

3 *(4) striking paragraph (5).*

4 *(b) CONFORMING CROSS REFERENCE.—Section*
5 *1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C.*
6 *10601(g)(1)) is amended by striking “(d)(2)(D)” and in-*
7 *serting “(d)(2)”.*

8 *(c) AMOUNTS AWARDED AND UNSPENT.—Section*
9 *1402(e) of the Victims of Crime Act of 1984 (42 U.S.C.*
10 *10601(e)) is amended to read as follows:*

11 *“(e) AMOUNTS AWARDED AND UNSPENT.—Any sums*
12 *awarded as part of a grant under this chapter that remain*
13 *unspent at the end of a fiscal year in which such grant*
14 *is made may be expended for the purposes for which such*
15 *grant is made at any time during the next succeeding 2*
16 *fiscal years, at the end of which year any remaining unobli-*
17 *gated funds shall be returned to the Fund.”.*

18 **SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSATION**

19 **TO CERTAIN FEDERAL PROGRAMS.**

20 *Section 1403 of the Victims of Crime Act of 1984 (42*
21 *U.S.C. 10602) is amended by adding at the end the*
22 *following:*

23 *“(e) Notwithstanding any other provision of law, if the*
24 *compensation paid by an eligible crime victim compensa-*
25 *tion program would cover costs that a Federal program,*

1 *or a federally financed State or local program, would other-*
2 *wise pay, then—*

3 *“(1) such crime victim compensation program*
4 *shall not pay that compensation; and*

5 *“(2) the other program shall make its payments*
6 *without regard to the existence of the crime victim*
7 *compensation program.”.*

8 **SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**
9 **PENSATION.**

10 *(a) CREATION OF EXCEPTION.—The final sentence of*
11 *section 1403(a)(1) of the Victims of Crime Act of 1984 (42*
12 *U.S.C. 10602(a)(1)) is amended by striking “A grant” and*
13 *inserting “Except as provided in paragraph (3), a grant”.*

14 *(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a)*
15 *of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a))*
16 *is amended by adding at the end the following new para-*
17 *graph:*

18 *“(3) Not more than 5 percent of a grant made under*
19 *this section may be used for the administration of the State*
20 *crime victim compensation program receiving the grant.”.*

21 **SEC. 114. GRANTS FOR DEMONSTRATION PROJECTS.**

22 *Section 1404(c)(1)(A) of the Victims of Crime Act of*
23 *1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting*
24 *“demonstration projects and” before “training”.*

1 **SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM**
2 **ASSISTANCE.**

3 (a) *CREATION OF EXCEPTION.*—Section 1404(b)(2) of
4 the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2))
5 is amended by striking “An eligible” and inserting “Except
6 as provided in paragraph (3), an eligible”.

7 (b) *REQUIREMENTS OF EXCEPTION.*—Section 1404(b)
8 of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b))
9 is amended by adding at the end the following new sub-
10 section:

11 “(3) Not more than 5 percent of sums received under
12 subsection (a) may be used for the administration of the
13 State crime victim assistance program receiving such
14 sums.”.

15 **SEC. 116. MAINTENANCE OF EFFORT.**

16 Section 1407 of the Victims of Crime Act of 1984 (42
17 U.S.C. 10604) is amended by adding at the end the follow-
18 ing new subsection:

19 “(h) Each entity receiving sums made available under
20 this Act for administrative purposes shall certify that such
21 sums will not be used to supplant State or local funds, but
22 will be used to increase the amount of such funds that
23 would, in the absence of Federal funds, be made available
24 for these purposes.”.

1 **SEC. 117. CHANGE OF DUE DATE FOR REQUIRED REPORT.**

2 *Section 1407(g) of the Victims of Crime Act of 1984*
3 *(42 U.S.C. 10604(g)) is amended by striking “and on De-*
4 *cember 31 every two years thereafter”, and inserting “and*
5 *on June 30 every two years thereafter”.*

6 ***Subtitle C—Report on Battered***
7 ***Women’s Syndrome***

8 **SEC. 121. REPORT ON BATTERED WOMEN’S SYNDROME.**

9 *(a) REPORT.—Not less than 1 year after the date of*
10 *enactment of this Act, the Attorney General and the Sec-*
11 *retary of Health and Human Services shall transmit to the*
12 *House Committee on Energy and Commerce, the Senate*
13 *Committee on Labor and Human Resources, and the Com-*
14 *mittees on the Judiciary of the Senate and the House of*
15 *Representatives a report on the medical and psychological*
16 *basis of “battered women’s syndrome” and on the extent to*
17 *which evidence of the syndrome has been considered in a*
18 *criminal trial.*

19 *(b) COMPONENTS OF THE REPORT.—The report de-*
20 *scribed in subsection (a) shall include—*

21 *(1) medical and psychological testimony on the*
22 *validity of battered women’s syndrome as a psycho-*
23 *logical condition;*

24 *(2) a compilation of State and Federal court*
25 *cases in which evidence of battered women’s syndrome*
26 *was offered in criminal trials; and*

1 (3) *an assessment by State and Federal judges,*
2 *prosecutors, and defense attorneys of the effects that*
3 *evidence of battered women’s syndrome may have in*
4 *criminal trials.*

5 ***TITLE II—APPLICABILITY OF***
6 ***MANDATORY MINIMUM PEN-***
7 ***ALTIES IN CERTAIN CASES***

8 ***SEC. 201. LIMITATION ON APPLICABILITY OF MANDATORY***
9 ***MINIMUM PENALTIES IN CERTAIN CASES.***

10 (a) *IN GENERAL.*—Section 3553 of title 18, United
11 States Code, is amended by adding at the end the following:

12 “(f) *LIMITATION ON APPLICABILITY OF STATUTORY*
13 *MINIMUMS IN CERTAIN CASES.*—Notwithstanding any
14 other provision of law, in the case of an offense under sec-
15 tion 401, 404, or 406 of the Controlled Substances Act or
16 section 1010 or 1013 of the Controlled Substances Import
17 and Export Act, the court shall impose a sentence pursuant
18 to guidelines established by the United States Sentencing
19 Commission, without regard to any statutory minimum
20 sentence, if the court finds at sentencing that—

21 “(1) *the defendant does not have more than 1*
22 *criminal history point under the United States Sen-*
23 *tencing Commission Guidelines Manual;*

24 “(2) *the defendant did not use violence or credi-*
25 *ble threats of violence or possess a firearm or other*

1 *dangerous weapon (or induce another participant to*
2 *do so) in connection with the offense;*

3 *“(3) the offense did not result in death or serious*
4 *bodily injury to any person;*

5 *“(4) the defendant was not an organizer, leader,*
6 *manager, or supervisor of others (as determined under*
7 *the United States Sentencing Commission Guidelines*
8 *Manual) in the offense; and*

9 *“(5) no later than the time of the sentencing*
10 *hearing, the defendant has provided to the Govern-*
11 *ment all information the defendant has concerning*
12 *the offense or offenses that were part of the same*
13 *course of conduct or of a common scheme or plan. The*
14 *fact that the defendant has no relevant or useful other*
15 *information to provide shall not preclude or require*
16 *a determination by the court that the defendant has*
17 *complied with this requirement.”.*

18 *(b) SENTENCING COMMISSION AUTHORITY.—*

19 *(1) IN GENERAL.—The United States Sentencing*
20 *Commission (hereinafter in this section referred to as*
21 *the “Commission”) may—*

22 *(A) make such amendments as the Commis-*
23 *sion deems necessary to harmonize the sentencing*
24 *guidelines and policy statements with this sec-*

1 tion and the amendment made by this section;
2 and

3 (B) promulgate policy statements to assist
4 in the application of this section and that
5 amendment.

6 (2) *PROCEDURES.*—If the Commission deter-
7 mines it is necessary to do so in order that the
8 amendments made under paragraph (1) may take ef-
9 fect on the effective date of the amendment made by
10 subsection (a), the Commission may promulgate the
11 amendments made under paragraph (1) in accord-
12 ance with the procedures set forth in section 21(a) of
13 the Sentencing Act of 1987, as though the authority
14 under that section had not expired.

15 (c) *EFFECTIVE DATE AND APPLICATION.*—The amend-
16 ment made by subsection (a) shall apply to all sentences
17 imposed on or after the 10th day beginning after the date
18 of the enactment of this Act.

19 **SEC. 202. DIRECTION TO SENTENCING COMMISSION.**

20 The United States Sentencing Commission shall pro-
21 mulgate sentencing guidelines or amend existing sentencing
22 guidelines with respect to cases where statutory minimum
23 sentences would apply but for section 3553(f) of title 18,
24 United States Code, to carry out the purposes of such sec-
25 tion, so that the lowest sentence in the guideline range is

1 *not less than 2 years in those cases where a 5-year mini-*
2 *mum would otherwise apply.*

3 **SEC. 203. SPECIAL RULE.**

4 *For the purpose of section 3582(c)(2) of title 18,*
5 *United States Code, with respect to a prisoner the court*
6 *determines has demonstrated good behavior while in prison,*
7 *the changes in sentencing made as a result of this Act shall*
8 *be deemed to be changes in the sentencing ranges by the*
9 *Sentencing Commission pursuant to section 994(o) of title*
10 *28, United States Code.*

11 **TITLE III—ASSAULTS AGAINST**
12 **CHILDREN**

13 **SEC. 301. ASSAULTS AGAINST CHILDREN.**

14 *(a) SIMPLE ASSAULT.—Section 113(e) of title 18,*
15 *United States Code, is amended by striking “by fine” and*
16 *all that follows through the period and inserting “—*

17 *“(A) if the victim of the assault is an individual*
18 *who has not attained the age of 16 years, by a fine*
19 *under this title or imprisonment for not more than*
20 *one year, or both; and*

21 *“(B) by a fine under this title or imprisonment*
22 *for not more than three months, or both, in any other*
23 *case.”.*

1 (b) *ASSAULTS RESULTING IN SUBSTANTIAL BODILY*
2 *INJURY.*—Section 113 of title 18, United States Code, is
3 amended by adding at the end the following:

4 “(7) Assault resulting in substantial bodily in-
5 jury to an individual who has not attained the age
6 of 16 years, by a fine under this title or imprison-
7 ment for not more than 5 years, or both.”.

8 (c) *TECHNICAL AND STYLISTIC CHANGES TO SECTION*
9 *113.*—Section 113 of title 18, United States Code, is
10 amended—

11 (1) in paragraph (b), by striking “of not more
12 than \$3,000” and inserting “under this title”;

13 (2) in paragraph (c), by striking “of not more
14 than \$1,000” and inserting “under this title”;

15 (3) in paragraph (d), by striking “of not more
16 than \$500” and inserting “under this title”;

17 (4) by modifying the left margin of each of para-
18 graphs (a) through (f) so that they are indented 2
19 ems;

20 (5) by redesignating paragraphs (a) through (f)
21 as paragraphs (1) through (6); and

22 (6) by inserting “(a)” before “Whoever”.

23 (d) *DEFINITIONS.*—Section 113 of title 18, United
24 States Code, is amended by adding at the end the following:

25 “(b) As used in this subsection—

1 “(1) the term ‘substantial bodily injury’ means
2 *bodily injury which involves—*

3 “(A) a temporary but substantial disfigure-
4 *ment; or*

5 “(B) a temporary but substantial loss or
6 *impairment of the function of any bodily mem-
7 ber, organ, or mental faculty; and*

8 “(2) the term ‘serious bodily injury’ has the
9 *meaning given that term in section 1365 of this
10 title.”.*

11 (e) *ASSAULTS IN INDIAN COUNTRY.—Section 1153(a)*
12 *of title 18, United States Code, is amended by inserting*
13 *“(as defined in section 1365 of this title), an assault against*
14 *an individual who has not attained the age of 16 years”*
15 *after “serious bodily injury”.*

16 ***TITLE IV—CONSUMER***
17 ***PROTECTION***

18 ***SEC. 401. CRIMES BY OR AFFECTING PERSONS ENGAGED IN***
19 ***THE BUSINESS OF INSURANCE WHOSE AC-***
20 ***TIVITIES AFFECT INTERSTATE COMMERCE.***

21 (a) *IN GENERAL.—Chapter 47 of title 18, United*
22 *States Code, is amended by adding at the end thereof the*
23 *following new sections:*

1 **“§1033. Crimes by or affecting persons engaged in the**
2 **business of insurance whose activities af-**
3 **fect interstate commerce**

4 “(a)(1) *Whoever is engaged in the business of insur-*
5 *ance whose activities affect interstate commerce and know-*
6 *ingly, with the intent to deceive, makes any false material*
7 *statement or report or willfully and materially overvalues*
8 *any land, property or security—*

9 “(A) *in connection with any financial reports or*
10 *documents presented to any insurance regulatory offi-*
11 *cial or agency or an agent or examiner appointed by*
12 *such official or agency to examine the affairs of such*
13 *person, and*

14 “(B) *for the purpose of influencing the actions of*
15 *such official or agency or such an appointed agent or*
16 *examiner,*
17 *shall be punished as provided in paragraph (2).*

18 “(2) *The punishment for an offense under paragraph*
19 *(1) is a fine as established under this title or imprisonment*
20 *for not more than 10 years, or both, except that the term*
21 *of imprisonment shall be not more than 15 years if the*
22 *statement or report or overvaluing of land, property, or se-*
23 *curity jeopardized the safety and soundness of an insurer*
24 *and was a significant cause of such insurer being placed*
25 *in conservation, rehabilitation, or liquidation by an appro-*
26 *priate court.*

1 “(b)(1) Whoever—

2 “(A) acting as, or being an officer, director,
3 agent, or employee of, any person engaged in the busi-
4 ness of insurance whose activities affect interstate
5 commerce, or

6 “(B) is engaged in the business of insurance
7 whose activities affect interstate commerce or is in-
8 volved (other than as an insured or beneficiary under
9 a policy of insurance) in a transaction relating to the
10 conduct of affairs of such a business,

11 willfully embezzles, abstracts, purloins, or misappropriates
12 any of the moneys, funds, premiums, credits, or other prop-
13 erty of such person so engaged shall be punished as provided
14 in paragraph (2).

15 “(2) The punishment for an offense under paragraph
16 (1) is a fine as provided under this title or imprisonment
17 for not more than 10 years, or both, except that if such
18 embezzlement, abstraction, purloining, or misappropriation
19 described in paragraph (1) jeopardized the safety and
20 soundness of an insurer and was a significant cause of such
21 insurer being placed in conservation, rehabilitation, or liq-
22 uidation by an appropriate court, such imprisonment shall
23 be not more than 15 years. If the amount or value so embez-
24 zled, abstracted, purloined, or misappropriated does not ex-
25 ceed \$5,000, whoever violates paragraph (1) shall be fined

1 *as provided in this title or imprisoned not more than one*
2 *year, or both.*

3 “(c)(1) *Whoever is engaged in the business of insurance*
4 *and whose activities affect interstate commerce or is in-*
5 *volved (other than as an insured or beneficiary under a pol-*
6 *icy of insurance) in a transaction relating to the conduct*
7 *of affairs of such a business, knowingly makes any false*
8 *entry of material fact in any book, report, or statement of*
9 *such person engaged in the business of insurance with in-*
10 *tent to deceive any person, including any officer, employee,*
11 *or agent of such person engaged in the business of insur-*
12 *ance, any insurance regulatory official or agency, or any*
13 *agent or examiner appointed by such official or agency to*
14 *examine the affairs of such person, about the financial con-*
15 *dition or solvency of such business shall be punished as pro-*
16 *vided in paragraph (2).*

17 “(2) *The punishment for an offense under paragraph*
18 *(1) is a fine as provided under this title or imprisonment*
19 *for not more than 10 years, or both, except that if the false*
20 *entry in any book, report, or statement of such person jeop-*
21 *ardized the safety and soundness of an insurer and was a*
22 *significant cause of such insurer being placed in conserva-*
23 *tion, rehabilitation, or liquidation by an appropriate court,*
24 *such imprisonment shall be not more than 15 years.*

1 “(d) Whoever, by threats or force or by any threatening
2 letter or communication, corruptly influences, obstructs, or
3 impedes or endeavors corruptly to influence, obstruct, or
4 impede the due and proper administration of the law under
5 which any proceeding involving the business of insurance
6 whose activities affect interstate commerce is pending before
7 any insurance regulatory official or agency or any agent
8 or examiner appointed by such official or agency to exam-
9 ine the affairs of a person engaged in the business of insur-
10 ance whose activities affect interstate commerce, shall be
11 fined as provided in this title or imprisoned not more than
12 10 years, or both.

13 “(e)(1)(A) Any individual who has been convicted of
14 any criminal felony involving dishonesty or a breach of
15 trust, or who has been convicted of an offense under this
16 section, and who willfully engages in the business of insur-
17 ance whose activities affect interstate commerce or partici-
18 pates in such business, shall be fined as provided in this
19 title or imprisoned not more than 5 years, or both.

20 “(B) Any individual who is engaged in the business
21 of insurance whose activities affect interstate commerce and
22 who willfully permits the participation described in sub-
23 paragraph (A) shall be fined as provided in this title or
24 imprisoned not more than 5 years, or both.

1 “(2) A person described in paragraph (1)(A) may en-
2 gage in the business of insurance or participate in such
3 business if such person has the written consent of any insur-
4 ance regulatory official authorized to regulate the insurer,
5 which consent specifically refers to this subsection.

6 “(f) As used in this section—

7 “(1) the term ‘business of insurance’ means—

8 “(A) the writing of insurance, or

9 “(B) the reinsuring of risks,

10 by an insurer, including all acts necessary or inci-
11 dental to such writing or reinsuring and the activities
12 of persons who act as, or are, officers, directors,
13 agents, or employees of insurers or who are other per-
14 sons authorized to act on behalf of such persons;

15 “(2) the term ‘insurer’ means any entity the
16 business activity of which is the writing of insurance
17 or the reinsuring of risks, and includes any person
18 who acts as, or is, an officer, director, agent, or em-
19 ployee of that business;

20 “(3) the term ‘interstate commerce’ means—

21 “(A) commerce within the District of Co-
22 lumbia, or any territory or possession of the
23 United States;

1 “(B) all commerce between any point in the
2 State, territory, possession, or the District of Co-
3 lumbia and any point outside thereof;

4 “(C) all commerce between points within
5 the same State through any place outside such
6 State; or

7 “(D) all other commerce over which the
8 United States has jurisdiction; and

9 “(4) the term ‘State’ includes any State, the Dis-
10 trict of Columbia, the Commonwealth of Puerto Rico,
11 the Northern Mariana Islands, the Virgin Islands,
12 American Samoa, and the Trust Territory of the
13 Pacific Islands.

14 **“§ 1034. Civil penalties and injunctions for violations**
15 **of section 1033**

16 “(a) The Attorney General may bring a civil action
17 in the appropriate United States district court against any
18 person who engages in conduct constituting an offense
19 under section 1033 and, upon proof of such conduct by a
20 preponderance of the evidence, such person shall be subject
21 to a civil penalty of not more than \$50,000 for each viola-
22 tion or the amount of compensation which the person re-
23 ceived or offered for the prohibited conduct, whichever
24 amount is greater. If the offense has contributed to the deci-
25 sion of a court of appropriate jurisdiction to issue an order

1 *directing the conservation, rehabilitation, or liquidation of*
2 *an insurer, such penalty shall be remitted to the appro-*
3 *priate regulatory official for the benefit of the policyholders,*
4 *claimants, and creditors of such insurer. The imposition of*
5 *a civil penalty under this subsection does not preclude any*
6 *other criminal or civil statutory, common law, or adminis-*
7 *trative remedy, which is available by law to the United*
8 *States or any other person.*

9 “(b) If the Attorney General has reason to believe that
10 a person is engaged in conduct constituting an offense
11 under section 1033, the Attorney General may petition an
12 appropriate United States district court for an order pro-
13 hibiting that person from engaging in such conduct. The
14 court may issue an order prohibiting that person from en-
15 gaging in such conduct if the court finds that the conduct
16 constitutes such an offense. The filing of a petition under
17 this section does not preclude any other remedy which is
18 available by law to the United States or any other person.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections for
20 chapter 47 of such title is amended by adding at the end
21 the following new items:

“1033. Crimes by or affecting persons engaged in the business of insurance whose
activities affect interstate commerce.

“1034. Civil penalties and injunctions for violations of section 1033.”.

1 **SEC. 402. MISCELLANEOUS AMENDMENTS TO TITLE 18,**
2 **UNITED STATES CODE.**

3 (a) *TAMPERING WITH INSURANCE REGULATORY PRO-*
4 *CEEDINGS.*—Section 1515(a)(1) of title 18, United States
5 Code, is amended—

6 (1) by striking “or” at the end of subparagraph
7 (B);

8 (2) by inserting “or” at the end of subparagraph
9 (C); and

10 (3) by adding at the end thereof the following
11 new subparagraph:

12 “(D) a proceeding involving the business of
13 insurance whose activities affect interstate com-
14 merce before any insurance regulatory official or
15 agency or any agent or examiner appointed by
16 such official or agency to examine the affairs of
17 any person engaged in the business of insurance
18 whose activities affect interstate commerce; or”.

19 (b) *LIMITATIONS.*—Section 3293 of such title is
20 amended by inserting “1033,” after “1014,”.

21 (c) *OBSTRUCTION OF CRIMINAL INVESTIGATIONS.*—
22 Section 1510 of title 18, United States Code, is amended
23 by adding at the end the following new subsection:

24 “(d)(1) Whoever—

25 “(A) acting as, or being, an officer, director,
26 agent or employee of a person engaged in the business

1 *of insurance whose activities affect interstate com-*
2 *merce, or*

3 *“(B) is engaged in the business of insurance*
4 *whose activities affect interstate commerce or is in-*
5 *involved (other than as an insured or beneficiary under*
6 *a policy of insurance) in a transaction relating to the*
7 *conduct of affairs of such a business,*
8 *with intent to obstruct a judicial proceeding, directly or in-*
9 *directly notifies any other person about the existence or con-*
10 *tents of a subpoena for records of that person engaged in*
11 *such business or information that has been furnished to a*
12 *Federal grand jury in response to that subpoena, shall be*
13 *fined as provided by this title or imprisoned not more than*
14 *5 years, or both.*

15 *“(2) As used in paragraph (1), the term ‘subpoena for*
16 *records’ means a Federal grand jury subpoena for records*
17 *that has been served relating to a violation of, or a conspir-*
18 *acy to violate, section 1033 of this title.”.*

1 **TITLE V—MANDATORY LIFE IM-**
2 **PRISONMENT FOR PERSONS**
3 **CONVICTED OF CERTAIN**
4 **FELONIES**

5 **SEC. 501. MANDATORY LIFE IMPRISONMENT FOR PERSONS**
6 **CONVICTED OF CERTAIN FELONIES.**

7 *Section 3559 of title 18, United States Code, is amend-*
8 *ed—*

9 *(1) in subsection (b), by striking “An” and in-*
10 *serting “Except as provided in subsection (c), an” in*
11 *lieu thereof; and*

12 *(2) by adding the following new subsection at the*
13 *end:*

14 *“(c) IMPRISONMENT OF CERTAIN CRIMINALS.—*

15 *“(1) MANDATORY LIFE IMPRISONMENT.—Not-*
16 *withstanding any other provision of law, a person*
17 *who is convicted in a court of the United States of*
18 *a serious violent felony or a serious drug offense shall*
19 *be sentenced to life imprisonment if—*

20 *“(A) the person has been convicted (and*
21 *those convictions have become final) on 2 or*
22 *more prior occasions, in a court of the United*
23 *States or of a State, of serious violent felonies or*
24 *serious drug offenses, or any combination of such*
25 *felonies and offenses; and*

1 “(B) *each serious violent felony or serious*
2 *drug offense used as a basis for sentencing under*
3 *this subsection, other than the first, was commit-*
4 *ted after the defendant’s conviction of the preced-*
5 *ing serious violent felony or serious drug offense.*

6 “(2) *DEFINITIONS.—For purposes of this sub-*
7 *section—*

8 “(A) *the term ‘assault with intent to com-*
9 *mit rape’ means an offense that has as its ele-*
10 *ments engaging in physical conduct by which a*
11 *person intentionally places another person in*
12 *fear of aggravated sexual abuse or sexual abuse*
13 *(as described in sections 2241 and 2242 of this*
14 *title);*

15 “(B) *the term ‘arson’ means an offense that*
16 *has as its elements maliciously damaging or de-*
17 *stroying any building, inhabited structure, vehi-*
18 *cle, vessel, or real property by means of fire or*
19 *an explosive;*

20 “(C) *the term ‘extortion’ means an offense*
21 *that has as its elements the extraction of any-*
22 *thing of value from another person by threaten-*
23 *ing or placing that person in fear of injury to*
24 *any person or kidnapping of any person;*

1 “(D) the term ‘firearms use’ means an of-
2 fense that has as its elements those described in
3 section 924(c) or 929(a) of this title, if the fire-
4 arm was brandished, discharged, or otherwise
5 used as a weapon and the crime of violence or
6 drug trafficking crime during and relation to
7 which the firearm was used was subject to pros-
8 ecution in a court of the United States or a
9 court of a State, or both;

10 “(E) the term ‘kidnapping’ means an of-
11 fense that has as its elements the abduction, re-
12 straining, confining, or carrying away of an-
13 other person by force or threat of force;

14 “(F) the term ‘serious violent felony’
15 means—

16 “(i) a Federal or State offense, by
17 whatever designation and wherever commit-
18 ted, consisting of murder (as described in
19 section 1111 of this title); manslaughter
20 other than involuntary manslaughter (as
21 described in section 1112 of this title); as-
22 sault with intent to commit murder (as de-
23 scribed in section 1113(a) of this title); as-
24 sault with intent to commit rape; aggra-
25 vated sexual abuse and sexual abuse (as de-

1 *scribed in sections 2241 and 2242 of this*
2 *title); abusive sexual contact (as described*
3 *in sections 2244 (a)(1) and (a)(2) of this*
4 *title); kidnapping; aircraft piracy (as de-*
5 *scribed in section 902(i)(2) or 902(n)(2) of*
6 *the Federal Aviation Act of 1958); robbery*
7 *(as described in section 2111, 2113, or 2118*
8 *of this title); carjacking (as described in sec-*
9 *tion 2119 of this title); extortion; arson;*
10 *firearms use; or attempt, conspiracy, or so-*
11 *licitation to commit any of the above of-*
12 *fenses; or*

13 *“(ii) any other offense punishable by a*
14 *maximum term of imprisonment of 10*
15 *years or more that has as an element the*
16 *use, attempted use, or threatened use of*
17 *physical force against the person of another*
18 *or that, by its nature, involves a substantial*
19 *risk that physical force against the person*
20 *of another may be used in the course of*
21 *committing the offense;*

22 *“(G) the term ‘State’ means a State of the*
23 *United States, the District of Columbia, or any*
24 *commonwealth, territory, or possession of the*
25 *United States; and*

1 “(H) the term ‘serious drug offense’
2 means—

3 “(i) an offense subject to a penalty pro-
4 vided for in section 401(b)(1)(A) or 408 of
5 the Controlled Substances Act or section
6 1010(b)(1)(A) of the Controlled Substances
7 Import and Export Act; or

8 “(ii) an offense under State law that,
9 had the offense been prosecuted in a court of
10 the United States, would have been subject
11 to a penalty provided for in section
12 401(b)(1)(A) or 408 of the Controlled Sub-
13 stances Act or section 1010(b)(1)(A) of the
14 Controlled Substances Import and Export
15 Act.

16 “(3) NONQUALIFYING FELONIES.—

17 “(A) ROBBERY IN CERTAIN CASES.—Rob-
18 bery, an attempt, conspiracy, or solicitation to
19 commit robbery; or an offense described in para-
20 graph (2)(F)(ii) shall not serve as a basis for
21 sentencing under this subsection if the defendant
22 establishes by clear and convincing evidence
23 that—

24 “(i) no firearm or other dangerous
25 weapon was used in the offense and no

1 *threat of use of a firearm or other dan-*
2 *gerous weapon was involved in the offense;*
3 *and*

4 “(i) *the offense did not result in death*
5 *or serious bodily injury (as defined in sec-*
6 *tion 1365) to any person.*

7 “(B) *ARSON IN CERTAIN CASES.—Arson*
8 *shall not serve as a basis for sentencing under*
9 *this subsection if the defendant establishes by*
10 *clear and convincing evidence that—*

11 “(i) *the offense posed no threat to*
12 *human life; and*

13 “(ii) *the defendant reasonably believed*
14 *the offense posed no threat to human life.*

15 “(4) *INFORMATION FILED BY UNITED STATES AT-*
16 *TORNEY.—The provisions of section 411(a) of the*
17 *Controlled Substances Act (21 U.S.C. 851(a)) shall*
18 *apply to the imposition of sentence under this sub-*
19 *section.*

20 “(5) *RULE OF CONSTRUCTION.—This subsection*
21 *shall not be construed to preclude imposition of the*
22 *death penalty.*

23 “(6) *SPECIAL PROVISION FOR INDIAN COUN-*
24 *TRY.—No person subject to the criminal jurisdiction*
25 *of an Indian tribal government shall be subject to this*

1 *subsection for any offense for which Federal jurisdic-*
2 *tion is solely predicated on Indian country as defined*
3 *in section 1151 of this title and which occurs within*
4 *the boundaries of such Indian country unless the gov-*
5 *erning body of the tribe has elected that this sub-*
6 *section have effect over land and persons subject to the*
7 *criminal jurisdiction of the tribe.*

8 *“(7) RESENTENCING UPON OVERTURNING OF*
9 *PRIOR CONVICTION.—If the conviction for a serious*
10 *violent felony which was a basis for sentencing under*
11 *this subsection is found, pursuant to any appropriate*
12 *State or Federal procedure, to be unconstitutional or*
13 *is vitiated on the explicit basis of innocence, or if the*
14 *convicted person is pardoned on the explicit basis of*
15 *innocence, the person serving a sentence imposed*
16 *under this subsection shall be resentenced to any sen-*
17 *tence that was available at the time of the original*
18 *sentencing.”.*

19 **SEC. 502. LIMITED GRANT OF AUTHORITY TO BUREAU OF**
20 **PRISONS.**

21 *Section 3582(c)(1)(A) of title 18, United States Code,*
22 *is amended—*

23 *(1) so that the margin of the matter starting*
24 *with “extraordinary” and ending with “reduction”*

1 *the first place it appears is indented an additional*
2 *two ems;*

3 (2) *by inserting a one-em dash after “that” the*
4 *second place it appears;*

5 (3) *by inserting a semicolon after “reduction”*
6 *the first place it appears;*

7 (4) *by indenting the first line of the matter re-*
8 *ferred to in paragraph (1) and designating that mat-*
9 *ter as clause (i); and*

10 (5) *by inserting after such matter the following:*

11 *“(ii) the defendant is at least 70 years*
12 *of age, has served at least 30 years in pris-*
13 *on, pursuant to a sentence imposed under*
14 *section 3559(c) of this title, for the offense*
15 *or offenses for which the defendant is cur-*
16 *rently imprisoned, and a determination has*
17 *been made by the Director of the Bureau of*
18 *Prisons that the defendant is not a danger*
19 *to the safety of any other person or the com-*
20 *munity, as provided under section 3142(g)*
21 *of this title;”.*

1 **TITLE VI—VIOLENT OFFENDER**
2 **INCARCERATION**

3 **SEC. 601. GRANTS FOR CORRECTIONAL FACILITIES.**

4 (a) *GRANT AUTHORIZATION.*—The Attorney General
5 may make grants to individual States and to States orga-
6 nized as multi-State compacts, to develop, expand, modify,
7 or improve correctional facilities and programs to ensure
8 that prison cell space is available for the confinement of
9 violent offenders.

10 (b) *ELIGIBILITY.*—To be eligible to receive a grant
11 under this title, a State or States organized as multi-State
12 compacts, shall submit an application to the Attorney Gen-
13 eral which includes—

14 (1) *assurances that the State or States, have im-*
15 *plemented, or will implement, correctional policies*
16 *and programs, including truth in sentencing laws*
17 *that ensure that violent offenders serve a substantial*
18 *portion of the sentences imposed, that are designed to*
19 *provide sufficiently severe punishment for violent*
20 *offenders, including violent juvenile offenders, and that*
21 *the prison time served is appropriately related to the*
22 *determination that the inmate is a violent offender*
23 *and for a period of time deemed necessary to protect*
24 *the public;*

1 (2) assurances that the State or States have im-
2 plemented policies that provide for the recognition of
3 the rights and needs of crime victims;

4 (3) assurances that funds received under this sec-
5 tion will be used to develop, expand, modify, or im-
6 prove correctional facilities and programs to ensure
7 that prison cell space is available for the confinement
8 of violent offenders;

9 (4) assurances that the State or States have a
10 comprehensive correctional plan which represents an
11 integrated approach to the management and oper-
12 ation of correctional facilities and programs and
13 which includes diversional programs, particularly
14 drug diversion programs, community corrections pro-
15 grams, a prisoner screening and security classifica-
16 tion system, prisoner rehabilitation and treatment
17 programs, prisoner work activities (including, to the
18 extent practicable, activities relating to the develop-
19 ment, expansion, modification, or improvement of
20 correctional facilities), and job skills programs, a pre-
21 release prisoner assessment to provide risk reduction
22 management, post-release assistance, and an assess-
23 ment of recidivism rates;

24 (5) assurances that the State or States have in-
25 volved counties and other units of local government,

1 *when appropriate, in the development, expansion,*
2 *modification, or improvement of correctional facilities*
3 *and programs designed to ensure the incarceration of*
4 *violent offenders;*

5 *(6) assurances that funds received under this sec-*
6 *tion will be used to supplement, not supplant, other*
7 *Federal, State, and local funds; and*

8 *(7) documentation of the multi-State compact*
9 *agreement that specifies the development, expansion,*
10 *modification, or improvement of correctional facilities*
11 *and programs.*

12 *(c) CONSIDERATION.—The Attorney General, in mak-*
13 *ing such grants, shall give consideration to the special bur-*
14 *den placed on States which incarcerate a substantial num-*
15 *ber of inmates who are in the United States illegally.*

16 *(d) MATCHING REQUIREMENT.—The Federal share of*
17 *a grant received under this title may not exceed 75 percent*
18 *of the costs of a proposal described in an application ap-*
19 *proved under this title.*

20 **SEC. 602. RULES AND REGULATIONS.**

21 *The Attorney General shall issue rules and regulations*
22 *regarding the uses of grant funds received under this title*
23 *not later than 90 days after the date of the enactment of*
24 *this title.*

1 **SEC. 603. TECHNICAL ASSISTANCE AND TRAINING.**

2 *The Attorney General may request that the Director*
3 *of the National Institute of Corrections and the Director*
4 *of the Federal Bureau of Prisons provide technical assist-*
5 *ance and training to a State or States that receive a grant*
6 *under this title to achieve the purposes of this title.*

7 **SEC. 604. EVALUATION.**

8 *The Attorney General may request the Director of the*
9 *National Institute of Corrections to assist with an evalua-*
10 *tion of programs established with funds under this title.*

11 **SEC. 605. DEFINITION.**

12 *For purposes of this title, the term “State or States”*
13 *means any State, the District of Columbia, the Common-*
14 *wealth of Puerto Rico, the United States Virgin Islands,*
15 *American Samoa, Guam, and the Northern Mariana*
16 *Islands.*

17 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

18 *There are authorized to be appropriated \$600,000,000*
19 *for each of the fiscal years 1995 through 1999 to carry out*
20 *the purposes of this title.*

21 **TITLE VII—DEATH PENALTY**

22 **SEC. 701. CONSTITUTIONAL PROCEDURES FOR THE IMPOSI-**
23 **TION OF THE SENTENCE OF DEATH.**

24 *Part II of title 18 of the United States Code is amend-*
25 *ed by adding the following new chapter after chapter 227:*

1 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

“3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

2 **“§ 3591. Sentence of death**

3 “A defendant who has been found guilty of—

4 “(1) an offense described in section 794 or section 2381 of this title;

5 “(2) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

6 “(A) intentionally killed the victim;

7 “(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

8 “(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

9 “(D) intentionally and specifically engaged in an act of violence, knowing that the act cre-

1 *ated a grave risk of death to a person, other than*
2 *one of the participants in the offense, such that*
3 *participation in the act constituted a reckless*
4 *disregard for human life and the victim died as*
5 *a direct result of the act;*

6 *“(3) an offense referred to in section 408(c)(1) of*
7 *the Controlled Substances Act (21 U.S.C. 848(c)(1)),*
8 *committed as part of a continuing criminal enter-*
9 *prise offense under the conditions described in sub-*
10 *section (b) of that section which involved not less than*
11 *twice the quantity of controlled substance described in*
12 *subsection (b)(2)(A) of that section or twice the gross*
13 *receipts described in subsection (b)(2)(B) of that sec-*
14 *tion; or*

15 *“(4) an offense referred to in section 408(c)(1) of*
16 *the Controlled Substances Act (21 U.S.C. 848(c)(1)),*
17 *committed as part of a continuing criminal enter-*
18 *prise offense under that section, where the defendant*
19 *is a principal administrator, organizer, or leader of*
20 *such an enterprise, and the defendant, in order to ob-*
21 *struct the investigation or prosecution of the enter-*
22 *prise or an offense involved in the enterprise, at-*
23 *tempts to kill or knowingly directs, advises, author-*
24 *izes, or assists another to attempt to kill any public*

1 officer, juror, witness, or members of the family or
2 household of such a person;
3 shall be sentenced to death if, after consideration of the fac-
4 tors set forth in section 3592 in the course of a hearing
5 held pursuant to section 3593, it is determined that imposi-
6 tion of a sentence of death is justified, except that no person
7 may be sentenced to death who was less than 18 years of
8 age at the time of the offense.

9 **“§ 3592. Mitigating and aggravating factors to be con-**
10 **sidered in determining whether a sen-**
11 **tence of death is justified**

12 “(a) *MITIGATING FACTORS.*—In determining whether
13 a sentence of death is to be imposed on a defendant, the
14 finder of fact shall consider any mitigating factor, includ-
15 ing the following:

16 “(1) *IMPAIRED CAPACITY.*—The defendant’s ca-
17 pacity to appreciate the wrongfulness of the defend-
18 ant’s conduct or to conform conduct to the require-
19 ments of law was significantly impaired, regardless of
20 whether the capacity was so impaired as to constitute
21 a defense to the charge.

22 “(2) *DURESS.*—The defendant was under un-
23 usual and substantial duress, regardless of whether
24 the duress was of such a degree as to constitute a de-
25 fense to the charge.

1 “(3) *MINOR PARTICIPATION.*—The defendant is
2 punishable as a principal (as defined in section 2 of
3 title 18 of the United States Code) in the offense,
4 which was committed by another, but the defendant’s
5 participation was relatively minor, regardless of
6 whether the participation was so minor as to con-
7 stitute a defense to the charge.

8 “(4) *EQUALLY CULPABLE DEFENDANTS.*—An-
9 other defendant or defendants, equally culpable in the
10 crime, will not be punished by death.

11 “(5) *NO PRIOR CRIMINAL RECORD.*—The defend-
12 ant did not have a significant prior history of other
13 criminal conduct.

14 “(6) *DISTURBANCE.*—The defendant committed
15 the offense under severe mental or emotional disturb-
16 ance.

17 “(7) *VICTIM’S CONSENT.*—The victim consented
18 to the criminal conduct that resulted in the victim’s
19 death.

20 “(8) *OTHER FACTORS.*—Other factors in the de-
21 fendant’s background, record, or character or any
22 other circumstance of the offense that mitigate against
23 imposition of the death sentence.

24 “(b) *AGGRAVATING FACTORS FOR ESPIONAGE AND*
25 *TREASON.*—In determining whether a sentence of death is

1 *justified for an offense described in section 3591(1), the*
2 *jury, or if there is no jury, the court, shall consider each*
3 *of the following aggravating factors for which notice has*
4 *been given and determine which, if any, exist:*

5 “(1) *PRIOR ESPIONAGE OR TREASON OFFENSE.—*
6 *The defendant has previously been convicted of an-*
7 *other offense involving espionage or treason for which*
8 *a sentence of either life imprisonment or death was*
9 *authorized by law.*

10 “(2) *GRAVE RISK TO NATIONAL SECURITY.—In*
11 *the commission of the offense the defendant knowingly*
12 *created a grave risk of substantial danger to the na-*
13 *tional security.*

14 “(3) *GRAVE RISK OF DEATH.—In the commis-*
15 *sion of the offense the defendant knowingly created a*
16 *grave risk of death to another person.*

17 *The jury, or if there is no jury, the court, may consider*
18 *whether any other aggravating factor for which notice has*
19 *been given exists.*

20 “(c) *AGGRAVATING FACTORS FOR HOMICIDE.—In de-*
21 *termining whether a sentence of death is justified for an*
22 *offense described in section 3591(2), the jury, or if there*
23 *is no jury, the court, shall consider each of the following*
24 *aggravating factors for which notice has been given and de-*
25 *termine which, if any, exist:*

1 “(1) *DEATH DURING COMMISSION OF ANOTHER*
2 *CRIME.*—The death, or injury resulting in death, oc-
3 curred during the commission or attempted commis-
4 sion of, or during the immediate flight from the com-
5 mission of, an offense under section 32 (destruction of
6 aircraft or aircraft facilities), section 33 (destruction
7 of motor vehicles or motor vehicle facilities), section
8 36 (violence at international airports), section 351
9 (violence against Members of Congress, Cabinet offi-
10 cers, or Supreme Court Justices), an offense under
11 section 751 (prisoners in custody of institution or of-
12 ficer), section 794 (gathering or delivering defense in-
13 formation to aid foreign government), section 844(d)
14 (transportation of explosives in interstate commerce
15 for certain purposes), section 844(f) (destruction of
16 Government property by explosives), section 1118
17 (prisoners serving life term), section 1201 (kidnap-
18 ping), section 844(i) (destruction of property affecting
19 interstate commerce by explosives), section 1116 (kill-
20 ing or attempted killing of diplomats), section 1203
21 (hostage taking), section 1992 (wrecking trains), sec-
22 tion 2280 (maritime violence), section 2281 (mari-
23 time platform violence), section 2332 (terrorist acts
24 abroad against United States nationals), section 2339
25 (use of weapons of mass destruction), or section 2381

1 *(treason) of this title, or section 902 (i) or (n) of the*
2 *Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or*
3 *(n)) (aircraft piracy).*

4 “(2) *PREVIOUS CONVICTION OF VIOLENT FELONY*
5 *INVOLVING FIREARM.—For any offense, other than an*
6 *offense for which a sentence of death is sought on the*
7 *basis of section 924(c) of this title, as amended by this*
8 *Act, the defendant has previously been convicted of a*
9 *Federal or State offense punishable by a term of im-*
10 *prisonment of more than one year, involving the use*
11 *or attempted or threatened use of a firearm, as*
12 *defined in section 921 of this title, against another*
13 *person.*

14 “(3) *PREVIOUS CONVICTION OF OFFENSE FOR*
15 *WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-*
16 *MENT WAS AUTHORIZED.—The defendant has pre-*
17 *viously been convicted of another Federal or State of-*
18 *fense resulting in the death of a person, for which a*
19 *sentence of life imprisonment or a sentence of death*
20 *was authorized by statute.*

21 “(4) *PREVIOUS CONVICTION OF OTHER SERIOUS*
22 *OFFENSES.—The defendant has previously been con-*
23 *vinced of two or more Federal or State offenses, pun-*
24 *ishable by a term of imprisonment of more than one*
25 *year, committed on different occasions, involving the*

1 *infliction of, or attempted infliction of, serious bodily*
2 *injury or death upon another person.*

3 “(5) *GRAVE RISK OF DEATH TO ADDITIONAL*
4 *PERSONS.—The defendant, in the commission of the*
5 *offense, or in escaping apprehension for the violation*
6 *of the offense, knowingly created a grave risk of death*
7 *to one or more persons in addition to the victim of*
8 *the offense.*

9 “(6) *HEINOUS, CRUEL, OR DEPRAVED MANNER*
10 *OF COMMITTING OFFENSE.—The defendant committed*
11 *the offense in an especially heinous, cruel, or depraved*
12 *manner in that it involved torture or serious physical*
13 *abuse to the victim.*

14 “(7) *PROCUREMENT OF OFFENSE BY PAYMENT.—*
15 *The defendant procured the commission of the offense*
16 *by payment, or promise of payment, of anything of*
17 *pecuniary value.*

18 “(8) *PECUNIARY GAIN.—The defendant commit-*
19 *ted the offense as consideration for the receipt, or in*
20 *the expectation of the receipt, of anything of pecu-*
21 *niary value.*

22 “(9) *SUBSTANTIAL PLANNING AND*
23 *PREMEDITATION.—The defendant committed the of-*
24 *fense after substantial planning and premeditation to*

1 *cause the death of a person or commit an act of ter-*
2 *rorism.*

3 “(10) *CONVICTION FOR TWO FELONY DRUG OF-*
4 *FENSES.—The defendant has previously been con-*
5 *victed of two or more State or Federal offenses pun-*
6 *ishable by a term of imprisonment of more than one*
7 *year, committed on different occasions, involving the*
8 *distribution of a controlled substance.*

9 “(11) *VULNERABILITY OF VICTIM.—The victim*
10 *was particularly vulnerable due to old age, youth, or*
11 *infirmary.*

12 “(12) *CONVICTION FOR SERIOUS FEDERAL DRUG*
13 *OFFENSES.—The defendant had previously been con-*
14 *victed of violating title II or title III of the Controlled*
15 *Substances Act for which a sentence of 5 or more*
16 *years may be imposed or had previously been con-*
17 *victed of engaging in a continuing criminal enter-*
18 *prise.*

19 “(13) *CONTINUING CRIMINAL ENTERPRISE IN-*
20 *VOLVING DRUG SALES TO MINORS.—The defendant*
21 *committed the offense in the course of engaging in a*
22 *continuing criminal enterprise in violation of section*
23 *408(c) of the Controlled Substances Act and that vio-*
24 *lation involved the distribution of drugs to persons*

1 *under the age of 21 in violation of section 418 of such*
2 *Act.*

3 *“(14) HIGH PUBLIC OFFICIALS.—The defendant*
4 *committed the offense against—*

5 *“(A) the President of the United States, the*
6 *President-elect, the Vice President, the Vice-*
7 *President-elect, the Vice-President-designate, or,*
8 *if there is no Vice President, the officer next in*
9 *order of succession to the office of the President*
10 *of the United States, or any person who is acting*
11 *as President under the Constitution and laws of*
12 *the United States;*

13 *“(B) a Chief of State, head of government,*
14 *or the political equivalent, of a foreign nation;*

15 *“(C) a foreign official listed in section*
16 *1116(b)(3)(A) of this title, if the official is in the*
17 *United States on official business; or*

18 *“(D) a Federal public servant who is a*
19 *judge, a law enforcement officer, or an employee*
20 *of a United States penal or correctional institu-*
21 *tion—*

22 *“(i) while he or she is engaged in the*
23 *performance of his or her official duties;*

24 *“(ii) because of the performance of his*
25 *or her official duties; or*

1 “(iii) because of his or her status as a
2 public servant.

3 For purposes of this subparagraph, a ‘law en-
4 forcement officer’ is a public servant authorized
5 by law or by a Government agency or Congress
6 to conduct or engage in the prevention, inves-
7 tigation, or prosecution or adjudication of an of-
8 fense, and includes those engaged in corrections,
9 parole, or probation functions.

10 “(15) PRIOR CONVICTION OF SEXUAL ASSAULT
11 OR CHILD MOLESTATION.—In the case of an offense
12 under chapter 109A (sexual abuse) or chapter 110
13 (sexual abuse of children), the defendant has pre-
14 viously been convicted of a crime of sexual assault or
15 crime of child molestation.

16 “(d) AGGRAVATING FACTORS FOR DRUG OFFENSE
17 DEATH PENALTY.—In determining whether to recommend
18 a sentence of death for an offense described in paragraph
19 (3), (4), or (5) of section 3591, the jury, or if there is no
20 jury, the court, shall consider any aggravating factor for
21 which notice has been provided under section 3593 of this
22 title, including the following factors:

23 “(1) PREVIOUS CONVICTION OF OFFENSE FOR
24 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
25 MENT WAS AUTHORIZED.—The defendant has pre-

1 *viously been convicted of another Federal or State of-*
2 *fense resulting in the death of a person, for which a*
3 *sentence of life imprisonment or death was authorized*
4 *by statute.*

5 *“(2) PREVIOUS CONVICTION OF OTHER SERIOUS*
6 *OFFENSES.—The defendant has previously been con-*
7 *victed of two or more Federal or State offenses, each*
8 *punishable by a term of imprisonment of more than*
9 *one year, committed on different occasions, involving*
10 *the importation, manufacture, or distribution of a*
11 *controlled substance (as defined in section 102 of the*
12 *Controlled Substances Act (21 U.S.C. 802)) or the in-*
13 *fliction of, or attempted infliction of, serious bodily*
14 *injury or death upon another person.*

15 *“(3) PREVIOUS SERIOUS DRUG FELONY CONVIC-*
16 *TION.—The defendant has previously been convicted of*
17 *another Federal or State offense involving the manu-*
18 *facture, distribution, importation, or possession of a*
19 *controlled substance (as defined in section 102 of the*
20 *Controlled Substances Act (21 U.S.C. 802)) for which*
21 *a sentence of five or more years of imprisonment was*
22 *authorized by statute.*

23 *“(4) USE OF FIREARM.—In committing the of-*
24 *fense, or in furtherance of a continuing criminal en-*
25 *terprise of which the offense was a part, the defendant*

1 *used a firearm or knowingly directed, advised, au-*
2 *thorized, or assisted another to use a firearm, as de-*
3 *defined in section 921 of this title, to threaten, intimi-*
4 *date, assault, or injure a person.*

5 “(5) *DISTRIBUTION TO PERSONS UNDER TWEN-*
6 *TY-ONE.—The offense, or a continuing criminal enter-*
7 *prise of which the offense was a part, involved con-*
8 *duct proscribed by section 418 of the Controlled Sub-*
9 *stances Act which was committed directly by the de-*
10 *fendant or for which the defendant would be liable*
11 *under section 2 of this title.*

12 “(6) *DISTRIBUTION NEAR SCHOOLS.—The of-*
13 *fense, or a continuing criminal enterprise of which*
14 *the offense was a part, involved conduct proscribed by*
15 *section 419 of the Controlled Substances Act which*
16 *was committed directly by the defendant or for which*
17 *the defendant would be liable under section 2 of this*
18 *title.*

19 “(7) *USING MINORS IN TRAFFICKING.—The of-*
20 *fense or a continuing criminal enterprise of which the*
21 *offense was a part, involved conduct proscribed by*
22 *section 420 of the Controlled Substances Act which*
23 *was committed directly by the defendant or for which*
24 *the defendant would be liable under section 2 of this*
25 *title.*

1 “(8) *LETHAL ADULTERANT.*—*The offense in-*
2 *volved the importation, manufacture, or distribution*
3 *of a controlled substance (as defined in section 102 of*
4 *the Controlled Substances Act (21 U.S.C. 802)) mixed*
5 *with a potentially lethal adulterant, and the defend-*
6 *ant was aware of the presence of the adulterant.*

7 *The jury, or if there is no jury, the court, may consider*
8 *whether any other aggravating factor for which notice has*
9 *been given exists.*

10 **“§3593. *Special hearing to determine whether a sen-***
11 ***tence of death is justified***

12 “(a) *NOTICE BY THE GOVERNMENT.*—*If, in a case in-*
13 *volving an offense described in section 3591, the attorney*
14 *for the government believes that the circumstances of the of-*
15 *fense are such that a sentence of death is justified under*
16 *this chapter, the attorney shall, a reasonable time before the*
17 *trial or before acceptance by the court of a plea of guilty,*
18 *sign and file with the court, and serve on the defendant,*
19 *a notice—*

20 “(1) *stating that the government believes that the*
21 *circumstances of the offense are such that, if the de-*
22 *fendant is convicted, a sentence of death is justified*
23 *under this chapter and that the government will seek*
24 *the sentence of death; and*

1 “(2) setting forth the aggravating factor or fac-
2 tors that the government, if the defendant is convicted,
3 proposes to prove as justifying a sentence of death.

4 The factors for which notice is provided under this sub-
5 section may include factors concerning the effect of the of-
6 fense on the victim and the victim’s family, and may in-
7 clude oral testimony, a victim impact statement that identi-
8 fies the victim of the offense and the extent and scope of
9 the injury and loss suffered by the victim and the victim’s
10 family, and any other relevant information. The court may
11 also permit the attorney for the government to amend the
12 notice upon a showing of good cause.

13 “(b) HEARING BEFORE A COURT OR JURY.—If the at-
14 torney for the government has filed a notice as required
15 under subsection (a) and the defendant is found guilty of
16 or pleads guilty to an offense described in section 3591, the
17 judge who presided at the trial or before whom the guilty
18 plea was entered, or another judge if that judge is unavail-
19 able, shall conduct a separate sentencing hearing to deter-
20 mine the punishment to be imposed. The hearing shall be
21 conducted—

22 “(1) before the jury that determined the defend-
23 ant’s guilt;

24 “(2) before a jury impaneled for the purpose of
25 the hearing if—

1 “(A) the defendant was convicted upon a
2 plea of guilty;

3 “(B) the defendant was convicted after a
4 trial before the court sitting without a jury;

5 “(C) the jury that determined the defend-
6 ant’s guilt was discharged for good cause; or

7 “(D) after initial imposition of a sentence
8 under this section, reconsideration of the sentence
9 under this section is necessary; or

10 “(3) before the court alone, upon the motion of
11 the defendant.

12 A jury impaneled pursuant to paragraph (2) shall consist
13 of 12 members, unless, at any time before the conclusion
14 of the hearing, the parties stipulate, with the approval of
15 the court, that it shall consist of a lesser number.

16 “(c) *PROOF OF MITIGATING AND AGGRAVATING FAC-*
17 *TORS.*—Notwithstanding rule 32(c) of the Federal Rules of
18 *Criminal Procedure*, when a defendant is found guilty or
19 *pleads guilty to an offense under section 3591*, no
20 *presentence report shall be prepared. At the sentencing hear-*
21 *ing, information may be presented as to any matter rel-*
22 *evant to the sentence, including any mitigating or aggra-*
23 *vating factor permitted or required to be considered under*
24 *section 3592. Information presented may include the trial*
25 *transcript and exhibits if the hearing is held before a jury*

1 *or judge not present during the trial. The defendant may*
2 *present any information relevant to a mitigating factor.*
3 *The government may present any information relevant to*
4 *an aggravating factor for which notice has been provided*
5 *under subsection (a). The government and the defendant*
6 *shall be permitted to rebut any information received at the*
7 *hearing, and shall be given fair opportunity to present ar-*
8 *gument as to the adequacy of the information to establish*
9 *the existence of any aggravating or mitigating factor, and*
10 *as to the appropriateness in the case of imposing a sentence*
11 *of death. The government shall open the argument. The de-*
12 *fendant shall be permitted to reply. The government shall*
13 *then be permitted to reply in rebuttal. The burden of estab-*
14 *lishing the existence of any aggravating factor is on the gov-*
15 *ernment, and is not satisfied unless the existence of such*
16 *a factor is established beyond a reasonable doubt. The bur-*
17 *den of establishing the existence of any mitigating factor*
18 *is on the defendant, and is not satisfied unless the existence*
19 *of such a factor is established by a preponderance of the*
20 *information.*

21 “(d) *RETURN OF SPECIAL FINDINGS.—The jury, or if*
22 *there is no jury, the court, shall consider all the information*
23 *received during the hearing. It shall return special findings*
24 *identifying any aggravating factor or factors set forth in*
25 *section 3592 found to exist and any other aggravating fac-*

1 *tor for which notice has been provided under subsection (a)*
2 *found to exist. A finding with respect to a mitigating factor*
3 *may be made by 1 or more members of the jury, and any*
4 *member of the jury who finds the existence of a mitigating*
5 *factor may consider such factor established for purposes of*
6 *this section regardless of the number of jurors who concur*
7 *that the factor has been established. A finding with respect*
8 *to any aggravating factor must be unanimous. If no aggra-*
9 *vating factor set forth in section 3592 is found to exist, the*
10 *court shall impose a sentence other than death authorized*
11 *by law.*

12 “(e) *RETURN OF A FINDING CONCERNING A SENTENCE*
13 *OF DEATH.—If, an aggravating factor required to be con-*
14 *sidered under section 3592 is found to exist, the jury, or*
15 *if there is no jury, the court, shall then consider whether*
16 *the aggravating factor or factors found to exist outweigh*
17 *any mitigating factors. The jury, or if there is no jury, the*
18 *court shall recommend a sentence of death if it unanimously*
19 *finds at least one aggravating factor and no mitigating fac-*
20 *tor or if it finds one or more aggravating factors which*
21 *outweigh any mitigating factors. In any other case, it shall*
22 *not recommend a sentence of death. The jury shall be in-*
23 *structed that it must avoid any influence of sympathy, sen-*
24 *timent, passion, prejudice, or other arbitrary factors in its*
25 *decision, and should make such a recommendation as the*

1 *information warrants. The jury shall be instructed that its*
2 *recommendation concerning a sentence of death is to be*
3 *based on the aggravating factor or factors and any mitigat-*
4 *ing factors which have been found, but that the final deci-*
5 *sion concerning the balance of aggravating and mitigating*
6 *factors is a matter for the jury's judgment.*

7 “(f) *SPECIAL PRECAUTION TO ENSURE AGAINST DIS-*
8 *CRIMINATION.—In a hearing held before a jury, the court,*
9 *prior to the return of a finding under subsection (e), shall*
10 *instruct the jury that, in considering whether a sentence*
11 *of death is justified, it shall not consider the race, color,*
12 *religious beliefs, national origin, or sex of the defendant or*
13 *of any victim and that the jury is not to recommend a sen-*
14 *tence of death unless it has concluded that it would rec-*
15 *ommend a sentence of death for the crime in question no*
16 *matter what the race, color, religious beliefs, national ori-*
17 *gin, or sex of the defendant or of any victim may be. The*
18 *jury, upon return of a finding under subsection (e), shall*
19 *also return to the court a certificate, signed by each juror,*
20 *that consideration of the race, color, religious beliefs, na-*
21 *tional origin, or sex of the defendant or any victim was*
22 *not involved in reaching his or her individual decision and*
23 *that the individual juror would have made the same rec-*
24 *ommendation regarding a sentence for the crime in question*

1 *no matter what the race, color, religious beliefs, national*
2 *origin, or sex of the defendant or any victim may be.*

3 **“§ 3594. Imposition of a sentence of death**

4 *“Upon a recommendation under section 3593(e) that*
5 *the defendant should be sentenced to death, the court shall*
6 *sentence the defendant accordingly. Otherwise, the court*
7 *shall impose any lesser sentence that is authorized by law.*
8 *Notwithstanding any other provision of law, if the maxi-*
9 *mum term of imprisonment for the offense is life imprison-*
10 *ment, the court may impose a sentence of life imprisonment*
11 *without possibility of release.*

12 **“§ 3595. Review of a sentence of death**

13 *“(a) APPEAL.—In a case in which a sentence of death*
14 *is imposed, the sentence shall be subject to review by the*
15 *court of appeals upon appeal by the defendant. Notice of*
16 *appeal must be filed within the time specified for the filing*
17 *of a notice of appeal. An appeal under this section may*
18 *be consolidated with an appeal of the judgment of convic-*
19 *tion and shall have priority over all other cases.*

20 *“(b) REVIEW.—The court of appeals shall review the*
21 *entire record in the case, including—*

22 *“(1) the evidence submitted during the trial;*

23 *“(2) the information submitted during the sen-*
24 *tencing hearing;*

1 “(3) the procedures employed in the sentencing
2 hearing; and

3 “(4) the special findings returned under section
4 3593(d).

5 “(c) *DECISION AND DISPOSITION.*—

6 “(1) The court of appeals shall address all sub-
7 stantive and procedural issues raised on the appeal of
8 a sentence of death, and shall consider whether the
9 sentence of death was imposed under the influence of
10 passion, prejudice, or any other arbitrary factor and
11 whether the evidence supports the special finding of
12 the existence of an aggravating factor required to be
13 considered under section 3592.

14 “(2) Whenever the court of appeals finds that—

15 “(A) the sentence of death was imposed
16 under the influence of passion, prejudice, or any
17 other arbitrary factor;

18 “(B) the admissible evidence and informa-
19 tion adduced does not support the special finding
20 of the existence of the required aggravating fac-
21 tor; or

22 “(C) the proceedings involved any other
23 legal error requiring reversal of the sentence that
24 was properly preserved for appeal under the
25 rules of criminal procedure,

1 *the court shall remand the case for reconsideration*
2 *under section 3593 or imposition of a sentence other*
3 *than death.*

4 “(3) *The court of appeals shall state in writing*
5 *the reasons for its disposition of an appeal of a sen-*
6 *tence of death under this section.*

7 “(4) *The sentence shall be affirmed if the court*
8 *finds that a remaining aggravating factor found to*
9 *exist is one allowed under section 3592 of this title*
10 *and that the remaining aggravating factor or factors*
11 *found to exist sufficiently outweigh any mitigating*
12 *factors found to exist.*

13 **“§ 3596. Implementation of a sentence of death**

14 “(a) *IN GENERAL.—A person who has been sentenced*
15 *to death pursuant to the provisions of this chapter shall*
16 *be committed to the custody of the Attorney General until*
17 *exhaustion of the procedures for appeal of the judgment of*
18 *conviction and for review of the sentence. When the sentence*
19 *is to be implemented, the Attorney General shall release the*
20 *person sentenced to death to the custody of a United States*
21 *marshal, who shall supervise implementation of the sentence*
22 *in the manner prescribed by the law of the State in which*
23 *the sentence is imposed. If the law of such State does not*
24 *provide for implementation of a sentence of death, the court*
25 *shall designate another State, the law of which does provide*

1 *for the implementation of a sentence of death, and the sen-*
2 *tence shall be implemented in the latter State in the manner*
3 *prescribed by such law.*

4 “(b) *PREGNANT WOMAN.*—*A sentence of death shall not*
5 *be carried out upon a woman while she is pregnant.*

6 “(c) *MENTAL CAPACITY.*—*A sentence of death shall not*
7 *be carried out upon a person who is mentally retarded. A*
8 *sentence of death shall not be carried out upon a person*
9 *who, as a result of mental disability, lacks the mental ca-*
10 *capacity to understand the death penalty and why it was im-*
11 *posed on that person.*

12 **“§ 3597. Use of State facilities**

13 “(a) *IN GENERAL.*—*A United States marshal charged*
14 *with supervising the implementation of a sentence of death*
15 *may use appropriate State or local facilities for the pur-*
16 *pose, may use the services of an appropriate State or local*
17 *official or of a person such an official employs for the pur-*
18 *pose, and shall pay the costs thereof in an amount approved*
19 *by the Attorney General.*

20 “(b) *EXCUSE OF AN EMPLOYEE ON MORAL OR RELI-*
21 *GIOUS GROUNDS.*—*No employee of any State department*
22 *of corrections, the United States Department of Justice, the*
23 *Federal Bureau of Prisons, or the United States Marshals*
24 *Service, and no employee providing services to that depart-*
25 *ment, bureau, or service under contract shall be required,*

1 *as a condition of that employment or contractual obliga-*
 2 *tion, to be in attendance at or to participate in any pros-*
 3 *ecution or execution under this section if such participation*
 4 *is contrary to the moral or religious convictions of the em-*
 5 *ployee. For purposes of this subsection, the term ‘participa-*
 6 *tion’ includes personal preparation of the condemned indi-*
 7 *vidual and the apparatus used for execution and super-*
 8 *vision of the activities of other personnel in carrying out*
 9 *such activities.*

10 **“§ 3598. Special provisions for Indian country**

11 *“Notwithstanding sections 1152 and 1153, no person*
 12 *subject to the criminal jurisdiction of an Indian tribal gov-*
 13 *ernment shall be subject to a capital sentence under this*
 14 *chapter for any offense the Federal jurisdiction for which*
 15 *is predicated solely on Indian country as defined in section*
 16 *1151 of this title, and which has occurred within the bound-*
 17 *aries of such Indian country, unless the governing body of*
 18 *the tribe has elected that this chapter have effect over land*
 19 *and persons subject to its criminal jurisdiction.”.*

20 *(b) AMENDMENT OF CHAPTER ANALYSIS.—The chap-*
 21 *ter analysis of part II of title 18, United States Code, is*
 22 *amended by adding the following new item after the item*
 23 *relating to chapter 227:*

“228. Death sentence 3591”.

1 **SEC. 702. CONFORMING CHANGES TO SPECIFIC OFFENSES**
2 **FOR WHICH DEATH PENALTY IS AUTHORIZED.**

3 (a) *CONFORMING CHANGES IN TITLE 18.*—Title 18,
4 *United States Code, is amended as follows:*

5 (1) *ESPIONAGE.*—Section 794(a) of title 18,
6 *United States Code, is amended by striking the period*
7 *at the end of the subsection and inserting “, except*
8 *that the sentence of death shall not be imposed unless*
9 *the jury or, if there is no jury, the court, further finds*
10 *that the offense resulted in the identification by a for-*
11 *foreign power (as defined in section 101(a) of the For-*
12 *foreign Intelligence Surveillance Act of 1978) of an indi-*
13 *vidual acting as an agent of the United States and*
14 *consequently in the death of that individual, or di-*
15 *rectly concerned nuclear weaponry, military space-*
16 *craft or satellites, early warning systems, or other*
17 *means of defense or retaliation against large-scale at-*
18 *tack; war plans; communications intelligence or cryp-*
19 *tographic information; or any other major weapons*
20 *system or major element of defense*
21 *strategy.”.*

22 (2) *MURDER.*—The second undesignated para-
23 *graph of section 1111(b) of title 18, United States*
24 *Code, is amended to read as follows:*

25 *“Whoever is guilty of murder in the first degree shall*
26 *be punished by death or by imprisonment for life;”.*

1 (3) *KILLING OF FOREIGN OFFICIALS OR INTER-*
2 *NATIONALLY PROTECTED PERSONS.*—Section 1116(a)
3 *of title 18, United States Code, is amended by strik-*
4 *ing “any such person who is found guilty of murder*
5 *in the first degree shall be sentenced to imprisonment*
6 *for life, and”.*

7 (4) *KIDNAPPING.*—Section 1201(a) of title 18,
8 *United States Code, is amended by inserting after “or*
9 *for life” the following: “and, if the death of any per-*
10 *son results, shall be punished by death or life impris-*
11 *onment”.*

12 (5) *NONMAILABLE INJURIOUS ARTICLES.*—The
13 *last paragraph of section 1716 of title 18, United*
14 *States Code, is amended by striking the comma after*
15 *“imprisonment for life” and inserting a period and*
16 *striking the remainder of the paragraph.*

17 (6) *WRECKING TRAINS.*—The second to the last
18 *undesignated paragraph of section 1992 of title 18,*
19 *United States Code, is amended by striking the*
20 *comma after “imprisonment for life” and inserting a*
21 *period and striking the remainder of the section.*

22 (7) *BANK ROBBERY.*—Section 2113(e) of title 18,
23 *United States Code, is amended by striking “or pun-*
24 *ished by death if the verdict of the jury shall so di-*

1 *rect” and inserting “or if death results shall be pun-*
2 *ished by death or life imprisonment”.*

3 (8) *EXPLOSIVE MATERIALS.—(A) Section 844(d)*
4 *of title 18, United States Code, is amended by strik-*
5 *ing “as provided in section 34 of this title”.*

6 (B) *Section 844(f) of title 18, United States*
7 *Code, is amended by striking “as provided in section*
8 *34 of this title”.*

9 (C) *Section 844(i) of title 18, United States*
10 *Code, is amended by striking “as provided in section*
11 *34 of this title”.*

12 (9) *DEATH PENALTY FOR THE MURDER OF FED-*
13 *ERAL LAW ENFORCEMENT OFFICIALS.—Section 1114*
14 *of title 18, United States Code, is amended by strik-*
15 *ing “punished as provided under sections 1111 and*
16 *1112 of this title,” and inserting “punished, in the*
17 *case of murder, by a sentence of death or life impris-*
18 *onment as provided under section 1111 of this title,*
19 *or, in the case of manslaughter, a sentence as pro-*
20 *vided under section 1112 of this title,”.*

21 (b) *CONFORMING AMENDMENT TO FEDERAL AVIATION*
22 *ACT OF 1954.—Section 903 of the Federal Aviation Act of*
23 *1958 (49 U.S.C. 1473) is amended by striking subsection*
24 *(c) and by striking the item relating to subsection (c) in*
25 *the table of contents at the beginning of such Act.*

1 (c) *AIRCRAFT AND MOTOR VEHICLES*.—Section 34 of
2 title 18, United States Code, is amended by striking the
3 comma after “imprisonment for life” and inserting a period
4 and striking the remainder of the section.

5 **SEC. 703. AUTHORIZATION OF DEATH PENALTY FOR EXIST-**
6 **ING OFFENSES.**

7 (a) *HOSTAGE TAKING*.—Section 1203(a) of title 18,
8 United States Code, is amended by inserting after “or for
9 life” the following: “and, if the death of any person results,
10 shall be punished by death or life imprisonment”.

11 (b) *MURDER FOR HIRE*.—Section 1958(a) of title 18,
12 United States Code, is amended by striking “and if death
13 results, shall be subject to imprisonment for any term of
14 years or for life, or shall be fined not more than \$50,000,
15 or both” and inserting “and if death results, shall be pun-
16 ished by death or life imprisonment, or shall be fined under
17 this title, or both”.

18 (c) *RACKETEERING*.—Section 1959(a)(1) of title 18,
19 United States Code, is amended to read as follows:

20 “(1) for murder, by death or life imprisonment,
21 or a fine under this title, or both; and for kidnapping,
22 by imprisonment for any term of years or for life, or
23 a fine under this title, or both;”.

24 (d) *GENOCIDE*.—Section 1091(b)(1) of title 18, United
25 States Code, is amended by striking “, a fine of not more

1 *than \$1,000,000 and imprisonment for life;” and inserting*
2 *“, where death results, by death or imprisonment for life*
3 *and a fine under this title, or both;”.*

4 *(e) CARJACKING.—Section 2119(3) of title 18, United*
5 *States Code, is amended to read as follows:*

6 *“(3) if death results, be punished by death or im-*
7 *prisoned for any term of years or for life, fined under*
8 *this title, or both.”*

9 *(f) DEATH PENALTY FOR RAPE AND CHILD MOLESTA-*
10 *TION MURDERS.—*

11 *(1) OFFENSE.—Chapter 109A of title 18, United*
12 *States Code, is amended by redesignating section*
13 *2245 as section 2246, and by inserting after section*
14 *2244 the following:*

15 **“§ 2245. Sexual abuse resulting in death**

16 *“Whoever, in the course of an offense under this chap-*
17 *ter, engages in conduct that results in the death of a person,*
18 *shall be punished by death or imprisoned for any term of*
19 *years or for life.”.*

20 *(2) CLERICAL AMENDMENT.—The table of sec-*
21 *tions at the beginning of chapter 109A of title 18,*
22 *United States Code, is amended by striking the item*
23 *for section 2245 and adding the following:*

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

1 (g) *DEATH PENALTY FOR SEXUAL EXPLOITATION OF*
2 *CHILDREN.*—Section 2251(d) of title 18, United States
3 Code, is amended by adding at the end the following: “Who-
4 ever, in the course of an offense under this section, engages
5 in conduct that results in the death of a person, shall be
6 punished by death or imprisoned for any term of years or
7 for life.”.

8 (h) *HOMICIDES AND ATTEMPTED HOMICIDES INVOLV-*
9 *ING FIREARMS IN FEDERAL FACILITIES.*—Section 930 of
10 title 18, United States Code, is amended—

11 (1) by redesignating subsections (c), (d), (e), (f),
12 and (g) as subsections (d), (e), (f), (g), and (h), re-
13 spectively;

14 (2) in subsection (a), by striking “(c)” and in-
15 serting “(d)”;

16 (3) inserting after subsection (b) the following:

17 “(c) Whoever kills or attempts to kill any person in
18 the course of a violation of subsection (a) or (b), or in the
19 course of an attack on a Federal facility involving the use
20 of a firearm or other dangerous weapon, shall be punished
21 as provided in sections 1111, 1112, and 1113 of this title.”;

22 (4) in subsection (e)(2) (as so redesignated), by
23 striking “(c)” and inserting “(d)”;

24 (5) in subsection (h) (as so redesignated)—

1 (A) by striking “and (b)” and inserting “,
2 (b), and (c)”; and

3 (B) by striking “(d)” each place it appears
4 and inserting “(e)”.

5 (i) *DEATH PENALTY FOR MURDER OF FEDERAL WIT-*
6 *NESSES.*—Section 1512(a)(2)(A) of title 18, United States
7 *Code, is amended to read as follows:*

8 “(A) in the case of murder as defined in section
9 1111 of this title, the death penalty or imprisonment
10 for life, and in the case of any other killing, the pun-
11 ishment provided in section 1112 of this title; and”.

12 (j) *PROTECTION OF COURT OFFICERS AND JURORS.*—
13 *Section 1503 of title 18, United States Code, is amended—*

14 (1) by designating the current text as subsection
15 (a);

16 (2) by striking “fined not more than \$5,000 or
17 imprisoned not more than five years, or both.” and
18 inserting “punished as provided in subsection (b).”;

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

20 “(b) The punishment for an offense under this section
21 *is—*

22 “(1) in the case of a killing, the punishment pro-
23 vided in sections 1111 and 1112 of this title;

24 “(2) in the case of an attempted killing, or a
25 case in which the offense was committed against a

1 *petit juror and in which a class A or B felony was*
2 *charged, imprisonment for not more than twenty*
3 *years, a fine under this title, or both; and*

4 “(3) *in any other case, imprisonment for not*
5 *more than ten years, a fine under this title, or both.”;*
6 *and*

7 (4) *in subsection (a), as so designated by this*
8 *section, by striking “commissioner” each place it ap-*
9 *pears and inserting “magistrate judge”.*

10 (k) *FOREIGN MURDER OF UNITED STATES NATION-*
11 *ALS.—*

12 (1) *IN GENERAL.—Chapter 51 of title 18, United*
13 *States Code, is amended by adding at the end thereof*
14 *the following new section:*

15 **“§ 1118. Foreign murder of United States nationals**

16 “(a) *Whoever, being a national of the United States,*
17 *kills or attempts to kill a national of the United States*
18 *while such national is outside the United States but within*
19 *the jurisdiction of another country shall be punished as pro-*
20 *vided under sections 1111, 1112, and 1113 of this title.*

21 “(b) *No prosecution may be instituted against any*
22 *person under this section except upon the written approval*
23 *of the Attorney General, the Deputy Attorney General, or*
24 *an Assistant Attorney General, which function of approving*
25 *prosecutions may not be delegated. No prosecution shall be*

1 *approved if prosecution has been previously undertaken by*
2 *a foreign country for the same conduct.*

3 *“(c) No prosecution shall be approved under this sec-*
4 *tion unless the Attorney General, in consultation with the*
5 *Secretary of State, determines that the conduct took place*
6 *in a country in which the person is no longer present, and*
7 *the country lacks the ability to lawfully secure the person’s*
8 *return. A determination by the Attorney General under this*
9 *subsection is not subject to judicial review.*

10 *“(d) As used in this section, the term ‘national of the*
11 *United States’ has the meaning given such term in section*
12 *101(a)(22) of the Immigration and Nationality Act (8*
13 *U.S.C. 1101(a)(22)).”.*

14 *(2) CONFORMING AMENDMENT.—Section 1117 of*
15 *title 18, United States Code, is amended by striking*
16 *“or 1116” and inserting “1116, or 1118”.*

17 *(3) CLERICAL AMENDMENT.—The table of sec-*
18 *tions at the beginning of chapter 51 of title 18, Unit-*
19 *ed States Code, is amended by adding at the end the*
20 *following new item:*

“1118. Foreign murder of United States nationals.”.

21 *(l) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—*

22 *(1) CONSPIRACY AGAINST RIGHTS.—Section 241*
23 *of title 18, United States Code, is amended by strik-*
24 *ing the period at the end of the last sentence and in-*
25 *serting “, or may be sentenced to death.”.*

1 (2) *DEPRIVATION OF RIGHTS UNDER COLOR OF*
2 *LAW.*—Section 242 of title 18, United States Code, is
3 *amended by striking the period at the end of the last*
4 *sentence and inserting “; or may be sentenced to*
5 *death.”.*

6 (3) *FEDERALLY PROTECTED ACTIVITIES.*—Sec-
7 *tion 245(b) of title 18, United States Code, is amend-*
8 *ed in the matter following paragraph (5) by inserting*
9 *“; or may be sentenced to death” after “or for life”.*

10 (4) *DAMAGE TO RELIGIOUS PROPERTY; OBSTRUC-*
11 *TION OF THE FREE EXERCISE OF RELIGIOUS*
12 *RIGHTS.*—Section 247(c)(1) of title 18, United States
13 *Code, is amended by inserting “; or may be sentenced*
14 *to death” after “or both”.*

15 **SEC. 704. DEATH PENALTY FOR MURDER BY A FEDERAL**
16 **PRISONER.**

17 (a) *IN GENERAL.*—Chapter 51 of title 18, United
18 *States Code, is amended by adding at the end the following:*

19 **“§ 1119. Murder by a Federal prisoner**

20 “(a) *OFFENSE.*—Whoever, while confined in a Federal
21 *correctional institution under a sentence for a term of life*
22 *imprisonment, commits the murder of another shall be pun-*
23 *ished by death or by life imprisonment.*

24 “(b) *DEFINITIONS.*—For the purposes of this section—

1 “(1) the term ‘Federal correctional institution’
2 means any Federal prison, Federal correctional facil-
3 ity, Federal community program center, or Federal
4 halfway house;

5 “(2) the term ‘term of life imprisonment’ means
6 a sentence for the term of natural life, a sentence com-
7 muted to natural life, an indeterminate term of a
8 minimum of at least fifteen years and a maximum of
9 life, or an unexecuted sentence of death; and

10 “(3) the term ‘murder’ means a first degree or
11 second degree murder as defined by section 1111 of
12 this title.”.

13 (b) *CLERICAL AMENDMENT.*—The table of sections at
14 the beginning of chapter 51 of title 18, United States Code,
15 is amended by adding at the end thereof the following:

“1119. Murder by a Federal prisoner.”.

16 **SEC. 705. MURDER BY ESCAPED PRISONERS.**

17 (a) *IN GENERAL.*—Chapter 51 of title 18, United
18 States Code, is amended by adding at the end the following:

19 **“§ 1120. Murder by escaped prisoners**

20 “(a) *IN GENERAL.*—Whoever, having escaped from a
21 Federal prison where such person was confined under a sen-
22 tence for a term of life imprisonment, kills another shall
23 be punished as provided in sections 1111 and 1112 of this
24 title.

1 “(b) *DEFINITION.*—As used in this section, the terms
2 ‘Federal prison’ and ‘term of life imprisonment’ have the
3 meanings given those terms in section 1119 of this title.”.

4 (b) *CLERICAL AMENDMENT.*—The table of sections at
5 the beginning of chapter 51 of title 18, United States Code,
6 is amended by adding at the end the following:

“1120. Murder by escaped prisoners.”.

7 **SEC. 706. DRIVE-BY SHOOTINGS.**

8 (a) *IN GENERAL.*—Section 922 of title 18, United
9 States, Code, is amended by adding at the end the following:

10 “(v) It shall be unlawful for any person knowingly
11 to—

12 “(1) discharge a firearm from within a motor
13 vehicle; and

14 “(2) thereby create a grave risk to human life.”.

15 (b) *PENALTY.*—Section 924(a) of such title is amended
16 by adding at the end the following:

17 “(6) Whoever knowingly violates section 922(v) shall
18 be fined under this title or imprisoned not more than 25
19 years, or both, and if death results, shall be punished by
20 death or imprisonment for life or any term of years.”.

21 **SEC. 707. DEATH PENALTY FOR GUN MURDERS DURING**
22 **FEDERAL CRIMES OF VIOLENCE AND DRUG**
23 **TRAFFICKING CRIMES.**

24 Section 924 of title 18, United States Code, is amended
25 by adding at the end the following:

1 “(j) Whoever, in the course of a violation of subsection
2 (c) of this section, causes the death of a person through the
3 use of a firearm, shall—

4 “(1) if the killing is a murder as defined in sec-
5 tion 1111 of this title, be punished by death or by im-
6 prisonment for any term of years or for life; and

7 “(2) if the killing is manslaughter as defined in
8 section 1112 of this title, be punished as provided in
9 that section.”.

10 **SEC. 708. DEATH PENALTY FOR THE MURDER OF STATE OR**
11 **LOCAL OFFICIALS ASSISTING FEDERAL LAW**
12 **ENFORCEMENT OFFICIALS AND STATE COR-**
13 **RECTIONAL OFFICERS.**

14 (a) *IN GENERAL.*—Chapter 51 of title 18, United
15 States Code is amended by adding at the end the
16 following:

17 **“§ 1121. Killing persons aiding Federal investigations**
18 **or State correctional officers**

19 “(a) Whoever intentionally kills—

20 “(1) a State or local official, law enforcement of-
21 ficer, or other officer or employee while working with
22 Federal law enforcement officials in furtherance of a
23 Federal criminal investigation—

24 “(A) while the victim is engaged in the per-
25 formance of official duties;

1 “(B) because of the performance of the vic-
2 tim’s official duties; or

3 “(C) because of the victim’s status as a pub-
4 lic servant; or

5 “(2) any person assisting a Federal criminal in-
6 vestigation, while that assistance is being rendered
7 and because of it,
8 shall be sentenced according to the terms of section 1111
9 of this title, including by sentence of death or by imprison-
10 ment for life.

11 “(b)(1) Whoever, in a circumstance described in para-
12 graph (3) of this subsection, while incarcerated, inten-
13 tionally kills any State correctional officer engaged in, or
14 on account of the performance of such officer’s official du-
15 ties, shall be sentenced to a term of imprisonment which
16 shall not be less than 20 years, and may be sentenced to
17 life imprisonment or death.

18 “(2) As used in this section, the term, ‘State correc-
19 tional officer’ includes any officer or employee of any pris-
20 on, jail, or other detention facility, operated by, or under
21 contract to, either a State or local governmental agency,
22 whose job responsibilities include providing for the custody
23 of incarcerated individuals.

24 “(3) The circumstance referred to in paragraph (1) of
25 this subsection is that—

1 *tion of conditions of probation, parole or release*
2 *pending judicial proceedings given by a person to a*
3 *law enforcement officer;*

4 *shall be punished as provided in paragraph (2).*

5 “(2) *The punishment for an offense under this sub-*
6 *section is—*

7 “(A) *in the case of a killing, the punishment pro-*
8 *vided in sections 1111 and 1112 of this title; and*

9 “(B) *in the case of an attempt, imprisonment for*
10 *not more than twenty years, a fine under this title,*
11 *or both.”.*

12 **SEC. 710. WEAPONS OF MASS DESTRUCTION.**

13 (a) *OFFENSE.—Chapter 113A of title 18, United*
14 *States Code, is amended by inserting after section 2332 the*
15 *following new section:*

16 **“§ 2332a. Use of weapons of mass destruction**

17 “(a) *Whoever uses, or attempts or conspires to use, a*
18 *weapon of mass destruction—*

19 “(1) *against a national of the United States*
20 *while such national is outside of the United States;*

21 “(2) *against any person within the United*
22 *States; or*

23 “(3) *against any property that is owned, leased*
24 *or used by the United States or by any department*

1 *or agency of the United States, whether the property*
2 *is within or outside of the United States;*
3 *shall be imprisoned for any term of years or for life, and*
4 *if death results, shall be punished by death or imprisoned*
5 *for any term of years or for life.*

6 *“(b) For purposes of this section—*

7 *“(1) the term ‘national of the United States’ has*
8 *the meaning given in section 101(a)(22) of the Immi-*
9 *gration and Nationality Act (8 U.S.C. 1101(a)(22));*
10 *and*

11 *“(2) the term ‘weapon of mass destruction’*
12 *means—*

13 *“(A) any destructive device as defined in*
14 *section 921 of this title;*

15 *“(B) poison gas;*

16 *“(C) any weapon involving a disease orga-*
17 *nism; or*

18 *“(D) any weapon that is designed to release*
19 *radiation or radioactivity at a level dangerous to*
20 *human life.”.*

21 *(b) CLERICAL AMENDMENT.—The table of sections at*
22 *the beginning of chapter 113A of title 18, United States*
23 *Code, is amended by inserting after the item relating to*
24 *section 2332 the following:*

“2332a. Use of weapons of mass destruction.”.

1 **SEC. 711. VIOLENCE AT AIRPORTS SERVING INTER-**
2 **NATIONAL CIVIL AVIATION.**

3 (a) *OFFENSE.*—Chapter 2 of title 18, United States
4 Code, is amended by adding at the end the following:

5 **“§ 36. Violence at international airports**

6 “(a) *Whoever unlawfully and intentionally, using any*
7 *device, substance or weapon—*

8 “(1) *performs an act of violence against a person*
9 *at an airport serving international civil aviation*
10 *which causes or is likely to cause serious bodily in-*
11 *jury (as defined in section 1365 of this title) or death;*
12 *or*

13 “(2) *destroys or seriously damages the facilities*
14 *of an airport serving international civil aviation or*
15 *a civil aircraft not in service located thereon or*
16 *disrupts the services of the airport;*

17 *if such an act endangers or is likely to endanger safety at*
18 *that airport, or attempts to do such an act, shall be fined*
19 *under this title or imprisoned not more than twenty years,*
20 *or both; and if the death of any person results from conduct*
21 *prohibited by this subsection, shall be punished by death*
22 *or imprisoned for any term of years or for life.*

23 “(b) *There is jurisdiction over the prohibited activity*
24 *in subsection (a) if—*

25 “(1) *the prohibited activity takes place in the*
26 *United States; or*

1 “(2) the prohibited activity takes place outside of
2 the United States and the offender is later found in
3 the United States.

4 “(c) It is a bar to Federal prosecution under subsection
5 (a) for conduct that occurred within the United States that
6 the conduct involved—

7 “(1) a domestic dispute solely affecting and be-
8 tween members of the same family or household or be-
9 tween social acquaintances; or

10 “(2) was during or in relation to a labor dis-
11 pute, and such conduct was prohibited as a felony
12 under the law of the State in which it was committed.
13 For purposes of this section, the term ‘labor dispute’ has
14 the meaning set forth in section 2(c) of the Norris-
15 LaGuardia Act (29 U.S.C. 113(c)).”.

16 (b) *CLERICAL AMENDMENT.*—The table of sections at
17 the beginning of chapter 2 of title 18, United States Code,
18 is amended by adding at the end the following:

 “36. Violence at international airports.”.

19 (c) *EFFECTIVE DATE.*—This section shall take effect
20 on the later of—

21 (1) the date of the enactment of this Act; or

22 (2) the date the Protocol for the Suppression of
23 Unlawful Acts of Violence at Airports Serving Inter-
24 national Civil Aviation, Supplementary to the Con-
25 vention for the Suppression of Unlawful Acts Against

1 *the Safety of Civil Aviation, done at Montreal on 23*
2 *September 1971, has come into force and the United*
3 *States has become a party to the Protocol.*

4 **SEC. 712. OFFENSES OF VIOLENCE AGAINST MARITIME**
5 **NAVIGATION OR FIXED PLATFORMS.**

6 (a) *OFFENSES.*—Chapter 111 of title 18, United States
7 Code, is amended by adding at the end the
8 following:

9 **“§ 2280. Violence against maritime navigation**

10 “(a) *Whoever unlawfully and intentionally—*

11 “(1) *seizes or exercises control over a ship by*
12 *force or threat thereof or any other form of intimidat-*
13 *tion;*

14 “(2) *performs an act of violence against a person*
15 *on board a ship if that act is likely to endanger the*
16 *safe navigation of that ship;*

17 “(3) *destroys a ship or causes damage to a ship*
18 *or to its cargo which is likely to endanger the safe*
19 *navigation of that ship;*

20 “(4) *places or causes to be placed on a ship, by*
21 *any means whatsoever, a device or substance which is*
22 *likely to destroy that ship, or cause damage to that*
23 *ship or its cargo which endangers or is likely to en-*
24 *danger the safe navigation of that ship;*

1 “(5) destroys or seriously damages maritime
2 navigational facilities or seriously interferes with
3 their operation, if such act is likely to endanger the
4 safe navigation of a ship;

5 “(6) communicates information, knowing the in-
6 formation to be false and under circumstances in
7 which such information may reasonably be believed,
8 thereby endangering the safe navigation of a ship;

9 “(7) injures or kills any person in connection
10 with the commission or the attempted commission of
11 any of the offenses set forth in paragraphs (1) through
12 (6); or

13 “(8) attempts to do any act prohibited under
14 paragraphs (1) through (7);

15 shall be fined under this title or imprisoned not more than
16 twenty years, or both; and if the death of any person results,
17 from conduct prohibited by this subsection, shall be pun-
18 ished by death or imprisoned for any term of years or for
19 life.

20 “(b) Whoever threatens to do any act prohibited under
21 paragraph (2), (3) or (5) of subsection (a), with apparent
22 determination and will to carry the threat into execution,
23 if the threatened act is likely to endanger the safe naviga-
24 tion of the ship in question, shall be fined under this title
25 or imprisoned not more than five years, or both.

1 “(c) *There is jurisdiction over the prohibited activity*
2 *in subsections (a) and (b)—*

3 “(1) *in the case of a covered ship, if—*

4 “(A) *such activity is committed—*

5 “(i) *against or on board a ship flying*
6 *the flag of the United States at the time the*
7 *prohibited activity is committed;*

8 “(ii) *in the United States and the ac-*
9 *tivity is not prohibited as a crime by the*
10 *State in which the activity takes place; or*

11 “(iii) *the activity takes place on a ship*
12 *flying the flag of a foreign country or out-*
13 *side the United States, by a national of the*
14 *United States or by a stateless person whose*
15 *habitual residence is in the United States;*

16 “(B) *during the commission of such activ-*
17 *ity, a national of the United States is seized,*
18 *threatened, injured or killed; or*

19 “(C) *the offender is later found in the Unit-*
20 *ed States after such activity is committed;*

21 “(2) *in the case of a ship navigating or sched-*
22 *uled to navigate solely within the territorial sea or*
23 *internal waters of a country other than the United*
24 *States, if the offender is later found in the United*
25 *States after such activity is committed; and*

1 “(3) in the case of any vessel, if such activity is
2 committed in an attempt to compel the United States
3 to do or abstain from doing any act.

4 “(d) It is a bar to Federal prosecution under sub-
5 section (a) for conduct that occurred within the United
6 States that the conduct involved—

7 “(1) a domestic dispute solely affecting and be-
8 tween members of the same family or household or be-
9 tween social acquaintances; or

10 “(2) was during or in relation to a labor dis-
11 pute, and such conduct was prohibited as a felony
12 under the law of the State in which it was committed.
13 For purposes of this section, the term ‘labor dispute’ has
14 the meaning set forth in section 2(c) of the Norris-
15 LaGuardia Act (29 U.S.C. 113(c)).

16 “(e) The master of a covered ship flying the flag of
17 the United States who has reasonable grounds to believe that
18 there is on board that ship any person who has committed
19 an offense under Article 3 of the Convention for the Sup-
20 pression of Unlawful Acts Against the Safety of Maritime
21 Navigation may deliver such person to the authorities of
22 a State Party to that Convention. Before delivering such
23 person to the authorities of another country, the master
24 shall notify in an appropriate manner the Attorney General
25 of the United States of the alleged offense and await instruc-

1 *tions from the Attorney General as to what action to take.*
2 *When delivering the person to a country which is a State*
3 *Party to the Convention, the master shall, whenever prac-*
4 *ticable, and if possible before entering the territorial sea of*
5 *such country, notify the authorities of such country of the*
6 *master's intention to deliver such person and the reasons*
7 *therefor. If the master delivers such person, the master shall*
8 *furnish to the authorities of such country the evidence in*
9 *the master's possession that pertains to the alleged offense.*

10 *“(f) As used in this section—*

11 *“(1) the term ‘ship’ means a vessel of any type*
12 *whatsoever not permanently attached to the sea-bed,*
13 *including dynamically supported craft, submersibles*
14 *or any other floating craft; but such term does not in-*
15 *clude a warship, a ship owned or operated by a gov-*
16 *ernment when being used as a naval auxiliary or for*
17 *customs or police purposes, or a ship which has been*
18 *withdrawn from navigation or laid up;*

19 *“(2) the term ‘covered ship’ means a ship that is*
20 *navigating or is scheduled to navigate into, through*
21 *or from waters beyond the outer limit of the terri-*
22 *torial sea of a single country or a lateral limit of that*
23 *country's territorial sea with an adjacent country;*

24 *“(3) the term ‘national of the United States’ has*
25 *the meaning given such term in section 101(a)(22) of*

1 *the Immigration and Nationality Act (8 U.S.C.*
2 *1101(a)(22));*

3 “(4) the term ‘territorial sea of the United
4 States’ means all waters extending seaward to 12
5 nautical miles from the baselines of the United States
6 determined in accordance with international law; and

7 “(5) the term ‘United States’, when used in a
8 geographical sense, includes the Commonwealth of
9 Puerto Rico, the Commonwealth of the Northern Mar-
10 iana Islands and all territories and possessions of the
11 United States.

12 **“§ 2281. Violence against maritime fixed platforms**

13 “(a) Whoever unlawfully and intentionally—

14 “(1) seizes or exercises control over a fixed plat-
15 form by force or threat thereof or any other form of
16 intimidation;

17 “(2) performs an act of violence against a person
18 on board a fixed platform if that act is likely to en-
19 danger its safety;

20 “(3) destroys a fixed platform or causes damage
21 to it which is likely to endanger its safety;

22 “(4) places or causes to be placed on a fixed
23 platform, by any means whatsoever, a device or sub-
24 stance which is likely to destroy that fixed platform
25 or likely to endanger its safety;

1 “(5) injures or kills any person in connection
2 with the commission or the attempted commission of
3 any of the offenses set forth in paragraphs (1) through
4 (4); or

5 “(6) attempts to do anything prohibited under
6 paragraphs (1) through (5);
7 shall be fined under this title or imprisoned not more than
8 twenty years, or both; and if death results to any person
9 from conduct prohibited by this subsection, shall be pun-
10 ished by death or imprisoned for any term of years or for
11 life.

12 “(b) Whoever threatens to do anything prohibited
13 under paragraph (2) or (3) of subsection (a), with apparent
14 determination and will to carry the threat into execution,
15 if the threatened act is likely to endanger the safety of the
16 fixed platform, shall be fined under this title or imprisoned
17 not more than five years, or both.

18 “(c) There is jurisdiction over the prohibited activity
19 in subsections (a) and (b) if—

20 “(1) such activity is committed against or on
21 board a fixed platform—

22 “(A) that is located on the continental shelf
23 of the United States;

24 “(B) that is located on the continental shelf
25 of another country, by a national of the United

1 *States or by a stateless person whose habitual*
2 *residence is in the United States; or*

3 “(C) *in an attempt to compel the United*
4 *States to do or abstain from doing any act;*

5 “(2) *during the commission of such activity*
6 *against or on board a fixed platform located on a*
7 *continental shelf, a national of the United States is*
8 *seized, threatened, injured or killed; or*

9 “(3) *such activity is committed against or on*
10 *board a fixed platform located outside the United*
11 *States and beyond the continental shelf of the United*
12 *States and the offender is later found in the United*
13 *States.*

14 “(d) *It is a bar to Federal prosecution under sub-*
15 *section (a) for conduct that occurred within the United*
16 *States that the conduct involved—*

17 “(1) *a domestic dispute solely affecting and be-*
18 *tween members of the same family or household or be-*
19 *tween social acquaintances; or*

20 “(2) *was during or in relation to a labor dis-*
21 *pute, and such conduct was prohibited as a felony*
22 *under the law of the State in which it was committed.*

23 *For purposes of this section, the term ‘labor dispute’ has*
24 *the meaning set forth in section 2(c) of the Norris-*
25 *LaGuardia Act (29 U.S.C. 113(c)).*

1 “(e) As used in this section, the term—

2 “(1) ‘continental shelf’ means the sea-bed and
3 subsoil of the submarine areas that extend beyond a
4 country’s territorial sea to the limits provided by cus-
5 tomary international law as reflected in Article 76 of
6 the 1982 Convention on the Law of the Sea;

7 “(2) ‘fixed platform’ means an artificial island,
8 installation or structure permanently attached to the
9 sea-bed for the purpose of exploration or exploitation
10 of resources or for other economic purposes;

11 “(3) ‘national of the United States’ has the
12 meaning given such term in section 101(a)(22) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1101(a)(22));

15 “(4) ‘territorial sea of the United States’ means
16 all waters extending seaward to 12 nautical miles
17 from the baselines of the United States determined in
18 accordance with international law; and

19 “(5) ‘United States’, when used in a geographi-
20 cal sense, includes the Commonwealth of Puerto Rico,
21 the Commonwealth of the Northern Mariana Islands
22 and all territories and possessions of the United
23 States.”.

24 (b) CLERICAL AMENDMENTS.—The table of sections at
25 the beginning of chapter 111 of title 18, United States Code,

1 *is amended by adding at the end thereof the*
 2 *following:*

“2280. Violence against maritime navigation
“2281. Violence against maritime fixed platforms”.

3 (c) *EFFECTIVE DATES.*—*This section and the amend-*
 4 *ments made by this section shall take effect on the later of—*

5 (1) *the date of the enactment of this Act; or*

6 (2)(A) *in the case of section 2280 of title 18,*
 7 *United States Code, the date the Convention for the*
 8 *Suppression of Unlawful Acts Against the Safety of*
 9 *Maritime Navigation has come into force and the*
 10 *United States has become a party to that Convention;*
 11 *and*

12 (B) *in the case of section 2281 of title 18, United*
 13 *States Code, the date the Protocol for the Suppression*
 14 *of Unlawful Acts Against the Safety of Fixed Plat-*
 15 *forms Located on the Continental Shelf has come into*
 16 *force and the United States has become a party to*
 17 *that Protocol.*

18 **SEC. 713. TORTURE.**

19 (a) *IN GENERAL.*—*Part I of title 18, United States*
 20 *Code, is amended by inserting after chapter 113A the fol-*
 21 *lowing new chapter:*

22 **“CHAPTER 113B—TORTURE**

“Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

1 **“§ 2340. Definitions**

2 “As used in this chapter—

3 “(1) the term ‘torture’ means an act committed
4 by a person acting under the color of law specifically
5 intended to inflict severe physical or mental pain or
6 suffering (other than pain or suffering incidental to
7 lawful sanctions) upon another person within his cus-
8 tody or physical control;

9 “(2) the term ‘severe mental pain or suffering’
10 means the prolonged mental harm caused by or re-
11 sulting from (A) the intentional infliction or threat-
12 ened infliction of severe physical pain or suffering;
13 (B) the administration or application, or threatened
14 administration or application, of mind altering sub-
15 stances or other procedures calculated to disrupt pro-
16 foundly the senses or the personality; (C) the threat
17 of imminent death; or (D) the threat that another
18 person will imminently be subjected to death, severe
19 physical pain or suffering, or the administration or
20 application of mind altering substances or other pro-
21 cedures calculated to disrupt profoundly the senses or
22 personality;

23 “(3) the term ‘United States’ includes all areas
24 under the jurisdiction of the United States including
25 any of the places within the provisions of sections 5
26 and 7 of this title and section 101(38) of the Federal

1 *Aviation Act of 1958, as amended (49 U.S.C. App.*
2 *1301(38)).*

3 **“§ 2340A. Torture**

4 “(a) *Whoever, outside the United States and in a cir-*
5 *cumstance described in subsection (b) of this section, com-*
6 *mits or attempts to commit torture—*

7 “(1) *shall be fined under this title or imprisoned*
8 *not more than twenty years, or both; and*

9 “(2) *if death results to any person from conduct*
10 *prohibited by this subsection, shall be punished by*
11 *death or imprisoned for any term of years or for life.*

12 “(b) *The circumstance referred to in subsection (a) of*
13 *this section is if—*

14 “(1) *the alleged offender is a national of the*
15 *United States; or*

16 “(2) *the alleged offender is present in the United*
17 *States, irrespective of the nationality of the victim or*
18 *the alleged offender.*

19 **“§ 2340B. Exclusive remedies**

20 “*Nothing in this chapter shall be construed as preclud-*
21 *ing the application of State or local laws on the same sub-*
22 *ject, nor shall anything in this chapter be construed as cre-*
23 *ating any substantive or procedural right enforceable by*
24 *law by any party in any civil proceeding.”.*

1 (b) *CLERICAL AMENDMENT.*—The table of chapters for
 2 part I of title 18, United States Code, is amended by insert-
 3 ing after the item for chapter 113A the following new item:

 “**113B. Torture** **2340**”.

4 (c) *EFFECTIVE DATE.*—This section shall take effect
 5 on the later of—

6 (1) the date of enactment of this section; or

7 (2) the date the United States has become a
 8 party to the Convention Against Torture and Other
 9 Cruel, Inhuman or Degrading Treatment or
 10 Punishment.

11 **SEC. 714. APPLICABILITY TO UNIFORM CODE OF MILITARY**
 12 **JUSTICE.**

13 The provisions of chapter 228 of title 18, United States
 14 Code, as added by this title, shall not apply to prosecutions
 15 under the Uniform Code of Military Justice (10 U.S.C.
 16 801).

17 **SEC. 715. PROTECTION OF JURORS AND WITNESSES IN CAP-**
 18 **ITAL CASES.**

19 Section 3432 of title 18, United States Code, is amend-
 20 ed by inserting before the period the following: “, except that
 21 such list of the veniremen and witnesses need not be fur-
 22 nished if the court finds by a preponderance of the evidence
 23 that providing the list may jeopardize the life or safety of
 24 any person”.

1 **SEC. 716. KIDNAPPING.**

2 *Section 1201(g)(1) of title 18, United States Code, is*
3 *amended by inserting “to the penalty of death if the death*
4 *of the victim results and, in any other case,” after “shall*
5 *be subject”.*

6 **TITLE VIII—TRUTH IN**
7 **SENTENCING**

8 **SEC. 801. GRANTS.**

9 *The Attorney General is authorized to provide grants*
10 *to States to build, expand, or operate space in correctional*
11 *facilities in order to increase the prison bed capacity in*
12 *such facilities in order to reach the goals set forth in section.*

13 **SEC. 802. FEDERAL FUNDS.**

14 *(a) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1995.—*
15 *Of the total amount of funds appropriated under this title*
16 *in fiscal year 1995, there shall be allocated to each State*
17 *an amount which bears the same ratio to the amount of*
18 *funds appropriated pursuant to this title as the number of*
19 *part I violent crimes reported by the States to the Federal*
20 *Bureau of Investigation for 1993 bears to the number of*
21 *part I violent crimes reported by all States to the Federal*
22 *Bureau of Investigation for 1993.*

23 *(b) DISTRIBUTION OF FUNDS IN FISCAL YEARS 1996*
24 *THROUGH 1999.—75 percent of the total amount of funds*
25 *appropriated under this title in fiscal years 1996, 1997,*

1 1998, and 1999 shall be allocated to each State according
2 to the formula established in subsection (a) adjusted to re-
3 flect in each year the most recent data from the Federal
4 Bureau of Investigation reporting part I violent crimes.

5 (c) *GOOD FAITH EFFORT.*—In order to be eligible for
6 funding under subsections (a) and (b), a State shall submit
7 an application and give the Attorney General assurances
8 that it will make a good faith and cost effective effort to
9 become eligible for a grant under subsection (d).

10 (d) *TRUTH IN SENTENCING INCENTIVE FUND.*—25
11 percent of the total amount of funds appropriated under
12 this title in each of the fiscal years 1996, 1997, 1998, and
13 1999 shall be allocated to each eligible State according to
14 the same ratios established in subsection (b) multiplied by
15 the percentage change in the States' percentage of time to
16 be served by the persons convicted of violent crimes divided
17 by the average of all States' percentage change in percentage
18 of time to be served by the persons convicted of violent
19 crimes. States which have achieved a Truth in Sentencing
20 standard of violent criminals serving 85 percent of prison
21 time assessed shall receive the incentive funds based on the
22 average of such percentage change ratios of all States multi-
23 plied by the States percentage of total Part I violent crime
24 reported.

1 (e) *ELIGIBILITY FOR TRUTH IN SENTENCING INCEN-*
2 *TIVE FUND.*—In order to be eligible for grants under sub-
3 *section (d)*, a State must demonstrate that it has, since
4 1993—

5 (1) *increased the percentage of convicted violent*
6 *offenders sentenced to prison;*

7 (2) *increased the average prison time actually to*
8 *be served in prison by convicted violent offenders sen-*
9 *tenced to prison; and*

10 (3) *increased the percentage of sentence to be ac-*
11 *tually served in prison by violent offenders sentenced*
12 *to prison.*

13 (f) *LAW CHANGES.*—As evidence of such good faith ef-
14 *fort to meet the goals contained in subsection (e)*, a State
15 *may make changes to its laws and regulations which may*
16 *include—*

17 (1) *truth in sentencing laws which will require*
18 *persons convicted of violent crimes to serve not less*
19 *than 85 percent of the sentence imposed;*

20 (2) *mandatory prison sentences for persons con-*
21 *victed of the most serious violent crimes;*

22 (3) *pretrial detention for persons whose release it*
23 *can be shown would pose a danger to any other per-*
24 *son or the community;*

1 (4) *sentencing authority to allow the defendant's*
2 *victims or the family of victims the opportunity to be*
3 *heard regarding the issue of sentencing and provide*
4 *that the victim or the victim's family will be notified*
5 *whenever such defendant is to be released; or*

6 (5) *that a person who is convicted of a serious*
7 *violent crime shall be sentenced to life imprisonment*
8 *if—*

9 (A) *The person has been convicted on 2 or*
10 *more prior occasions in a court of the United*
11 *States or of a State of a serious violent crime,*
12 *or of 1 or more serious violent crimes and 1 or*
13 *more serious drug offenses; and*

14 (B) *each serious violent crime or serious*
15 *drug offense used as a basis for sentencing under*
16 *this subsection, other than the fist, was commit-*
17 *ted after the defendant's conviction of the preced-*
18 *ing serious violent crime or serious drug offense.*

19 **SEC. 803. DEFINITIONS.**

20 *For purposes of this title—*

21 (1) *the term "violent crime" means—*

22 (A) *a felony offense that has as an element*
23 *the use, attempted use, or threatened use of phys-*
24 *ical force against the person of another, or*

1 (B) any other offense that is a felony and
2 that, by its nature, involves substantial risk that
3 physical force against the person of another may
4 be used in the course of committing the offense;

5 (2) the term “serious drug offender” has the
6 same meaning as that is used in section 924(e)(2)(A)
7 of title 18, United States Code;

8 (3) the term “State” means any of the United
9 States and the District of Columbia;

10 (4) the term “convicted” means convicted and
11 sentenced to a term in a State corrections institution
12 or a period of formal probation; and

13 (5) the term “Part I violent crimes” means mur-
14 der, rape, robbery, and aggravated assault as those of-
15 fenses are reported to the Federal Bureau of Inves-
16 tigation for purposes of the Uniform Crime Reports.

17 **SEC. 804. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) *IN GENERAL.*—For purposes of this title, there are
19 authorized to be appropriated—

20 (1) \$2,500,000,000 for fiscal year 1995;

21 (2) \$2,000,000,000 for fiscal year 1996;

22 (3) \$2,000,000,000 for fiscal year 1997;

23 (4) \$2,000,000,000 for fiscal year 1998; and

24 (5) \$2,000,000,000 for fiscal year 1999.

25 (b) *LIMITATIONS ON FUNDS.*—

1 (1) *NONSUPPLANTING REQUIREMENT.*—Funds
2 made available under this section shall not be used to
3 supplant State funds, but shall be used to increase the
4 amount of funds that would, in the absence of Federal
5 funds, be made available from State sources.

6 (2) *ADMINISTRATIVE COSTS.*—Not more than 3
7 percent of the funds available under this section may
8 be used for administrative costs.

9 (3) *MATCHING FUNDS.*—The portion of the costs
10 of a program provided by a grant under this section
11 may not exceed 90 percent of the total costs of the
12 program as described in the application.

13 (4) *CARRY OVER OF APPROPRIATIONS.*—Any
14 funds appropriated but not expended as provided by
15 this section during any fiscal year shall be carried
16 over and will be made available until expended.

17 **TITLE IX—RACIALLY DISCRIMI-**
18 **NATORY CAPITAL SENTENC-**
19 **ING**

20 **SEC. 901. AMENDMENT TO TITLE 28.**

21 (a) *PROCEDURE.*—Part VI of title 28, United States
22 Code, is amended by inserting after chapter 176 the follow-
23 ing new chapter:

1 **“CHAPTER 177—RACIALLY DISCRIMINATORY**2 **CAPITAL SENTENCING**

“Sec.

“3501. Prohibition against the execution of a sentence of death imposed on the basis of race.

“3502. Access to data on death eligible cases.

“3503. Enforcement of the chapter.

“3504. Construction of chapter.

3 **“§ 3501. Prohibition against the execution of a sen-**
 4 **tence of death imposed on the basis of**
 5 **race**

6 “(a) *IN GENERAL.*—No person shall be put to death
 7 under color of State or Federal law in the execution of a
 8 sentence that was imposed based on race.

9 “(b) *INFERENCE OF RACE AS THE BASIS OF DEATH*
 10 *SENTENCE.*—An inference that race was the basis of a death
 11 sentence is established if valid evidence is presented dem-
 12 onstrating that, at the time the death sentence was imposed,
 13 race was a statistically significant factor in decisions to
 14 seek or to impose the sentence of death in the jurisdiction
 15 in question.

16 “(c) *RELEVANT EVIDENCE.*—Evidence relevant to es-
 17 tablish an inference that race was the basis of a death sen-
 18 tence may include evidence that death sentences were, at
 19 the time pertinent under subsection (b), being imposed sig-
 20 nificantly more frequently in the jurisdiction in question—

21 “(1) upon persons of one race than upon persons
 22 of another race; or

1 “(2) as punishment for capital offenses against
2 persons of one race than as punishment for capital of-
3 fenses against persons of another race.

4 “(d) *VALIDITY OF EVIDENCE PRESENTED TO ESTAB-*
5 *LISH AN INFERENCE.*—If statistical evidence is presented
6 to establish an inference that race was the basis of a sen-
7 tence of death, the court shall determine the validity of the
8 evidence and if it provides a basis for the inference. Such
9 evidence must take into account, to the extent it is compiled
10 and publicly made available, evidence of the statutory ag-
11 gravating factors of the crimes involved, and shall include
12 comparisons of similar cases involving persons of different
13 races.

14 “(e) *REBUTTAL.*—If an inference that race was the
15 basis of a death sentence is established under subsection (b),
16 the death sentence may not be carried out unless the govern-
17 ment rebuts the inference by a preponderance of the evi-
18 dence. Unless it can show that the death penalty was sought
19 in all cases fitting the statutory criteria for imposition of
20 the death penalty, the government cannot rely on mere as-
21 sertions that it did not intend to discriminate or that the
22 cases in which death was imposed fit the statutory criteria
23 for imposition of the death penalty.

1 **“§ 3502. Access to data on death eligible cases**

2 *“Data collected by public officials concerning factors*
3 *relevant to the imposition of the death sentence shall be*
4 *made publicly available.*

5 **“§ 3503. Enforcement of the chapter**

6 *“In any proceeding brought under section 2254, the*
7 *evidence supporting a claim under this chapter may be pre-*
8 *sented in an evidentiary hearing and need not be set forth*
9 *in the petition. Notwithstanding section 2254, no deter-*
10 *mination on the merits of a factual issue made by a State*
11 *court pertinent to any claim under section 3501 shall be*
12 *presumed to be correct unless—*

13 *“(1) the State is in compliance with section*
14 *3502;*

15 *“(2) the determination was made in a proceed-*
16 *ing in a State court in which the person asserting the*
17 *claim was afforded rights to the appointment of coun-*
18 *sel and to the furnishing of investigative, expert and*
19 *other services necessary for the adequate development*
20 *of the claim; and*

21 *“(3) the determination is one which is otherwise*
22 *entitled to be presumed to be correct under the cri-*
23 *teria specified in section 2254.*

1 **“§ 3504. Construction of chapter**

2 *“Nothing contained in this chapter shall be construed*
 3 *to affect in one way or the other the lawfulness of any sen-*
 4 *tence of death that does not violate section 3501.”.*

5 **(b) AMENDMENT TO TABLE OF CHAPTERS.**—*The table*
 6 *of chapters of part VI of title 28, United States Code, is*
 7 *amended by adding at the end thereof the following new*
 8 *item:*

“177. Racially Discriminatory Capital Sentencing 3501.”.

9 **SEC. 902. ACTIONS BEFORE ENACTMENT.**

10 *No person shall be barred from raising any claim*
 11 *under section 3501 of title 28, United States Code, as added*
 12 *by this Act, on the ground of having failed to raise or to*
 13 *prosecute the same or a similar claim before the enactment*
 14 *of the Act, nor by reason of any adjudication rendered be-*
 15 *fore that enactment.*

16 **TITLE X—CRIME PREVENTION**
 17 **AND COMMUNITY JUSTICE**
 18 **Subtitle A—Model Intensive Grant**
 19 **Programs**

20 **SEC. 1001. GRANT AUTHORIZATION.**

21 **(a) ESTABLISHMENT.**—*The Attorney General, who*
 22 *may consult with the Secretary of Health and Human Serv-*
 23 *ices and the Secretary of Housing and Urban Development,*
 24 *is authorized to award grants to not more than 15 chronic*

1 *high intensive crime areas to develop comprehensive model*
2 *crime prevention programs that—*

3 (1) *involve and utilize a broad spectrum of com-*
4 *munity resources, including nonprofit community or-*
5 *ganizations, law enforcement organizations, and ap-*
6 *propriate State and Federal agencies, including the*
7 *State educational agencies;*

8 (2) *attempt to relieve conditions that encourage*
9 *crime; and*

10 (3) *provide meaningful and lasting alternatives*
11 *to involvement in crime.*

12 (b) *PRIORITY.—In awarding grants described in sub-*
13 *section (a), the Attorney General shall give priority to pro-*
14 *posals that—*

15 (1) *are innovative in approach to the prevention*
16 *of crime in a specific area;*

17 (2) *vary in approach to ensure that comparisons*
18 *of different models may be made; and*

19 (3) *coordinate crime prevention programs funded*
20 *under this program with other existing Federal pro-*
21 *grams to address the overall needs of communities*
22 *that benefit from grants received under this title.*

23 **SEC. 1002. USES OF FUNDS.**

24 (a) *IN GENERAL.—Funds awarded under this subtitle*
25 *may be used only for purposes described in an approved*

1 *application. The intent of grants under this subtitle is to*
2 *fund intensively comprehensive crime prevention programs*
3 *in chronic high intensive crime areas.*

4 (b) *GUIDELINES.—The Attorney General shall issue*
5 *and publish in the Federal Register guidelines that describe*
6 *suggested purposes for which funds under approved pro-*
7 *grams may be used.*

8 **SEC. 1003. PROGRAM REQUIREMENTS.**

9 (a) *DESCRIPTION.—An applicant shall include a de-*
10 *scription of the distinctive factors that contribute to chronic*
11 *violent crime within the area proposed to be served by the*
12 *grant. Such factors may include lack of alternative activi-*
13 *ties and programs for youth, deterioration or lack of public*
14 *facilities, inadequate public services such as public trans-*
15 *portation, street lighting, community-based substance abuse*
16 *treatment facilities, or employment services offices, and*
17 *inadequate police or public safety services, equipment, or*
18 *facilities.*

19 (b) *COMPREHENSIVE PLAN.—An applicant shall in-*
20 *clude a comprehensive, community-based plan to attack in-*
21 *tensively the principal factors identified in subsection (a).*
22 *Such plans shall describe the specific purposes for which*
23 *funds are proposed to be used and how each purpose will*
24 *address specific factors. The plan also shall specify how*
25 *local nonprofit organizations, government agencies, private*

1 *businesses, citizens groups, volunteer organizations, and in-*
2 *terested citizens will cooperate in carrying out the purposes*
3 *of the grant.*

4 (c) *EVALUATION.*—*An applicant shall include an eval-*
5 *uation plan by which the success of the plan will be meas-*
6 *ured, including the articulation of specific, objective indicia*
7 *of performance, how the indicia will be evaluated, and a*
8 *projected timetable for carrying out the evaluation.*

9 **SEC. 1004. APPLICATIONS.**

10 *To request a grant under this subtitle the chief local*
11 *elected official of an area shall—*

12 (1) *prepare and submit to the Attorney General*
13 *an application in such form, at such time, and in ac-*
14 *cordance with such procedures, as the Attorney Gen-*
15 *eral shall establish; and*

16 (2) *provide an assurance that funds received*
17 *under this subtitle shall be used to supplement, not*
18 *supplant, non-Federal funds that would otherwise be*
19 *available for programs funded under this subtitle.*

20 **SEC. 1005. REPORTS.**

21 *Not later than December 31, 1998, the Attorney Gen-*
22 *eral shall prepare and submit to the Committees on the Ju-*
23 *diciary of the House and Senate an evaluation of the model*
24 *programs developed under this subtitle and make rec-*

1 *ommendations regarding the implementation of a national*
2 *crime prevention program.*

3 **SEC. 1006. DEFINITIONS.**

4 *For purposes of this subtitle:*

5 (1) *CHRONIC HIGH INTENSITY CRIME AREA.*—

6 *The term “chronic high intensity crime area” is an*
7 *area that meets criteria defined under regulations is-*
8 *ssued by the Attorney General. The criteria adopted by*
9 *the Attorney General shall, at a minimum, define*
10 *areas with—*

11 (A) *consistently high rates of violent crime*
12 *as reported in the Federal Bureau of Investiga-*
13 *tion’s “Uniform Crime Reports”, and*

14 (B) *chronically high rates of poverty as de-*
15 *termined by the Bureau of the Census.*

16 (2) *CHIEF LOCAL ELECTED OFFICIAL.*—*The term*
17 *“chief local elected official” means an official des-*
18 *ignated under regulations issued by the Attorney Gen-*
19 *eral. The criteria used by the Attorney General in*
20 *promulgating such regulations shall ensure adminis-*
21 *trative efficiency and accountability in the expendi-*
22 *ture of funds and execution of funded projects under*
23 *this subtitle.*

1 **SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated to carry out*
3 *this subtitle \$300,000,000 for each of the fiscal years 1995,*
4 *1996, 1997, 1998, and 1999.*

5 **Subtitle B—Ounce of Prevention**
6 **Grant Programs**

7 **PART I—OUNCE OF PREVENTION GRANT**
8 **PROGRAMS**

9 **SEC. 1010. OUNCE OF PREVENTION COUNCIL.**

10 *(a) IN GENERAL.—(1) The Secretary of Health and*
11 *Human Services shall convene an interagency Task Force*
12 *to be known as the Ounce of Prevention Council, which shall*
13 *be chaired by the Attorney General, the Secretary of Edu-*
14 *cation, and the Secretary of Health and Human Services,*
15 *and which also shall include the Secretary of Housing and*
16 *Urban Development, the Secretary of Labor, the Secretary*
17 *of Agriculture, the Secretary of the Interior, and the Direc-*
18 *tor of the Office of National Drug Control Policy.*

19 *(2) The Council may obtain the necessary staff to*
20 *carry out its functions through the detail or assignment of*
21 *employees from the departments or offices which are rep-*
22 *resented by the Council.*

23 *(3) The Council may delegate any of its functions or*
24 *powers to a member or members of the Council.*

25 *(b) ADMINISTRATIVE RESPONSIBILITIES AND POW-*
26 *ERS.—The Council shall advise and counsel the Secretary*

1 *regarding administration of the programs established by*
2 *this title. In consultation with the Council, the Secretary*
3 *may issue regulations and guidelines to carry out this title,*
4 *including specifications concerning application require-*
5 *ments, selection criteria, duration and renewal of grants,*
6 *evaluation requirements, limitation of administrative ex-*
7 *penses, submission of reports by grantees, recordkeeping by*
8 *grantees, and access to books, records, and documents main-*
9 *tained by grantees or other persons for purposes of audit*
10 *or examination.*

11 *(c) TARGETING OF ASSISTANCE FOR DISTRESSED*
12 *COMMUNITIES AND INDIVIDUALS WITH PARTICULAR*
13 *NEEDS.—In consultation with the Council, the Secretary*
14 *shall adopt regulations or guidelines to ensure that funding*
15 *provided under this title shall be used primarily for—*

16 *(1) assistance in communities that are distressed*
17 *as indicated by such factors as high incidences of*
18 *crime, juvenile delinquency, gang involvement, sub-*
19 *stance abuse, unemployment, school dropouts, or preg-*
20 *nancy among adolescents; and*

21 *(2) assistance for individuals in any area who*
22 *are particularly in need of the assistance for such rea-*
23 *sons as involvement in juvenile delinquency, gangs, or*
24 *substance abuse, unemployability, dropping out of*

1 *school, or pregnancy during adolescence, or being at*
2 *risk of such conditions.*

3 **SEC. 1011. OUNCE OF PREVENTION GRANT PROGRAM.**

4 (a) *IN GENERAL.*—*The Secretary, after consultation*
5 *with the Council, may make grants to States, local govern-*
6 *ments, educational institutions, coalitions, local edu-*
7 *cational agencies, State educational agencies, and other*
8 *public and private entities, for—*

9 (1) *summer and after-school (including weekend*
10 *and holiday education and recreation) programs;*

11 (2) *mentoring, tutoring, and other programs in-*
12 *volving participation by adult role models;*

13 (3) *programs assisting and promoting employ-*
14 *ability and job placement; and*

15 (4) *substance abuse treatment and prevention,*
16 *including outreach programs for at-risk families.*

17 (b) *PRIORITY.*—*In making such grants, the Secretary*
18 *shall give preference to coalitions consisting of a broad spec-*
19 *trum of community-based and social service organizations*
20 *that have a coordinated team approach to reducing gang*
21 *membership and the effects of substance abuse, and provid-*
22 *ing alternatives to at-risk youth.*

23 (c) *DEFINITIONS.*—*For purposes of this section the*
24 *term “Secretary” means the Secretary of Health and*
25 *Human Services.*

1 **PART II—FAMILY AND COMMUNITY ENDEAVOR**

2 **SCHOOLS GRANT PROGRAM**

3 **SEC. 1015. PROGRAM AUTHORITY.**

4 (a) *IN GENERAL.*—

5 (1) *ALLOCATIONS FOR STATES.*—For a fiscal
6 year in which the sums reserved by the Secretary
7 from the amounts appropriated for this subtitle to
8 carry out this section equal or exceed \$20,000,000, the
9 Secretary shall allocate to community-based organiza-
10 tions in each State, an amount bearing the same
11 ratio to such sums as the number of children in the
12 State who are from families with incomes below the
13 poverty line bears to the number of children in all
14 States who are from families with incomes below the
15 poverty line.

16 (2) *GRANTS TO COMMUNITY-BASED ORGANIZA-*
17 *TIONS FROM ALLOCATIONS.*—For such a fiscal year,
18 the Secretary may award grants from the appropriate
19 State allocation determined under paragraph (1) on
20 a competitive basis to eligible community-based orga-
21 nizations to pay for the Federal share of assisting eli-
22 gible communities to develop and carry out programs
23 in accordance with this section.

24 (3) *REALLOCATION.*—If, at the end of such a fis-
25 cal year, the Secretary determines that funds allo-
26 cated for community-based organizations in a State

1 *remain unobligated, the Council may use such funds*
2 *to award grants to eligible community-based organi-*
3 *zations in another State to pay for such Federal*
4 *share. Amounts made available through such grants*
5 *shall remain available until expended.*

6 **(b) OTHER FISCAL YEARS.**—*For any fiscal year in*
7 *which the sums reserved by the Secretary from amounts ap-*
8 *propriated for this subtitle to carry out this section are less*
9 *than \$20,000,000, the Secretary may award grants on a*
10 *competitive basis to eligible community-based organizations*
11 *to pay for the Federal share of assisting eligible commu-*
12 *nities to develop and carry out programs in accordance*
13 *with this section.*

14 **SEC. 1016. PROGRAM REQUIREMENTS.**

15 **(a) LOCATION.**—*A community-based organization that*
16 *receives a grant under this section to assist in carrying out*
17 *such a program shall ensure that the program is carried*
18 *out—*

19 (1) *where appropriate, in the facilities of a pub-*
20 *lic school; or*

21 (2) *in another appropriate local facility in a*
22 *State, such as a college or university, a local or State*
23 *park or recreation center, church, or military base,*
24 *that is—*

1 (A) in a location that is easily accessible to
2 children in the community; and

3 (B) in compliance with all applicable local
4 ordinances.

5 (b) *USE OF FUNDS.*—Such community-based organi-
6 zation—

7 (1) shall use funds made available through the
8 grant to provide, to children in the eligible commu-
9 nity, services and activities that shall include super-
10 vised sports programs, and extracurricular and aca-
11 demic programs, that are offered—

12 (A) after school and on weekends and holi-
13 days, during the school year; and

14 (B) as daily full-day programs (to the ex-
15 tent available resources permit) or as part-day
16 programs, during the summer months;

17 (2) in providing such extracurricular and aca-
18 demic programs, shall provide programs such as cur-
19 riculum-based supervised educational programs, work
20 force preparation, entrepreneurship, cultural pro-
21 grams, arts and crafts, and health education and
22 service programs, dance programs, tutorial and
23 mentoring programs, and other related activities;

24 (3) may use such funds—

1 (A) for the renovation of facilities that are
2 in existence prior to the operation of the pro-
3 gram for which the organization receives the
4 grant; and

5 (B) to develop or expand school programs
6 (including programs that provide a variety of
7 additional services to help meet the comprehen-
8 sive needs of students, such as homework assist-
9 ance and after-school programs (including edu-
10 cational, social, and athletic activities), nutri-
11 tion services, family counseling, and parental
12 training programs) that are designed to improve
13 academic and social development of at-risk chil-
14 dren by instituting a collaborative structure that
15 trains and coordinates the efforts of teachers, ad-
16 ministrators, social workers, guidance counselors,
17 parents, and school volunteers to provide concur-
18 rent social services for at-risk students in the
19 daily academic curriculum at public schools in
20 the eligible community; and

21 (4) may not use such funds to provide sectarian
22 worship or instruction.

23 **SEC. 1017. ELIGIBLE COMMUNITY IDENTIFICATION.**

24 (a) IDENTIFICATION.—To be eligible to receive a grant
25 under this section, a community-based organization shall

1 *identify an eligible community to be assisted under this*
2 *section.*

3 (b) *CRITERIA.*—*Such eligible community shall be an*
4 *area that meets such criteria with respect to significant*
5 *poverty and significant juvenile delinquency, and such*
6 *additional criteria, as the Secretary may by regulation*
7 *require.*

8 **SEC. 1018. APPLICATIONS.**

9 (a) *APPLICATION REQUIRED.*—*To be eligible to receive*
10 *a grant under this section, a community-based organization*
11 *shall submit an application to the Secretary at such time,*
12 *in such manner, and accompanied by such information, as*
13 *the Secretary may reasonably require, and obtain approval*
14 *of such application.*

15 (b) *CONTENTS OF APPLICATION.*—*Each application*
16 *submitted pursuant to paragraph (1) shall—*

17 (1) *describe the activities and services to be pro-*
18 *vided through the program for which the grant is*
19 *sought;*

20 (2) *contain an assurance that the community-*
21 *based organization will spend grant funds received*
22 *under this section in a manner that the community-*
23 *based organization determines will best accomplish*
24 *the objectives of this section;*

1 (3) contain a comprehensive plan for the pro-
2 gram that is designed to achieve identifiable goals for
3 children in the eligible community;

4 (4) set forth measurable goals and outcomes for
5 the program that—

6 (A) will—

7 (i) where appropriate, make a public
8 school the focal point of the eligible commu-
9 nity; or

10 (ii) make a local facility described in
11 section 1016(a)(2) such a focal point; and

12 (B) may include reducing the percentage of
13 children in the eligible community that enter the
14 juvenile justice system, increasing the graduation
15 rates, school attendance, and academic success of
16 children in the eligible community, and improv-
17 ing the skills of program participants;

18 (5) provide evidence of support for accomplishing
19 such goals and outcomes from—

20 (A) community leaders;

21 (B) businesses;

22 (C) local educational agencies;

23 (D) local officials;

24 (E) State officials; and

1 (F) other organizations that the commu-
2 nity-based organization determines to be appro-
3 priate;

4 (6) contain an assurance that the community-
5 based organization will use grant funds received
6 under this section to provide children in the eligible
7 community with activities and services that shall in-
8 clude supervised sports programs, and extracurricular
9 and academic programs, in accordance with section
10 1016(b);

11 (7) contain a list of the activities and services
12 that will be offered through the program for which the
13 grant is sought and sponsored by private nonprofit
14 organizations, individuals, and groups serving the eli-
15 gible community, including—

16 (A) extracurricular and academic pro-
17 grams, such as programs described in section
18 1016(b)(2); and

19 (B) activities that address specific needs in
20 the community;

21 (8) demonstrate the manner in which the com-
22 munity-based organization will make use of the re-
23 sources, expertise, and commitment of private entities
24 in carrying out the program for which the grant is
25 sought;

1 (9) include an estimate of the number of children
2 in the eligible community expected to be served pursu-
3 ant to the program;

4 (10) include a description of charitable private
5 resources, and all other resources, that will be made
6 available to achieve the goals of the program;

7 (11) contain an assurance that the community-
8 based organization will use competitive procedures
9 when purchasing, contracting, or otherwise providing
10 for goods, activities, or services to carry out programs
11 under this section;

12 (12) contain an assurance that the program will
13 maintain a staff-to-participant ratio that is appro-
14 priate to the activity or service provided by the
15 program;

16 (13) contain an assurance that the community-
17 based organization will comply with any evaluation
18 under section 1023, any research effort authorized
19 under Federal law, and any investigation by the
20 Secretary;

21 (14) contain an assurance that the community-
22 based organization shall prepare and submit to the
23 Secretary an annual report regarding any program
24 conducted under this section;

1 (15) contain an assurance that the program for
2 which the grant is sought will, to the maximum ex-
3 tent possible, incorporate services that are—

4 (A) provided by program volunteers, par-
5 ents, adult mentors, social workers, drug and al-
6 cohol abuse counselors, teachers, or other persons
7 providing tutoring and college or vocational
8 preparation; and

9 (B) provided solely through non-Federal
10 private and nonprofit sources; and

11 (16) contain an assurance that the community-
12 based organization will maintain separate accounting
13 records for the program.

14 (c) *PRIORITY.*—In awarding grants to carry out pro-
15 grams under this section, the Secretary shall give priority
16 to community-based organizations who submit applications
17 that demonstrate the greatest effort in generating local sup-
18 port for the programs.

19 **SEC. 1019. ELIGIBILITY OF PARTICIPANTS.**

20 (a) *IN GENERAL.*—To the extent possible, each child
21 who resides in an eligible community shall be eligible to
22 participate in a program carried out in such community
23 that receives assistance under this section.

24 (b) *EXCLUSION.*—

1 (1) *NONDISCRIMINATION.*—*In selecting children*
2 *to participate in a program that receives assistance*
3 *under this section, a community-based organization*
4 *shall not discriminate on the basis of race, color, reli-*
5 *gion, sex, national origin, or disability.*

6 (2) *PARENTAL APPROVAL.*—*To be eligible to par-*
7 *ticipate in a program that receives assistance under*
8 *this section, a child shall provide the express written*
9 *approval of a parent or guardian, and shall submit*
10 *an official application that agrees to the terms and*
11 *conditions of participation in the program. All infor-*
12 *mation and application forms shall be in a format*
13 *and language accessible to and understandable to the*
14 *parent or guardian of the child.*

15 **SEC. 1020. PEER REVIEW PANEL.**

16 (a) *ESTABLISHMENT.*—*The Secretary shall establish a*
17 *peer review panel that shall be comprised of individuals*
18 *with demonstrated experience in designing and implement-*
19 *ing community-based programs.*

20 (b) *COMPOSITION.*—*Such panel shall include at least*
21 *1 representative from each of the following:*

22 (1) *A community-based organization.*

23 (2) *A local government.*

24 (3) *A local educational agency.*

25 (4) *The private sector.*

1 (5) *A charitable organization.*

2 (c) *FUNCTIONS.*—*Such panel shall conduct the initial*
3 *review of all grant applications received by the Secretary*
4 *under section 1018, make recommendations to the Secretary*
5 *regarding—*

6 (1) *grant funding under this section; and*

7 (2) *a design for the evaluation of programs as-*
8 *sisted under this section.*

9 **SEC. 1021. INVESTIGATIONS AND INSPECTIONS.**

10 *The Secretary may conduct such investigations and*
11 *inspections as may be necessary to ensure compliance with*
12 *the provisions of this subtitle.*

13 **SEC. 1022. FEDERAL SHARE.**

14 (a) *PAYMENTS, FEDERAL SHARE, NON-FEDERAL*
15 *SHARE.*—

16 (1) *PAYMENTS.*—*The Secretary shall, subject to*
17 *the availability of appropriations, pay to each com-*
18 *munity-based organization having an application ap-*
19 *proved under section 1018 the Federal share of the*
20 *costs of developing and carrying out programs re-*
21 *ferred to in section 1015.*

22 (2) *FEDERAL SHARE.*—*The Federal share of such*
23 *costs shall be 70 percent for each of the fiscal years*
24 *1995, 1996, 1997, and 1998.*

25 (b) *NON-FEDERAL SHARE.*—

1 (1) *IN GENERAL.*—*The non-Federal share of such*
2 *costs may be in cash or in kind, fairly evaluated, in-*
3 *cluding plant, equipment, and services (including the*
4 *services described in section 1018(b)(16)).*

5 (2) *SPECIAL RULE.*—*At least 15 percent of the*
6 *non-Federal share of such costs shall be provided from*
7 *private or nonprofit sources.*

8 **SEC. 1023. EVALUATION.**

9 *The Secretary shall conduct a thorough evaluation of*
10 *the programs assisted under this subtitle, which shall in-*
11 *clude an assessment of—*

12 (1) *the number of children participating in each*
13 *program assisted under this section;*

14 (2) *the academic achievement of such children;*

15 (3) *school attendance and graduation rates of*
16 *such children; and*

17 (4) *the number of such children being processed*
18 *by the juvenile justice system.*

19 **SEC. 1024. DEFINITIONS.**

20 *In this part the following definitions apply:*

21 (1) *CHILD.*—*The term “child” means an indi-*
22 *vidual who is not younger than 5 and not older than*
23 *18.*

24 (2) *COMMUNITY-BASED ORGANIZATION.*—*The*
25 *term “community-based organization” means a pri-*

1 *vate, locally initiated community-based organization*
2 *that—*

3 *(A) is a nonprofit organization, as defined*
4 *in section 103(23) of the Juvenile Justice and*
5 *Delinquency Prevention Act of 1974 (42 U.S.C.*
6 *5603(23)); and*

7 *(B) is operated by a consortium of service*
8 *providers, consisting of representatives of 5 or*
9 *more of the following categories of persons:*

10 *(i) Residents of the community.*

11 *(ii) Business and civic leaders actively*
12 *involved in providing employment and*
13 *business development opportunities in the*
14 *community.*

15 *(iii) Educators and organizations of*
16 *learning (such as local education agencies).*

17 *(iv) Student organizations.*

18 *(v) Law enforcement agencies.*

19 *(vi) Public housing agencies.*

20 *(vii) State government.*

21 *(viii) Other public agencies.*

22 *(ix) Other interested parties.*

23 *(3) ELIGIBLE COMMUNITY.—The term “eligible*
24 *community” means an area identified pursuant to*
25 *section 1024.*

1 (4) *LOCAL EDUCATIONAL AGENCY.*—The term
2 “local educational agency” has the same meaning
3 given such term in section 1471(12) of the *Elemen-*
4 *tary and Secondary Education Act of 1965.*

5 (5) *POVERTY LINE.*—The term “poverty line”
6 means the income official poverty line (as defined by
7 the Office of Management and Budget, and revised
8 annually in accordance with section 673(2) of the
9 *Community Services Block Grant Act (42 U.S.C.*
10 *9902(2)) applicable to a family of the size involved.*

11 (6) *PUBLIC SCHOOL.*—The term “public school”
12 means a public elementary school, as defined in sec-
13 tion 1201(i) of the *Higher Education Act of 1965 (20*
14 *U.S.C. 1141(i)), and a public secondary school, as de-*
15 *fin ed in section 1201(d) of such Act.*

16 (7) *SECRETARY.*—The term “Secretary” means
17 the Secretary of Education.

18 (8) *STATE.*—The term “State” means each of the
19 several States of the United States, the District of Co-
20 lumbia, the Commonwealth of Puerto Rico, the Com-
21 monwealth of the Northern Mariana Islands, Amer-
22 ican Samoa, Guam, and the United States Virgin
23 Islands.

1 **PART III—ADMINISTRATION**

2 **SEC. 1025. TECHNICAL ASSISTANCE; TRAINING AND EVAL-**
3 **UATION.**

4 (a) *TECHNICAL ASSISTANCE AND TRAINING.*—The Sec-
5 retary may provide technical assistance, training, and eval-
6 uations to further the purposes of this subtitle through
7 grants, contracts, or other cooperative agreements with
8 other entities.

9 (b) *EVALUATIONS.*—In addition to any evaluation re-
10 quirements that may be required for grantees, the Secretary
11 may conduct or support evaluations of programs that re-
12 ceive support under this subtitle, including assessments of
13 the effectiveness of the programs in reducing delinquency,
14 gang involvement, substance abuse, school dropout rates,
15 and adolescent pregnancy, and in increasing employability
16 and employment.

17 **SEC. 1026. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) *AUTHORIZATIONS FOR PART I.*—There are author-
19 ized to be appropriated to carry out the purposes of part
20 I, \$25,000,000 for each of the fiscal years 1995 through
21 1999.

22 (b) *AUTHORIZATIONS FOR PART II.*—There are au-
23 thorized to be appropriated to carry out the purposes of
24 part II, \$230,000,000 for each of the fiscal years 1995
25 through 1999.

1 **Subtitle C—Police Partnerships for**
2 **Children**

3 **SEC. 1030. DEFINITION.**

4 *As used in this subtitle, “partnership” means a cooper-*
5 *ative arrangement or association involving one or more law*
6 *enforcement agencies, and one or more public or private*
7 *agencies that provide child or family services.*

8 **SEC. 1031. GRANT AUTHORITY.**

9 *(a) PARTNERSHIP GRANTS.—The Attorney General, in*
10 *consultation with the Secretary of Health and Human*
11 *Services, may make grants to partnerships for—*

12 *(1) teams or units involving participants from*
13 *both the law enforcement and child or family services*
14 *components of the partnership that respond to or deal*
15 *with violent incidents in which a child is involved as*
16 *a perpetrator, witness, or victim, such as teams or*
17 *units that provide a 24-hour crisis response or con-*
18 *sultation service in relation to such incidents;*

19 *(2) training for law enforcement officers regard-*
20 *ing behavior, psychology, family systems, and com-*
21 *munity culture and attitudes that is relevant to deal-*
22 *ing with children who are involved in violent inci-*
23 *dents or at risk of involvement in such incidents, or*
24 *with families of such children; and*

1 (3) *programs for children and families that are*
2 *designed jointly by the law enforcement and child or*
3 *family services components of the partnership, includ-*
4 *ing programs providing 24-hour response to crisis sit-*
5 *uations affecting children and such other programs as*
6 *programs that provide training in nonviolent conflict*
7 *resolution, after-school activity and neighborhood*
8 *recreation programs, parent support groups that are*
9 *led jointly by child or family services and law en-*
10 *forcement personnel, and mentoring programs.*

11 (b) *GRANTS FOR POLICE RESIDENCE IN HIGH CRIME*
12 *AREAS.—The Secretary of Housing and Urban Develop-*
13 *ment, in consultation with the Attorney General, may make*
14 *grants to units of State or local government, public housing*
15 *authorities, owners of federally assisted housing, and own-*
16 *ers of housing in high crime areas in order to provide dwell-*
17 *ing units to law enforcement officers without charge or at*
18 *a substantially reduced rent for the purpose of providing*
19 *greater security for residents of high crime areas.*

20 **SEC. 1032. ADMINISTRATION.**

21 (a) *USE OF COMPONENTS.—The Attorney General*
22 *may utilize any component or components of the Depart-*
23 *ment of Justice in carrying out this subtitle.*

24 (b) *REGULATORY AUTHORITY.—The Attorney General,*
25 *for the purposes of section 1031(a), and the Secretary of*

1 *Housing and Urban Development, for purposes of section*
2 *1031(b), may issue regulations and guidelines to carry out*
3 *this subtitle, including specifications concerning applica-*
4 *tion requirements, selection criteria, duration and renewal*
5 *of grants, evaluation requirements, matching funds, limita-*
6 *tion of administrative expenses, submission of reports by*
7 *grantees, recordkeeping by grantees, and access to books,*
8 *records, and documents maintained by grantees or other*
9 *persons for purposes of audit or examination.*

10 (c) *APPLICATIONS.—In addition to any other require-*
11 *ments that may be specified by the Attorney General—*

12 (1) *an application for a grant under section*
13 *1030(a) of this subtitle shall—*

14 (A) *certify that the applicant is a partner-*
15 *ship as defined in section 1030, or a law enforce-*
16 *ment agency or public or private child or family*
17 *services agency that is participating in a part-*
18 *nership and seeking support on behalf of the*
19 *partnership;*

20 (B) *include a long-term strategy and de-*
21 *tailed implementation plan;*

22 (C) *certify that the Federal support pro-*
23 *vided under this subtitle will be used to supple-*
24 *ment, and not supplant, State and local sources*
25 *of funding that would otherwise be available;*

1 (D) identify any related governmental or
2 community initiatives which complement or will
3 be coordinated with the proposal; and

4 (E) specify plans for obtaining necessary
5 support and continuing the proposed program
6 following the conclusion of Federal support;

7 (2) in addition to any other requirements that
8 may be specified by the Secretary of Housing and
9 Urban Development, an application for a grant under
10 section 1031(b) shall—

11 (A) certify that there has been appropriate
12 consultation with the employing agency of any
13 law enforcement officer who is to be provided
14 with a dwelling unit;

15 (B) identify any related governmental or
16 community initiatives which complement or will
17 be coordinated with the proposal;

18 (C) certify that the Federal support pro-
19 vided will be used to supplement, and not sup-
20 plant, State and local sources of funding that
21 would otherwise be available; and

22 (D) provide assurances that local police offi-
23 cers will not be required to reside in residences
24 funded under this subtitle.

1 (d) *MATCHING FUNDS.*—The portion of the costs of a
2 program provided by a grant under this subtitle may not
3 exceed 75 percent, unless the Attorney General, for purposes
4 of section 1031(a), or the Secretary of Housing and Urban
5 Development, for purposes of section 1031(b), waives, wholly
6 or in part, the requirement under this subsection of a non-
7 Federal contribution to the costs of a program.

8 (e) *FUNDING PRIORITY.*—In making grants under sec-
9 tion 1031(a), the Attorney General shall give priority to
10 applications by partnerships involving law enforcement
11 agencies that engage in community-oriented policing for
12 programs assisting distressed communities or populations
13 with a high incidence of violence affecting children.

14 **SEC. 1033. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
15 **UATION.**

16 (a) *TECHNICAL ASSISTANCE AND TRAINING.*—The At-
17 torney General may provide technical assistance and train-
18 ing to further the purposes of this subtitle.

19 (b) *EVALUATIONS.*—In addition to any evaluation re-
20 quirements that may be prescribed for grantees, the Attor-
21 ney General, may carry out or make arrangements for eval-
22 uations of programs that receive support under this subtitle.

23 (c) *ADMINISTRATION.*—The technical assistance, train-
24 ing, and evaluations authorized by this section may be car-
25 ried out directly by the Attorney General, or through grants,

1 *contracts, or other cooperative arrangements with other*
2 *entities.*

3 **SEC. 1034. AUTHORIZATION OF APPROPRIATIONS.**

4 *(a) IN GENERAL.—There are authorized to be appro-*
5 *priated \$20,000,000 in fiscal year 1995, and such sums as*
6 *may be necessary in each of fiscal years 1996 through 1999*
7 *to carry out this subtitle.*

8 *(b) LIMITATION.—Not more than 50 percent of the*
9 *funds made available in a fiscal year for this subtitle may*
10 *be expended for grants under section 1031(b).*

11 ***Subtitle D—Midnight Sports***

12 **SEC. 1038. GRANTS FOR MIDNIGHT SPORTS LEAGUE**
13 **ANTICRIME PROGRAMS.**

14 *(a) AUTHORITY.—The Secretary of Housing and*
15 *Urban Development, in consultation with the Attorney Gen-*
16 *eral of the United States, the Secretary of Labor, and the*
17 *Secretary of Education, shall make grants, to the extent*
18 *that amounts are approved in appropriations Acts under*
19 *subsection (k), to eligible entities to assist such entities in*
20 *carrying out midnight sports league programs meeting the*
21 *requirements of subsection (d).*

22 *(b) ELIGIBLE ENTITIES.—*

23 *(1) IN GENERAL.—Grants under subsection (a)*
24 *may be made only to the following eligible entities:*

1 (A) *Entities eligible under section 520(b) of*
2 *the Cranston-Gonzalez National Affordable*
3 *Housing Act (42 U.S.C. 11903a(b)) for a grant*
4 *under section 520(a) of such Act.*

5 (B) *Nonprofit organizations providing*
6 *crime prevention, employment counseling, job*
7 *training, or other educational services.*

8 (C) *Nonprofit organizations providing fed-*
9 *erally-assisted low-income housing.*

10 (2) *PROHIBITION ON SECOND GRANTS.—A grant*
11 *under subsection (a) may not be made to an eligible*
12 *entity if the entity previously received a grant under*
13 *such subsection.*

14 (c) *USE OF GRANT AMOUNTS.—Any eligible entity*
15 *that receives a grant under subsection (a) may use the grant*
16 *only—*

17 (1) *to establish or carry out a midnight sports*
18 *league program under subsection (d);*

19 (2) *for salaries for administrators and staff of*
20 *the program;*

21 (3) *for other administrative costs of the program,*
22 *except that not more than 5 percent of the grant may*
23 *be used for such administrative costs; and*

24 (4) *for costs of training and assistance provided*
25 *under subsection (d).*

1 (d) *PROGRAM REQUIREMENTS.*—Each eligible entity
2 receiving a grant under subsection (a) shall establish a mid-
3 night sports league program as follows:

4 (1) *The program shall establish a sports league*
5 *of not less than 8 teams having 10 players each.*

6 (2) *Not less than 50 percent of the players in the*
7 *sports league shall be residents of federally assisted*
8 *low-income housing.*

9 (3) *The program shall be designed to serve pri-*
10 *marily youths and young adults from a neighborhood*
11 *or community whose population has not less than 2*
12 *of the following characteristics (in comparison with*
13 *national averages):*

14 (A) *A substantial problem regarding use or*
15 *sale of illegal drugs.*

16 (B) *A high incidence of crimes committed*
17 *by youths or young adults.*

18 (C) *A high incidence of persons infected*
19 *with the human immunodeficiency virus or sexu-*
20 *ally transmitted diseases.*

21 (D) *A high incidence of pregnancy, or a*
22 *high birth rate, among adolescents.*

23 (E) *A high unemployment rate for youths*
24 *and young adults.*

25 (F) *A high rate of high school dropouts.*

1 (4) *The program shall require each player in the*
2 *league to attend employment counseling, job training,*
3 *and other educational classes provided under the pro-*
4 *gram, which shall be held in conjunction with league*
5 *sports games at or near the site of the games.*

6 (5) *The program shall serve only youths and*
7 *young adults who demonstrate a need for such coun-*
8 *seling, training, and education provided by the pro-*
9 *gram, in accordance with criteria for demonstrating*
10 *need, which shall be established by the Secretary of*
11 *Housing and Urban Development, in consultation*
12 *with the Attorney General, the Secretary of Labor, the*
13 *Secretary of Education, and with the Advisory*
14 *Committee.*

15 (6) *The program shall obtain sponsors for each*
16 *team in the sports league. Sponsors shall be private*
17 *individuals or businesses in the neighborhood or com-*
18 *munity served by the program who make financial*
19 *contributions to the program and participate in or*
20 *supplement the employment, job training, and edu-*
21 *cational services provided to the players under the*
22 *program with additional training or educational op-*
23 *portunities.*

24 (7) *The program shall comply with any criteria*
25 *established by the Secretary of Housing and Urban*

1 *Development, in consultation with the Attorney Gen-*
2 *eral, the Secretary of Labor, the Secretary of Edu-*
3 *cation, and with the Advisory Committee.*

4 *(e) GRANT AMOUNT LIMITATIONS.—*

5 *(1) PRIVATE CONTRIBUTIONS.—The Secretary of*
6 *Housing and Urban Development, in consultation*
7 *with the Attorney General, the Secretary of Labor,*
8 *and the Secretary of Education, may not make a*
9 *grant under subsection (a) to an eligible entity that*
10 *applies for a grant under subsection (f) unless the ap-*
11 *plicant entity certifies to the Secretary of Housing*
12 *and Urban Development, or the Attorney General,*
13 *that the entity will supplement the grant amounts*
14 *with amounts of funds from non-Federal sources, as*
15 *follows:*

16 *(A) In each of the first 2 years that*
17 *amounts from the grant are disbursed (under*
18 *paragraph (5)), an amount sufficient to provide*
19 *not less than 35 percent of the cost of carrying*
20 *out the midnight sports league program.*

21 *(B) In each of the last 3 years that amounts*
22 *from the grant are disbursed, an amount suffi-*
23 *cient to provide not less than 50 percent of the*
24 *cost of carrying out the midnight sports league*
25 *program.*

1 (2) *NON-FEDERAL FUNDS.*—For purposes of this
2 subsection, the term “funds from non-Federal sources”
3 includes amounts from nonprofit organizations, pub-
4 lic housing agencies, States, units of general local gov-
5 ernment, and Indian housing authorities, private con-
6 tributions, any salary paid to staff (other than from
7 grant amounts under subsection (a)) to carry out the
8 program of the eligible entity, in-kind contributions
9 to carry out the program (as determined by the Sec-
10 retary of Housing and Urban Development, in con-
11 sultation with the Attorney General, the Secretary of
12 Labor, the Secretary of Education, and with the Ad-
13 visory Committee), the value of any donated material,
14 equipment, or building, the value of any lease on a
15 building, the value of any utilities provided, and the
16 value of any time and services contributed by volun-
17 teers to carry out the program of the eligible entity.

18 (3) *PROHIBITION ON SUBSTITUTION OF*
19 *FUNDS.*—Grants made under subsection (a), and
20 amounts provided by States and units of general local
21 government to supplement the grants, may not be
22 used to replace other public funds previously used, or
23 designated for use, under this section.

24 (4) *MAXIMUM AND MINIMUM GRANT AMOUNTS.*—
25 The Secretary of Housing and Urban Development,

1 *in consultation with the Attorney General, the Sec-*
2 *retary of Labor, and the Secretary of Education, may*
3 *not make a grant under subsection (a) to any single*
4 *eligible entity in an amount less than \$50,000 or ex-*
5 *ceeding \$125,000.*

6 (5) *DISBURSEMENT.—Each grant made under*
7 *subsection (a)(1) shall be disbursed to the eligible en-*
8 *tity receiving the grant over the 5-year period begin-*
9 *ning on the date that the entity is selected to receive*
10 *the grant, as follows:*

11 (A) *In each of the first 2 years of such 5-*
12 *year period, 23 percent of the total grant amount*
13 *shall be disbursed to the entity.*

14 (B) *In each of the last 3 years of such 5-*
15 *year period, 18 percent of the total grant amount*
16 *shall be disbursed to the entity.*

17 (f) *APPLICATIONS.—To be eligible to receive a grant*
18 *under subsection (a), an eligible entity shall submit to the*
19 *Secretary of Housing and Urban Development an applica-*
20 *tion in the form and manner required by the Secretary of*
21 *Housing and Urban Development, in consultation with the*
22 *Attorney General, the Secretary of Labor, the Secretary of*
23 *Education, and with the Advisory Committee, which shall*
24 *include—*

1 (1) *a description of the midnight sports league*
2 *program to be carried out by the entity, including a*
3 *description of the employment counseling, job train-*
4 *ing, and other educational services to be provided;*

5 (2) *letters of agreement from service providers to*
6 *provide training and counseling services required*
7 *under subsection (d) and a description of such service*
8 *providers;*

9 (3) *letters of agreement providing for facilities*
10 *for sports games and counseling, training, and edu-*
11 *cational services required under subsection (d) and a*
12 *description of the facilities;*

13 (4) *a list of persons and businesses from the com-*
14 *munity served by the program who have expressed in-*
15 *terest in sponsoring, or have made commitments to*
16 *sponsor, a team in the midnight sports league; and*

17 (5) *evidence that the neighborhood or community*
18 *served by the program meets the requirements of sub-*
19 *section (d)(3).*

20 (g) *SELECTION.—The Secretary of Housing and*
21 *Urban Development, in consultation with the Attorney Gen-*
22 *eral, the Secretary of Labor, the Secretary of Education,*
23 *and with the Advisory Committee, shall select eligible enti-*
24 *ties that submit applications under subsection (f) to receive*
25 *grants under subsection (a). The Secretary of Housing and*

1 *Urban Development, in consultation with the Attorney Gen-*
2 *eral, the Secretary of Labor, the Secretary of Education,*
3 *and with the Advisory Committee, shall establish criteria*
4 *for selection of applicants to receive such grants. The cri-*
5 *teria shall include a preference for selection of eligible enti-*
6 *ties carrying out midnight sports league programs in sub-*
7 *urban and rural areas.*

8 *(h) REPORTS.—The Secretary of Housing and Urban*
9 *Development, in consultation with the Attorney General, the*
10 *Secretary of Labor, and the Secretary of Education, shall*
11 *require each eligible entity receiving a grant under sub-*
12 *section (a) to submit for each year in which grant amounts*
13 *are received by the entity, a report describing the activities*
14 *carried out with such amounts.*

15 *(i) STUDY.—To the extent amounts are provided under*
16 *appropriation Acts pursuant to subsection (k)(2), the Sec-*
17 *retary of Housing and Urban Development, in consultation*
18 *with the Attorney General, the Secretary of Labor, and the*
19 *Secretary of Education, shall make a grant to one entity*
20 *qualified to carry out a study under this subsection. The*
21 *entity shall use such grant to carry out a scientific study*
22 *of the effectiveness of midnight sports league programs*
23 *under subsection (d) of eligible entities receiving grants*
24 *under subsection (a). The Secretary of Housing and Urban*
25 *Development, in consultation with the Attorney General, the*

1 *Secretary of Labor, and the Secretary of Education, shall*
2 *require such entity to submit a report describing the study*
3 *and any conclusions and recommendations resulting from*
4 *the study to the Congress and the Secretary of Housing and*
5 *Urban Development and the Attorney General not later*
6 *than the expiration of the 2-year period beginning on the*
7 *date that the grant under this subsection is made.*

8 *(j) DEFINITIONS.—For purposes of this section—*

9 *(1) the term “eligible entity” means an entity*
10 *described under subsection (b)(1); and*

11 *(2) the term “federally assisted low-income hous-*
12 *ing” has the meaning given the term in section 5126*
13 *of the Public and Assisted Housing Drug Elimination*
14 *Act of 1990.*

15 *(k) AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated—*

17 *(1) for grants under subsection (a), \$10,000,000*
18 *in each of fiscal years 1995, 1996, 1997, 1998, and*
19 *1999; and*

20 *(2) for a study grant under subsection (i),*
21 *\$250,000 in fiscal year 1995.*

22 ***Subtitle E—Drug Courts***

23 ***SEC. 1041. GRANT AUTHORITY.***

24 *The Attorney General may make grants to units of*
25 *State and local government, and to other public and private*

1 *entities, for programs that involve continuing judicial su-*
2 *pervision over specified categories of persons with substance*
3 *abuse problems, and that involve the integrated administra-*
4 *tion of other sanctions and services including—*

5 (1) *testing for the use of controlled substances or*
6 *other addictive substances;*

7 (2) *substance abuse treatment;*

8 (3) *diversion, probation, or other supervised re-*
9 *lease involving the possibility of prosecution, confine-*
10 *ment, or incarceration based on noncompliance with*
11 *program requirements or failure to show satisfactory*
12 *progress; and*

13 (4) *programmatic or health related aftercare*
14 *services such as relapse prevention, education, voca-*
15 *tional training, job placement, housing placement,*
16 *and child care or other family support services.*

17 **SEC. 1042. ADMINISTRATION.**

18 (a) *CONSULTATION.*—*The Attorney General shall con-*
19 *sult with the Secretary of Health and Human Services and*
20 *any other appropriate officials in carrying out this subtitle.*

21 (b) *USE OF COMPONENTS.*—*The Attorney General*
22 *may utilize any component or components of the Depart-*
23 *ment of Justice in carrying out this subtitle.*

24 (c) *REGULATORY AUTHORITY.*—*The Attorney General*
25 *may issue regulations and guidelines to carry out this sub-*

1 *title, including specifications concerning application re-*
2 *quirements, selection criteria, duration and renewal of*
3 *grants, evaluation requirements, matching funds, limita-*
4 *tion of administrative expenses, submission of reports by*
5 *grantees, recordkeeping by grantees, and access to books,*
6 *records, and documents maintained by grantees or other*
7 *persons for purposes of audit or examination.*

8 (d) *APPLICATIONS.*—*In addition to any other require-*
9 *ments that may be specified by the Attorney General, an*
10 *application for a grant under this subtitle shall—*

11 (1) *include a long-term strategy and detailed im-*
12 *plementation plan;*

13 (2) *explain the applicant's inability to fund the*
14 *program adequately without Federal assistance;*

15 (3) *certify that the Federal support provided will*
16 *be used to supplement, and not supplant, State and*
17 *local sources of funding that would otherwise be avail-*
18 *able;*

19 (4) *identify related governmental or community*
20 *initiatives which complement or will be coordinated*
21 *with the proposal;*

22 (5) *certify that there has been appropriate con-*
23 *sultation with all affected agencies, and that there*
24 *will be appropriate coordination with all affected*
25 *agencies in the implementation of the program;*

1 (6) *specify plans for obtaining necessary support*
2 *and continuing the proposed program following the*
3 *conclusion of Federal support; and*

4 (7) *describe the methodology that will be utilized*
5 *in evaluating the program.*

6 **SEC. 1043. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
7 **UATION.**

8 (a) *TECHNICAL ASSISTANCE AND TRAINING.*—*The At-*
9 *torney General may provide technical assistance and train-*
10 *ing in furtherance of the purposes of this subtitle.*

11 (b) *EVALUATIONS.*—*In addition to any evaluation re-*
12 *quirements that may be prescribed for grantees, the Attor-*
13 *ney General may carry out or make arrangements for eval-*
14 *uations of programs that receive support under this subtitle.*

15 (c) *ADMINISTRATION.*—*The technical assistance, train-*
16 *ing, and evaluations authorized by this section may be car-*
17 *ried out directly by the Attorney General, in collaboration*
18 *with the Secretary of Health and Human Services, or*
19 *through grants, contracts, or other cooperative arrange-*
20 *ments with other entities.*

21 **SEC. 1044. AUTHORIZATION OF APPROPRIATIONS.**

22 *There are authorized to be appropriated \$280,000,000*
23 *in each of fiscal years 1995, 1996, 1997, 1998, and 1999*
24 *to carry out this subtitle.*

1 **Subtitle F—Assistance for**
2 **Delinquent and At-Risk Youth**

3 **SEC. 1051. GRANT AUTHORITY.**

4 (a) *IN GENERAL.*—(1) *In order to prevent the commis-*
5 *sion of crimes or delinquent acts by juveniles, the Attorney*
6 *General may make grants to public or private nonprofit*
7 *organizations to support the development and operation of*
8 *projects to provide residential services to youth, aged 11 to*
9 *19, who—*

10 (A) *have dropped out of school;*

11 (B) *have come into contact with the juvenile jus-*
12 *tice system; or*

13 (C) *are at risk of dropping out of school or com-*
14 *ing into contact with the juvenile justice system.*

15 (2) *Such services shall include activities designed to—*

16 (A) *increase the self-esteem of such youth;*

17 (B) *assist such youth in making healthy and re-*
18 *sponsible choices;*

19 (C) *improve the academic performance of such*
20 *youth pursuant to a plan jointly developed by the ap-*
21 *plicant and the school which each such youth attends*
22 *or should attend; and*

23 (D) *provide such youth with vocational and life*
24 *skills.*

1 (b) *APPLICATIONS.*—(1) *A public agency or private*
2 *nonprofit organization which desires a grant under this sec-*
3 *tion shall submit an application at such time and in such*
4 *manner as the Attorney General may prescribe.*

5 (2) *Such application shall include—*

6 (A) *a description of the program developed by*
7 *the applicant, including the activities to be offered;*

8 (B) *a detailed discussion of how such program*
9 *will prevent youth from committing crimes or delin-*
10 *quent acts;*

11 (C) *evidence that such program—*

12 (i) *will be carried out in facilities which*
13 *meet applicable State and local laws with regard*
14 *to safety;*

15 (ii) *will include academic instruction, ap-*
16 *proved by the State or local educational agency,*
17 *which meets or exceeds State and local standards*
18 *and curricular requirements; and*

19 (iii) *will include instructors and other per-*
20 *sonnel who possess such qualifications as may be*
21 *required by applicable State or local laws; and*

22 (D) *specific, measurable outcomes for youth*
23 *served by the program.*

1 (c) *CONSIDERATION OF APPLICATIONS.*—Not later
2 than 60 days following the submission of applications, the
3 Attorney General shall—

4 (1) approve each application and disburse the
5 funding for each such application; or

6 (2) disapprove the application and inform the
7 applicant of such disapproval and the reasons there-
8 for.

9 (d) *REPORTS.*—A grantee under this section shall an-
10 nually submit a report to the Attorney General that de-
11 scribes the activities and accomplishments of such program,
12 including the degree to which the specific youth outcomes
13 are met.

14 **SEC. 1052. AUTHORIZATION OF APPROPRIATIONS.**

15 For grants under section 1051, there are authorized
16 to be appropriated \$10,000,000 for each of the fiscal years
17 1995 through 1999.

18 **Subtitle G—Police Recruitment**

19 **SEC. 1061. GRANT AUTHORITY.**

20 (a) *IN GENERAL.*—The Attorney General may make
21 grants to qualified community organizations to assist in
22 meeting the costs of qualified programs which are designed
23 to recruit and retain applicants to police departments.

24 (b) *QUALIFIED COMMUNITY ORGANIZATIONS.*—An or-
25 ganization is a qualified community organization which is

1 *eligible to receive a grant under subsection (a) if the organi-*
2 *zation—*

3 *(1) is a non-profit organization; and*

4 *(2) has training and experience in—*

5 *(A) working with a police department and*
6 *with teachers, counselors, and similar personnel,*

7 *(B) providing services to the community in*
8 *which the organization is located,*

9 *(C) developing and managing services and*
10 *techniques to recruit individuals to become mem-*
11 *bers of a police department and to assist such in-*
12 *dividuals in meeting the membership require-*
13 *ments of police departments,*

14 *(D) developing and managing services and*
15 *techniques to assist in the retention of applicants*
16 *to police departments, and*

17 *(E) developing other programs that contrib-*
18 *ute to the community.*

19 *(c) QUALIFIED PROGRAMS.—A program is a qualified*
20 *program for which a grant may be made under subsection*
21 *(a) if the program is designed to recruit and train individ-*
22 *uals from underrepresented neighborhoods and localities and*
23 *if—*

24 *(1) the overall design of the program is to recruit*
25 *and retain applicants to a police department;*

1 (2) *the program provides recruiting services*
2 *which include tutorial programs to enable individuals*
3 *to meet police force academic requirements and to*
4 *pass entrance examinations;*

5 (3) *the program provides counseling to appli-*
6 *cants to police departments who may encounter prob-*
7 *lems throughout the application process; and*

8 (4) *the program provides retention services to as-*
9 *ist in retaining individuals to stay in the applica-*
10 *tion process of a police department.*

11 (d) *APPLICATIONS.—To qualify for a grant under sub-*
12 *section (a), a qualified organization shall submit an appli-*
13 *cation to the Attorney General in such form as the Attorney*
14 *General may prescribe. Such application shall—*

15 (1) *include documentation from the applicant*
16 *showing—*

17 (A) *the need for the grant;*

18 (B) *the intended use of grant funds;*

19 (C) *expected results from the use of grant*
20 *funds; and*

21 (D) *demographic characteristics of the pop-*
22 *ulation to be served, including age, disability,*
23 *race, ethnicity, and languages used; and*

24 (2) *contain assurances satisfactory to the Attor-*
25 *ney General that the program for which a grant is*

1 *made will meet the applicable requirements of the*
2 *program guidelines prescribed by the Attorney Gen-*
3 *eral under subsection (i).*

4 *(e) ACTION BY THE ATTORNEY GENERAL.—Not later*
5 *than 60 days after the date that an application for a grant*
6 *under subsection (a) is received, the Attorney General shall*
7 *consult with the police department which will be involved*
8 *with the applicant and shall—*

9 *(1) approve the application and disburse the*
10 *grant funds applied for; or*

11 *(2) disapprove the application and inform the*
12 *applicant that the application is not approved and*
13 *provide the applicant with the reasons for the dis-*
14 *approval.*

15 *(f) GRANT DISBURSEMENT.—The Attorney General*
16 *shall disburse funds under a grant under subsection (a) in*
17 *accordance with regulations of the Attorney General which*
18 *shall ensure—*

19 *(1) priority is given to applications for areas*
20 *and organizations with the greatest showing of need;*

21 *(2) that grant funds are equitably distributed on*
22 *a geographic basis; and*

23 *(3) the needs of underserved populations are rec-*
24 *ognized and addressed.*

1 (g) *GRANT PERIOD.*—A grant under subsection (a)
2 shall be made for a period not longer than 3 years.

3 (h) *GRANTEE REPORTING.*—(1) For each year of a
4 grant period for a grant under subsection (a), the recipient
5 of the grant shall file a performance report with the Attor-
6 ney General explaining the activities carried out with the
7 funds received and assessing the effectiveness of such activi-
8 ties in meeting the purpose of the recipient's qualified
9 program.

10 (2) If there was more than one recipient of a grant,
11 each recipient shall file such report.

12 (3) The Attorney General shall suspend the funding
13 of a grant if the recipient of the grant does not file the re-
14 port required by this subsection or uses the grant for a pur-
15 pose not authorized by this section.

16 (i) *GUIDELINES.*—The Attorney General shall, by reg-
17 ulation, prescribe guidelines on content and results for pro-
18 grams receiving a grant under subsection (a). Such guide-
19 lines shall be designed to establish programs which will be
20 effective in training individuals to enter instructional pro-
21 grams for police departments and shall include require-
22 ments for—

23 (1) individuals providing recruiting services;

24 (2) individuals providing tutorials and other
25 academic assistance programs;

1 (3) *individuals providing retention services; and*

2 (4) *the content and duration of recruitment, re-*
3 *tention, and counseling programs and the means and*
4 *devices used to publicize such programs.*

5 **SEC. 1062. AUTHORIZATION OF APPROPRIATIONS.**

6 *For grants under section 1061 there are authorized to*
7 *be appropriated \$6,000,000 for each of the fiscal years 1995*
8 *through 1999.*

9 **Subtitle H—National Triad**
10 **Program**

11 **SEC. 1065. FINDINGS.**

12 *The Congress finds that—*

13 (1) *older Americans are among the most rapidly*
14 *growing segments of our society;*

15 (2) *currently, older Americans comprise 15 per-*
16 *cent of our society, and predictions are that by the*
17 *turn of the century they will constitute 18 percent of*
18 *the Nation's population;*

19 (3) *older Americans find themselves uniquely sit-*
20 *uated in the society, environmentally and physically;*

21 (4) *many older Americans are experiencing in-*
22 *creased social isolation due to fragmented and distant*
23 *familial relations, scattered associations, limited ac-*
24 *cess to transportation, and other insulating factors;*

1 (5) *physical conditions such as hearing loss, poor*
2 *eyesight, lessened agility, and chronic and debilitat-*
3 *ing illnesses often contribute to a senior citizen's sus-*
4 *ceptibility to criminal victimization;*

5 (6) *older Americans are too frequently the vic-*
6 *tims of abuse and neglect, violent crime, property*
7 *crime, consumer fraud, medical quackery, and con-*
8 *fidence games;*

9 (7) *studies have found that older Americans that*
10 *are victims of violent crime are more likely to be in-*
11 *jured and require medical attention than are younger*
12 *victims;*

13 (8) *victimization data on crimes against older*
14 *Americans are incomplete and out of date, and data*
15 *sources are partial, scattered, and not easily obtained;*

16 (9) *although a few studies have attempted to de-*
17 *fine and estimate the extent of abuse and neglect of*
18 *older Americans, both in their homes and in institu-*
19 *tional settings, many experts believe that abuse and*
20 *neglect crimes are substantially underreported and*
21 *undetected;*

22 (10) *similarly, while some evidence suggests that*
23 *older Americans may be targeted in a range of fraud-*
24 *ulent schemes, neither the Uniform Crime Report nor*

1 *the National Crime Survey collects data on*
2 *individual- or household-level fraud;*

3 *(11) many law enforcement agencies do not have*
4 *model practices for responding to the criminal abuse*
5 *of older Americans;*

6 *(12) law enforcement officers and social service*
7 *providers come from different disciplines and fre-*
8 *quently bring different perspectives to the problem of*
9 *crimes against older Americans;*

10 *(13) the differences in approaches can inhibit a*
11 *genuinely effective response;*

12 *(14) there are a few efforts currently under way*
13 *that seek to forge partnerships to coordinate criminal*
14 *justice and social service approaches to victimization*
15 *of older Americans;*

16 *(15) the Triad program, sponsored by the Na-*
17 *tional Sheriffs' Association (NSA), the International*
18 *Association of Chiefs of Police (IACP), and the Amer-*
19 *ican Association of Retired Persons (AARP), is one*
20 *such effort;*

21 *(16) the Assistant Secretary for Aging, as the*
22 *senior executive branch officer formulating older*
23 *Americans policy, is an appropriate leader in efforts*
24 *to reduce violent crime against older Americans; and*

1 (17) recognizing that older Americans have the
2 same fundamental desire as other members of our so-
3 ciety to live freely, without fear or restriction due to
4 the criminal element, the Federal Government should
5 seek to expand efforts to reduce crime against this
6 growing and uniquely vulnerable segment of our pop-
7 ulation.

8 **SEC. 1066. PURPOSES.**

9 The purposes of this subtitle are—

10 (1) to support a coordinated effort among law
11 enforcement, older Americans organizations, and so-
12 cial service agencies to stem the tide of violence
13 against older Americans and support media and
14 nonmedia strategies aimed at increasing both public
15 understanding of the problem and the older Ameri-
16 cans' skills in preventing crime against themselves
17 and their property; and

18 (2) to address the problem of crime against older
19 Americans in a systematic and effective manner by
20 promoting and expanding collaborative crime preven-
21 tion programs, such as the Triad model, that assist
22 law enforcement agencies and older Americans in im-
23 plementing specific strategies for crime prevention,
24 victim assistance, citizen involvement, and public
25 education.

1 **SEC. 1067. NATIONAL ASSESSMENT AND DISSEMINATION.**

2 (a) *IN GENERAL.*—*The Director of the National Insti-*
3 *tute of Justice in consultation with the Assistant Secretary*
4 *for Aging shall conduct a qualitative and quantitative na-*
5 *tional assessment of—*

6 (1) *the nature and extent of crimes committed*
7 *against older Americans and the effect of such crimes*
8 *on the victims;*

9 (2) *the numbers, extent, and impact of violent*
10 *crimes and nonviolent crimes (such as frauds and*
11 *“scams”) against older Americans and the extent of*
12 *unreported crimes;*

13 (3) *the collaborative needs of law enforcement,*
14 *health, and social service organizations, focusing on*
15 *prevention of crimes against older Americans, to*
16 *identify, investigate, and provide assistance to vic-*
17 *tims of those crimes; and*

18 (4) *the development and growth of strategies to*
19 *respond effectively to the matters described in para-*
20 *graphs (1), (2), and (3).*

21 (b) *MATTERS TO BE ADDRESSED.*—*The national as-*
22 *essment made pursuant to subsection (a) shall address—*

23 (1) *the analysis and synthesis of data from a*
24 *broad range of sources in order to develop accurate*
25 *information on the nature and extent of crimes*
26 *against older Americans, including identifying and*

1 *conducting such surveys and other data collection ef-*
2 *forts as are needed and designing a strategy to keep*
3 *such information current over time;*

4 *(2) institutional and community responses to el-*
5 *derly victims of crime, focusing on the problems asso-*
6 *ciated with fear of victimization, abuse of older Amer-*
7 *icans, and hard-to-reach older Americans who are in*
8 *poor health, are living alone or without family near-*
9 *by, or living in high crime areas;*

10 *(3) special services and responses required by el-*
11 *derly victims;*

12 *(4) whether the experience of older Americans*
13 *with some service organizations differs markedly from*
14 *that of younger populations;*

15 *(5) the kinds of programs that have proven use-*
16 *ful in reducing victimization of older Americans*
17 *through crime prevention activities and programs;*

18 *(6) the kinds of programs that contribute to suc-*
19 *cessful coordination among public sector agencies and*
20 *community organizations in reducing victimization*
21 *of older Americans; and*

22 *(7) the research agenda needed to develop a com-*
23 *prehensive understanding of the problems of crimes*
24 *against older Americans, including the changes that*

1 *can be anticipated in the crimes themselves and ap-*
2 *propriate responses as the society increasingly ages.*

3 (c) *AVOIDANCE OF DUPLICATION.*—*In conducting the*
4 *assessment under subsection (a), the Director of the Na-*
5 *tional Institute of Justice, in consultation with the Assist-*
6 *ant Secretary of Aging, shall draw upon the findings of ex-*
7 *isting studies and avoid duplication of efforts that have pre-*
8 *viously been made.*

9 (d) *DISSEMINATION.*—*Based on the results of the na-*
10 *tional assessment and analysis of successful or promising*
11 *strategies in dealing with the problems described in sub-*
12 *section (b) and other problems, including coalition efforts*
13 *such as the Triad programs described in section 1066, the*
14 *Director of the National Institute of Justice, in consultation*
15 *with the Assistant Secretary of Aging, shall disseminate the*
16 *results through reports, publications, clearinghouse services,*
17 *public service announcements, and programs of evaluation,*
18 *demonstration, training, and technical assistance.*

19 **SEC. 1068. PILOT PROGRAMS.**

20 (a) *AWARDS.*—*The Director of the Bureau of Justice*
21 *Assistance, in consultation with the Assistant Secretary of*
22 *Aging, shall make grants to coalitions of local law enforce-*
23 *ment agencies and older Americans to assist in the develop-*
24 *ment of programs and execute field tests of particularly*
25 *promising strategies for crime prevention services and relat-*

1 *ed services based on the concepts of the Triad model, which*
2 *can then be evaluated and serve as the basis for further dem-*
3 *onstration and education programs.*

4 **(b) TRIAD COOPERATIVE MODEL.**—(1) *Subject to*
5 *paragraph (2), a pilot program funded under this section*
6 *shall consist of a cooperative model, which calls for the par-*
7 *ticipation of the sheriff, at least 1 police chief, and a rep-*
8 *resentative of at least 1 older Americans' organization with-*
9 *in a county and may include participation by general serv-*
10 *ice coalitions of law enforcement, victim service, and senior*
11 *citizen advocate second service organizations. If there exists*
12 *with the applicant county an area agency on aging as de-*
13 *finied in section 102(17) of the Older Americans Act of 1965,*
14 *the applicant county must include the agency as an organi-*
15 *zational component in its program.*

16 (2) *If there is not both a sheriff and a police chief in*
17 *a county or if the sheriff or a police chief do not participate,*
18 *a pilot program funded under this section shall include in*
19 *the place of the sheriff or police chief another key law en-*
20 *forcement official in the county such as a local prosecutor.*

21 **(c) APPLICATION.**—*A coalition that desires to establish*
22 *a pilot program under this section shall submit to the Di-*
23 *rector of the Bureau of Justice Assistance an application*
24 *that includes—*

1 (1) a description of the community and its sen-
2 ior citizen population;

3 (2) assurances that Federal funds received under
4 this title shall be used to provide additional and ap-
5 propriate education and services to the community's
6 older Americans;

7 (3) a description of the extent of involvement of
8 each organizational component (chief, sheriff (or other
9 law enforcement official), and senior organization
10 representative) and focus of the program;

11 (4) a comprehensive plan including—

12 (A) a description of the crime problems fac-
13 ing older Americans and need for expanded law
14 enforcement and victim assistance services;

15 (B) a description of the types of projects to
16 be developed or expanded;

17 (C) a plan for an evaluation of the results
18 of the program;

19 (D) a description of the resources (including
20 matching funds, in-kind services, and other re-
21 sources) available in the community to imple-
22 ment the program's development or expansion;

23 (E) a description of the gaps that cannot be
24 filled with existing resources;

1 (F) an explanation of how the requested
2 grant will be used to fill those gaps; and

3 (G) a description of the means and methods
4 the applicant will use to reduce criminal victim-
5 ization of older persons; and

6 (5) funding requirements for implementing a
7 comprehensive plan.

8 (d) *DISTRIBUTION OF GRANT AWARDS.*—The Director
9 of the Bureau of Justice Assistance, in consultation with
10 the Assistant Secretary for Aging, shall attempt, to the ex-
11 tent practicable, to achieve an equitable geographic dis-
12 tribution of grant awards for pilot programs authorized
13 under this subtitle.

14 (e) *POST-GRANT PERIOD REPORT.*—A grant recipient
15 under this section shall, not later than 6 months after the
16 conclusion of the grant period, submit to the Director of
17 the Bureau of Justice Assistance a report that—

18 (1) describes the composition of organizations
19 that participated in the pilot program;

20 (2) identifies problem areas encountered during
21 the course of the pilot program;

22 (3) provides data comparing the types and fre-
23 quency of criminal activity before and after the grant
24 period and the effect of such criminal activity on
25 older Americans in the community; and

1 (4) describes the grant recipient's plans and
2 goals for continuance of the program after the grant
3 period.

4 **SEC. 1069. TRAINING ASSISTANCE, EVALUATION, AND DIS-**
5 **SEMINATION AWARDS.**

6 *In conjunction with the national assessment under sec-*
7 *tion 1067—*

8 (1) the Director of the Bureau of Justice Assist-
9 ance, in consultation with the Assistant Secretary for
10 Aging, shall make awards to organizations with dem-
11 onstrated ability to provide training and technical
12 assistance in establishing crime prevention programs
13 based on the Triad model, for purposes of aiding in
14 the establishment and expansion of pilot programs
15 under this section;

16 (2) the Director of the National Institute of Jus-
17 tice, in consultation with the Assistant Secretary of
18 Aging, shall make awards to research organizations,
19 for the purposes of—

20 (A) evaluating the effectiveness of selected
21 pilot programs; and

22 (B) conducting the research and develop-
23 ment identified through the national assessment
24 as being critical; and

1 (3) *the Director of the Bureau of Justice Assist-*
2 *ance, in consultation with the Assistant Secretary for*
3 *Aging, shall make awards to public service advertis-*
4 *ing coalitions, for the purposes of mounting a pro-*
5 *gram of public service advertisements to increase pub-*
6 *lic awareness and understanding of the issues sur-*
7 *rounding crimes against older Americans and pro-*
8 *moting ideas or programs to prevent them.*

9 **SEC. 1070. REPORT.**

10 *The Director of the Bureau of Justice Assistance, in*
11 *consultation with the Assistant Secretary for Aging, and*
12 *the Director of the National Institute of Justice shall submit*
13 *to Congress an annual report (which may be included with*
14 *the report submitted under section 102(b) of title I of the*
15 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
16 *U.S.C. 3712(b))) describing the results of the pilot programs*
17 *conducted under section 1068.*

18 **SEC. 1071. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are authorized to be appropriated—*

20 (1) *\$2,000,000 to the Bureau of Justice Assist-*
21 *ance for the purpose of making pilot program awards*
22 *in that amount under section 1068;*

23 (2) *\$1,000,000 to the Bureau of Justice Assist-*
24 *ance for the purpose of funding the national training*

1 *and technical assistance effort under sections 1967*
 2 *and 1068;*

3 (3) *\$1,000,000 to the Bureau of Justice Assist-*
 4 *ance and \$1,000,000 to the Administration on Aging,*
 5 *for the purpose of developing public service announce-*
 6 *ments under sections 1067 and 1069;*

7 (4) *\$2,000,000 to the National Institute of Jus-*
 8 *tice for the purposes of conducting the national assess-*
 9 *ment, evaluating pilot programs, and carrying out*
 10 *the research agenda under sections 1067 and 1069;*
 11 *and*

12 (5) *to the extent that funds are not otherwise*
 13 *available for the purpose, such sums as are necessary*
 14 *to pay the administrative costs of carrying out this*
 15 *subtitle.*

16 ***Subtitle I—Local Partnership Act***

17 ***SEC. 1075. ESTABLISHMENT OF PAYMENT PROGRAM.***

18 (a) *ESTABLISHMENT OF PROGRAM.—Title 31,*
 19 *United States Code, is amended by inserting after chapter*
 20 *65 the following:*

21 ***“CHAPTER 67—FEDERAL PAYMENTS***

“Sec.

“6701. Payments to local governments.

“6702. Local Government Fiscal Assistance Fund.

“6703. Qualification for payment.

“6704. State area allocations; allocations and payments to territorial govern-
ments.

“6705. Local government allocations.

“6706. Income gap multiplier.

“6707. State variation of local government allocations.

- “6708. Adjustments of local government allocations.
 “6709. Information used in allocation formulas.
 “6710. Public participation.
 “6711. Prohibited discrimination.
 “6712. Discrimination proceedings.
 “6713. Suspension and termination of payments in discrimination proceedings.
 “6714. Compliance agreements.
 “6715. Enforcement by the Attorney General of prohibitions on discrimination.
 “6716. Civil action by a person adversely affected.
 “6717. Judicial review.
 “6718. Audits, investigations, and reviews.
 “6719. Reports.
 “6720. Definitions and application.

1 **“§ 6701. Payments to local governments**

2 “(a) PAYMENT AND USE.—

3 “(1) PAYMENT.—The Secretary of the Treasury
 4 shall pay to each unit of general local government
 5 which qualifies for a payment under this chapter an
 6 amount equal to the sum of any amounts allocated to
 7 the government under this chapter for each payment
 8 period. The Secretary shall pay such amount out of
 9 the Local Government Fiscal Assistance Fund under
 10 section 6702.

11 “(2) USE.—Amounts paid to a unit of general
 12 local government under this section shall be used by
 13 that unit for carrying out one or more programs of
 14 the unit related to—

15 “(A) education to prevent crime;

16 “(B) substance abuse treatment to prevent
 17 crime;

18 “(C) coordination of crime prevention pro-
 19 grams funded under this title with other existing

1 *Federal programs to meet the overall needs of*
2 *communities that benefit from funds received*
3 *under this section; or*

4 “(D) *job program to prevent crime.*

5 “(b) *TIMING OF PAYMENTS.—They shall pay each*
6 *amount allocated under this chapter to a unit of general*
7 *local government for a payment period by the later of 60*
8 *days after the date the amount is available or the first day*
9 *of the payment period.*

10 “(c) *ADJUSTMENTS.—(1) Subject to paragraph (2), the*
11 *Secretary shall adjust a payment under this chapter to a*
12 *unit of general local government to the extent that a prior*
13 *payment to the government was more or less than the*
14 *amount required to be paid.*

15 “(2) *The Secretary may increase or decrease under this*
16 *subsection a payment to a unit of local government only*
17 *if the Secretary determines the need for the increase or de-*
18 *crease, or the unit requests the increase or decrease, within*
19 *one year after the end of the payment period for which the*
20 *payment was made.*

21 “(d) *RESERVATION FOR ADJUSTMENTS.—The Sec-*
22 *retary may reserve a percentage of not more than 0.5 per-*
23 *cent of the amount under this section for a payment period*
24 *for all units of general local government in a State if the*
25 *Secretary considers the reserve is necessary to ensure the*

1 *availability of sufficient amounts to pay adjustments after*
2 *the final allocation of amounts among the units of general*
3 *local government in the State.*

4 *“(e) REPAYMENT OF UNEXPENDED AMOUNTS.—*

5 *“(1) REPAYMENT REQUIRED.—A unit of general*
6 *local government shall repay to the Secretary, by not*
7 *later than November 15, 1995, any amount that is—*

8 *“(A) paid to the unit from amounts appro-*
9 *priated for fiscal year 1995 under the authority*
10 *of this section; and*

11 *“(B) not expended by the unit by October*
12 *31, 1995.*

13 *“(2) DEPOSIT OF AMOUNTS REPAID.—Amounts*
14 *received by the Secretary as repayments under this*
15 *subsection shall be deposited in the general fund of the*
16 *Treasury as miscellaneous receipts.*

17 *“(f) EXPENDITURE WITH DISADVANTAGED BUSINESS*
18 *ENTERPRISES.—*

19 *“(1) GENERAL RULE.—Of amounts paid to a*
20 *unit of general local government under this chapter*
21 *for a payment period, not less than 10 percent of the*
22 *total combined amounts obligated by the unit for con-*
23 *tracts and subcontracts shall be expended with—*

1 “(A) *small business concerns controlled by*
2 *socially and economically disadvantaged indi-*
3 *viduals and women; and*

4 “(B) *historically Black colleges and univer-*
5 *sities and colleges and universities having a stu-*
6 *dent body in which more than 20 percent of the*
7 *students are Hispanic Americans or Native*
8 *Americans.*

9 “(2) *EXCEPTION.—Paragraph (1) shall not*
10 *apply to amounts paid to a unit of general local gov-*
11 *ernment to the extent the unit determines that the*
12 *paragraph does not apply through a process that pro-*
13 *vides for public participation.*

14 “(3) *DEFINITIONS.—For purposes of this sub-*
15 *section—*

16 “(A) *the term ‘small business concern’ has*
17 *the meaning such term has under section 3 of the*
18 *Small Business Act; and*

19 “(B) *the term ‘socially and economically*
20 *disadvantaged individuals’ has the meaning such*
21 *term has under section 8(d) of the Small Busi-*
22 *ness Act and relevant subcontracting regulations*
23 *promulgated pursuant to that section.*

24 “(g) *NONSUPPLANTING REQUIREMENT.—(1) Funds*
25 *made available under this chapter to units of local govern-*

1 *ment shall not be used to supplant State or local funds,*
2 *but will be used to increase the amount of funds that would,*
3 *in the absence of funds under this chapter, be made avail-*
4 *able from State or local sources.*

5 “(2) *The total level of funding available to a unit of*
6 *local government for accounts serving eligible purposes*
7 *under this chapter in the fiscal year immediately preceding*
8 *receipt of a grant under this chapter shall be designated*
9 *the ‘base level account’ for the fiscal year in which grant*
10 *is received. Grants under this chapter in a given fiscal year*
11 *shall be reduced on a dollar for dollar basis to the extent*
12 *that a unit of local government reduces its base level ac-*
13 *count in that fiscal year.*

14 “(3) *The Secretary shall issue regulations to imple-*
15 *ment this subsection.*

16 **“§ 6702. Local Government Fiscal Assistance Fund**

17 “(a) *ADMINISTRATION OF FUND.—The Department of*
18 *the Treasury has a Local Government Fiscal Assistance*
19 *Fund, which consists of amounts appropriated to the Fund.*

20 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There*
21 *are authorized to be appropriated to the Fund*
22 *\$2,000,000,000 for fiscal years 1995 and 1996.*

23 **“§ 6703. Qualification for payment**

24 “(a) *IN GENERAL.—Under regulations issued by the*
25 *Secretary, a unit of general local government qualifies for*

1 *a payment under this chapter for a payment period only*
2 *after establishing to the satisfaction of the Secretary that—*

3 “(1) *the government will establish a trust fund*
4 *in which the government will deposit all payments re-*
5 *ceived under this chapter;*

6 “(2) *the government will use amounts in the*
7 *trust fund (including interest) during a reasonable*
8 *period specified in the regulations issued by the*
9 *Secretary;*

10 “(3) *the government will expend the payments so*
11 *received, in accordance with the laws and procedures*
12 *that are applicable to the expenditure of revenues of*
13 *the government;*

14 “(4) *if at least 25 percent of the pay of individ-*
15 *uals employed by the government in a public em-*
16 *ployee occupation is paid out of the trust fund, indi-*
17 *viduals in the occupation any part of whose pay is*
18 *paid out of the trust fund will receive pay at least*
19 *equal to the prevailing rate of pay for individuals*
20 *employed in similar public employee occupations by*
21 *the government;*

22 “(5) *if at least 25 percent of the costs of a con-*
23 *struction project are paid out of the trust fund, labor-*
24 *ers and mechanics employed by contractors or sub-*
25 *contractors on the project will receive pay at least*

1 *equal to the prevailing rate of pay for similar con-*
2 *struction in the locality as determined by the Sec-*
3 *retary of Labor under the Act of March 3, 1931 (46*
4 *Stat. 1494 et seq.; popularly known as the Davis-*
5 *Bacon Act), and the Secretary of Labor shall act on*
6 *labor standards under this paragraph in a manner*
7 *that is in accordance with Reorganization Plan No.*
8 *14 of 1950 (64 Stat. 1267) and section 2 of the Act*
9 *of June 13, 1934 (48 Stat. 948);*

10 *“(6) the government will use accounting, audit,*
11 *and fiscal procedures that conform to guidelines*
12 *which shall be prescribed by the Secretary after con-*
13 *sultation with the Comptroller General of the United*
14 *States;*

15 *“(7) after reasonable notice to the government,*
16 *the government will make available to the Secretary*
17 *and the Comptroller General of the United States,*
18 *with the right to inspect, records the Secretary rea-*
19 *sonably requires to review compliance with this chap-*
20 *ter or the Comptroller General of the United States*
21 *reasonably requires to review compliance and oper-*
22 *ations under section 6718(b); and*

23 *“(8) the government will make reports the Sec-*
24 *retary reasonably requires, in addition to the annual*
25 *reports required under section 6719(b).*

1 “(b) *REVIEW BY GOVERNORS.*—A unit of general local
2 government shall give the chief executive officer of the State
3 in which the government is located an opportunity for re-
4 view and comment before establishing compliance with sub-
5 section (a).

6 “(c) *SANCTIONS FOR NONCOMPLIANCE.*—(1) If the Sec-
7 retary decides that a unit of general local government has
8 not complied substantially with subsection (a) or regula-
9 tions prescribed under subsection (a), the Secretary shall
10 notify the government. The notice shall state that if the gov-
11 ernment does not take corrective action by the 60th day
12 after the date the government receives the notice, the Sec-
13 retary will withhold additional payments to the government
14 for the current payment period and later payment periods
15 until the Secretary is satisfied that the government—

16 “(A) has taken the appropriate corrective action;
17 and

18 “(B) will comply with subsection (a) and regula-
19 tions prescribed under subsection (a).

20 “(2) Before giving notice under paragraph (1), the
21 Secretary shall give the chief executive officer of the unit
22 of general local government reasonable notice and an oppor-
23 tunity for a proceeding.

1 “(3) *The Secretary may make a payment to a unit*
2 *of general local government notified under paragraph (1)*
3 *only if the Secretary is satisfied that the government—*

4 “(A) *has taken the appropriate corrective action;*
5 *and*

6 “(B) *will comply with subsection (a) and regula-*
7 *tions prescribed under subsection (a).*

8 **“§ 6704. State area allocations; allocations and pay-**
9 **ments to territorial governments**

10 “(a) *FORMULA ALLOCATION BY STATE.—For each*
11 *payment period, the Secretary shall allocate to each State*
12 *out of the amount appropriated for the period under the*
13 *authority of section 6702(b) (minus the amounts allocated*
14 *to territorial governments under subsection (e) for the pay-*
15 *ment period) an amount bearing the same ratio to the*
16 *amount appropriated (minus such amounts allocated under*
17 *subsection (e)) as the amount allocated to the State under*
18 *this section bears to the total amount allocated to all States*
19 *under this section. The Secretary shall—*

20 “(1) *determine the amount allocated to the State*
21 *under subsection (b) or (c) of this section and allocate*
22 *the larger amount to the State; and*

23 “(2) *allocate the amount allocated to the State to*
24 *units of general local government in the State under*
25 *sections 6705 and 6706.*

1 “(b) *GENERAL FORMULA.*—(1) *The amount allocated*
2 *to a State under this subsection for a payment period is*
3 *the amount bearing the same ratio to \$5,300,000,000 as—*

4 “(A) *the population of the State, multiplied by*
5 *the general tax effort factor of the State (determined*
6 *under paragraph (2)), multiplied by the relative in-*
7 *come factor of the State (determined under paragraph*
8 *(3)), multiplied by the relative rate of the labor force*
9 *unemployed in the State (determined under para-*
10 *graph (4)); bears to*

11 “(B) *the sum of the products determined under*
12 *subparagraph (A) of this paragraph for all States.*

13 “(2) *The general tax effort factor of a State for a pay-*
14 *ment period is—*

15 “(A) *the net amount of State and local taxes of*
16 *the State collected during the years used by the Sec-*
17 *retary of Commerce in the most recent Bureau of the*
18 *Census general determination of State and local taxes*
19 *made before the beginning of the payment period; di-*
20 *vided by*

21 “(B) *the total income of individuals, as deter-*
22 *mined by the Secretary of Commerce for national in-*
23 *come accounts purposes, attributed to the State for the*
24 *same years.*

1 “(3) *The relative income factor of a State is a fraction*
2 *in which—*

3 “(A) *the numerator is the per capita income of*
4 *the United States; and*

5 “(B) *the denominator is the per capita income*
6 *of the State.*

7 “(4) *The relative rate of the labor force unemployed*
8 *in a State is a fraction in which—*

9 “(A) *the numerator is the percentage of the labor*
10 *force of the State that is unemployed (as determined*
11 *by the Secretary of Labor for general statistical pur-*
12 *poses); and*

13 “(B) *the denominator is the percentage of the*
14 *labor force of the United States that is unemployed*
15 *(as determined by the Secretary of Labor for general*
16 *statistical purposes).*

17 “(c) *ALTERNATIVE FORMULA.—The amount allocated*
18 *to a State under this subsection for a payment period is*
19 *the total amount the State would receive if—*

20 “(1) *\$1,166,666,667 were allocated among the*
21 *States on the basis of population by allocating to each*
22 *State an amount bearing the same ratio to the total*
23 *amount to be allocated under this paragraph as the*
24 *population of the State bears to the population of all*
25 *States;*

1 “(2) \$1,166,666,667 were allocated among the
2 States on the basis of population inversely weighted
3 for per capita income, by allocating to each State an
4 amount bearing the same ratio to the total amount to
5 be allocated under this paragraph as—

6 “(A) the population of the State, multiplied
7 by a fraction in which—

8 “(i) the numerator is the per capita
9 income of all States; and

10 “(ii) the denominator is the per capita
11 income of the State; bears to

12 “(B) the sum of the products determined
13 under subparagraph (A) for all States;

14 “(3) \$600,000,000 were allocated among the
15 States on the basis of income tax collections by allo-
16 cating to each State an amount bearing the same
17 ratio to the total amount to be allocated under this
18 paragraph as the income tax amount of the State (de-
19 termined under subsection (d)(1)) bears to the sum of
20 the income tax amounts of all States;

21 “(4) \$600,000,000 were allocated among the
22 States on the basis of general tax effort by allocating
23 to each State an amount bearing the same ratio to the
24 total amount to be allocated under this paragraph as
25 the general tax effort amount of the State (determined

1 *under subsection (d)(2)) bears to the sum of the gen-*
2 *eral tax effort amounts of all States;*

3 *“(5) \$600,000,000 were allocated among the*
4 *States on the basis of unemployment by allocating to*
5 *each State an amount bearing the same ratio to the*
6 *total amount to be allocated under this paragraph*
7 *as—*

8 *“(A) the labor force of the State, multiplied*
9 *by a fraction in which—*

10 *“(i) the numerator is the percentage of*
11 *the labor force of the State that is unem-*
12 *ployed (as determined by the Secretary of*
13 *Labor for general statistical purposes); and*

14 *“(ii) the denominator is the percentage*
15 *of the labor force of the United States that*
16 *is unemployed (as determined by the Sec-*
17 *retary of Labor for general statistical pur-*
18 *poses);*

19 *bears to*

20 *“(B) the sum of the products determined*
21 *under subparagraph (A) for all States; and*

22 *“(6) \$1,166,666,667 were allocated among the*
23 *States on the basis of urbanized population by allo-*
24 *cating to each State an amount bearing the same*
25 *ratio to the total amount to be allocated under this*

1 *paragraph as the urbanized population of the State*
2 *bears to the urbanized population of all States. In*
3 *this paragraph, the term 'urbanized population'*
4 *means the population of an area consisting of a*
5 *central city or cities of at least 50,000 inhabitants*
6 *and the surrounding closely settled area for the city*
7 *or cities considered as an urbanized area by the Sec-*
8 *retary of Commerce for general statistical purposes.*

9 *“(d) INCOME TAX AMOUNT AND TAX EFFORT*
10 *AMOUNT.—(1) The income tax amount of a State for a pay-*
11 *ment period is 15 percent of the net amount collected during*
12 *the calendar year ending before the beginning of the pay-*
13 *ment period from the tax imposed on the income of individ-*
14 *uals by the State and described as a State income tax under*
15 *section 164(a)(3) of the Internal Revenue Code of 1986 (26*
16 *U.S.C. 164(a)(3)). The income tax amount for a payment*
17 *period shall be at least 1 percent but not more than 6 per-*
18 *cent of the United States Government individual income*
19 *tax liability attributed to the State for the taxable year end-*
20 *ing during the last calendar year ending before the begin-*
21 *ning of the payment period. The Secretary shall determine*
22 *the Government income tax liability attributed to the State*
23 *on the same basis as the Secretary of the Treasury deter-*
24 *mines that liability for general statistical purposes.*

1 “(2) The general tax effort amount of a State for a
2 payment period is the amount determined by multiply-
3 ing—

4 “(A) the net amount of State and local taxes of
5 the State collected during the years used by the Sec-
6 retary of Commerce in the most recent Bureau of the
7 Census general determination of State and local taxes
8 made before the beginning of the payment period; by

9 “(B) the general tax effort factor of the State de-
10 termined under subsection (b)(2).

11 “(e) ALLOCATION FOR PUERTO RICO, GUAM, AMER-
12 ICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For each
13 payment period for which funds are available for allocation
14 under this chapter, the Secretary shall allocate to each terri-
15 torial government an amount equal to the product of 1 per-
16 cent of the amount of funds available for allocation multi-
17 plied by the applicable territorial percentage.

18 “(B) For the purposes of this paragraph, the applica-
19 ble territorial percentage of a territory is equal to the
20 quotient resulting from the division of the territorial popu-
21 lation of such territory by the sum of the territorial popu-
22 lation for all territories.

23 “(2) The governments of the territories shall make pay-
24 ments to local governments within their jurisdiction from

1 *sums received under this subsection as they consider appro-*
2 *priate.*

3 *“(3) For purposes of this subsection—*

4 *“(A) the term ‘territorial government’*
5 *means the government of a territory;*

6 *“(B) the term ‘territory’ means Puerto Rico,*
7 *Guam, American Samoa, and the Virgin Is-*
8 *lands; and*

9 *“(C) the term ‘territorial population’ means*
10 *the most recent population for each territory as*
11 *determined by the Bureau of Census.*

12 **“§ 6705. Local government allocations**

13 *“(a) INDIAN TRIBES AND ALASKAN NATIVES VIL-*
14 *LAGES.—If there is in a State an Indian tribe or Alaskan*
15 *native village having a recognized governing body carrying*
16 *out substantial governmental duties and powers, the Sec-*
17 *retary shall allocate to the tribe or village, out of the*
18 *amount allocated to the State under section 6704, an*
19 *amount bearing the same ratio to the amount allocated to*
20 *the State as the population of the tribe or village bears to*
21 *the population of the State. The Secretary shall allocate*
22 *amounts under this subsection to Indian tribes and Alaskan*
23 *native villages in a State before allocating amounts to units*
24 *of general local government in the State under subsection*
25 *(b).*

1 “(b) *OTHER LOCAL GOVERNMENT ALLOCATIONS.—(1)*
2 *The Secretary shall allocate among the units of general local*
3 *government in a State (other than units receiving alloca-*
4 *tions under subsection (a)) the amount allocated to the*
5 *State under section 6704 (as that amount is reduced by al-*
6 *locations under subsection (a)). Of the amount to be allo-*
7 *cated, the Secretary shall allocate a portion equal to 1/2 of*
8 *such amount in accordance with section 6706(1), and shall*
9 *allocate a portion equal to 1/2 of such amount in accordance*
10 *with section 6706(2). A unit of general local government*
11 *shall receive an amount equal to the sum of amounts allo-*
12 *cated to the unit from each portion.*

13 “(2) *From each portion to be allocated to units of local*
14 *government in a State under paragraph (1), the Secretary*
15 *shall allocate to a unit an amount bearing the same ratio*
16 *to the funds to be allocated as—*

17 “(A) *the population of the unit, multiplied by*
18 *the general tax effort factor of the unit (determined*
19 *under paragraph (3)), multiplied by the income gap*
20 *of the unit (determined under paragraph (4)), bears*
21 *to*

22 “(B) *the sum of the products determined under*
23 *subparagraph (A) for all units in the State for which*
24 *the income gap for that portion under paragraph (4)*
25 *is greater than zero.*

1 “(3)(A) *Except as provided in subparagraph (C), the*
2 *general tax effort factor of a unit of general local govern-*
3 *ment for a payment period is—*

4 “(i) *the adjusted taxes of the unit; divided by*

5 “(ii) *the total income attributed to the unit.*

6 “(B) *If the amount determined under subparagraphs*
7 *(A) (i) and (ii) for a unit of general local government is*
8 *less than zero, the general tax effort factor of the unit is*
9 *deemed to be zero.*

10 “(C)(i) *Except as otherwise provided in this subpara-*
11 *graph, the adjusted taxes of a unit of general local govern-*
12 *ment are the taxes imposed by the unit for public purposes*
13 *(except employee and employer assessments and contribu-*
14 *tions to finance retirement and social insurance systems*
15 *and other special assessments for capital outlay), as deter-*
16 *mined by the Secretary of Commerce for general statistical*
17 *purposes and adjusted (under regulations of the Secretary)*
18 *to exclude amounts properly allocated to education*
19 *expenses.*

20 “(ii) *The Secretary shall, for purposes of clause (i),*
21 *include that part of sales taxes transferred to a unit of gen-*
22 *eral local government that are imposed by a county govern-*
23 *ment in the geographic area of which is located the unit*
24 *of general local government as taxes imposed by the unit*
25 *for public purposes if—*

1 “(I) the county government transfers any part of
2 the revenue from the taxes to the unit of general local
3 government without specifying the purpose for which
4 the unit of general local government may expend the
5 revenue; and

6 “(II) the chief executive officer of the State noti-
7 fies the Secretary that the taxes satisfy the require-
8 ments of this clause.

9 “(iii) The adjusted taxes of a unit of general local gov-
10 ernment shall not exceed the maximum allowable adjusted
11 taxes for that unit.

12 “(iv) The maximum allowable adjusted taxes for a unit
13 of general local government is the allowable adjusted taxes
14 of the unit minus the excess adjusted taxes of the unit.

15 “(v) The allowable adjusted taxes of a unit of general
16 government is the greater of—

17 “(I) the amount equal to 2.5, multiplied by the
18 per capita adjusted taxes of all units of general local
19 government of the same type in the State, multiplied
20 by the population of the unit; or

21 “(II) the amount equal to the population of the
22 unit, multiplied by the sum of the adjusted taxes of
23 all units of municipal local government in the State,
24 divided by the sum of the populations of all the units
25 of municipal local government in the State.

1 “(vi) *The excess adjusted taxes of a unit of general*
2 *local government is the amount equal to—*

3 “(I) *the adjusted taxes of the unit, minus*

4 “(II) *1.5 multiplied by the allowable adjusted*
5 *taxes of the unit;*

6 *except that if this amount is less than zero then the excess*
7 *adjusted taxes of the unit is deemed to be zero.*

8 “(vii) *For purposes of this subparagraph—*

9 “(I) *the term ‘per capita adjusted taxes of all*
10 *units of general local government of the same type’*
11 *means the sum of the adjusted taxes of all units of*
12 *general local government of the same type divided by*
13 *the sum of the populations of all units of general local*
14 *government of the same type; and*

15 “(II) *the term ‘units of general local government*
16 *of the same type’ means all townships if the unit of*
17 *general local government is a township, all municipi-*
18 *palities if the unit of general local government is a*
19 *municipality, all counties if the unit of general local*
20 *government is a county, or all unified city/county*
21 *governments if the unit of general local government is*
22 *a unified city/county government.*

23 “(4)(A) *Except as provided in subparagraph (B), the*
24 *income gap of a unit of general local government is—*

1 “(i) the number which applies under section
2 6706, multiplied by the per capita income of the
3 State in which the unit is located; minus

4 “(ii) the per capita income of the geographic
5 area of the unit.

6 “(B) If the amount determined under subparagraph
7 (A) for a unit of general local government is less than zero,
8 then the relative income factor of the unit is deemed to be
9 zero.

10 “(c) *SMALL GOVERNMENT ALLOCATIONS.*—If the Sec-
11 retary decides that information available for a unit of gen-
12 eral local government with a population below a number
13 (of not more than 500) prescribed by the Secretary is inad-
14 equate, the Secretary may allocate to the unit, in lieu of
15 any allocation under subsection (b) for a payment period,
16 an amount bearing the same ratio to the total amount to
17 be allocated under subsection (b) for the period for all units
18 of general local government in the State as the population
19 of the unit bears to the population of all units in the State.

20 **“§ 6706. Income gap multiplier**

21 “For purposes of determining the income gap of a unit
22 of general local government under section 6705(b)(4)(A), the
23 number which applies is—

1 certifies that the variation complies with this section. The
2 Secretary may certify a variation only if the Secretary is
3 notified of the variation at least 30 days before the first
4 payment period in which the variation applies.

5 **“§ 6708. Adjustments of local government allocations**

6 “(a) *MAXIMUM AMOUNT.*—The amount allocated to a
7 unit of general local government for a payment period may
8 not exceed the adjusted taxes imposed by the unit of general
9 local government as determined under section 6705(b)(3).
10 Amounts in excess of adjusted taxes shall be paid to the
11 Governor of the State in which the unit of local government
12 is located.

13 “(b) *DE MINIMIS ALLOCATIONS.*—If the amount allo-
14 cated to a unit of general local government (except an In-
15 dian tribe or an Alaskan native village) for a payment pe-
16 riod would be less than \$5,000 but for this subsection or
17 is waived by the governing authority of the unit of general
18 local government, the Secretary shall pay the amount to the
19 Governor of the State in which the unit is located.

20 “(c) *USE OF PAYMENTS TO STATES.*—The Governor
21 of a State shall use all amounts paid to the Governor under
22 subsections (a) and (b) for programs described in section
23 6701(a)(2) in areas of the State where are located the units
24 of general local government with respect to which amounts
25 are paid under subsection (b).

1 **“§ 6709. Information used in allocation formulas**

2 “(a) *USE OF MOST RECENT INFORMATION.*—Except
3 as provided in this section, the Secretary shall use the most
4 recent available information provided by the Secretary of
5 Commerce and the Secretary of Labor before the beginning
6 of the payment period to determine an allocation under this
7 chapter. If the Secretary decides that the information is not
8 current or complete enough to provide for a fair allocation,
9 the Secretary may use additional information (including
10 information based on estimates) as provided under regula-
11 tions of the Secretary.

12 “(b) *POPULATION DATA.*—(1) The Secretary shall de-
13 termine population on the same basis that the Secretary
14 of Commerce determines resident population for general sta-
15 tistical purposes.

16 “(2) The Secretary shall request the Secretary of Com-
17 merce to adjust the population information provided to the
18 Secretary as soon as practicable to include a reasonable es-
19 timate of the number of resident individuals not counted
20 in the 1990 census or revisions of the census. The Secretary
21 shall use the estimates in determining allocations for the
22 payment period beginning after the Secretary receives the
23 estimates. The Secretary shall adjust population informa-
24 tion to reflect adjustments made under section 118 of the
25 Act of October 1, 1980 (Public Law 96–369, 94 Stat. 1357).

1 “(c) *ADDITIONAL DATA LIMITATIONS.*—*The Secretary*
2 *may not—*

3 “(1) *in determining an allocation for a payment*
4 *period, use information on tax collections for years*
5 *more recent than the years used by the Secretary of*
6 *Commerce in the most recent Bureau of the Census*
7 *general determination of State and local taxes made*
8 *before the beginning of that period; or*

9 “(2) *consider a change in information used to*
10 *determine an allocation for a period of 60 months if*
11 *the change—*

12 “(A) *results from a major disaster declared*
13 *by the President under section 401 of The Robert*
14 *T. Stafford Disaster Relief and Emergency As-*
15 *sistance Act; and*

16 “(B) *reduces the amount of an allocation.*

17 **“§ 6710. Public participation**

18 “(a) *HEARINGS.*—(1) *A unit of general local govern-*
19 *ment expending payments under this chapter shall hold at*
20 *least one public hearing on the proposed use of the payment*
21 *in relation to its entire budget. At the hearing, persons shall*
22 *be given an opportunity to provide written and oral views*
23 *to the governmental authority responsible for enacting the*
24 *budget and to ask questions about the entire budget and*
25 *the relation of the payment to the entire budget. The govern-*

1 *ment shall hold the hearing at a time and a place that al-*
2 *lows and encourages public attendance and participation.*

3 “(2) *A unit of general local government holding a hear-*
4 *ing required under this subsection or by the budget process*
5 *of the government shall try to provide senior citizens and*
6 *senior citizen organizations with an opportunity to present*
7 *views at the hearing before the government makes a final*
8 *decision on the use of the payment.*

9 “(b) *DISCLOSURE OF INFORMATION.—(1) By the 10th*
10 *day before a hearing required under subsection (a)(1) is*
11 *held, a unit of general local government shall—*

12 “(A) *make available for inspection by the public*
13 *at the principal office of the government a statement*
14 *of the proposed use of the payment and a summary*
15 *of the proposed budget of the government; and*

16 “(B) *publish in at least one newspaper of gen-*
17 *eral circulation the proposed use of the payment with*
18 *the summary of the proposed budget and a notice of*
19 *the time and place of the hearing.*

20 “(2) *By the 30th day after adoption of the budget*
21 *under State or local law, the government shall—*

22 “(A) *make available for inspection by the public*
23 *at the principal office of the government a summary*
24 *of the adopted budget, including the proposed use of*
25 *the payment; and*

1 “(B) publish in at least one newspaper of gen-
2 eral circulation a notice that the information referred
3 to in subparagraph (A) is available for inspection.

4 “(c) *WAIVERS OF REQUIREMENTS.*—Under regulations
5 of the Secretary, a requirement—

6 “(1) under subsection (a)(1) may be waived if
7 the budget process required under the applicable State
8 or local law or charter provisions—

9 “(A) ensures the opportunity for public at-
10 tendance and participation contemplated by sub-
11 section (a); and

12 “(B) includes a hearing on the proposed use
13 of a payment received under this chapter in rela-
14 tion to the entire budget of the government; and

15 “(2) under subsection (b)(1)(B) and paragraph
16 (2)(B) may be waived if the cost of publishing the in-
17 formation would be unreasonably burdensome in rela-
18 tion to the amount allocated to the government from
19 amounts available for payment under this chapter, or
20 if publication is otherwise impracticable.

21 “(d) *EXCEPTION TO 10-DAY LIMITATION.*—If the Sec-
22 retary is satisfied that a unit of general local government
23 will provide adequate notice of the proposed use of a pay-
24 ment received under this chapter, the 10-day period under

1 subsection (b)(1) may be changed to the extent necessary
2 to comply with applicable State or local law.

3 “(e) *APPLICATION TO GOVERNMENTS WITHOUT BUDG-*
4 *ETS.*—The Secretary shall prescribe regulations for apply-
5 ing this section to units of general local government that
6 do not adopt budgets.

7 **“§ 6711. Prohibited discrimination**

8 “(a) *GENERAL PROHIBITION.*—No person in the Unit-
9 ed States shall be excluded from participating in, be denied
10 the benefits of, or be subject to discrimination under, a pro-
11 gram or activity of a unit of general local government be-
12 cause of race, color, national origin, or sex if the govern-
13 ment receives a payment under this chapter.

14 “(b) *ADDITIONAL PROHIBITIONS.*—The following pro-
15 hibitions and exemptions also apply to a program or activ-
16 ity of a unit of general local government if the government
17 receives a payment under this chapter:

18 “(1) A prohibition against discrimination be-
19 cause of age under the Age Discrimination Act of
20 1975.

21 “(2) A prohibition against discrimination
22 against an otherwise qualified handicapped individ-
23 ual under section 504 of the Rehabilitation Act of
24 1973.

1 “(3) A prohibition against discrimination be-
2 cause of religion, or an exemption from that prohibi-
3 tion, under the Civil Rights Act of 1964 or title VIII
4 of the Act of April 11, 1968 (popularly known as the
5 Civil Rights Act of 1968).

6 “(c) LIMITATIONS ON APPLICABILITY OF PROHIBI-
7 TIONS.—Subsections (a) and (b) do not apply if the govern-
8 ment shows, by clear and convincing evidence, that a pay-
9 ment received under this chapter is not used to pay for any
10 part of the program or activity with respect to which the
11 allegation of discrimination is made.

12 “(d) INVESTIGATION AGREEMENTS.—The Secretary
13 shall try to make agreements with heads of agencies of the
14 United States Government and State agencies to investigate
15 noncompliance with this section. An agreement shall—

16 “(1) describe the cooperative efforts to be taken
17 (including sharing civil rights enforcement personnel
18 and resources) to obtain compliance with this section;
19 and

20 “(2) provide for notifying immediately the Sec-
21 retary of actions brought by the United States Gov-
22 ernment or State agencies against a unit of general
23 local government alleging a violation of a civil rights
24 law or a regulation prescribed under a civil rights
25 law.

1 **“§ 6712. Discrimination proceedings**

2 “(a) *NOTICE OF NONCOMPLIANCE.*—By the 10th day
3 after the Secretary makes a finding of discrimination or
4 receives a holding of discrimination about a unit of general
5 local government, the Secretary shall submit a notice of
6 noncompliance to the government. The notice shall state the
7 basis of the finding or holding.

8 “(b) *INFORMAL PRESENTATION OF EVIDENCE.*—A
9 unit of general local government may present evidence in-
10 formally to the Secretary within 30 days after the govern-
11 ment receives a notice of noncompliance from the Secretary.
12 Except as provided in subsection (e), the government may
13 present evidence on whether—

14 “(1) a person in the United States has been ex-
15 cluded or denied benefits of, or discriminated against
16 under, the program or activity of the government, in
17 violation of section 6711(a);

18 “(2) the program or activity of the government
19 violated a prohibition described in section 6711(b);
20 and

21 “(3) any part of that program or activity has
22 been paid for with a payment received under this
23 chapter.

24 “(c) *TEMPORARY SUSPENSION OF PAYMENTS.*—By the
25 end of the 30-day period under subsection (b), the Secretary
26 shall decide whether the unit of general local government

1 *has not complied with section 6711 (a) or (b), unless the*
2 *government has entered into a compliance agreement under*
3 *section 6714. If the Secretary decides that the government*
4 *has not complied, the Secretary shall notify the government*
5 *of the decision and shall suspend payments to the govern-*
6 *ment under this chapter unless, within 10 days after the*
7 *government receives notice of the decision, the government—*

8 “(1) *enters into a compliance agreement under*
9 *section 6714; or*

10 “(2) *requests a proceeding under subsection*
11 *(d)(1).*

12 “(d) *ADMINISTRATIVE REVIEW OF SUSPENSIONS.—(1)*
13 *A proceeding requested under subsection (c)(2) shall begin*
14 *by the 30th day after the Secretary receives a request for*
15 *the proceeding. The proceeding shall be before an adminis-*
16 *trative law judge appointed under section 3105 of title 5,*
17 *United States Code. By the 30th day after the beginning*
18 *of the proceeding, the judge shall issue a preliminary deci-*
19 *sion based on the record at the time on whether the unit*
20 *of general local government is likely to prevail in showing*
21 *compliance with section 6711 (a) or (b).*

22 “(2) *If the administrative law judge decides at the end*
23 *of a proceeding under paragraph (1) that the unit of general*
24 *local government has—*

1 “(A) if an administrative law judge appointed
2 under section 3105 of title 5, United States Code, is-
3 sues a preliminary decision in a proceeding under
4 section 6712(d)(1) that the government is not likely to
5 prevail in showing compliance with section 6711 (a)
6 and (b);

7 “(B) if the administrative law judge decides at
8 the end of the proceeding that the government has not
9 complied with section 6711 (a) or (b), unless the gov-
10 ernment makes a compliance agreement under section
11 6714 by the 30th day after the decision; or

12 “(C) if required under section 6712(c).

13 “(2) A suspension already ordered under paragraph
14 (1)(A) continues in effect if the administrative law judge
15 makes a decision under paragraph (1)(B).

16 “(b) *LIFTING OF SUSPENSIONS AND TERMINATIONS.*—
17 If a holding of discrimination is reversed by an appellate
18 court, a suspension or termination of payments in a pro-
19 ceeding based on the holding shall be discontinued.

20 “(c) *RESUMPTION OF PAYMENTS UPON ATTAINING*
21 *COMPLIANCE.*—The Secretary may resume payment to a
22 unit of general local government of payments suspended by
23 the Secretary only—

24 “(1) as of the time of, and under the conditions
25 stated in—

1 “(A) the approval by the Secretary of a
2 compliance agreement under section 6714(a)(1);

3 or

4 “(B) a compliance agreement entered into
5 by the Secretary under section 6714(a)(2);

6 “(2) if the government complies completely with
7 an order of a United States court, a State court, or
8 administrative law judge that covers all matters
9 raised in a notice of noncompliance submitted by the
10 Secretary under section 6712(a);

11 “(3) if a United States court, a State court, or
12 an administrative law judge decides (including a
13 judge in a proceeding under section 6712(d)(1)), that
14 the government has complied with sections 6711 (a)
15 and (b); or

16 “(4) if a suspension is discontinued under sub-
17 section (b).

18 “(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For
19 purposes of subsection (c)(2), compliance by a government
20 may consist of the payment of restitution to a person in-
21 jured because the government did not comply with section
22 6711 (a) or (b).

23 “(e) RESUMPTION OF PAYMENTS UPON REVERSAL BY
24 COURT.—The Secretary may resume payment to a unit of
25 general local government of payments terminated under sec-

1 *tion 6712(d)(2)(A) only if the decision resulting in the ter-*
2 *mination is reversed by an appellate court.*

3 **“§ 6714. Compliance agreements**

4 “(a) *TYPES OF COMPLIANCE AGREEMENTS.*—A *com-*
5 *pliance agreement is an agreement—*

6 “(1) *approved by the Secretary, between the gov-*
7 *ernmental authority responsible for prosecuting a*
8 *claim or complaint that is the basis of a holding of*
9 *discrimination and the chief executive officer of the*
10 *unit of general local government that has not com-*
11 *plied with section 6711 (a) or (b); or*

12 “(2) *between the Secretary and the chief execu-*
13 *tive officer.*

14 “(b) *CONTENTS OF AGREEMENTS.*—A *compliance*
15 *agreement—*

16 “(1) *shall state the conditions the unit of general*
17 *local government has agreed to comply with that*
18 *would satisfy the obligations of the government under*
19 *sections 6711 (a) and (b);*

20 “(2) *shall cover each matter that has been found*
21 *not to comply, or would not comply, with section*
22 *6711 (a) or (b); and*

23 “(3) *may be a series of agreements that dispose*
24 *of those matters.*

1 “(c) *AVAILABILITY OF AGREEMENTS TO PARTIES.*—
2 *The Secretary shall submit a copy of a compliance agree-*
3 *ment to each person who filed a complaint referred to in*
4 *section 6716(b), or, if an agreement under subsection (a)(1),*
5 *each person who filed a complaint with a governmental au-*
6 *thority, about a failure to comply with section 6711 (a)*
7 *or (b). The Secretary shall submit the copy by the 15th day*
8 *after an agreement is made. However, if the Secretary ap-*
9 *proves an agreement under subsection (a)(1) after the agree-*
10 *ment is made, the Secretary may submit the copy by the*
11 *15th day after approval of the agreement.*

12 **“§ 6715. Enforcement by the Attorney General of prohi-**
13 **bitions on discrimination**

14 *“The Attorney General may bring a civil action in an*
15 *appropriate district court of the United States against a*
16 *unit of general local government that the Attorney General*
17 *has reason to believe has engaged or is engaging in a pat-*
18 *tern or practice in violation of section 6711 (a) or (b). The*
19 *court may grant—*

20 “(1) *a temporary restraining order;*

21 “(2) *an injunction; or*

22 “(3) *an appropriate order to ensure enjoyment of*
23 *rights under section 6711 (a) or (b), including an*
24 *order suspending, terminating, or requiring repay-*
25 *ment of, payments under this chapter or placing ad-*

1 *ditional payments under this chapter in escrow pend-*
2 *ing the outcome of the action.*

3 **“§ 6716. Civil action by a person adversely affected**

4 *“(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR*
5 *STATE COURT.—If a unit of general local government, or*
6 *an officer or employee of a unit of general local government*
7 *acting in an official capacity, engages in a practice prohib-*
8 *ited by this chapter, a person adversely affected by the prac-*
9 *tice may bring a civil action in an appropriate district*
10 *court of the United States or a State court of general juris-*
11 *isdiction. Before bringing an action under this section, the*
12 *person must exhaust administrative remedies under sub-*
13 *section (b).*

14 *“(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE*
15 *EXHAUSTED.—A person adversely affected shall file an ad-*
16 *ministrative complaint with the Secretary or the head of*
17 *another agency of the United States Government or the*
18 *State agency with which the Secretary has an agreement*
19 *under section 6711(d). Administrative remedies are deemed*
20 *to be exhausted by the person after the 90th day after the*
21 *complaint was filed if the Secretary, the head of the Govern-*
22 *ment agency, or the State agency—*

23 *“(1) issues a decision that the government has*
24 *not failed to comply with this chapter; or*

25 *“(2) does not issue a decision on the complaint.*

1 “(c) *AUTHORITY OF COURT.*—*In an action under this*
2 *section, the court—*

3 “(1) *may grant—*

4 “(A) *a temporary restraining order;*

5 “(B) *an injunction; or*

6 “(C) *another order, including suspension,*
7 *termination, or repayment of, payments under*
8 *this chapter or placement of additional pay-*
9 *ments under this chapter in escrow pending the*
10 *outcome of the action; and*

11 “(2) *to enforce compliance with section 6711 (a)*
12 *or (b), may allow a prevailing party (except the*
13 *United States Government) a reasonable attorney’s*
14 *fee.*

15 “(d) *INTERVENTION BY ATTORNEY GENERAL.*—*In an*
16 *action under this section to enforce compliance with section*
17 *6711 (a) or (b), the Attorney General may intervene in the*
18 *action if the Attorney General certifies that the action is*
19 *of general public importance. The United States Govern-*
20 *ment is entitled to the same relief as if the Government had*
21 *brought the action and is liable for the same fees and costs*
22 *as a private person.*

23 **“§ 6717. Judicial review**

24 “(a) *APPEALS IN FEDERAL COURT OF APPEALS.*—*A*
25 *unit of general local government which receives notice from*

1 *the Secretary about withholding payments under section*
2 *6703(c), suspending payments under section 6713(a)(1)(B),*
3 *or terminating payments under section 6712(d)(2)(A), may*
4 *apply for review of the action of the Secretary by filing*
5 *a petition for review with the court of appeals of the United*
6 *States for the circuit in which the government is located.*
7 *The petition shall be filed by the 60th day after the date*
8 *the notice is received. The clerk of the court shall imme-*
9 *diately send a copy of the petition to the Secretary.*

10 “(b) *FILING OF RECORD OF ADMINISTRATIVE PRO-*
11 *CEEDING.*—*The Secretary shall file with the court a record*
12 *of the proceeding on which the Secretary based the action.*
13 *The court may consider only objections to the action of the*
14 *Secretary that were presented before the Secretary.*

15 “(c) *COURT ACTION.*—*The court may affirm, change,*
16 *or set aside any part of the action of the Secretary. The*
17 *findings of fact by the Secretary are conclusive if supported*
18 *by substantial evidence in the record. If a finding is not*
19 *supported by substantial evidence in the record, the court*
20 *may remand the case to the Secretary to take additional*
21 *evidence. Upon such a remand, the Secretary may make*
22 *new or modified findings and shall certify additional pro-*
23 *ceedings to the court.*

24 “(d) *REVIEW ONLY BY SUPREME COURT.*—*A judgment*
25 *of a court under this section may be reviewed only by the*

1 *Supreme Court under section 1254 of title 28, United States*
2 *Code.*

3 **“§ 6718. Audits, investigations, and reviews**

4 “(a) *INDEPENDENT AUDIT.—(1) Except as provided in*
5 *this section, a unit of general local government that receives*
6 *a payment under this chapter shall have an independent*
7 *audit made of the financial statements of the government*
8 *at least as often as is required by paragraph (2) to deter-*
9 *mine compliance with this chapter. The audit shall be car-*
10 *ried out under generally accepted government auditing*
11 *standards issued by the Comptroller General of the United*
12 *States.*

13 “(2) *Paragraph (1) does not apply to a unit of general*
14 *local government for a fiscal year in which the government*
15 *receives less than \$25,000 under this chapter. A unit of gen-*
16 *eral local government which receives at least \$25,000 but*
17 *not more than \$100,000 under this chapter for a fiscal year*
18 *shall have an audit made in accordance with paragraph*
19 *(1) at least once every 3 years. A government which receives*
20 *more than \$100,000 under this chapter for a fiscal year*
21 *shall have an audit made in accordance with paragraph*
22 *(1) for such fiscal year, except that, if the government oper-*
23 *ates on a biennial fiscal period, such audit may be made*
24 *biennially but shall cover the financial statement or state-*

1 *ments for, and compliance with the requirements of the*
2 *chapter during, both years within such period.*

3 “(3) *An audit of financial statements of a unit of gen-*
4 *eral local government carried out under another law of the*
5 *United States for a fiscal year is deemed to be in compli-*
6 *ance with paragraph (1) for that year if the audit substan-*
7 *tially complies with the requirements of paragraph (1).*

8 “(b) *WAIVER BY LOCAL GOVERNMENT.—A unit of gen-*
9 *eral local government may waive application of subsection*
10 *(a)(1) if—*

11 “(1) *the financial statements of the government*
12 *are audited by independent auditors under State or*
13 *local law at least as often as would be required by*
14 *subsection (a)(2);*

15 “(2) *the government certifies that the audit is*
16 *carried out under generally accepted auditing stand-*
17 *ards issued by the Comptroller General of the United*
18 *States;*

19 “(3) *the auditing provisions of the State or local*
20 *law are applicable to the payment period to which the*
21 *waiver applies; and*

22 “(4) *the government submits to the Secretary a*
23 *brief description of the auditing standards used under*
24 *the relevant State or local law and specification of the*
25 *payment period to which the waiver applies.*

1 “(c) *WAIVER BY SECRETARY.*—Under regulations of
2 the Secretary, the Secretary may waive any requirement
3 under subsection (a)(1) or (b) for a unit of general local
4 government for a fiscal year if the Secretary decides that
5 the financial statements of the government for the year—

6 “(1) cannot be audited, and the government
7 shows substantial progress in making the statements
8 auditable; or

9 “(2) have been audited by a State agency that
10 does not follow generally accepted auditing standards
11 issued by the Comptroller General of the United
12 States or that is not independent, and the State agen-
13 cy shows progress in meeting those auditing stand-
14 ards or in becoming independent.

15 “(d) *SERIES OF AUDITS.*—A series of audits carried
16 out over a period of not more than 3 years covering the
17 total amount in the financial accounts of a unit of general
18 local government is deemed to be a single audit under sub-
19 sections (a)(1) and (b) of this section.

20 “(e) *AUDIT OPINION.*—An opinion of an audit carried
21 out under this section shall be provided to the Secretary
22 in the form and at times required by the Secretary. No later
23 than 30 days following the completion of the audit, the unit
24 of general local government shall make the audit report
25 available for public inspection.

1 “(f) *INVESTIGATIONS BY SECRETARY.*—(1) *The Sec-*
2 *retary shall maintain regulations providing reasonable and*
3 *specific time limits for the Secretary to—*

4 “(A) *carry out an investigation and make a*
5 *finding after receiving a complaint referred to in sec-*
6 *tion 6716(b), a determination by a State or local ad-*
7 *ministrative agency, or other information about a*
8 *possible violation of this chapter;*

9 “(B) *carry out audits and reviews (including in-*
10 *vestigations of allegations) about possible violations of*
11 *this chapter; and*

12 “(C) *advise a complainant of the status of an*
13 *audit, investigation, or review of an allegation by the*
14 *complainant of a violation of section 6711 (a) or (b)*
15 *or other provision of this chapter.*

16 “(2) *The maximum time limit under paragraph*
17 *(1)(A) is 90 days.*

18 “(g) *REVIEWS BY COMPTROLLER GENERAL.*—*The*
19 *Comptroller General of the United States shall carry out*
20 *reviews of the activities of the Secretary, State governments,*
21 *and units of general local government necessary for the Con-*
22 *gress to evaluate compliance and operations under this*
23 *chapter.*

1 **“§ 6719. Reports**

2 “(a) *REPORTS BY SECRETARY OF TREASURY TO CON-*
3 *GRESS.—Before June 2 of each year, the Secretary person-*
4 *ally shall report to the Congress on—*

5 “(1) *the status and operation of the Local Gov-*
6 *ernment Fiscal Assistance Fund during the prior fis-*
7 *cal year; and*

8 “(2) *the administration of this chapter, includ-*
9 *ing a complete and detailed analysis of—*

10 “(A) *actions taken to comply with sections*
11 *6711 through 6715, including a description of*
12 *the kind and extent of noncompliance and the*
13 *status of pending complaints;*

14 “(B) *the extent to which units of general*
15 *local government receiving payments under this*
16 *chapter have complied with sections 6702 and*
17 *6718 (a), (b), and (d), including a description of*
18 *the kind and extent of noncompliance and ac-*
19 *tions taken to ensure the independence of audits*
20 *conducted under subsections (a), (b), and (d) of*
21 *section 6718;*

22 “(C) *the way in which payments under this*
23 *chapter have been distributed in the jurisdictions*
24 *receiving payments; and*

1 “(D) significant problems in carrying out
2 this chapter and recommendations for legislation
3 to remedy the problems.

4 “(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERN-
5 MENT TO SECRETARY OF TREASURY.—(1) At the end of
6 each fiscal year, each unit of general local government
7 which received a payment under this chapter for the fiscal
8 year shall submit a report to the Secretary. The report shall
9 be submitted in the form and at a time prescribed by the
10 Secretary and shall be available to the public for inspection.
11 The report shall state—

12 “(A) the amounts and purposes for which the
13 payment has been appropriated, expended, or obli-
14 gated in the fiscal year;

15 “(B) the relationship of the payment to the rel-
16 evant functional items in the budget of the govern-
17 ment; and

18 “(C) the differences between the actual and pro-
19 posed use of the payment.

20 “(2) The Secretary shall provide a copy of a report
21 submitted under paragraph (1) by a unit of general local
22 government to the chief executive officer of the State in
23 which the government is located. The Secretary shall pro-
24 vide the report in the manner and form prescribed by the
25 Secretary.

1 “(c) *REGULATIONS.*—*The Secretary shall prescribe*
2 *regulations for applying this section to units of general*
3 *local government that do not adopt budgets.*

4 “**§ 6720. Definitions and application**

5 “(a) *DEFINITIONS.*—*In this chapter—*

6 “(1) ‘*unit of general local government*’ means—

7 “(A) *a county, township, city, or political*
8 *subdivision of a county, township, or city, that*
9 *is a unit of general local government as deter-*
10 *mined by the Secretary of Commerce for general*
11 *statistical purposes; and*

12 “(B) *the District of Columbia and the rec-*
13 *ognized governing body of an Indian tribe or*
14 *Alaskan Native village that carries out substan-*
15 *tial governmental duties and powers;*

16 “(2) ‘*payment period*’ means *each 1-year period*
17 *beginning on October 1 of 1994 and 1995;*

18 “(3) ‘*State and local taxes*’ means *taxes imposed*
19 *by a State government or unit of general local govern-*
20 *ment or other political subdivision of a State govern-*
21 *ment for public purposes (except employee and em-*
22 *ployer assessments and contributions to finance re-*
23 *irement and social insurance systems and other spe-*
24 *cial assessments for capital outlay) as determined by*

1 *the Secretary of Commerce for general statistical pur-*
2 *poses;*

3 “(4) ‘State’ means any of the several States and
4 *the District of Columbia;*

5 “(5) ‘income’ means the total money income re-
6 *ceived from all sources as determined by the Secretary*
7 *of Commerce for general statistical purposes;*

8 “(6) ‘per capita income’ means—

9 “(A) *in the case of the United States, the*
10 *income of the United States divided by the popu-*
11 *lation of the United States;*

12 “(B) *in the case of a State, the income of*
13 *that State, divided by the population of that*
14 *State; and*

15 “(C) *in the case of a unit of general local*
16 *government, the income of that unit of general*
17 *local government divided by the population of*
18 *the unit of general local government;*

19 “(7) ‘finding of discrimination’ means a decision
20 *by the Secretary about a complaint described in sec-*
21 *tion 6716(b), a decision by a State or local adminis-*
22 *trative agency, or other information (under regula-*
23 *tions prescribed by the Secretary) that it is more like-*
24 *ly than not that a unit of general local government*
25 *has not complied with section 6711 (a) or (b);*

1 “(8) ‘holding of discrimination’ means a holding
2 by a United States court, a State court, or an admin-
3 istrative law judge appointed under section 3105 of
4 title 5, United States Code, that a unit of general
5 local government expending amounts received under
6 this chapter has—

7 “(A) excluded a person in the United States
8 from participating in, denied the person the ben-
9 efits of, or subjected the person to discrimination
10 under, a program or activity because of race,
11 color, national origin, or sex; or

12 “(B) violated a prohibition against dis-
13 crimination described in section 6711(b); and

14 “(9) ‘Secretary’ means the Secretary of the
15 Treasury.

16 “(b) TREATMENT OF SUBSUMED AREAS.—If the entire
17 geographic area of a unit of general local government is
18 located in a larger entity, the unit of general local govern-
19 ment is deemed to be located in the larger entity. If only
20 part of the geographic area of a unit is located in a larger
21 entity, each part is deemed to be located in the larger entity
22 and to be a separate unit of general local government in
23 determining allocations under this chapter. Except as pro-
24 vided in regulations prescribed by the Secretary, the Sec-
25 retary shall make all data computations based on the ratio

1 *of the estimated population of the part to the population*
 2 *of the entire unit of general local government.*

3 “(c) *BOUNDARY AND OTHER CHANGES.*—If a bound-
 4 *ary line change, a State statutory or constitutional change,*
 5 *annexation, a governmental reorganization, or other cir-*
 6 *cumstance results in the application of sections 6704*
 7 *through 6708 in a way that does not carry out the purposes*
 8 *of sections 6701 through 6708, the Secretary shall apply*
 9 *sections 6701 through 6708 under regulations of the Sec-*
 10 *retary in a way that is consistent with those purposes.”.*

11 (b) *DEFICIT NEUTRALITY.*—Any appropriation to
 12 *carry out the amendment made by this subtitle to title 31,*
 13 *United States Code, for fiscal year 1995 or 1996 shall be*
 14 *offset by cuts elsewhere in appropriations for that fiscal*
 15 *year.*

16 **SEC. 1076. CLERICAL AMENDMENT.**

17 *The table of chapters at the beginning of subtitle V of*
 18 *title 31, United States Code, is amended by adding after*
 19 *the item relating to chapter 65 the following:*

 “**67. FEDERAL PAYMENTS** **6701**”.

20 ***Subtitle J—Youth Employment and***
 21 ***Skills Crime Prevention***

22 **SEC. 1081. STATEMENT OF PURPOSE.**

23 (a) *PURPOSE.*—The purpose of this subtitle is to re-
 24 *duce crime in neighborhoods with high incidences of crime*
 25 *and poverty through intensive programs that provide em-*

1 *ployment opportunities for young adults in those neighbor-*
2 *hoods.*

3 (b) *DEFINITION.*—As used in this subtitle, “high crime
4 area” means an area with severe crime problems, including
5 a high incidence of violent crime or drug trafficking.

6 **SEC. 1082. PROGRAM AUTHORIZED.**

7 *The Secretary of Labor in conjunction with the Attor-*
8 *ney General and the Secretary of Housing and Urban De-*
9 *velopment, and in consultation with appropriate other Fed-*
10 *eral officials, may make grants to local governments to fund*
11 *targeted youth employment and skills development projects*
12 *to help reduce crime in target areas as defined in section*
13 *1083.*

14 **SEC. 1083. PROGRAM TARGET AREA.**

15 *The target area or areas of each grant shall be neigh-*
16 *borhoods which are high crime areas with high unemploy-*
17 *ment among young adults and other serious economic and*
18 *social problems.*

19 **SEC. 1084. PARTICIPANTS.**

20 (a) *ELIGIBLE POPULATION.*—Young adults residing or
21 attending school in the target area shall be eligible to par-
22 ticipate in programs funded under this subtitle if they are
23 between 16 and 25 years of age. In certain circumstances,
24 as determined by the Attorney General and the Secretaries
25 of Labor and Housing and Urban Development (referred

1 *to in this subtitle as the “Secretaries”), young adults up*
2 *to age 30 and youths of age 14 or 15 may also be eligible*
3 *to participate.*

4 *(b) RESPONSIBLE BEHAVIOR BY PARTICIPANTS.—Con-*
5 *tinued participation in a program under this subtitle shall*
6 *be conditioned, during participation in the program, on the*
7 *following:*

8 *(1) Avoiding crime, including illegal drug use.*

9 *(2) Regular attendance and satisfactory perform-*
10 *ance at work.*

11 *(3) Paying child support when paternity has*
12 *been established and the participant has an income.*

13 *(4) In-school young adults in high school re-*
14 *maining in school until graduation.*

15 *(5) Requiring young adults ages 16–17 who have*
16 *dropped out of high school and who have not obtained*
17 *a General Equivalency Diploma (GED) to return to*
18 *school or an alternative education program.*

19 **SEC. 1085. ALLOWABLE ACTIVITIES.**

20 *(a) EXPENDITURE OF FUNDS.—Funds awarded under*
21 *this subtitle shall be expended only for crime prevention re-*
22 *lated activities undertaken to carry out an approved appli-*
23 *cation, such as—*

24 *(1) apprenticeship programs linking work and*
25 *learning;*

1 (2) *on-the-job training in the private sector;*

2 (3) *youth conservation and service corps;*

3 (4) *programs emphasizing neighborhood infra-*
4 *structure, such as YouthBuild and employment of*
5 *public housing residents;*

6 (5) *work experience in private nonprofit organi-*
7 *zations and public agencies;*

8 (6) *entrepreneurial and microenterprise develop-*
9 *ment;*

10 (7) *crime prevention and security measures for*
11 *profit and not-for-profit businesses employing sub-*
12 *stantial numbers of youth from high crime areas;*

13 (8) *transportation links to jobs in the labor mar-*
14 *ket area;*

15 (9) *initiatives to increase the educational attain-*
16 *ment, occupational skills, and career aspirations of*
17 *target area young adults, including work-based learn-*
18 *ing; and*

19 (10) *job placement and related case management,*
20 *followup, and other supportive services.*

21 (b) *WORK EXPERIENCE PROGRAMS.*—*Work experience*
22 *programs funded under this subtitle shall—*

23 (1) *pay wages in accordance with the Fair*
24 *Labor Standards Act and relevant State law;*

1 (2) include adequate supervision, equipment, and
2 materials and supplies to accomplish useful work
3 projects;

4 (3) include a private sector job development com-
5 ponent to facilitate the transition of participants to
6 private sector jobs, which shall include developing
7 portfolios of skill attainment, mentorship opportuni-
8 ties, and other efforts to increase job networks for par-
9 ticipants; and

10 (4) include an extensive job placement compo-
11 nent.

12 (c) 2-YEAR LIMITATION.—The combination of all sub-
13 sidized employment for a participant shall not exceed 2
14 years.

15 **SEC. 1086. APPLICATION FOR GRANTS.**

16 (a) APPLICATION PLAN.—To be eligible to receive a
17 grant under this subtitle, a chief local elected official, with
18 the timely review and comment of the Governor, shall apply
19 to the Secretary of Labor for a Youth Employment and
20 Skills Crime Prevention grant by submitting an applica-
21 tion that contains a plan for reducing crime by substan-
22 tially increasing the employment levels of young adults in
23 the target area. Such a plan shall—

24 (1) describe the measurable outcomes that will be
25 used to evaluate the local success of the program, in-

1 *cluding reduced crime and substance abuse, increased*
2 *private sector employment, reduced school dropout*
3 *rates, and increased educational attainment;*

4 *(2) specify the organization that will administer*
5 *the program;*

6 *(3) describe the specific employment programs*
7 *that will be offered by the program;*

8 *(4) describe the public/private partnership that*
9 *will promote collaboration between the State and local*
10 *governments, private sector, public housing authori-*
11 *ties, local residents, community-based organizations,*
12 *and nonprofit organizations, including linkage with*
13 *community policing, gang prevention activities, and*
14 *juvenile justice or delinquency prevention initiatives;*

15 *(5) specify how the public and private sectors*
16 *will work together to assist youths and young adults*
17 *to make the transition from subsidized to*
18 *unsubsidized jobs;*

19 *(6) describe how links to jobs throughout the*
20 *labor market area will be provided;*

21 *(7) specify the manner in which the job network*
22 *for youths and young adults will be expanded by*
23 *mentors and other programs; and*

24 *(8) such other information as the Secretary of*
25 *Labor in conjunction with the Attorney General and*

1 *Secretary of Housing and Urban Development may*
2 *require.*

3 *(b) COORDINATION WITH OTHER FEDERAL PRO-*
4 *GRAMS.—The application must demonstrate that the pro-*
5 *posed Youth Employment and Skills Crime Prevention pro-*
6 *gram will build upon and be coordinated with other Federal*
7 *initiatives relating to such matters as crime control and*
8 *prevention, youth employment, education, economic devel-*
9 *opment, community service, or social services.*

10 *(c) LEVERAGING AND LINKAGES.—As a condition of*
11 *a grant award, local areas shall establish linkages with the*
12 *local private sector, local employment and job training pro-*
13 *grams, and other appropriate entities to enhance the provi-*
14 *sion of services under this subtitle. Such activities may in-*
15 *clude leveraging by and linkages with—*

16 *(1) the local private sector to—*

17 *(A) develop a mentoring program to im-*
18 *prove the job network for young adults in the*
19 *target area;*

20 *(B) develop a specified number of career-*
21 *track jobs for young adults graduating from high*
22 *school and college in the target area;*

23 *(C) develop part-time jobs to support young*
24 *adults while they are receiving job training, or*
25 *secondary or post-secondary education; and*

1 (D) develop apprenticeship programs with
2 unions that provide matching funds to create
3 training and employment opportunities;

4 (2) the local service delivery area under the Job
5 Training Partnership Act to identify funds—

6 (A) for on-the-job training and work-based
7 training programs, based on successful program
8 models, for residents of the target area;

9 (B) to develop a summer jobs program for
10 in-school young adults residing in the target
11 area;

12 (C) for new youth initiatives in the target
13 area; and

14 (D) for child care and supportive services;

15 (3) local programs to provide employment serv-
16 ices and supportive services, such as transportation
17 service to link target area residents to jobs in the
18 labor market area; and

19 (4) the local educational agency to provide ac-
20 tivities that will support the program and assist in
21 achieving the goals specified in the application.

22 **SEC. 1087. AWARD PRIORITIES.**

23 In evaluating the applications submitted under this
24 subtitle, the Secretaries and the Attorney General shall give
25 priority to applications that—

1 (1) *demonstrate extensive community support*
2 *and linkages to crime prevention programs and em-*
3 *ployment related programs;*

4 (2) *target areas that include public and assisted*
5 *housing projects;*

6 (3) *demonstrate evidence of severe social and eco-*
7 *nomical problems;*

8 (4) *demonstrate the highest quality program de-*
9 *sign, implementation plan, and goals to be achieved;*
10 *and*

11 (5) *include other Federal and non-Federal fund-*
12 *ing, including State, local, or private resources.*

13 **SEC. 1088. GRANT DURATION AND NUMBER.**

14 (a) *DURATION OF GRANTS.*—*Grants shall be for 1*
15 *year, and renewable for each of the 4 succeeding years.*

16 (b) *NUMBER OF GRANTS.*—*There shall be no more than*
17 *10 grants awarded under this subtitle.*

18 **SEC. 1089. FEDERAL RESPONSIBILITIES.**

19 (a) *IN GENERAL.*—*The Secretary of Labor in conjunc-*
20 *tion with the Attorney General and the Secretary of Hous-*
21 *ing and Urban Development shall establish a system of per-*
22 *formance measures for assessing programs established pur-*
23 *suant to this subtitle.*

24 (b) *EVALUATION.*—*The Secretary of Labor in conjunc-*
25 *tion with the Attorney General and the Secretary of Hous-*

1 *ing and Urban Development shall conduct a rigorous na-*
2 *tional evaluation of Youth Employment and Skills Crime*
3 *Prevention programs funded under this subtitle that will*
4 *track and assess the effectiveness of those programs, and in-*
5 *clude an evaluation of the extent to which such programs*
6 *reduce crime and substance abuse, enhance the employment*
7 *and earnings of participants, promote entrepreneurship, re-*
8 *duce dropout rates, and increase educational attainment.*
9 *The evaluation may include cost-benefit analyses and shall*
10 *utilize sound statistical methods and techniques.*

11 *(c) TECHNICAL ASSISTANCE.—The Secretary of Labor*
12 *in conjunction with the Attorney General and the Secretary*
13 *of Housing and Urban Development may provide appro-*
14 *priate technical assistance to carry out Youth Employment*
15 *and Skills Crime Prevention programs under this subtitle.*

16 *(d) ADMINISTRATION.—The technical assistance and*
17 *evaluations authorized by this section may be carried out*
18 *directly by the Secretary of Labor or through grants, con-*
19 *tracts, or other cooperative arrangements with the Attorney*
20 *General, the Secretary of Housing and Urban Development,*
21 *or other entities or agencies.*

22 **SEC. 1090. AUTHORIZATION OF APPROPRIATIONS.**

23 *(a) AUTHORIZATION.—There are authorized to be ap-*
24 *propriated to the Secretary of Labor \$75,000,000 for fiscal*
25 *year 1995, \$100,000,000 for fiscal year 1996, \$110,000,000*

1 *for fiscal year 1997, \$115,000,000 for fiscal year 1998, and*
2 *\$125,000,000 for fiscal year 1999 to carry out this subtitle.*

3 *(b) AVAILABILITY OF FUNDS.—Funds appropriated*
4 *pursuant to this section are authorized to remain available*
5 *for obligation until expended.*

6 *(c) EVALUATIONS AND TECHNICAL ASSISTANCE.—Of*
7 *the amounts appropriated under subsection (a) for a fiscal*
8 *year, the Secretary of Labor in conjunction with the Attor-*
9 *ney General and the Secretary of Housing and Urban De-*
10 *velopment may reserve not more than 5 percent of such*
11 *amounts for each fiscal year to carry out evaluations and*
12 *technical assistance.*

13 **SEC. 1091. SANCTIONS.**

14 *The Secretary of Labor may terminate or suspend fi-*
15 *nancial assistance, in whole or in part, to a recipient or*
16 *refuse to extend a grant for a recipient, if the Secretary*
17 *of Labor in conjunction with the Attorney General and the*
18 *Secretary of Housing and Urban Development determines*
19 *that the recipient has failed to meet the requirements of this*
20 *subtitle, or any regulations or guidelines under this subtitle,*
21 *or any approved application submitted pursuant to this*
22 *subtitle.*

1 **SEC. 1092. LABOR STANDARDS.**

2 *Labor standards under the Job Training Partnership*
3 *Act (29 U.S.C. 1553) shall apply to programs under this*
4 *subtitle.*

5 **SEC. 1093. REGULATIONS OR GUIDELINES.**

6 *The Secretary of Labor in conjunction with the Attor-*
7 *ney General and the Secretary of Housing and Urban De-*
8 *velopment shall issue such regulations or guidelines as may*
9 *be necessary to carry out the purposes of this subtitle.*

10 **SEC. 1094. WAIVERS.**

11 *The Secretary of Labor in conjunction with the Attor-*
12 *ney General and the Secretary of Housing and Urban De-*
13 *velopment may prescribe regulations or guidelines that es-*
14 *tablish criteria for waiver of application requirements of*
15 *programs to the extent that they duplicate or conflict with*
16 *the requirements specified in similar laws.*

17 **SEC. 1095. PROHIBITION ON PRIVATE RIGHTS OF ACTION.**

18 *Nothing in this subtitle shall be construed to establish*
19 *a right for any person to bring an action to obtain services*
20 *under this subtitle.*

21 **SEC. 1096. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.**

22 *The Secretaries and Attorney General are authorized,*
23 *in carrying out this subtitle, to accept, purchase, or lease*
24 *in the name of the Department of Justice or the Department*
25 *of Labor or the Department of Housing and Urban Develop-*
26 *ment, and employ or dispose of in furtherance of the pur-*

1 *poses of this subtitle, any money or property, real, personal,*
2 *or mixed, tangible or intangible, received by gift, devise,*
3 *bequest, or otherwise, and to accept voluntary and uncom-*
4 *pensated services notwithstanding the provisions of section*
5 *1342 of title 31, United States Code.*

6 ***Subtitle K—Miscellaneous***

7 ***SEC. 1098. MULTIJURISDICTIONAL GANG TASK FORCES.***

8 *Section 504(f) of title I of the Omnibus Crime Control*
9 *and Safe Streets Act of 1968 is amended by inserting “vic-*
10 *tims assistance programs, or multijurisdictional gang task*
11 *forces” after “drug task forces”.*

12 ***SEC. 1098A. EXTENSION OF BYRNE GRANT FUNDING.***

13 *There are authorized to be appropriated such sums as*
14 *may be necessary for each of the fiscal years 1995, 1996,*
15 *1997, 1998, and 1999, to carry out the programs under*
16 *parts D and E of title I of the Omnibus Crime Control*
17 *and Safe Streets Act of 1968.*

18 ***SEC. 1098B. BENEFITS FOR CHAPLAINS.***

19 *(a) IN GENERAL.—Section 1204 of the Omnibus Crime*
20 *Control and Safe Streets Act of 1968 is amended—*

21 *(1) by redesignating paragraphs (2) through (7)*
22 *as (3) through (8), respectively;*

23 *(2) by inserting after paragraph (1) the follow-*
24 *ing:*

1 “(2) chaplain means any individual serving as
2 an officially recognized or designated member of a le-
3 gally organized volunteer fire department or legally
4 organized police department, or an officially recog-
5 nized public employee of a legally organized fire or
6 police department who was responding to a fire, res-
7 cue, or police emergency.”; and

8 (3) in paragraph (8), as redesignated by para-
9 graph (1) of this Act, by striking “or rescue squad or
10 ambulance crew” and inserting “rescue squad or am-
11 bulance crew, or chaplain”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
13 section (a) shall take effect on the date of enactment of this
14 Act and shall apply to injuries or deaths that occur in the
15 line of duty on or after such date.

16 **Subtitle L—Hope in Youth Program**

17 **SEC. 1099A. FINDINGS.**

18 *The Congress finds the following:*

19 (1) *Larger cities around the country, particu-*
20 *larly those involved in empowerment zones, are at-*
21 *tempting to empower low-income and ethnic minority*
22 *communities.*

23 (2) *Programs that involve local government and*
24 *local community leaders and which include signifi-*
25 *cant participation by service providers, service par-*

1 *ticipants, and service funders, as equal partners in*
2 *the design and direction of a myriad of social service*
3 *support programs have been among the most effective*
4 *demonstration models.*

5 *(3) Programs that attempt to link*
6 *disenfranchised and disconnected citizens through an*
7 *umbrella organization that provides guidance to pub-*
8 *lic and private service providers have proven to be an*
9 *effective strategy for empowering local low-income*
10 *communities.*

11 *(4) Families in low-income communities have*
12 *not attained their full potential as productive citi-*
13 *zens, and Federal efforts thus far, have been insuffi-*
14 *cient to assist them in fully realizing that potential.*

15 **SEC. 1099B. PROGRAM AUTHORITY.**

16 *The Secretary of Health and Human Services (in this*
17 *subtitle referred to as the “Secretary”) may make grants*
18 *to eligible may make grants to eligible service providers in*
19 *one or more political subdivisions of a State containing an*
20 *area designated as an empowerment zone, as authorized*
21 *under the Omnibus Budget Reconciliation Act of 1993*
22 *(Public Law 103–66), that have submitted an approved*
23 *plan to establish advisory organizations in low-income com-*
24 *munities within the political subdivision containing an*
25 *empowerment zone which will serve as umbrella agencies*

1 *for strategic planning and evaluation of service programs*
2 *-serving the low-income communities in which the advisory*
3 *organization operates.*

4 **SEC. 1099C. PROGRAM REQUIREMENTS.**

5 *Each advisory organization established as described in*
6 *section 1099B shall—*

7 *(1) provide a permanent multi-issue forum for*
8 *public policy discussion which will serve as part of*
9 *a stable infrastructure of community outreach and*
10 *support,*

11 *(2) develop a mechanism by which local support*
12 *service providers may be evaluated and assessed in*
13 *the level of service they provide to the community,*
14 *and which establishes a method for advisory organiza-*
15 *tion participants to review and participate in efforts*
16 *to maintain or increase the quality of services pro-*
17 *vided by such providers,*

18 *(3) create an Family Outreach Team approach*
19 *which provides a youth worker, a parent worker, and*
20 *a school-parent organizer to provide training in out-*
21 *reach, mentoring, community organizing and peer*
22 *counseling and mentoring to locally recruited volun-*
23 *teers in a particular area. The Family Outreach*
24 *Team assists such volunteers in outreach, development*

1 *and coordination of service delivery from among the*
2 *service providers in the area, including the schools,*

3 *(4) establish processes by which local public*
4 *agencies can effectively involve the private sector in*
5 *the provision of services that meet the needs of local*
6 *communities,*

7 *(5) establish processes of coalition building in*
8 *which diverse groups within low-income communities*
9 *attempt to work cooperatively to meet the collective*
10 *needs of low-income communities, and*

11 *(6) create a training program to foster commu-*
12 *nity-based leadership in low-income communities.*

13 ***SEC. 1099D. ELIGIBLE PROVIDERS.***

14 *Consortia of public and private nonprofit local social*
15 *service organizations that have a proven ability to involve*
16 *disparate populations of low-income citizens and competing*
17 *service providers are eligible to receive grants under section*
18 *1099B.*

19 ***SEC. 1099E. APPLICATIONS.***

20 *Applications may be submitted, for approval by the*
21 *Secretary, by eligible service providers at such time and in*
22 *such manner as the Secretary may reasonably require. Such*
23 *applications shall contain—*

1 (1) assurances that selection of participants, or-
2 ganizations, and citizens will not be on the basis of
3 religious preference or affiliation,

4 (2) assurances that participating organizations
5 and citizens will not offer services based on any reli-
6 gious preference or affiliation, and

7 (3) assurances that such service provides will, to
8 the extent practicable, involve participation by citi-
9 zens not traditionally involved in such activities, in-
10 cluding homeless individuals, alcohol- and drug-ad-
11 dicted individuals, and gang involved or violent
12 youth.

13 **SEC. 1099F. EVALUATION.**

14 The Secretary shall commence a program to evaluate
15 the success and effectiveness of this program 2 years after
16 the program has received an appropriation, and such eval-
17 uation shall be completed no later than 1 year after the
18 second program year has been completed. A report thereon
19 shall be submitted to the Congress within 60 days of the
20 completion of the evaluation.

21 **SEC. 1099G. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated \$20,000,000
23 for fiscal year 1995, and such sums as are necessary for
24 each of fiscal years 1996, 1997, and 1998 to carry out this
25 subtitle.

1 **Subtitle M—Gang Prevention**
2 **Services for Boys and Girls**

3 **SEC. 1099H. FINDINGS.**

4 *The Congress finds that—*

5 (1) *services provided through existing federally*
6 *supported gang prevention programs do not ade-*
7 *quately address the needs of boys and girls on commu-*
8 *nities with high levels of gang activity and other bar-*
9 *riers to service (such as large concentrations of mi-*
10 *nority populations that have limited English speak-*
11 *ing proficiency, geographically isolated populations,*
12 *and communities in which social service providers are*
13 *limited or nonexistent);*

14 (2) *children that are exposed to gang activity at*
15 *an early age are more likely to become gang-involved*
16 *than children who are exposed to such activity later*
17 *in life, or children that are never exposed to such*
18 *activity;*

19 (3) *gangs are increasingly targeting younger*
20 *children for recruitment, especially children at middle*
21 *schools and elementary schools;*

22 (4) *Federal studies indicate that violent crime*
23 *has increased more significantly in the gang popu-*
24 *lation compared to the adult population; and*

1 (5) *small community-based service agencies with*
2 *strong ties to the educational and law enforcement*
3 *systems offer the best chance to prevent young chil-*
4 *dren from becoming involved in gangs.*

5 **SEC. 1099I. PROGRAM AUTHORITY.**

6 *The Administrator of the Office of Juvenile Justice and*
7 *Delinquency Prevention (hereafter referred to as the “Ad-*
8 *ministrators”), in consultation with the Department of Edu-*
9 *cation and the Department of Health and Human Re-*
10 *sources, may make grants to eligible service providers to*
11 *carry out programs that prevent young children from be-*
12 *coming gang involved. In making such grants, the Adminis-*
13 *trator shall give a priority to eligible service providers that*
14 *have a proven track record of serving young children and*
15 *have an overall budget of not more than \$750,000 a fiscal*
16 *year, prior to receiving a grant under this section.*

17 **SEC. 1099J. PROGRAM REQUIREMENTS.**

18 *The eligible service providers receiving a grant under*
19 *section 1099I shall—*

20 (1) *provide a comprehensive array of support*
21 *services to assist the participants to reach their full*
22 *potential as a contributing law-abiding citizen (such*
23 *support services may include, but not be limited to:*
24 *education and health services; career development*
25 *training; music/art/drama activities; physical fitness*

1 *training; life skills training; mental health counsel-*
2 *ing; and job placement counseling);*

3 (2) *to the extent practical, involve the parents*
4 *and other family members of participating children,*
5 *and the members of local organizations that support*
6 *the educational and law enforcement institutions of*
7 *the community, as is appropriate, in the administra-*
8 *tion and operation of the gang prevention program;*

9 (3) *utilize community resources and related sup-*
10 *port services as needed in the operation of the pro-*
11 *gram;*

12 (4) *accept referrals from public institutions, as*
13 *is appropriate, such as law enforcement, mental*
14 *health, local school systems, and other entities of local*
15 *government; and*

16 (5) *utilize volunteer staff, including participants*
17 *in programs funded under the National and Commu-*
18 *nity Service Program, Public Law 103-62, to the*
19 *maximum extent practicable in the operation of the*
20 *program.*

21 **SEC. 1099K. ELIGIBLE PROVIDERS.**

22 *Community-based service providers, as defined in the*
23 *Juvenile Justice and Delinquency Prevention Act of 1974,*
24 *that have a proven track record of providing services to chil-*
25 *dren ages 5 to 18 shall be eligible to apply for funds under*

1 *this subtitle. A priority shall be given to those service pro-*
2 *viders that have a history of providing services uniquely*
3 *designed to meet the needs of young children such as the*
4 *Boys and Girls Clubs of America or service providers that*
5 *display the potential for providing such targeted services.*

6 **SEC. 1099L. ELIGIBLE PARTICIPANTS.**

7 *Children that have the potential, because of community*
8 *composition and other factors, to come into contact with*
9 *gangs, or who have a family member that has come into*
10 *contact with a gang, and are not more than 18 years old*
11 *at the time of entry into the program, shall be eligible to*
12 *receive services provided by programs receiving assistance*
13 *under this subtitle.*

14 **SEC. 1099M. APPLICATIONS PROCESS.**

15 *Eligible service providers may submit to the Adminis-*
16 *trator, for approval, an application in such form at such*
17 *time as the Administrator deems appropriate.*

18 **SEC. 1099N. EVALUATION.**

19 *The Administrator shall conduct an evaluation of the*
20 *effectiveness of the program model grants authorized under*
21 *this subtitle, and the extent to which it can be replicated*
22 *by other local communities. The Administrator shall report*
23 *to the Congress no later than January 1, 1999, on the de-*
24 *tails of such evaluations.*

1 **SEC. 1099O. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated \$20,000,000*
3 *for fiscal year 1995, and such sums as may be necessary*
4 *for fiscal years 1996, 1997, and 1998 to carry out this sub-*
5 *title.*

6 ***Subtitle N—Anticrime Youth***
7 ***Councils***

8 **SEC. 1099P. PURPOSE.**

9 *The purpose of this subtitle is to provide for the estab-*
10 *lishment of youth anticrime councils to give intermediate*
11 *and secondary school students a structured forum through*
12 *which to work with community organizations, law enforce-*
13 *ment officials, government and media representatives, and*
14 *school administrators and faculty to address issues regard-*
15 *ing youth and violence. The purpose of such councils is to*
16 *empower local youth and ensure that their recommenda-*
17 *tions for preventing youth involvement in crime and vio-*
18 *lence will be heard and possibly incorporated into commu-*
19 *nity anticrime strategies.*

20 **SEC. 1099Q. AUTHORITY TO MAKE GRANTS.**

21 *The Administrator of the Office of Juvenile Justice and*
22 *Delinquency Prevention (in this subtitle referred to as the*
23 *“Administrator”)* may make grants to public and nonprofit
24 *community-based organizations to establish regional*
25 *anticrime youth councils each of which is composed of inter-*

1 *mediate and secondary school students who represent all the*
2 *schools in a separate congressional district.*

3 **SEC. 1099R. APPLICATIONS FOR GRANTS.**

4 *To request a grant under section 1099Q, a public and*
5 *nonprofit community-based organizations shall submit to*
6 *the Administrator an application in such form and con-*
7 *taining such information as the Administrator may require*
8 *by rule, including assurances that—*

9 *(1) the anticrime youth council with respect to*
10 *which such grant is requested will be—*

11 *(A) selected by a teacher or administrator of*
12 *an intermediate or secondary school in the con-*
13 *gressional district involved, in consultation with*
14 *teachers and administrators of other intermedi-*
15 *ate and secondary schools in such district,*

16 *(B) composed of not more than 5 students*
17 *from each of the intermediate and secondary*
18 *schools in such district, selected as described in*
19 *paragraph (1) from among individuals who have*
20 *first-hand knowledge of issues and problems*
21 *relating to students who attend schools in such*
22 *district,*

23 *(C) supervised by an individual who—*

24 *(i) is familiar with issues regarding*
25 *youth violence,*

- 1 (ii) has strong ties to the communities
2 in such district and to the organizations
3 with which such council will interact, and
4 (iii) will be responsible for coordinat-
5 ing the dissemination of information to
6 such council, supervising council meetings,
7 and acting as a liaison between such coun-
8 cil and communities in such district, and
9 (D) meet not less frequently than monthly—
10 (i) to discuss issues of concern, includ-
11 ing youth crime, school violence, job cre-
12 ation, and recreation, and
13 (ii) to develop creative solutions for as-
14 sisting community organizations, law en-
15 forcement officials, school officials, govern-
16 ment officials, and others to address such is-
17 sues, and
18 (2) the applicant will submit to the Adminis-
19 trator a report, not later than 180 days after the first
20 year for which such applicant receives a grant under
21 section 1099Q, that—
22 (A) specifies the number of students and
23 schools involved and represented on such council,

1 (B) specifies the number of organizations
2 and individuals that council and its subcommit-
3 tees met with,

4 (C) specifies the number of grants, policies,
5 and programs submitted to the youth council for
6 review and recommendation,

7 (D) contains evidence that—

8 (i) the community has consulted such
9 council and adopted its recommendations,
10 and

11 (ii) a grant review process has been es-
12 tablished within a school system or police
13 department that includes an evaluation by
14 the youth council,

15 (E) describes the effect that participation on
16 such council has had on the student representa-
17 tives, (such as improved school attendance and
18 academic performance, and decreased criminal
19 involvement),

20 (F) describes the effect that participation on
21 such council has had on the participating schools
22 (such as decrease in incidence of school violence),

23 (G) describes the extent to which other stu-
24 dents attended council and subcommittee meet-

1 ings, and participated as members of the audi-
2 ence in such council's activities,

3 (H) describes the extent to which family
4 service, youth service, and the education, police,
5 health, and judicial departments within such
6 district coordinate anticrime efforts as a result of
7 the recommendations and programs of such
8 council, and

9 (I) describes the extent to which such coun-
10 cil raises public awareness and knowledge, via
11 the media, about youth violence and such coun-
12 cil's efforts to help prevent it.

13 **SEC. 1099S. SELECTION OF GRANT RECIPIENTS.**

14 For the purpose of selecting eligible applicants to re-
15 ceive grants under section 1099Q, the Administrator shall
16 take into consideration—

17 (1) the extent to which all schools in a congres-
18 sional district are represented on the proposed youth
19 anticrime council,

20 (2) the extent to which youth crime and violence
21 are an issue of concern in such district,

22 (3) the extent to which the community is com-
23 mitted to coordinating and meeting with the youth
24 councils, and

1 (4) the extent to which the students selected to
2 serve on such council are representative of the geo-
3 graphical area and knowledgeable about the issues
4 that such council will consider.

5 **SEC. 1099T. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated \$5,000,000 for
7 fiscal year 1995, and such sums as may be necessary for
8 fiscal years 1996, 1997, and 1998, to carry out this subtitle.

9 **Subtitle O—Urban Recreation and**
10 **At-Risk Youth**

11 **SEC. 1099U. FINDINGS.**

12 Section 1002 of the Urban Park and Recreation Recov-
13 ery Act of 1978 is amended by striking “and” at the end
14 of subsection (d), by striking the period at the end of sub-
15 section (e) and inserting “; and” and by adding the follow-
16 ing at the end thereof:

17 “(f) the quality of life in urban areas has suffered be-
18 cause of decline in the availability of park and recreation
19 systems, including land, facilities, and services;

20 “(g) the deterioration of urban park and recreation fa-
21 cilities is due in part to the underfunding of Federal grant
22 programs intended to assist in the revitalization of urban
23 recreation facilities and allow us to take back our parks
24 from crime, vandalism, and dilapidation;

1 “(h) the urban neighborhoods eligible for assistance
2 under this title have deteriorated, in part, due to the rapid
3 increase in violent crime among youth;

4 “(i) accessible, well-maintained recreational facilities
5 and services have been shown to significantly decrease the
6 incidence of violent crime among youth and can be an effec-
7 tive tool in efforts to prevent crime, increase public safety
8 and improve the quality of life of urban residents; and

9 “(j) urban sport and recreation programs teach impor-
10 tant values and life skills including teamwork, individual
11 responsibility, respect, leadership, and self-esteem which
12 help prevent young people from engaging in criminal be-
13 havior.”.

14 **SEC. 1099V. PURPOSE OF ASSISTANCE.**

15 Section 1003 of the Urban Park and Recreation Recov-
16 ery Act of 1978 is amended by adding the following at the
17 end thereof: “It is further the purpose of this title to improve
18 recreation facilities and expand recreation services in
19 urban areas with a high incidence of crime and to help
20 deter crime through the expansion of recreation opportuni-
21 ties for at-risk youth. It is the further purpose of this section
22 to increase the security of urban parks and to promote col-
23 laboration between local agencies involved in parks and
24 recreation, law enforcement, youth social services, and juve-
25 nile justice system.”.

1 **SEC. 1099W. DEFINITIONS.**

2 *Section 1004 of the Urban Park and Recreation Recov-*
3 *ery Act of 1978 is amended by inserting the following new*
4 *subsection after subsection (c) and by redesignating sub-*
5 *sections (d) through (j) as (e) through (k) respectively:*

6 “(d) ‘at-risk youth recreation grants’ means—

7 “(1) rehabilitation grants,

8 “(2) innovation grants, or

9 “(3) matching grants for continuing program
10 support for programs of demonstrated value or success
11 in providing constructive alternatives to youth at risk
12 for engaging in criminal behavior, including grants
13 for operating, or coordinating recreation programs
14 and services;

15 *in neighborhoods and communities with a high prevalence*
16 *of crime, particularly violent crime or crime committed by*
17 *youthful offenders; in addition to the purposes specified in*
18 *subsection (b), rehabilitation grants referred to in para-*
19 *graph (1) of this subsection may be used for the provision*
20 *of lighting, emergency phones or other capital improve-*
21 *ments which will improve the security of urban parks;”.*

22 **SEC. 1099X. CRITERIA FOR SELECTION.**

23 *Section 1005 of the Urban Park and Recreation Recov-*
24 *ery Act of 1978 is amended by striking “and” at the end*
25 *of paragraph (6), by striking the period at the end of para-*

1 *graph (7) and inserting “; and” and by adding the follow-*
2 *ing at the end thereof:*

3 *“(8) in the case of at-risk youth recreation*
4 *grants, the Secretary shall give a priority to each of*
5 *the following criteria:*

6 *“(A) Programs which are targeted to youth*
7 *who are at the greatest risk of becoming involved*
8 *in violence and crime.*

9 *“(B) Programs which teach important val-*
10 *ues and life skills, including teamwork, respect,*
11 *leadership, and self-esteem.*

12 *“(C) Programs which offer tutoring, reme-*
13 *dial education, mentoring, and counseling in ad-*
14 *dition to recreation opportunities.*

15 *“(D) Programs which offer services during*
16 *late night or other nonschool hours.*

17 *“(E) Programs which demonstrate collabo-*
18 *ration between local park and recreation, juve-*
19 *nile justice, law enforcement, and youth social*
20 *service agencies and nongovernmental entities,*
21 *including the private sector and community and*
22 *nonprofit organizations.*

23 *“(F) Programs which leverage public or pri-*
24 *vate recreation investments in the form of serv-*
25 *ices, materials, or cash.*

1 “(G) Programs which show the greatest po-
2 tential of being continued with non-Federal
3 funds or which can serve as models for other
4 communities.”.

5 **SEC. 1099Y. PARK AND RECREATION ACTION RECOVERY**
6 **PROGRAMS.**

7 Section 1007(b) of the Urban Park and Recreation Re-
8 covery Act of 1978 is amended by adding the following at
9 the end thereof: “In order to be eligible to receive ‘at-risk
10 youth recreation grants’ a local government shall amend its
11 5-year action program to incorporate the goal of reducing
12 crime and juvenile delinquency and to provide a description
13 of the implementation strategies to achieve this goal. The
14 plan shall also address how the local government is coordi-
15 nating its recreation programs with crime prevention ef-
16 forts of law enforcement, juvenile corrections, and youth so-
17 cial service agencies.”.

18 **SEC. 1099Z. MISCELLANEOUS AND TECHNICAL AMEND-**
19 **MENTS.**

20 (a) *PROGRAM SUPPORT.*—Section 1013 of the Urban
21 Park and Recreation Recovery Act of 1978 is amended by
22 inserting “(a) *IN GENERAL.*—” after “1013” and by adding
23 the following new subsection at the end thereof:

1 “(b) *PROGRAM SUPPORT.*—Not more than 25 percent
2 of the amounts made available under this title to any local
3 government may be used for program support.”.

4 (b) *EXTENSION.*—Section 1003 of the Urban Park and
5 Recreation Recovery Act of 1978 is amended by striking
6 “for a period of five years” and by striking ‘short-term’.

7 ***Subtitle P—Boys and Girls Clubs in***
8 ***Public Housing***

9 ***SEC. 1099AA. ESTABLISHMENT.***

10 *The Secretary for Housing and Urban Development,*
11 *in consultation with the Attorney General, shall enter into*
12 *contracts with the Boys and Girls Clubs of America, a na-*
13 *tional nonprofit youth organization to establish Boys and*
14 *Girls Clubs in public housing.*

15 ***SEC. 1099BB. REPORT.***

16 *By May 1 of each fiscal year for which funds for this*
17 *section are provided, the Secretary of Housing and Urban*
18 *Development shall submit a report to the Committee on*
19 *Banking, Housing, and Urban Affairs of the Senate and*
20 *the Committee on Banking, Finance and Urban Affairs of*
21 *the House of Representatives that details the progress of es-*
22 *tablishing boys and girls clubs in public housing and the*
23 *effectiveness of the programs in reducing drug abuse and*
24 *gang violence.*

1 **SEC. 1099CC. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated the following*
3 *sums to carry out this subtitle—*

4 *(1) \$12,000,000 for fiscal year 1995;*

5 *(2) \$12,000,000 for fiscal year 1996; and*

6 *(3) \$12,000,000 for fiscal year 1997,*

7 **Subtitle Q—Community-Based Jus-**
8 **tice Grants for Local Prosecu-**
9 **tors**

10 **SEC. 1099DD. GRANT AUTHORIZATION.**

11 *The Attorney General may make grants to local pros-*
12 *ecutors for the purpose of supporting the creation or expan-*
13 *sion of community-based justice programs.*

14 **SEC. 1099EE. USE OF FUNDS.**

15 *Grants made by the Attorney General under this sec-*
16 *tion shall be used—*

17 *(1) to fund programs that require the coopera-*
18 *tion and coordination of prosecutors, school officials,*
19 *police, probation officers, youth and social service*
20 *professionals, and community members in the effort*
21 *to reduce the incidence of, and increase the successful*
22 *identification and speed of prosecution of, young vio-*
23 *lent offenders;*

24 *(2) to fund programs in which prosecutors focus*
25 *on the offender, not simply the specific offense, and*
26 *impose individualized sanctions, designed to deter*

1 *that offender from further antisocial conduct, and im-*
2 *pose increasingly serious sanctions on a young of-*
3 *fender who continues to commit offenses; and*

4 *(3) to fund programs that coordinate criminal*
5 *justice resources with educational, social service, and*
6 *community resources to develop and deliver violence*
7 *prevention programs, including mediation and other*
8 *conflict resolution methods, treatment, counselling,*
9 *educational, and recreational programs that create al-*
10 *ternatives to criminal activity.*

11 **SEC. 1099FF. APPLICATIONS.**

12 *(a) ELIGIBILITY.—In order to be eligible to receive a*
13 *grant under this part for any fiscal year, a local prosecutor,*
14 *in conjunction with the mayor from the jurisdiction in*
15 *which the program will be placed, shall submit an applica-*
16 *tion to the Attorney General in such form and containing*
17 *such information as the Attorney General may reasonably*
18 *require.*

19 *(b) REQUIREMENTS.—Each applicant shall include—*

20 *(1) a request for funds for the purposes described*
21 *in section 1099EE;*

22 *(2) a description of the communities to be served*
23 *by the grant, including the nature of the youth crime*
24 *and violence problems within such communities;*

1 (3) assurances that Federal funds received under
2 this part shall be used to supplement, not supplant,
3 non-Federal funds that would otherwise be available
4 for activities funded under this section; and

5 (4) statistical information in such form and con-
6 taining such information that the Attorney General
7 may require.

8 (c) *COMPREHENSIVE PLAN.*—Each applicant shall in-
9 clude a comprehensive plan that shall contain—

10 (1) a description of the youth violent crime prob-
11 lem;

12 (2) an action plan outlining how the applicant
13 will achieve the purposes as described in section 1;

14 (3) a description of the resources available in the
15 community to implement the plan together with a de-
16 scription of the gaps in the plan that cannot be filled
17 with existing resources; and

18 (4) a description of how the requested grant will
19 be used to fill gaps.

20 **SEC. 1099GG. ALLOCATION OF FUNDS; LIMITATIONS ON**
21 **GRANTS.**

22 (a) *ADMINISTRATIVE COST LIMITATION.*—The Attor-
23 ney General shall use not more than 5 percent of the funds
24 available under this program for the purposes of adminis-
25 tration and technical assistance.

1 (b) *RENEWAL OF GRANTS.*—A grant under this part
2 may be renewed for up to 2 additional years after the first
3 fiscal year during which the recipient receives its initial
4 grant under this part, subject to the availability of funds,
5 if—

6 (1) the Attorney General determines that the
7 funds made available to the recipient during the pre-
8 vious years were used in a manner required under the
9 approved application; and

10 (2) the Attorney General determines that an ad-
11 ditional grant is necessary to implement the commu-
12 nity prosecution program described in the comprehen-
13 sive plan required by section 2.

14 **SEC. 1099HH. AWARD OF GRANTS.**

15 The Attorney General shall consider the following facts
16 in awarding grants:

17 (1) Demonstrated need and evidence of the abil-
18 ity to provide the services described in the plan re-
19 quired under section 1099FF.

20 (2) The Attorney General shall attempt, to the
21 extent practicable, to achieve an equitable geographic
22 distribution of grant awards.

23 **SEC. 1099II. REPORTS.**

24 (a) *REPORT TO ATTORNEY GENERAL.*—Local prosecu-
25 tors that receive funds under this subtitle shall submit to

1 *the Attorney General a report not later than March 1 of*
2 *each year that describes progress achieved in carrying out*
3 *the plan described under section 2(c).*

4 (b) *REPORT TO CONGRESS.—The Attorney General*
5 *shall submit to the Congress a report by October 1 of each*
6 *year in which grants are made available under this subtitle*
7 *which shall contain a detailed statement regarding grant*
8 *awards, activities of grant recipients, a compilation of sta-*
9 *tistical information submitted by applicants, and an eval-*
10 *uation of programs established under this subtitle.*

11 **SEC. 1099JJ. AUTHORIZATION OF APPROPRIATIONS.**

12 *There are authorized to be appropriated \$20,000,000*
13 *for each of the fiscal years 1995 through 1999 to carry out*
14 *the purposes of this subtitle.*

15 **SEC. 1099KK. DEFINITIONS.**

16 *The term “young violent offender” means individuals,*
17 *ages 7–22, who have committed crimes of violence, weapons*
18 *offenses, drug distribution, hate crimes and civil rights vio-*
19 *lations, and offenses against personal property of another.*

20 **TITLE XI—YOUTH VIOLENCE**

21 **SEC. 1101. PROSECUTION AS ADULTS OF CERTAIN JUVE-**
22 **NILES FOR CRIMES OF VIOLENCE.**

23 (a) *PROSECUTION AS ADULTS.—The 4th undesignated*
24 *paragraph of section 5032 of title 18, United States Code,*
25 *is amended by striking “; however” and inserting “. In the*

1 application of the preceding sentence, if the crime of vio-
2 lence is an offense under section 113(a), 113(b), 113(c),
3 1111, 1113, or, if the juvenile possessed a firearm during
4 the offense, section 2111, 2113, 2241(a), or 2241(c) of this
5 title, ‘thirteen’ shall be substituted for ‘fifteen’ and ‘thir-
6 teenth’ shall be substituted for ‘fifteenth’. Notwithstanding
7 sections 1152 and 1153 of this title, no person subject to
8 the criminal jurisdiction of an Indian tribal government
9 shall be subject to the preceding sentence for any offense the
10 Federal jurisdiction for which is predicated solely on In-
11 dian country as defined in section 1151 of this title, and
12 which has occurred within the boundaries of such Indian
13 country, unless the governing body of the tribe has elected
14 that the preceding sentence have effect over land and persons
15 subject to its criminal jurisdiction. However”.

16 (b) FEDERAL PRIORITY IN DEALING WITH CERTAIN
17 CRIMES.—The first undesignated paragraph of section 5032
18 of title 18, United States Code, is amended by inserting
19 “ or an offense that is a crime of violence under section
20 113(a), 113(b), 113(c), 1111, 1113, or if the juvenile pos-
21 sessed a firearm during the offense, section 2111, 2113,
22 2241(a), or 2241(c) of this title” after “not exceed six
23 months”.

1 **SEC. 1102. COMMENCEMENT OF JUVENILE PROCEEDING.**

2 *Section 5032 of title 18, United States Code, is amend-*
3 *ed by striking “Any proceedings against a juvenile under*
4 *this chapter or as an adult shall not be commenced until”*
5 *and inserting “A juvenile shall not be transferred to adult*
6 *prosecution nor shall a hearing be held under section 5037*
7 *(disposition after a finding of juvenile delinquency) until”.*

8 **SEC. 1103. SEPARATION OF JUVENILE FROM ADULT OF-**
9 **FENDERS.**

10 *Section 5039 of title 18, United States Code, is amend-*
11 *ed by inserting “, whether pursuant to an adjudication of*
12 *delinquency or conviction for an offense,” after “commit-*
13 *ted” the first place it appears.*

14 **TITLE XII—CHILD SEXUAL**
15 **ABUSE PREVENTION ACT OF 1994**

16 **SEC. 1201. PENALTIES FOR INTERNATIONAL TRAFFICKING**
17 **IN CHILD PORNOGRAPHY.**

18 *(a) IMPORT RELATED OFFENSE.—Chapter 110 of title*
19 *18, United States Code, is amended by adding at the end*
20 *the following new section:*

21 **“§ 2259. Production of sexually explicit depictions of a**
22 **minor for importation into the United**
23 **States**

24 *“(a) USE OF MINOR.—A person who, outside the*
25 *United States, employs, uses, persuades, induces, entices, or*
26 *coerces any minor to engage in, or who has a minor assist*

1 *any other person to engage in, or who transports any minor*
2 *with the intent that the minor engage in any sexually ex-*
3 *plicit conduct for the purpose of producing any visual de-*
4 *picture of such conduct, intending that the visual depiction*
5 *will be imported into the United States or into waters with-*
6 *in 12 miles of the coast of the United States, shall be pun-*
7 *ished as provided in subsection (c).*

8 “(b) *USE OF VISUAL DEPICTION.*—A person who, out-
9 *side the United States, knowingly receives, transports,*
10 *ships, distributes, sells, or possesses with intent to transport,*
11 *ship, sell, or distribute any visual depiction of a minor en-*
12 *gaging in sexually explicit conduct (if the production of the*
13 *visual depiction involved the use of a minor engaging in*
14 *sexually explicit conduct), intending that the visual depic-*
15 *tion will be imported into the United States or into waters*
16 *within a distance of 12 miles of the coast of the United*
17 *States, shall be punished as provided in subsection (c).*

18 “(c) *PENALTIES.*—A person who violates subsection (a)
19 *or (b), or conspires or attempts to do so—*

20 “(1) *shall be fined under this title, imprisoned*
21 *not more than 10 years, or both; and*

22 “(2) *if the person has a prior conviction under*
23 *this chapter or chapter 109A, shall be fined under this*
24 *title, imprisoned not more than 20 years, or both.”.*

25 (b) *TECHNICAL AMENDMENT.*—

1 (1) *CHAPTER ANALYSIS.*—*The table of sections at*
2 *the beginning of chapter 110 of title 18, United States*
3 *Code, is amended by adding at the end the following*
4 *new item:*

“2259. Production of sexually explicit depictions of a minor for importation into the United States.”.

5 (2) *FINE PROVISIONS.*—*Section 2251(d) of title*
6 *18, United States Code, is amended—*

7 (A) *by striking “not more than \$100,000,*
8 *or” and inserting “under this title,”;*

9 (B) *by striking “not more than \$200,000,*
10 *or” and inserting “under this title,”; and*

11 (C) *by striking “not more than \$250,000”*
12 *and inserting “under this title”.*

13 (c) *SECTION 2251 PENALTY ENHANCEMENT.*—*Section*
14 *2251(d) of title 18, United States Code, is amended by strik-*
15 *ing “this section” the second place it appears and inserting*
16 *“this chapter or chapter 109A”.*

17 (d) *SECTION 2252 PENALTY ENHANCEMENT.*—*Section*
18 *2252(b)(1) of title 18, United States Code, is amended by*
19 *striking “this section” and inserting “this chapter or chap-*
20 *ter 109A”.*

21 (e) *CONSPIRACY AND ATTEMPT.*—*Sections 2251(d) and*
22 *2252(b) of title 18, United States Code, are each amended*
23 *by inserting “, or attempts or conspires to violate,” after*
24 *“violates” each place it appears.*

1 (f) *RICO AMENDMENT.*—Section 1961(1) of title 18,
2 *United States Code*, is amended by striking “2251–2252”
3 and inserting “2251, 2252, and 2259”.

4 (g) *TRANSPORTATION OF MINORS.*—Chapter 117 of
5 *title 18, United States Code*, is amended—

6 (1) by adding at the end the following new
7 section:

8 “**§2425. Travel with intent to engage in a sexual act**
9 **with a juvenile**

10 “A person who travels in interstate commerce, or con-
11 spires to do so, or a United States citizen or an alien admit-
12 ted for permanent residence in the United States who trav-
13 els in foreign commerce, or conspires to do so, for the pur-
14 pose of engaging in any sexual act (as defined in section
15 2245) with a person under 18 years of age that would be
16 in violation of chapter 109A if the sexual act occurred in
17 the special maritime and territorial jurisdiction of the
18 United States shall be fined under this title, imprisoned not
19 more than 10 years, or both.”; and

20 (2) in the table of sections at the beginning, by
21 adding at the end the following new item:

“2425. Travel with intent to engage in a sexual act with a juvenile.”.

22 **SEC. 1202. SENSE OF CONGRESS CONCERNING STATE LEG-**
23 **ISLATION REGARDING CHILD PORNOGRAPHY.**

24 It is the sense of the Congress that each State that has
25 not yet done so should enact legislation prohibiting the pro-

1 *duction, distribution, receipt, or simple possession of mate-*
2 *rials depicting a person under 18 years of age engaging*
3 *in sexually explicit conduct (as defined in section 2256 of*
4 *title 18, United States Code) and providing for a maximum*
5 *imprisonment of at least 1 year and for the forfeiture of*
6 *assets used in the commission or support of, or gained from,*
7 *such offenses.*

8 **TITLE XIII—JACOB WETTERLING**
9 **CRIMES AGAINST CHILDREN**
10 **REGISTRATION ACT**

11 **SEC. 1301. ESTABLISHMENT OF PROGRAM.**

12 (a) *IN GENERAL.*—

13 (1) *STATE GUIDELINES.*—*The Attorney General*
14 *shall establish guidelines for State programs requiring*
15 *any person who is convicted of a criminal offense*
16 *against a victim who is a minor to register a current*
17 *address with a designated State law enforcement*
18 *agency for 10 years after release from prison, or being*
19 *placed on parole, supervised release, or probation.*

20 (2) *DEFINITION.*—*For purposes of this sub-*
21 *section, the term “criminal offense against a victim*
22 *who is a minor” means any criminal offense that*
23 *consists of—*

24 (A) *kidnapping of a minor, except by a*
25 *parent;*

1 (B) *false imprisonment of a minor, except*
2 *by a parent;*

3 (C) *criminal sexual conduct toward a*
4 *minor;*

5 (D) *solicitation of a minor to engage in sex-*
6 *ual conduct;*

7 (E) *use of a minor in a sexual performance;*

8 (F) *solicitation of a minor to practice pros-*
9 *titution;*

10 (G) *any conduct that by its nature is a sex-*
11 *ual offense against a minor; or*

12 (H) *an attempt to commit an offense de-*
13 *scribed in any of subparagraphs (A) through (G)*
14 *of this paragraph, if the State—*

15 (i) *makes such an attempt a criminal*
16 *offense; and*

17 (ii) *chooses to include such an offense*
18 *in those which are criminal offenses against*
19 *a victim who is a minor for the purposes of*
20 *this section.*

21 (b) *REGISTRATION REQUIREMENT UPON RELEASE,*
22 *PAROLE, SUPERVISED RELEASE, OR PROBATION.—An ap-*
23 *proved State registration program established under this*
24 *section shall contain the following requirements:*

1 (1) *DUTY OF STATE PRISON OFFICIAL OR*
2 *COURT.—If a person who is required to register under*
3 *this section is released from prison, or placed on pa-*
4 *role, supervised release, or probation, a State prison*
5 *officer, or in the case of probation, the court, shall—*

6 (A) *inform the person of the duty to register*
7 *and obtain the information required for such*
8 *registration;*

9 (B) *inform the person that if the person*
10 *changes residence address, the person shall give*
11 *the new address to a designated State law en-*
12 *forcement agency in writing within 10 days;*

13 (C) *inform the person that if the person*
14 *changes residence to another State, the person*
15 *shall register the new address with the law en-*
16 *forcement agency with whom the person last reg-*
17 *istered, and the person is also required to reg-*
18 *ister with a designated law enforcement agency*
19 *in the new State not later than 10 days after es-*
20 *tablishing residence in the new State, if the new*
21 *State has a registration requirement;*

22 (D) *obtain fingerprints and a photograph of*
23 *the person if these have not already been ob-*
24 *tained in connection with the offense that trig-*
25 *gers registration; and*

1 (E) require the person to read and sign a
2 form stating that the duty of the person to reg-
3 ister under this section has been explained.

4 (2) *TRANSFER OF INFORMATION TO STATE AND*
5 *THE F.B.I.—The officer, or in the case of a person*
6 *placed on probation, the court, shall, within 3 days*
7 *after receipt of information described in paragraph*
8 *(1), forward it to a designated State law enforcement*
9 *agency. The State law enforcement agency shall im-*
10 *mediately enter the information into the appropriate*
11 *State law enforcement record system and notify the*
12 *appropriate law enforcement agency having jurisdic-*
13 *tion where the person expects to reside. The State law*
14 *enforcement agency shall also immediately transmit*
15 *the conviction data and fingerprints to the Federal*
16 *Bureau of Investigation.*

17 (3) *ANNUAL VERIFICATION.—On each anniver-*
18 *sary of a person's initial registration date during the*
19 *period in which the person is required to register*
20 *under this section, the designated State law enforce-*
21 *ment agency shall mail a nonforwardable verification*
22 *form to the last reported address of the person. The*
23 *person shall mail the verification form to the des-*
24 *ignated State law enforcement agency within 10 days*
25 *after receipt of the form. The verification form shall*

1 *be signed by the person, and state that the person still*
2 *resides at the address last reported to the designated*
3 *State law enforcement agency. If the person fails to*
4 *mail the verification form to the designated State law*
5 *enforcement agency within 10 days after receipt of the*
6 *form, the person shall be in violation of this section*
7 *unless the person proves that the person has not*
8 *changed his or her residence address.*

9 (4) *NOTIFICATION OF LOCAL LAW ENFORCEMENT*
10 *AGENCIES OF CHANGES IN ADDRESS.—Any change of*
11 *address by a person required to register under this*
12 *section reported to the designated State law enforce-*
13 *ment agency shall immediately be reported to the ap-*
14 *propriate law enforcement agency having jurisdiction*
15 *where the person is residing. The designated law en-*
16 *forcement agency shall, if the person changes residence*
17 *to another State, notify the person of the law enforce-*
18 *ment agency with which the person must register in*
19 *the new State, if the new State has a registration re-*
20 *quirement.*

21 (5) *PRIVACY OF DATA.—The information col-*
22 *lected under a State registration program shall be*
23 *treated as private data on individuals and may be*
24 *disclosed only to law enforcement agencies for inves-*
25 *tigative purposes or to government agencies conduct-*

1 *ing confidential background checks with fingerprints*
2 *on applicants for child care positions or other posi-*
3 *tions involving contact with children.*

4 *(c) REGISTRATION FOR CHANGE OF ADDRESS TO AN-*
5 *OTHER STATE.—A person who has been convicted of an of-*
6 *fense which triggered registration in a State shall register*
7 *the new address with a designated law enforcement agency*
8 *in another State to which the person moves not later than*
9 *10 days after such person establishes residence in the new*
10 *State, if the new State has a registration requirement.*

11 *(d) REGISTRATION FOR 10 YEARS.—A person required*
12 *to register under this section shall continue to comply with*
13 *this section until 10 years have elapsed since the person*
14 *was released from prison, or placed on parole, supervised*
15 *release, or probation.*

16 *(e) PENALTY.—A person required to register under a*
17 *State program established pursuant to this section who*
18 *knowingly fails to so register and keep such registration*
19 *current shall be subject to criminal penalties in any State*
20 *in which the person has so failed.*

21 *(f) COMPLIANCE.—*

22 *(1) COMPLIANCE DATE.—Each State shall have 3*
23 *years from the date of the enactment of this Act in*
24 *which to implement this section.*

1 (2) *INELIGIBILITY FOR FUNDS.*—The allocation
 2 of funds under section 506 of title I of the Omnibus
 3 Crime Control and Safe Streets Act of 1968 (42
 4 U.S.C. 3756) received by a State not complying with
 5 the guidelines issued under this section 3 years after
 6 the date of enactment of this Act may be reduced by
 7 10 percent and the unallocated funds shall be reallo-
 8 cated to the States in compliance with this
 9 section.

10 **TITLE XIV—COMMUNITY**
 11 **POLICING**

12 **SEC. 1401. COMMUNITY POLICING; “COPS ON THE BEAT”.**

13 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
 14 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)
 15 is amended by inserting after part W (as added by section
 16 2301(a)) the following new part:

17 **“PART X—PUBLIC SAFETY AND COMMUNITY**
 18 **POLICING; ‘COPS ON THE BEAT’**

19 **“SEC. 2401. AUTHORITY TO MAKE PUBLIC SAFETY AND COM-**
 20 **MUNITY POLICING GRANTS.**

21 “(a) *GRANT AUTHORIZATION.*—The Attorney General
 22 is authorized to make grants to States and units of local
 23 government, and to other public and private entities, to in-
 24 crease police presence, to expand and improve cooperative
 25 efforts between law enforcement agencies and members of

1 *the community to address crime and disorder problems, and*
2 *otherwise to enhance public safety.*

3 “(b) *REHIRING AND HIRING GRANT PROJECTS.*—
4 *Grants made under the authority of subsection (a) of this*
5 *section may be used for programs, projects, and other*
6 *activities to—*

7 “(1) *rehire law enforcement officers who have*
8 *been laid off as a result of State and local budget re-*
9 *ductions for deployment in community-oriented polic-*
10 *ing; and*

11 “(2) *hire and train new, additional career law*
12 *enforcement officers (including cadets and trainees)*
13 *for deployment in community-oriented policing across*
14 *the Nation.*

15 “(c) *ADDITIONAL GRANT PROJECTS.*—*Grants made*
16 *under the authority of subsection (a) of this section also*
17 *may include programs, projects, and other activities to—*

18 “(1) *increase the number of law enforcement offi-*
19 *cers involved in activities that are focused on inter-*
20 *action with members of the community on proactive*
21 *crime control and prevention by redeploying officers*
22 *to such activities;*

23 “(2) *provide specialized training to law enforce-*
24 *ment officers to enhance their conflict resolution, me-*
25 *diation, problem solving, service, and other skills*

1 *needed to work in partnership with members of the*
2 *community;*

3 “(3) *increase police participation in multidisci-*
4 *plinary early intervention teams;*

5 “(4) *develop new technologies to assist State and*
6 *local law enforcement agencies in reorienting the em-*
7 *phasis of their activities from reacting to crime to*
8 *preventing crime;*

9 “(5) *develop and implement innovative programs*
10 *to permit members of the community to assist State*
11 *and local law enforcement agencies in the prevention*
12 *of crime in the community;*

13 “(6) *establish innovative programs to reduce,*
14 *and keep to a minimum, the amount of time that law*
15 *enforcement officers must be away from the commu-*
16 *nity while awaiting court appearances;*

17 “(7) *establish and implement innovative pro-*
18 *grams to increase and enhance proactive crime con-*
19 *trol and prevention programs involving law enforce-*
20 *ment officers and young persons in the community;*

21 “(8) *develop and establish new administrative*
22 *and managerial systems to facilitate the adoption of*
23 *community-oriented policing as an organization-wide*
24 *philosophy; and*

1 “(9) *establish, implement, and coordinate crime*
2 *prevention and control programs (involving law en-*
3 *forcement officers working with community members)*
4 *with other existing Federal programs that serve the*
5 *community and community members to better address*
6 *the comprehensive needs of such community and its*
7 *members.*

8 “(d) *PREFERENTIAL CONSIDERATION OF APPLICA-*
9 *TIONS FOR CERTAIN GRANTS.—In awarding grants under*
10 *this part, the Attorney General may give preferential con-*
11 *sideration to grants for hiring and rehiring additional ca-*
12 *reer law enforcement officers that involve a non-Federal*
13 *contribution exceeding the 25 percent minimum under sub-*
14 *section (h) of this section.*

15 “(e) *TECHNICAL ASSISTANCE.—(1) The Attorney Gen-*
16 *eral may provide technical assistance to States and units*
17 *of local government, and to other public and private enti-*
18 *ties, in furtherance of the purposes of this part.*

19 “(2) *The technical assistance provided by the Attorney*
20 *General may include the development of a flexible model*
21 *that will define for States and units of local government,*
22 *and other public and private entities, definitions and strat-*
23 *egies associated with community or problem-oriented polic-*
24 *ing and methodologies for its implementation.*

1 “(3) *The technical assistance provided by the Attorney*
2 *General may include the establishment and operation of*
3 *training centers or facilities, either directly or by contract-*
4 *ing or cooperative arrangements. The functions of the cen-*
5 *ters or facilities established under this paragraph may in-*
6 *clude instruction and seminars for police executives, man-*
7 *agers, trainers, and supervisors concerning community or*
8 *problem-oriented policing and improvements in police-com-*
9 *munity interaction and cooperation that further the pur-*
10 *poses of this part.*

11 “(f) *UTILIZATION OF DEPARTMENT OF JUSTICE OF-*
12 *FICES AND SERVICES.—The Attorney General may utilize*
13 *any office or service of the Department of Justice in carry-*
14 *ing out this part.*

15 “(g) *MINIMUM AMOUNT.—Each qualifying State, to-*
16 *gether with grantees within the State, shall receive in each*
17 *fiscal year pursuant to subsection (a) of this section not*
18 *less than 0.25 percent of the total amount appropriated in*
19 *the fiscal year for grants pursuant to such subsection. As*
20 *used in this subsection, ‘qualifying State’ means any State*
21 *which has submitted an application for a grant, or in which*
22 *an eligible entity has submitted an application for a grant,*
23 *which meets the requirements prescribed by the Attorney*
24 *General and the conditions set out in this part.*

1 “(h) *MATCHING FUNDS.*—The portion of the costs of
2 a program, project, or activity provided by a grant under
3 subsection (a) of this section may not exceed 75 percent,
4 unless the Attorney General waives, wholly or in part, the
5 requirement under this subsection of a non-Federal con-
6 tribution to the costs of a program, project, or activity. In
7 relation to a grant for a period exceeding one year for hir-
8 ing or re-hiring career law enforcement officers, the Federal
9 share shall decrease from year to year, looking towards the
10 continuation of the increased hiring level using State or
11 local sources of funding following the conclusion of Federal
12 support, as provided in an approved plan pursuant to sec-
13 tion 2402(c)(8) of this part.

14 “(i) *ALLOCATION OF FUNDS.*—The funds available
15 under this part shall be allocated as provided in section
16 1001(a)(19)(B) of this title.

17 “(j) *TERMINATION OF GRANTS FOR HIRING OFFI-*
18 *CERS.*—The authority under subsection (a) of this section
19 to make grants for the hiring and rehiring of additional
20 career law enforcement officers shall lapse at the conclusion
21 of six years from the date of enactment of this part. Prior
22 to the expiration of this grant authority, the Attorney Gen-
23 eral shall submit a report to Congress concerning the experi-
24 ence with and effects of such grants. The report may include
25 any recommendations the Attorney General may have for

1 *amendments to this part and related provisions of law in*
2 *light of the termination of the authority to make grants for*
3 *the hiring and rehiring of additional career law enforce-*
4 *ment officers.*

5 ***“SEC. 2402. APPLICATIONS.***

6 *“(a) IN GENERAL.—No grant may be made under this*
7 *part unless an application has been submitted to, and ap-*
8 *proved by, the Attorney General.*

9 *“(b) FORM AND CONTENT OF APPLICATION.—An ap-*
10 *plication for a grant under this part shall be submitted in*
11 *such form, and contain such information, as the Attorney*
12 *General may prescribe by regulation or guidelines.*

13 *“(c) COMPLIANCE WITH REGULATIONS OR GUIDE-*
14 *LINES.—In accordance with the regulations or guidelines*
15 *established by the Attorney General, each application for*
16 *a grant under this part shall—*

17 *“(1) include a long-term strategy and detailed*
18 *implementation plan that reflects consultation with*
19 *community groups and appropriate private and pub-*
20 *lic agencies and reflects consideration of the statewide*
21 *strategy under section 503(a)(1) of this part;*

22 *“(2) demonstrate a specific public safety need;*

23 *“(3) explain the locality’s inability to address*
24 *the need without Federal assistance;*

1 “(4) identify related governmental and commu-
2 nity initiatives which complement or will be coordi-
3 nated with the proposal;

4 “(5) certify that there has been appropriate co-
5 ordination with all affected agencies;

6 “(6) outline the initial and ongoing level of com-
7 munity support for implementing the proposal in-
8 cluding financial and in-kind contributions or other
9 tangible commitments;

10 “(7) specify plans for obtaining necessary sup-
11 port and continuing the proposed program, project, or
12 activity following the conclusion of Federal support;
13 and

14 “(8) if the application is for a grant for hiring
15 or rehiring additional career law enforcement offi-
16 cers—

17 “(A) specify plans for the assumption by
18 the grantee of a progressively larger share of the
19 cost in the course of time, looking towards the
20 continuation of the increased hiring level using
21 State or local sources of funding following the
22 conclusion of Federal support;

23 “(B) assess the impact, if any, of the in-
24 crease in police resources on other components of
25 the criminal justice system;

1 “(C) explain how the grant will be utilized
2 to re-orient the affected law enforcement agency’s
3 mission towards community-oriented policing or
4 enhance its involvement in or commitment to
5 community-oriented policing; and

6 “(D) ensure that, to the extent practicable,
7 grantees seek and recruit members of racial, eth-
8 nic, and gender minority groups whose represen-
9 tation in the law enforcement agency for which
10 funds are sought is less than in the general pop-
11 ulation qualified for such employment in such
12 jurisdiction.

13 **“SEC. 2403. REVIEW OF APPLICATIONS BY STATE OFFICE.**

14 “(a) *IN GENERAL.*—Except as provided in subsection
15 (c) or (d), an applicant for a grant under this part shall
16 submit an application to the State office designated under
17 section 507 of this title in the State in which the applicant
18 is located for initial review.

19 “(b) *INITIAL REVIEW OF APPLICATION.*—The State of-
20 fice referred to in subsection (a) of this section shall review
21 applications for grants under this part submitted to it,
22 based upon criteria specified by the Attorney General by
23 regulation or guidelines, and rank such applications based
24 upon the criteria specified by the Attorney General. The
25 State office referred to in subsection (a) of this section shall

1 *submit the list along with all grant applications and*
2 *supporting materials received to the Attorney*
3 *General.*

4 “(c) *DIRECT APPLICATION TO THE ATTORNEY GEN-*
5 *ERAL BY CERTAIN MUNICIPALITIES.*—Notwithstanding sub-
6 *section (a) of this section, municipalities whose population*
7 *exceeds 100,000 may submit an application for a grant*
8 *under this part directly to the Attorney General. For pur-*
9 *poses of this subsection, ‘municipalities whose population*
10 *exceeds 100,000’ means units of local government or law*
11 *enforcement agencies having jurisdiction over areas with*
12 *populations exceeding 100,000, and consortia or associa-*
13 *tions that include one or more such units of local govern-*
14 *ment or law enforcement agencies.*

15 “(d) *DIRECT APPLICATION TO THE ATTORNEY GEN-*
16 *ERAL BY OTHER APPLICANTS.*—Notwithstanding subsection
17 *(a) of this section, if a State chooses not to carry out the*
18 *functions described in subsection (b) of this section, an*
19 *applicant in the State may submit an application for a*
20 *grant under this part directly to the Attorney*
21 *General.*

22 **“SEC. 2404. RENEWAL OF GRANTS.**

23 “(a) *IN GENERAL.*—Except for grants made for hiring
24 *or rehiring additional career law enforcement officers, a*
25 *grant under this part may be renewed for up to two addi-*

1 *tional years after the first fiscal year during which a recipi-*
2 *ent receives its initial grant if the Attorney General deter-*
3 *mines that the funds made available to the recipient were*
4 *used in a manner required under an approved application*
5 *and if the recipient can demonstrate significant progress*
6 *in achieving the objectives of the initial application.*

7 “(b) *GRANTS FOR HIRING.*—Grants made for hiring
8 or rehiring additional career law enforcement officers may
9 be renewed for up to five years, subject to the requirements
10 of subsection (a) of this section, but notwithstanding the
11 limitation in that subsection concerning the number of
12 years for which grants may be renewed.

13 “(c) *MULTI-YEAR GRANTS.*—A grant for a period ex-
14 ceeding one year may be renewed as provided in this sec-
15 tion, except that the total duration of such a grant includ-
16 ing any renewals may not exceed three years, or six years
17 if it is a grant made for hiring or rehiring additional ca-
18 reer law enforcement officers.

19 **“SEC. 2405. LIMITATION ON USE OF FUNDS.**

20 “(a) *NON-SUPPLANTING REQUIREMENT.*—Funds made
21 available under this part to States or units of local govern-
22 ment shall not be used to supplant State or local funds,
23 but will be used to increase the amount of funds that would,
24 in the absence of Federal funds, be made available from
25 State or local sources.

1 “(b) *ADMINISTRATIVE COSTS.*—No more than 5 per-
2 cent of the funds available under this part may be used
3 for the costs of States in carrying out the functions de-
4 scribed in section 2403(b) or other administrative costs.

5 “(c) *NON-FEDERAL COSTS.*—States and units of local
6 government may use assets received through the assets for-
7 feiture equitable sharing program to cover the non-Federal
8 portion of programs, projects, and activities
9 funded under this part.

10 “(d) *HIRING COSTS.*—Funding provided under this
11 part for hiring or rehiring a career law enforcement officer
12 may not exceed \$75,000, unless the Attorney General grants
13 a waiver from this limitation.

14 **“SEC. 2406. PERFORMANCE EVALUATION.**

15 “(a) *EVALUATION COMPONENTS.*—

16 “(1) Each program, project, or activity funded
17 under this part shall contain an evaluation compo-
18 nent, developed pursuant to guidelines established by
19 the Attorney General.

20 “(2) The evaluations required by paragraph (1)
21 shall include outcome measures that can be used to
22 determine the effectiveness of the funded programs,
23 projects, activities and a description of the geographic
24 dispersion, and racial, ethnic, and gender diversity of
25 rehired and new employees. Outcome measures may

1 *include crime and victimization indicators, quality of*
2 *life measures, community perceptions, and police per-*
3 *ceptions of their own work.*

4 *“(b) PERIODIC REVIEW AND REPORTS.—The Attorney*
5 *General shall review the performance of each grant recipient*
6 *under this part. The Attorney General may require a grant*
7 *recipient to submit to the Attorney General the results of*
8 *the evaluations required under subsection (a) and such*
9 *other data and information as the Attorney General deems*
10 *reasonably necessary to carry out the responsibilities under*
11 *this subsection.*

12 **“SEC. 2407. REVOCATION OR SUSPENSION OF FUNDING.**

13 *“If the Attorney General determines, as a result of the*
14 *reviews required by section 2406 of this part, or otherwise,*
15 *that a grant recipient under this part is not in substantial*
16 *compliance with the terms and requirements of an approved*
17 *grant application submitted under section 2402 of this*
18 *part, the Attorney General may revoke or suspend funding*
19 *of that grant, in whole or in part.*

20 **“SEC. 2408. ACCESS TO DOCUMENTS.**

21 *“(a) BY THE ATTORNEY GENERAL.—The Attorney*
22 *General shall have access for the purpose of audit and exam-*
23 *ination to any pertinent books, documents, papers, or*
24 *records of a grant recipient under this part, as well as the*
25 *pertinent books, documents, papers, or records of States and*

1 *units of local government, persons, businesses, and other en-*
 2 *tities that are involved in programs, projects, or activities*
 3 *for which assistance is provided under this part.*

4 “(b) *BY THE COMPTROLLER GENERAL.—The provi-*
 5 *sions of subsection (a) of this section shall also apply with*
 6 *respect to audits and examinations conducted by the Comp-*
 7 *troller General of the United States or by an authorized*
 8 *representative of the Comptroller General.*

9 **“SEC. 2409. GENERAL REGULATORY AUTHORITY.**

10 *“The Attorney General is authorized to promulgate*
 11 *regulations and guidelines to carry out this part.*

12 **“SEC. 2410. DEFINITION.**

13 *“For the purposes of this part, the term ‘career law*
 14 *enforcement officer’ means a person hired on a permanent*
 15 *basis who is authorized by law or by a State or local public*
 16 *agency to engage in or supervise the prevention, detection,*
 17 *or investigation of violations of criminal laws.”.*

18 (b) *TECHNICAL AMENDMENT.—The table of contents of*
 19 *title I of the Omnibus Crime Control and Safe Streets Act*
 20 *of 1968 (42 U.S.C. 3711, et seq.) is amended by inserting*
 21 *after the matter relating to part W (as added by section*
 22 *2301(b)) the following:*

“PART X—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE BEAT’

“Sec. 2401. Authority to make public safety and community policing grants.

“Sec. 2402. Applications.

“Sec. 2403. Review of applications by State office.

“Sec. 2404. Renewal of grants.

“Sec. 2405. Limitation on use of funds.

“Sec. 2406. Performance evaluation.

“Sec. 2407. Revocation or suspension of funding.

“Sec. 2408. Access to documents.

“Sec. 2409. General regulatory authority.

“Sec. 2410. Definition.”.

1 **SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *AUTHORIZATION.*—*Section 1001(a) of title I of the*
3 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
4 *U.S.C. 3793) is amended—*

5 (1) *in paragraph (3) by striking “and O.” and*
6 *inserting “O, P, Q, R, S, T, U, V, W, and X.”; and*

7 (2) *by adding after paragraph (18) (as added by*
8 *section 2302) the following:*

9 “(19)(A) *There are authorized to be appropriated to*
10 *carry out part X, to remain available until expended,*
11 *\$200,000,000 for fiscal year 1994 and \$650,000,000 for each*
12 *of the fiscal years 1995, 1996, 1997, 1998, and 1999.*

13 “(B) *Of funds available under part X in any fiscal*
14 *year, up to 5 percent may be used for technical assistance*
15 *under section 2401(e) or for evaluations or studies carried*
16 *out or commissioned by the Attorney General in furtherance*
17 *of the purposes of part X, and up to 5 percent may be used*
18 *for the costs of States in carrying out the functions de-*
19 *scribed in section 2403(b) or other administrative costs. Of*
20 *the remaining funds, 50 percent shall be allocated for grants*
21 *pursuant to applications submitted as provided in section*
22 *2403(a) or (d), and 50 percent shall be allocated for grants*
23 *pursuant to applications submitted as provided in section*

1 2403(c). Of the funds available in relation to grants pursu-
2 ant to applications submitted as provided in section
3 2403(a) or (d), at least 85 percent shall be applied to grants
4 for the purposes specified in section 2401(b), and no more
5 than 15 percent may be applied to other grants in further-
6 ance of the purposes of part X. Of the funds available in
7 relation to grants pursuant to applications submitted as
8 provided in section 2403(c), at least 85 percent shall be ap-
9 plied to grants for the purposes specified in section 2401(b),
10 and no more than 15 percent may be applied to other grants
11 in furtherance of the purposes of part X.

12 “(C) Notwithstanding the provisions of section 2403,
13 no funds allocated for grants pursuant to applications sub-
14 mitted as provided under subsections (a) or (d) of section
15 2403 shall be allocated for grants to a municipality (as de-
16 fined in section 2403(c)).”

17 **TITLE XV—DNA IDENTIFICATION**

18 **SEC. 1501. SHORT TITLE.**

19 This title may be cited at the “DNA Identification Act
20 of 1994”.

21 **SEC. 1502. FUNDING TO IMPROVE THE QUALITY AND AVAIL-** 22 **ABILITY OF DNA ANALYSES FOR LAW EN-** 23 **FORCEMENT IDENTIFICATION PURPOSES.**

24 (a) **DRUG CONTROL AND SYSTEM IMPROVEMENT**
25 **GRANT PROGRAM.**—Section 501(b) of title I of the Omnibus

1 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
2 *3751(b)) is amended—*

3 *(1) in paragraph (20) by striking “and” at the*
4 *end,*

5 *(2) in paragraph (21) by striking the period at*
6 *the end and inserting a semicolon, and*

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

8 *“(22) developing or improving in a forensic lab-*
9 *oratory a capability to analyze deoxyribonucleic acid*
10 *(hereinafter in this title referred to as ‘DNA’) for*
11 *identification purposes; and”.*

12 *(b) STATE APPLICATIONS.—Section 503(a) of title I*
13 *of the Omnibus Crime Control and Safe Streets Act of 1968*
14 *(42 U.S.C. 3753(a)) is amended by adding at the end there-*
15 *of the following new paragraph:*

16 *“(12) If any part of a grant made under this*
17 *part is to be used to develop or improve a DNA anal-*
18 *ysis capability in a forensic laboratory, a certifi-*
19 *cation that—*

20 *“(A) DNA analyses performed at such lab-*
21 *oratory will satisfy or exceed then current stand-*
22 *ards for a quality assurance program for DNA*
23 *analysis, issued by the Director of the Federal*
24 *Bureau of Investigation under section 3 of the*
25 *DNA Identification Act of 1994;*

1 “(B) DNA samples obtained by, and DNA
2 analyses performed at, such laboratory will be
3 accessible only—

4 “(i) to criminal justice agencies for
5 law enforcement identification purposes;

6 “(ii) for criminal defense purposes, to
7 a defendant, who shall have access to sam-
8 ples and analyses performed in connection
9 with the case in which such defendant is
10 charged; or

11 “(iii) if personally identifiable infor-
12 mation is removed, for a population statis-
13 tics database, for identification research
14 and protocol development purposes, or for
15 quality control purposes; and

16 “(C) such laboratory, and each analyst per-
17 forming DNA analyses at such laboratory, will
18 undergo, at regular intervals of not to exceed 180
19 days, external proficiency testing by a DNA pro-
20 ficiency testing program meeting the standards
21 issued under section 3 of the DNA Identification
22 Act of 1994.”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
24 1001(a) of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (42 U.S.C. 3793(a)) is amended by adding at the
2 end the following:

3 “(11) There are authorized to be appropriated for each
4 of the fiscal years 1994 through 1998 \$10,000,000 for grants
5 to the States for DNA analysis.”

6 **SEC. 1503. QUALITY ASSURANCE AND PROFICIENCY TEST-**
7 **ING STANDARDS.**

8 (a) PUBLICATION OF QUALITY ASSURANCE AND PRO-
9 FICIENCY TESTING STANDARDS.—(1) Not later than 180
10 days after the date of the enactment of this Act, the Director
11 of the Federal Bureau of Investigation shall appoint an ad-
12 visory board on DNA quality assurance methods. The Di-
13 rector shall appoint members of the board from among
14 nominations proposed by the head of the National Academy
15 of Sciences and professional societies of crime laboratory
16 officials. The advisory board shall include as members sci-
17 entists from State and local forensic laboratories, molecular
18 geneticists and population geneticists not affiliated with a
19 forensic laboratory, and a representative from the National
20 Institute of Standards and Technology. The advisory board
21 shall develop, and if appropriate, periodically revise, rec-
22 ommended standards for quality assurance, including
23 standards for testing the proficiency of forensic laboratories,
24 and forensic analysts, in conducting analyses of DNA.

1 (2) *The Director of the Federal Bureau of Investiga-*
2 *tion, after taking into consideration such recommended*
3 *standards, shall issue (and revise from time to time) stand-*
4 *ards for quality assurance, including standards for testing*
5 *the proficiency of forensic laboratories, and forensic ana-*
6 *lysts, in conducting analyses of DNA.*

7 (3) *The standards described in paragraphs (1) and (2)*
8 *shall specify criteria for quality assurance and proficiency*
9 *tests to be applied to the various types of DNA analyses*
10 *used by forensic laboratories. The standards shall also in-*
11 *clude a system for grading proficiency testing performance*
12 *to determine whether a laboratory is performing acceptably.*

13 (4) *Until such time as the advisory board has made*
14 *recommendations to the Director of the Federal Bureau of*
15 *Investigation and the Director has acted upon those rec-*
16 *ommendations, the quality assurance guidelines adopted by*
17 *the technical working group on DNA analysis methods shall*
18 *be deemed the Director's standards for purposes of this*
19 *section.*

20 (b) *ADMINISTRATION OF THE ADVISORY BOARD.—For*
21 *administrative purposes, the advisory board appointed*
22 *under subsection (a) shall be considered an advisory board*
23 *to the Director of the Federal Bureau of Investigation. Sec-*
24 *tion 14 of the Federal Advisory Committee Act (5 U.S.C.*
25 *App.) shall not apply with respect to the advisory board*

1 *appointed under subsection (a). The board shall cease to*
2 *exist on the date 5 years after the initial appointments are*
3 *made to the board, unless the existence of the board is ex-*
4 *tended by the Director of the Federal Bureau of Investiga-*
5 *tion.*

6 **SEC. 1504. INDEX TO FACILITATE LAW ENFORCEMENT EX-**
7 **CHANGE OF DNA IDENTIFICATION INFORMA-**
8 **TION.**

9 *(a) IN GENERAL.—The Director of the Federal Bureau*
10 *of Investigation may establish an index of—*

11 *(1) DNA identification records of persons con-*
12 *victed of crimes;*

13 *(2) analyses of DNA samples recovered from*
14 *crime scenes; and*

15 *(3) analyses of DNA samples recovered from un-*
16 *identified human remains.*

17 *(b) CONTENT OF INDEX.—Such index may include*
18 *only information on DNA identification records and DNA*
19 *analyses that are—*

20 *(1) based on analyses performed in accordance*
21 *with publicly available standards that satisfy or ex-*
22 *ceed the guidelines for a quality assurance program*
23 *for DNA analysis, issued by the Director of the Fed-*
24 *eral Bureau of Investigation under section 3 of the*
25 *DNA Identification Act of 1994;*

1 (2) prepared by laboratories, and DNA analysts,
2 that undergo, at regular intervals of not to exceed 180
3 days, external proficiency testing by a DNA pro-
4 ficiency testing program meeting the standards issued
5 under section 3 of the DNA Identification Act of
6 1994; and

7 (3) maintained by Federal, State, and local
8 criminal justice agencies pursuant to rules that allow
9 disclosure of stored DNA samples and DNA analyses
10 only—

11 (A) to criminal justice agencies for law en-
12 forcement identification purposes;

13 (B) for criminal defense purposes, to a de-
14 fendant, who shall have access to samples and
15 analyses performed in connection with the case
16 in which such defendant is charged; or

17 (C) if personally identifiable information is
18 removed, for a population statistics database, for
19 identification research and protocol development
20 purposes, or for quality control purposes.

21 (c) EXCHANGE SUBJECT TO CANCELLATION.—The ex-
22 change of records authorized by this section is subject to
23 cancellation if the quality control and privacy requirements
24 described in subsection (b) of this section are not met.

1 **SEC. 1505. FEDERAL BUREAU OF INVESTIGATION.**

2 (a) *PROFICIENCY TESTING REQUIREMENTS.*—

3 (1) *GENERALLY.*—Personnel at the Federal Bu-
4 reau of Investigation who perform DNA analyses
5 shall undergo, at regular intervals of not to exceed
6 180 days, external proficiency testing by a DNA pro-
7 ficiency testing program meeting the standards issued
8 under section 3(a). Within one year of the date of en-
9 actment of this Act, the Director of the Federal Bu-
10 reau of Investigation shall arrange for periodic blind
11 external tests to determine the proficiency of DNA
12 analysis performed at the Federal Bureau of Inves-
13 tigation laboratory. As used in this paragraph, the
14 term “blind external test” means a test that is pre-
15 sented to the laboratory through a second agency and
16 appears to the analysts to involve routine evidence.

17 (2) *REPORT.*—For five years after the date of en-
18 actment of this Act, the Director of the Federal Bu-
19 reau of Investigation shall submit to the Committees
20 on the Judiciary of the House and Senate an annual
21 report on the results of each of the tests referred to in
22 paragraph (1).

23 (b) *PRIVACY PROTECTION STANDARDS.*—

24 (1) *GENERALLY.*—Except as provided in para-
25 graph (2), the results of DNA tests performed for a

1 *Federal law enforcement agency for law enforcement*
2 *purposes may be disclosed only—*

3 *(A) to criminal justice agencies for law en-*
4 *forcement identification purposes; or*

5 *(B) for criminal defense purposes, to a de-*
6 *fendant, who shall have access to samples and*
7 *analyses performed in connection with the case*
8 *in which such defendant is charged.*

9 *(2) EXCEPTION.—If personally identifiable infor-*
10 *mation is removed, test results may be disclosed for*
11 *a population statistics database, for identification re-*
12 *search and protocol development purposes, or for*
13 *quality control purposes.*

14 *(c) CRIMINAL PENALTY.—(1) Whoever—*

15 *(A) by virtue of employment or official position,*
16 *has possession of, or access to, individually identifi-*
17 *able DNA information indexed in a database created*
18 *or maintained by any Federal law enforcement agen-*
19 *cy; and*

20 *(B) willfully discloses such information in any*
21 *manner to any person or agency not entitled to*
22 *receive it;*

23 *shall be fined not more than \$100,000.*

24 *(2) Whoever, without authorization, willfully obtains*
25 *DNA samples or individually identifiable DNA information*

1 *indexed in a database created or maintained by any Fed-*
2 *eral law enforcement agency shall be fined not more than*
3 *\$100,000.*

4 **SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to the Federal*
6 *Bureau of Investigation \$4,500,000 for each of fiscal years*
7 *1994 through 1998 to carry out sections 1503, 1504, and*
8 *1505 of this Act.*

9 **TITLE XVI—VIOLENCE AGAINST**
10 **WOMEN**

11 **SEC. 1600. SHORT TITLE.**

12 *This title may be cited as the “Violence Against*
13 *Women Act of 1994”.*

14 **Subtitle A—Safe Streets for Women**

15 **SEC. 1601. SHORT TITLE.**

16 *This subtitle may be cited as the “Safe Streets for*
17 *Women Act of 1994”.*

18 **SEC. 1602. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**

19 **WOMEN.**

20 *(a) IN GENERAL.—Title I of the Omnibus Crime Con-*
21 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)*

22 *is amended by—*

23 *(1) redesignating part Q as part R;*

24 *(2) redesignating section 1701 as section 1801;*

25 *and*

1 (3) adding after part P the following new part:

2 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES**

3 **AGAINST WOMEN**

4 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

5 “(a) *GENERAL PROGRAM PURPOSE.*—The purpose of
6 this part is to assist States, Indian tribes, and other eligible
7 entities to develop effective law enforcement and prosecution
8 strategies to combat violent crimes against women.

9 “(b) *PURPOSES FOR WHICH GRANTS MAY BE*
10 *USED.*—Grants under this part shall provide funds for per-
11 sonnel, training, technical assistance, data collection and
12 other equipment for the more widespread apprehension,
13 prosecution, and adjudication of persons committing vio-
14 lent crimes against women to reduce the rate of violent
15 crime against women and specifically, for the purposes of—

16 “(1) training law enforcement officers and pros-
17 ecutors to identify and respond more effectively to
18 violent crimes against women, including crimes of
19 sexual assault and domestic violence;

20 “(2) developing, training, or expanding units of
21 law enforcement officers and prosecutors that specifi-
22 cally target violent crimes against women, including
23 the crimes of sexual assault and domestic violence;

24 “(3) developing and implementing more effective
25 police and prosecution policies, protocols, orders, or

1 *services specifically devoted to the prevention of, iden-*
2 *tification of, and response to violent crimes against*
3 *women, including the crimes of sexual assault and do-*
4 *mestic violence;*

5 “(4) *developing, installing, or expanding data*
6 *collection systems, including computerized systems,*
7 *linking police, prosecutors, and courts or identifying*
8 *and tracking arrests, protection orders, prosecutions,*
9 *and convictions for the crimes of sexual assault and*
10 *domestic violence;*

11 “(5) *developing, enlarging, or strengthening vic-*
12 *tim services programs, including sexual assault and*
13 *domestic violence programs, developing or improving*
14 *delivery of victim services to racial, cultural, ethnic,*
15 *and language minorities, providing specialized do-*
16 *mestic violence court advocates in courts where a sig-*
17 *nificant number of protective orders are granted, and*
18 *increasing reporting and reducing attrition rates for*
19 *cases involving violent crimes against women, includ-*
20 *ing crimes of sexual assault and domestic violence;*
21 *and*

22 “(6) *aiding Indian tribe grantees, exclusively, in*
23 *financing the Violence Against Women Act of 1994.*

1 **“SEC. 1702. STATE GRANTS.**

2 “(a) *GENERAL GRANTS.*—The Director of the Bureau
3 of Justice Assistance (hereinafter in this part referred to
4 as the ‘Director’) is authorized to make grants to States,
5 Indian tribes, units of local government, tribal organiza-
6 tions, and nonprofit nongovernmental victim services pro-
7 grams in the States or Indian country.

8 “(b) *APPLICATION REQUIREMENTS.*—Applications
9 shall include—

10 “(1) documentation from prosecution, law en-
11 forcement, and victim services programs to be assisted
12 that demonstrates—

13 “(A) the need for grant funds;

14 “(B) the intended use of grant funds; and

15 “(C) the expected results;

16 “(2) proof of compliance with the requirements
17 for the payment of forensic medical exams provided
18 pursuant to section 1603 of the Violence Against
19 Women Act of 1994, except that Indian tribes are ex-
20 empt from such requirement; and

21 “(3) proof of compliance with the requirements
22 for paying filing and service fees for domestic violence
23 cases pursuant to section 1604 of the Violence Against
24 Women Act of 1994.

1 “(c) *QUALIFICATION.*—Upon satisfying the terms of
2 subsection (b), an eligible entity shall be eligible for funds
3 provided under this part by—

4 “(1) certifying that funds received under this
5 part shall be used for the purposes outlined in section
6 1701(b);

7 “(2) certifying that grantees shall develop a
8 plan, implement such plan, and otherwise consult and
9 coordinate with nonprofit nongovernmental domestic
10 violence and sexual assault victim services programs,
11 law enforcement officials, victim advocates, prosecu-
12 tors, and defense attorneys;

13 “(3) providing documentation from the individ-
14 uals and groups listed under paragraph (2) regarding
15 their participation in development of a plan and in-
16 volvement in the application process, as well as how
17 such individuals and groups will be involved in im-
18 plementation of the plan;

19 “(4) providing assurances that the plan devel-
20 oped under paragraph (2) shall meet the needs of ra-
21 cial, cultural, ethnic, and language minority popu-
22 lations;

23 “(5) providing assurances that prosecution, law
24 enforcement, and nonprofit nongovernmental victim
25 services programs in the community to be served by

1 *such plan each receive an equitable percentage of any*
2 *funds allocated under this part; and*

3 *“(6) providing assurances that any Federal*
4 *funds received under this part shall be used to supple-*
5 *ment, not supplant, non-Federal funds that would*
6 *otherwise be available for activities funded under this*
7 *part.*

8 *“(d) DISBURSEMENT OF FUNDS.—*

9 *“(1) IN GENERAL.—Not later than 60 days after*
10 *the receipt of an application under this part, the Di-*
11 *rector shall either disburse the appropriate sums pro-*
12 *vided for under this part or shall inform the appli-*
13 *cant regarding why the application does not conform*
14 *to the requirements of this section.*

15 *“(2) RESPONSIBILITY OF DIRECTOR.—In dis-*
16 *bursing funds under this part, the Director shall issue*
17 *regulations—*

18 *“(A) to distribute funds equitably on a geo-*
19 *graphic basis, including nonurban and rural*
20 *areas of varying geographic size; and*

21 *“(B) give priority to areas of varying geo-*
22 *graphic size with the greatest showing of need*
23 *based on the availability of existing domestic vi-*
24 *olence and sexual assault programs in the popu-*
25 *lation and geographic area to be served in rela-*

1 *tion to the availability of such programs in other*
2 *such populations and geographic areas.*

3 “(e) *GRANTEE REPORTING.*—(1) *Not later than March*
4 *31 of each year during which funds are received under this*
5 *part, the grantee shall file a performance report with the*
6 *Director explaining the activities carried out together with*
7 *an assessment of the effectiveness of such activities in*
8 *achieving the purposes of this part.*

9 “(2) *The grantee shall arrange for assessments of the*
10 *grantee’s program from all organizations and government*
11 *entities that were involved in the design of the grant plan.*

12 “(3) *Such assessments must be sent directly to the Di-*
13 *rector by the assessing entity.*

14 “(f) *SUSPENSION OF FUNDING.*—*The Director shall*
15 *suspend funding for an approved application if—*

16 “(1) *an applicant fails to submit an annual per-*
17 *formance report;*

18 “(2) *funds provided under this part are ex-*
19 *pended for purposes other than those set forth under*
20 *this part; or*

21 “(3) *grant reports or accompanying assessments*
22 *demonstrate to the Director that the program is inef-*
23 *fective or financially unsound.*

24 **“SEC. 1703. GENERAL DEFINITIONS.**

25 “*For purposes of this part—*

1 “(1) the term ‘domestic violence’ means crimes of
2 violence committed against a victim by a current or
3 former spouse of the victim, an individual with whom
4 the victim shares a child in common, an individual
5 who is cohabiting with or has cohabited with the vic-
6 tim as a spouse, an individual similarly situated to
7 a spouse, or any other individual who is protected
8 under domestic or family violence laws of the jurisdic-
9 tion that receives a grant under this part;

10 “(2) the term ‘eligible entity’ means a State,
11 unit of local government, Indian tribe, and a non-
12 profit, nongovernmental victims services program;

13 “(3) the term ‘Indian tribe’ means any Indian
14 tribe, band, nation, or other organized group or com-
15 munity, including any Alaska Native village or re-
16 gional or village corporation (as defined in, or estab-
17 lished pursuant to, the Alaska Native Claims Settle-
18 ment Act (43 U.S.C. 1601, et seq.)), which is recog-
19 nized as eligible for the special services provided by
20 the United States to Indians because of their status
21 as Indians;

22 “(4) the term ‘Indian country’ has the meaning
23 given to such term by section 1151 of title 18, United
24 States Code;

1 “(5) the term ‘sexual assault’ means any conduct
2 proscribed by chapter 109A of title 18, United States
3 Code, whether or not the conduct occurs in the special
4 maritime and territorial jurisdiction of the United
5 States or in a Federal prison and includes both as-
6 saults committed by offenders who are strangers to the
7 victim and assaults committed by offenders who are
8 known or related by blood or marriage to the victim;
9 and

10 “(6) the term ‘victim services program’ means a
11 nongovernmental nonprofit program that assists do-
12 mestic violence or sexual assault victims, including
13 nongovernmental nonprofit organizations such as
14 rape crisis centers, battered women’s shelters, and
15 other sexual assault and domestic violence programs,
16 including nonprofit nongovernmental organizations
17 assisting domestic violence and sexual assault victims
18 through the legal process.

19 **“SEC. 1704. GENERAL TERMS AND CONDITIONS.**

20 “(a) *NONMONETARY ASSISTANCE.*—In addition to the
21 assistance provided under section 1702, the Attorney Gen-
22 eral may request any Federal agency, with or without reim-
23 bursement, to use its authorities and the resources granted
24 to it under Federal law (including personnel, equipment,
25 supplies, facilities, and managerial, technical, and advisory

1 *services) to support State, tribal, and local assistance efforts*
2 *under this part.*

3 *“(b) BUREAU REPORTING.—Not later than 180 days*
4 *after the end of each fiscal year for which grants are made*
5 *under this part, the Director shall submit to the Congress*
6 *a report that includes, for each State and Indian tribe—*

7 *“(1) the amount of grants made under this part;*

8 *“(2) a summary of the purposes for which grants*
9 *were provided and an evaluation of progress; and*

10 *“(3) an evaluation of the effectiveness of pro-*
11 *grams established with funds under this part.”.*

12 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*
13 *1001(a) of title I of the Omnibus Crime Control and Safe*
14 *Streets Act of 1968 (42 U.S.C. 3793), is amended by adding*
15 *at the end the following:*

16 *“(12) There are authorized to be appropriated for each*
17 *of the fiscal years 1994 and 1995, \$200,000,000 to carry*
18 *out the purposes of part Q, with not less than 8 percent*
19 *of such appropriation allotted specifically for Indian*
20 *tribes.”.*

21 *(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b)*
22 *of title I of the Omnibus Crime Control and Safe Streets*
23 *Act of 1968 is amended by striking “and O” and inserting*
24 *“O, Q,”.*

1 (2) *Section 802(b) of title I of the Omnibus Crime Con-*
 2 *trol and Safe Streets Act of 1968 is amended by striking*
 3 *“or O” and inserting “O, Q.”.*

4 (d) *CONFORMING AMENDMENT.—The table of contents*
 5 *of title I of the Omnibus Crime Control and Safe Streets*
 6 *Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking*
 7 *the matter relating to part Q and inserting the following:*

“PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“Sec. 1702. State grants.

“Sec. 1703. General definitions.

“Sec. 1704. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

8 ***SEC. 1603. RAPE EXAM PAYMENTS.***

9 (a) *RESTRICTION OF FUNDS.—No State is entitled to*
 10 *funds under this title unless the State incurs the full out*
 11 *of pocket cost of forensic medical exams described in sub-*
 12 *section (b) for victims of sexual assault.*

13 (b) *MEDICAL COSTS.—A State shall be deemed to*
 14 *incur the full out of pocket cost of forensic medical exams*
 15 *for victims of sexual assault if such State—*

16 (1) *provides such exams to victims free of charge*
 17 *to the victim;*

18 (2) *arranges for victims to obtain such exams*
 19 *free of charge to the victims; or*

20 (3) *reimburses victims for the cost of such exams,*
 21 *if—*

1 (A) the reimbursement covers the full cost of
2 such exams, without any deductible requirement
3 or limit on the amount of a reimbursement;

4 (B) the State permits victims to apply to
5 the State for reimbursement for not less than one
6 year from the date of the exam;

7 (C) the State provides reimbursement not
8 later than 90 days after written notification of
9 the victim's expense; and

10 (D) the State provides information at the
11 time of the exam to all victims, including vic-
12 tims with limited or no English proficiency, re-
13 garding how to obtain reimbursement.

14 **SEC. 1604. FILING COSTS FOR CRIMINAL CHARGES.**

15 No State is entitled to funds under this title unless
16 the State certifies that their laws, policies, and practices
17 do not require, in connection with the prosecution of any
18 misdemeanor or felony domestic violence offense, that the
19 abused bear the costs associated with the filing of criminal
20 charges against the domestic violence offender, or that the
21 abused bear the costs associated with the issuance or service
22 of a warrant, protection order, or witness subpoena.

23 **SEC. 1605. EQUITABLE TREATMENT OF RAPE CASES.**

24 No State is entitled to funds under this title unless
25 the State can certify that its laws and policies treat sex

1 offenses committed by offenders who are known to, cohabi-
2 tants of, social companions of, or related by blood or mar-
3 riage to, the victim no less severely than sex offenses com-
4 mitted by offenders who are strangers to the victim.

5 **SEC. 1606. EDUCATION AND PREVENTION GRANTS TO RE-**
6 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

7 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
9 as amended by section 1602, is further amended by—

10 (1) redesignating part R as part S;

11 (2) redesignating section 1801 as section 1901;

12 and

13 (3) adding after part Q the following new part:

14 **“PART R—RAPE PREVENTION PROGRAMS**

15 **“SEC. 1801. GRANT AUTHORIZATION.**

16 “The Director of the Bureau of Justice Assistance (re-
17 ferred to in this part as the ‘Director’) is authorized to make
18 grants—

19 “(1) to provide educational seminars, particu-
20 larly developed with emphasis on seminars for ele-
21 mentary and secondary school age children, designed
22 to develop an awareness of what acts meet the legal
23 definition of rape;

1 “(2) to provide programs for elementary and sec-
2 ondary school age children that teach nonviolent con-
3 flict resolution, self defense, or other relevant skills;

4 “(3) to operate telephone hotlines for callers with
5 questions regarding sexual assault and rape;

6 “(4) to design and disseminate training pro-
7 grams for professionals, including the development
8 and dissemination of protocols for the routine identi-
9 fication, treatment, and appropriate referral of vic-
10 tims of sexual assault by hospital emergency person-
11 nel and other professionals;

12 “(5) to develop treatment programs for convicted
13 sex offenders and make such programs available to the
14 local community and to Federal and State prisons;

15 “(6) to prepare and disseminate informational
16 materials designed to educate the community regard-
17 ing sexual assault and prevention; and

18 “(7) to develop other projects to increase aware-
19 ness and prevention of sexual assault, including ef-
20 forts to increase awareness of sexual assault preven-
21 tion among racial, ethnic, cultural and language
22 minorities.

23 **“SEC. 1802. APPLICATIONS.**

24 “(a) *IN GENERAL.*—To be eligible to receive a grant
25 under this part, a duly authorized representative of an eli-

1 gible entity shall submit an application to the Director in
2 such form and containing such information as the Director
3 may reasonably require.

4 “(b) *ASSURANCES.*—Each application must contain
5 an assurance that Federal funds received under this part
6 shall be used to supplement, not supplant, non-Federal
7 funds that would otherwise be available for activities funded
8 under this part.

9 “(c) *REQUIRED PLAN.*—Each application shall in-
10 clude a plan that contains—

11 “(1) a description of the projects to be developed;

12 “(2) a description of how funds would be spent;

13 “(3) a statement of staff qualifications and dem-
14 onstrated expertise in the field of rape prevention and
15 education; and

16 “(4) a statement regarding the ability to serve
17 community needs and language minority populations
18 in providing ethnically and culturally and linguis-
19 tically appropriate programs where necessary.

20 **“SEC. 1803. REPORTS.**

21 “(a) *GRANTEE REPORTING.*—Upon completion of the
22 grant period under this subpart, each grantee shall file a
23 performance report with the Director explaining the activi-
24 ties carried out together with an assessment of the effective-
25 ness of such activities in achieving the purposes of this sub-

1 *part. The Director shall suspend funding for an approved*
2 *application if an applicant fails to submit an annual per-*
3 *formance report.*

4 “(b) *BUREAU REPORTING.*—*Not later than 180 days*
5 *after the end of each fiscal year for which grants are made*
6 *under this subpart, the Director shall submit to the Con-*
7 *gress a report that includes, for each grantee—*

8 “(1) *the amount of grants made under this sub-*
9 *part;*

10 “(2) *a summary of the purposes for which grants*
11 *were provided and an evaluation of progress; and*

12 “(3) *an evaluation of the effectiveness of pro-*
13 *grams established with funds under this part.*

14 **“SEC. 1804. DEFINITIONS.**

15 “*For purposes of this part—*

16 “(1) *the term ‘eligible entity’ means a nonprofit,*
17 *nongovernmental organization that directly serves or*
18 *provides advocacy on behalf of victims of rape or sex-*
19 *ual assault; and*

20 “(2) *the term ‘sexual assault prevention and edu-*
21 *cation’ means education and prevention efforts di-*
22 *rected at reducing the number of sexual assaults.”.*

23 (b) *AUTHORIZATION OF APPROPRIATION.*—*Section*
24 *1001(a) of title I of the Omnibus Crime Control and Safe*

1 *Streets Act of 1968 (42 U.S.C. 3793), is amended by adding*
 2 *at the end the following:*

3 “(13) There are authorized to be appropriated to carry
 4 out the purposes of part R, \$60,000,000 for fiscal year 1994,
 5 \$75,000,000 for fiscal year 1995, and \$100,000,000 for fis-
 6 cal year 1996.”.

7 (c) *ADMINISTRATIVE PROVISIONS.—(1) Section 801(b)*
 8 *of title I of the Omnibus Crime Control and Safe Streets*
 9 *Act of 1968, as amended by section 1602 of this Act, is*
 10 *amended by striking “O, and Q” and inserting “O, Q, and*
 11 *R”.*

12 (2) *Section 802(b) of title I of the Omnibus Crime Con-*
 13 *trol and Safe Streets Act of 1968, as amended by section*
 14 *1602 of this Act, is amended by striking “O, or Q” and*
 15 *inserting “O, Q, or R”.*

16 (d) *CONFORMING AMENDMENT.—The table of contents*
 17 *of title I of the Omnibus Crime Control and Safe Streets*
 18 *Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
 19 *1602, is amended by striking the matter relating to part*
 20 *R and inserting the following:*

“PART R—RAPE PREVENTION PROGRAMS

“Sec. 1801. Grant authorization.

“Sec. 1802. Applications.

“Sec. 1803. Reports.

“Sec. 1804. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

1 **SEC. 1607. NATIONAL INSTITUTE OF JUSTICE TRAINING**
2 **PROGRAMS.**

3 (a) *IN GENERAL.*—*The National Institute of Justice,*
4 *after consultation with victim advocates and individuals*
5 *who have expertise in treating sex offenders, shall establish*
6 *criteria and develop training programs to assist probation*
7 *and parole officers and other personnel who work with re-*
8 *leased sex offenders in the areas of—*

9 (1) *case management;*

10 (2) *supervision; and*

11 (3) *relapse prevention.*

12 (b) *TRAINING PROGRAMS.*—*The Director of the Na-*
13 *tional Institute of Justice shall attempt, to the extent prac-*
14 *ticable, to make training programs developed under sub-*
15 *section (a) available in geographically diverse locations*
16 *throughout the country.*

17 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated \$1,000,000 for each of the*
19 *fiscal years 1994 and 1995 to carry out the provisions of*
20 *this section.*

21 **SEC. 1608. INFORMATION PROGRAMS.**

22 *The Attorney General shall compile information re-*
23 *garding sex offender treatment programs and ensure that*
24 *information regarding community treatment programs in*
25 *the community into which a convicted sex offender is re-*
26 *leased is made available to each person serving a sentence*

1 *of imprisonment in a Federal penal or correctional institu-*
2 *tion for a commission of an offense under chapter 109A of*
3 *title 18 of the United States Code or for the commission*
4 *of a similar offense, including halfway houses and psy-*
5 *chiatric institutions.*

6 **SEC. 1609. VICTIM COMPENSATION.**

7 (a) *IN GENERAL.*—Chapter 109A of title 18, United
8 States Code, is amended by adding at the end the following
9 new section:

10 **“§ 2247. Mandatory restitution for sex offenses**

11 “(a) *IN GENERAL.*—Notwithstanding section 3663 of
12 this title, and in addition to any other civil or criminal
13 penalty authorized by law, the court shall order restitution
14 for any offense under this chapter.

15 “(b) *SCOPE AND NATURE OF ORDER.*—

16 “(1) *IN GENERAL.*—The order of restitution
17 under this section shall direct that—

18 “(A) the defendant pay to the victim the
19 full amount of the victim’s losses as determined
20 by the court, pursuant to paragraph (3) of this
21 subsection; and

22 “(B) the United States Attorney enforce the
23 restitution order by all available and reasonable
24 means.

1 “(2) *DEFINITIONS.*—As used in this subsection,
2 the term ‘full amount of the victim’s losses’ includes
3 any costs incurred by the victim for—

4 “(A) *medical services relating to physical,*
5 *psychiatric, or psychological care;*

6 “(B) *physical and occupational therapy or*
7 *rehabilitation;*

8 “(C) *lost income;*

9 “(D) *attorneys’ fees, plus any costs incurred*
10 *in obtaining a civil protection order;*

11 “(E) *temporary housing;*

12 “(F) *transportation;*

13 “(G) *necessary child care;*

14 “(H) *language translation services; and*

15 “(I) *any other losses suffered by the victim*
16 *as a proximate result of the offense.*

17 “(3) *MANDATORY NATURE OF ORDER.*—(A) *Res-*
18 *titution orders under this section are mandatory. A*
19 *court may not decline to issue an order under this*
20 *section because of—*

21 “(i) *the economic circumstances of the de-*
22 *fendant; or*

23 “(ii) *the fact that a victim has, or is enti-*
24 *tled to, receive compensation for his or her inju-*

1 *ries from the proceeds of insurance or any other*
2 *source.*

3 *“(B) Subparagraph (A) of this paragraph does*
4 *not apply if—*

5 *“(i) the court finds on the record that the*
6 *economic circumstances of the defendant do not*
7 *allow for the payment of any amount of a res-*
8 *titution order, and do not allow for the payment*
9 *of any amount of a restitution order in the fore-*
10 *seeable future (under any reasonable schedule of*
11 *payments); and*

12 *“(ii) the court enters in its order the*
13 *amount of the victim’s losses, and provides a*
14 *nominal restitution award.*

15 *“(4) CONSIDERATION OF ECONOMIC CIR-*
16 *CUMSTANCES.—*

17 *“(A) IN GENERAL.—Notwithstanding para-*
18 *graph (3) of this subsection, the court may take*
19 *into account the economic circumstances of the*
20 *defendant in determining the manner in which*
21 *and the schedule according to which the restitu-*
22 *tion is to be paid, including—*

23 *“(i) the financial resources and other*
24 *assets of the defendant;*

1 “(ii) *projected earnings, earning ca-*
2 *capacity, and other income of the defendant;*
3 *and*

4 “(iii) *any financial obligations of the*
5 *defendant, including obligations to depend-*
6 *ents.*

7 “(B) *LUMP-SUM OR PARTIAL PAYMENT.—*
8 *An order under this section may direct the de-*
9 *fendant to make a single lump-sum payment or*
10 *partial payments at specified intervals. The*
11 *order shall also provide that the defendant’s*
12 *restitutionary obligation takes priority over any*
13 *criminal fine ordered.*

14 “(5) *SETOFF.—Any amount paid to a victim*
15 *under this section shall be set off against any amount*
16 *later recovered as compensatory damages by the vic-*
17 *tim from the defendant in—*

18 “(A) *any Federal civil proceeding; and*

19 “(B) *any State civil proceeding, to the ex-*
20 *tent provided by the law of the State.*

21 “(c) *PROOF OF CLAIM.—*

22 “(1) *IN GENERAL.—Within 60 days after convic-*
23 *tion and, in any event, no later than 10 days prior*
24 *to sentencing, the United States Attorney (or dele-*
25 *gate), after consulting with the victim, shall prepare*

1 *and file an affidavit with the court listing the*
2 *amounts subject to restitution under this section. The*
3 *affidavit shall be signed by the United States Attor-*
4 *ney (or delegate) and the victim. Should the victim*
5 *object to any of the information included in the affi-*
6 *davit, the United States Attorney (or delegate) shall*
7 *advise the victim that the victim may file a separate*
8 *affidavit.*

9 “(2) *OBJECTIONS.*—*If, after notifying the de-*
10 *fendant of the affidavit, no objection is raised by the*
11 *defendant, the amounts attested to in the affidavit*
12 *filed pursuant to paragraph (1) of this subsection*
13 *shall be entered in the court’s restitution order. If ob-*
14 *jection is raised, the court may require the victim or*
15 *the United States Attorney (or such Attorney’s dele-*
16 *gate) to submit further affidavits or other supporting*
17 *documents, demonstrating the victim’s losses.*

18 “(3) *ADDITIONAL DOCUMENTATION AND TESTI-*
19 *MONY.*—*If the court concludes, after reviewing the*
20 *supporting documentation and considering the de-*
21 *fendant’s objections, that there is a substantial reason*
22 *for doubting the authenticity or veracity of the*
23 *records submitted, the court may require additional*
24 *documentation or hear testimony on those questions.*
25 *The privacy of any records filed, or testimony heard,*

1 *pursuant to this section, shall be maintained to the*
2 *greatest extent possible.*

3 “(4) *FINAL DETERMINATION OF LOSSES.*—*In the*
4 *event that the victim’s losses are not ascertainable 10*
5 *days prior to sentencing as provided in subsection*
6 *(c)(1) of this section, the United States Attorney (or*
7 *delegate) shall so inform the court, and the court shall*
8 *set a date for the final determination of the victim’s*
9 *losses, not to exceed 90 days after sentencing. If the*
10 *victim subsequently discovers further losses, the victim*
11 *shall have 60 days after discovery of those losses in*
12 *which to petition the court for an amended restitution*
13 *order. Such order may be granted only upon a show-*
14 *ing of good cause for the failure to include such losses*
15 *in the initial claim for restitutionary relief.”.*

16 (b) *TABLE OF SECTIONS.*—*The table of sections at the*
17 *beginning of chapter 109A of title 18, United States Code,*
18 *is amended by adding at the end the following:*

 “2247. *Mandatory restitution for sex offenses.*”.

19 **SEC. 1610. CAMPUS SEXUAL ASSAULT STUDY.**

20 (a) *STUDY.*—*The Attorney General shall provide for*
21 *a national baseline study to examine the scope of the prob-*
22 *lem of campus sexual assaults and the effectiveness of insti-*
23 *tutional and legal policies in addressing such crimes and*
24 *protecting victims. The Attorney General may utilize the*
25 *Bureau of Justice Statistics, the National Institute of Jus-*

1 *tice, and the Office for Victims of Crime in carrying out*
2 *this section.*

3 (b) *REPORT.*—*Based on the study required by sub-*
4 *section (a), the Attorney General shall prepare a report in-*
5 *cluding an analysis of—*

6 (1) *the number of reported allegations and esti-*
7 *mated number of unreported allegations of campus*
8 *sexual assaults, and to whom the allegations are re-*
9 *ported (including authorities of the educational insti-*
10 *tution, sexual assault victim service entities, and local*
11 *criminal authorities);*

12 (2) *the number of campus sexual assault allega-*
13 *tions reported to authorities of educational institu-*
14 *tions which are reported to criminal authorities;*

15 (3) *the number of campus sexual assault allega-*
16 *tions that result in criminal prosecution in compari-*
17 *son with the number of noncampus sexual assault al-*
18 *legations that result in criminal prosecution;*

19 (4) *Federal and State laws or regulations per-*
20 *taining specifically to campus sexual assaults;*

21 (5) *the adequacy of policies and practices of edu-*
22 *cational institutions in addressing campus sexual as-*
23 *saults and protecting victims, including consideration*
24 *of—*

1 (A) the security measures in effect at edu-
2 cational institutions, such as utilization of cam-
3 pus police and security guards, control over ac-
4 cess to grounds and buildings, supervision of stu-
5 dent activities and student living arrangements,
6 control over the consumption of alcohol by stu-
7 dents, lighting, and the availability of escort
8 services;

9 (B) the articulation and communication to
10 students of the institution's policies concerning
11 sexual assaults;

12 (C) policies and practices that may prevent
13 or discourage the reporting of campus sexual as-
14 saults to local criminal authorities, or that may
15 otherwise obstruct justice or interfere with the
16 prosecution of perpetrators of campus sexual as-
17 saults;

18 (D) the nature and availability of victim
19 services for victims of campus sexual assaults;

20 (E) the ability of educational institutions'
21 disciplinary processes to address allegations of
22 sexual assault adequately and fairly;

23 (F) measures that are taken to ensure that
24 victims are free of unwanted contact with alleged
25 assailants, and disciplinary sanctions that are

1 *imposed when a sexual assault is determined to*
2 *have occurred; and*

3 *(G) the grounds on which educational insti-*
4 *tutions are subject to lawsuits based on campus*
5 *sexual assaults, the resolution of these cases, and*
6 *measures that can be taken to avoid the likeli-*
7 *hood of lawsuits;*

8 *(6) an assessment of the policies and practices of*
9 *educational institutions that are most effective in ad-*
10 *dressng campus sexual assaults and protecting vic-*
11 *tims, including policies and practices relating to the*
12 *particular issues described in paragraph (5); and*

13 *(7) any recommendations the Attorney General*
14 *may have for reforms to address campus sexual as-*
15 *saults and protect victims more effectively, and any*
16 *other matters that the Attorney General deems rel-*
17 *evant to the subject of the study and report required*
18 *by this section.*

19 *(c) SUBMISSION OF REPORT.—The report required by*
20 *subsection (b) shall be submitted to the Committees on Edu-*
21 *cation and Labor and the Judiciary of the House of Rep-*
22 *resentatives and the Committees on Labor and Human Re-*
23 *sources and the Judiciary of the Senate not later than Sep-*
24 *tember 1, 1995.*

1 (d) *DEFINITION.*—For purposes of this subtitle, “campus sexual assaults” means sexual assaults committed
 2 against or by students or employees of institutions of post-
 3 secondary education and occurring at such institutions or
 4 during activities connected with such institutions.

5 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 6 authorized to be appropriated \$200,000 to carry out the
 7 study required by this section.

9 **Subtitle B—Safe Homes for Women**

10 **SEC. 1621. SHORT TITLE.**

11 This subtitle may be cited as the “Safe Homes for
 12 Women Act”.

13 **SEC. 1622. INTERSTATE ENFORCEMENT.**

14 (a) *IN GENERAL.*—Part I of title 18, United States
 15 Code, is amended by inserting after chapter 110 the follow-
 16 ing new chapter:

17 **“CHAPTER 110A—DOMESTIC VIOLENCE**

 “Sec. 2261. Interstate domestic violence.

 “Sec. 2262. Violation of protection order.

 “Sec. 2263. Pretrial release of defendant.

 “Sec. 2264. Restitution.

 “Sec. 2265. Full faith and credit given to protection orders.

 “Sec. 2266. Definitions for chapter.

18 **“§ 2261. Interstate domestic violence**

19 “(a) Whoever travels across a State line or enters or
 20 leaves Indian country with the intent to contact that per-
 21 son’s spouse or intimate partner, and in the course of that
 22 contact intentionally commits a crime of violence and there-

1 *by causes bodily injury to such spouse or intimate partner,*
2 *shall be punished as provided in subsection (b) of this sec-*
3 *tion.*

4 “(b) *The punishment for a violation of subsection (a)*
5 *of this section is a fine under this title, or imprisonment—*

6 “(1) *for life or any term of years, if the offender*
7 *murders the victim;*

8 “(2) *for not more than 20 years, if the offender*
9 *causes serious bodily injury to the victim;*

10 “(3) *for not more than 10 years, if the offender*
11 *uses a dangerous weapon during the offense;*

12 “(4) *as provided for the applicable conduct*
13 *under chapter 109A, if the offense constitutes sexual*
14 *abuse, as described under chapter 109A (without re-*
15 *gard to whether the offense was committed in the spe-*
16 *cial maritime and territorial jurisdiction of the Unit-*
17 *ed States or in a Federal prison); and*

18 “(5) *for not more than 5 years, in any other*
19 *case;*

20 *or both such fine and imprisonment.*

21 **“§ 2262. Violation of protection order**

22 “(a) *Whoever travels across a State line or enters or*
23 *leaves Indian country with the intent to engage in conduct*
24 *that—*

1 “(1)(A) violates a protection order, any portion
2 of which involves protection against credible threats of
3 violence, repeated harassment, or bodily injury, to the
4 person or persons for whom the protection order was
5 issued, and—

6 “(B) violates that portion of such protection
7 order; or

8 “(2) would violate paragraph (1) of this sub-
9 section if the conduct occurred in the jurisdiction in
10 which such order was issued;

11 and does engage in such conduct shall be punished as pro-
12 vided in subsection (b) of this section.

13 “(b) The punishment for a violation of subsection (a)
14 of this section is a fine under this title, or imprisonment—

15 “(1) for life or any term of years, if the offender
16 murders the victim;

17 “(2) for not more than 20 years, if the offender
18 causes serious bodily injury to the victim;

19 “(3) for not more than 10 years, if the offender
20 uses a dangerous weapon during the offense;

21 “(4) as provided for the applicable conduct
22 under chapter 109A, if the offense constitutes sexual
23 abuse, as described under chapter 109A (without re-
24 gard to whether the offense was committed in the spe-

1 *cial maritime and territorial jurisdiction of the Unit-*
2 *ed States or in a Federal prison); and*

3 *“(5) for not more than 5 years, in any other*
4 *case;*

5 *or both such fine and imprisonment.*

6 **“§ 2263. Pretrial release of defendant**

7 *“In any proceeding pursuant to section 3142 of this*
8 *title for the purpose of determining whether a defendant*
9 *charged under this chapter shall be released pending trial,*
10 *or for the purpose of determining conditions of such release,*
11 *the alleged victim shall be given an opportunity to be heard*
12 *regarding the danger posed by the defendant.*

13 **“§ 2264. Restitution**

14 *“(a) IN GENERAL.—In addition to any fine or term*
15 *of imprisonment provided under this chapter, and notwith-*
16 *standing the terms of section 3663 of this title, the court*
17 *shall order restitution to the victim of an offense under this*
18 *chapter.*

19 *“(b) SCOPE AND NATURE OF ORDER.—*

20 *“(1) IN GENERAL.—The order of restitution*
21 *under this section shall direct that—*

22 *“(A) the defendant pay to the victim the*
23 *full amount of the victim’s losses as determined*
24 *by the court, pursuant to paragraph (3) of this*
25 *subsection; and*

1 “(B) the United States Attorney enforce the
2 restitution order by all available and reasonable
3 means.

4 “(2) DEFINITION.—As used in this subsection,
5 the term ‘full amount of the victim’s losses’ includes
6 any costs incurred by the victim for—

7 “(A) medical services relating to physical,
8 psychiatric, or psychological care;

9 “(B) physical and occupational therapy or
10 rehabilitation;

11 “(C) lost income;

12 “(D) attorneys’ fees, plus any costs incurred
13 in obtaining a civil protection order;

14 “(E) temporary housing;

15 “(F) transportation;

16 “(G) necessary child care;

17 “(H) language translation services; and

18 “(I) any other losses suffered by the victim
19 as a proximate result of the offense.

20 “(3) MANDATORY NATURE OF ORDER.—(A) Res-
21 titution orders under this section are mandatory. A
22 court may not decline to issue an order under this
23 section because of—

24 “(i) the economic circumstances of the de-
25 fendant; or

1 “(ii) the fact that a victim has, or is enti-
2 tled to, receive compensation for his or her inju-
3 ries from the proceeds of insurance or any other
4 source.

5 “(B) Subparagraph (A) of this paragraph does
6 not apply if—

7 “(i) the court finds on the record that the
8 economic circumstances of the defendant do not
9 allow for the payment of any amount of a res-
10 titution order, and do not allow for the payment
11 of any amount of a restitution order in the fore-
12 seeable future (under any reasonable schedule of
13 payments); and

14 “(ii) the court enters in its order the
15 amount of the victim’s losses, and provides a
16 nominal restitution award.

17 “(4) CONSIDERATION OF ECONOMIC CIR-
18 CUMSTANCES.—

19 “(A) IN GENERAL.—Notwithstanding para-
20 graph (3) of this subsection, the court may take
21 into account the economic circumstances of the
22 defendant in determining the manner in which
23 and the schedule according to which the restitu-
24 tion is to be paid, including—

1 “(i) the financial resources and other
2 assets of the defendant;

3 “(ii) projected earnings, earning ca-
4 pacity, and other income of the defendant;
5 and

6 “(iii) any financial obligations of the
7 offender, including obligations to depend-
8 ents.

9 “(B) LUMP-SUM OR PARTIAL PAYMENT.—
10 An order under this section may direct the de-
11 fendant to make a single lump-sum payment, or
12 partial payments at specified intervals. The
13 order shall provide that the defendant’s
14 restitutionary obligation takes priority over any
15 criminal fine ordered.

16 “(5) SETOFF.—Any amount paid to a victim
17 under this section shall be setoff against any amount
18 later recovered as compensatory damages by the vic-
19 tim from the defendant in—

20 “(A) any Federal civil proceeding; and

21 “(B) any State civil proceeding, to the ex-
22 tent provided by the law of the State.

23 “(c) PROOF OF CLAIM.—

24 “(1) IN GENERAL.—Within 60 days after convic-
25 tion and, in any event, no later than 10 days before

1 *sentencing, the United States Attorney (or such Attor-*
2 *ney's delegate), after consulting with the victim, shall*
3 *prepare and file an affidavit with the court listing*
4 *the amounts subject to restitution under this section.*
5 *The affidavit shall be signed by the United States At-*
6 *torney (or the delegate) and the victim. Should the*
7 *victim object to any of the information included in*
8 *the affidavit, the United States Attorney (or the dele-*
9 *gate) shall advise the victim that the victim may file*
10 *a separate affidavit and assist the victim in the prep-*
11 *aration of that affidavit.*

12 “(2) *OBJECTIONS.—If, after notifying the de-*
13 *fendant of the affidavit, no objection is raised by the*
14 *defendant, the amounts attested to in the affidavit*
15 *filed pursuant to paragraph (1) of this subsection*
16 *shall be entered in the court's restitution order. If ob-*
17 *jection is raised, the court may require the victim or*
18 *the United States Attorney (or such Attorney's dele-*
19 *gate) to submit further affidavits or other supporting*
20 *documents, demonstrating the victim's losses.*

21 “(3) *ADDITIONAL DOCUMENTATION OR TESTI-*
22 *MONY.—If the court concludes, after reviewing the*
23 *supporting documentation and considering the de-*
24 *fendant's objections, that there is a substantial reason*
25 *for doubting the authenticity or veracity of the*

1 *records submitted, the court may require additional*
2 *documentation or hear testimony on those questions.*
3 *The privacy of any records filed, or testimony heard,*
4 *pursuant to this section, shall be maintained to the*
5 *greatest extent possible.*

6 “(4) *FINAL DETERMINATION OF LOSSES.*—*In the*
7 *event that the victim’s losses are not ascertainable 10*
8 *days before sentencing as provided in paragraph (1)*
9 *of this subsection, the United States Attorney (or such*
10 *Attorney’s delegate) shall so inform the court, and the*
11 *court shall set a date for the final determination of*
12 *the victim’s losses, not to exceed 90 days after sentenc-*
13 *ing. If the victim subsequently discovers further losses,*
14 *the victim shall have 90 days after discovery of those*
15 *losses in which to petition the court for an amended*
16 *restitution order. Such order may be granted only*
17 *upon a showing of good cause for the failure to in-*
18 *clude such losses in the initial claim for*
19 *restitutionary relief.*

20 “(d) *RESTITUTION AND CRIMINAL PENALTIES.*—*An*
21 *award of restitution to the victim of an offense under this*
22 *chapter is not a substitute for imposition of punishment*
23 *under this chapter.*

1 **“§2265. Full faith and credit given to protection or-**
2 **ders**

3 “(a) *FULL FAITH AND CREDIT.*—Any protection order
4 issued that is consistent with subsection (b) of this section
5 by the court of one State or Indian tribe (the issuing State
6 or Indian tribe) shall be accorded full faith and credit by
7 the court of another State or Indian tribe (the enforcing
8 State or Indian tribe) and enforced as if it were the order
9 of the enforcing State or tribe.

10 “(b) *PROTECTION ORDER.*—A protection order issued
11 by a State or tribal court is consistent with this subsection
12 if—

13 “(1) such court has jurisdiction over the parties
14 and matter under the law of such State or Indian
15 tribe; and

16 “(2) reasonable notice and opportunity to be
17 heard is given to the person against whom the order
18 is sought sufficient to protect that person’s right to
19 due process. In the case of *ex parte* orders, notice and
20 opportunity to be heard must be provided within the
21 time required by State or tribal law, and in any
22 event within a reasonable time after the order is
23 issued, sufficient to protect the respondent’s due
24 process rights.

25 “(c) *CROSS OR COUNTER PETITION.*—A protection
26 order issued by a State or tribal court against one who has

1 *petitioned, filed a complaint, or otherwise filed a written*
2 *pleading for protection against abuse by a spouse or inti-*
3 *mate partner is not entitled to full faith and credit if—*

4 “(1) *no cross or counter petition, complaint, or*
5 *other written pleading was filed seeking such a pro-*
6 *tection order; or*

7 “(2) *a cross or counter petition has been filed*
8 *and the court did not make specific findings that each*
9 *party was entitled to such an order.*

10 **“§ 2266. Definitions for chapter**

11 *“As used in this chapter—*

12 “(1) *the term ‘spouse or intimate partner’ in-*
13 *cludes—*

14 “(A) *a spouse, a former spouse, a person*
15 *who shares a child in common with the abuser,*
16 *a person who cohabits or has cohabited with the*
17 *abuser as a spouse, and any other person simi-*
18 *larly situated to a spouse; and*

19 “(B) *any other person, other than a minor*
20 *child, who is protected by the domestic or family*
21 *violence laws of the State in which the injury oc-*
22 *curred or where the victim resides;*

23 “(2) *the term ‘protection order’ includes any in-*
24 *junction or other order issued for the purpose of pre-*
25 *venting violent or threatening acts by one spouse*

1 *against his or her spouse, former spouse, or intimate*
2 *partner, including temporary and final orders issued*
3 *by civil and criminal courts (other than support or*
4 *child custody orders) whether obtained by filing an*
5 *independent action or as a pendente lite order in an-*
6 *other proceeding so long as any civil order was issued*
7 *in response to a complaint, petition or motion filed*
8 *by or on behalf of an abused spouse or intimate part-*
9 *ner;*

10 *“(3) the term ‘State’ includes a State of the*
11 *United States, the District of Columbia, a common-*
12 *wealth, territory, or possession of the United States;*

13 *“(4) the term ‘travel across State lines’ does not*
14 *include travel across State lines by an individual who*
15 *is a member of an Indian tribe when such individual*
16 *remains at all times in the territory of the Indian*
17 *tribe of which the individual is a member;*

18 *“(5) the term ‘bodily harm’ means any act, ex-*
19 *cept one done in self-defense, that results in physical*
20 *injury or sexual abuse; and*

21 *“(6) the term ‘Indian country’ has the meaning*
22 *given to such term by section 1151 of this title.”.*

23 **(b) TABLE OF CHAPTERS.**—*The table of chapters at*
24 *the beginning of part I of title 18, United States Code, is*

1 amended by inserting after the item for chapter 110 the fol-
 2 lowing new item:

“**110A. Domestic violence** **2261.**”

3 **SEC. 1623. ENCOURAGING ARREST POLICIES.**

4 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
 5 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
 6 as amended by section 1606, is further amended by—

7 (1) redesignating part S as part T;

8 (2) redesignating section 1901 as section 2001;

9 and

10 (3) adding after part R the following new part:

11 **“PART S—GRANTS TO ENCOURAGE ARREST**

12 **POLICIES**

13 **“SEC. 1901. ARREST POLICIES.**

14 “(a) *GENERAL PROGRAM PURPOSE.*—The purpose of
 15 this part is to encourage States, Indian tribes, and units
 16 of local government to treat domestic violence as a serious
 17 violation of criminal law. The Director of the Bureau of
 18 Justice Assistance may make grants to eligible States, In-
 19 dian tribes, or units of local government for the following:

20 “(1) To implement mandatory arrest or
 21 proarrest programs, including mandatory arrest pro-
 22 grams for protective order violations.

23 “(2) To develop policies, and training in police
 24 departments to improve tracking of cases involving
 25 domestic violence.

1 “(3) To centralize and coordinate police enforce-
2 ment, prosecution, or judicial responsibility for do-
3 mestic violence cases in groups or units of police offi-
4 cers, prosecutors, or judges.

5 “(4) To strengthen legal advocacy service pro-
6 grams for victims of domestic violence.

7 “(5) To educate judges in criminal and other
8 courts about domestic violence and to improve judi-
9 cial handling of such cases.

10 “(b) ELIGIBILITY.—Eligible grantees are States, In-
11 dian tribes, or units of local government that—

12 “(1) certify that their laws or official policies—

13 “(A)(i) encourage or mandate arrest of do-
14 mestic violence offenders based on probable cause
15 that violence has been committed; or

16 “(ii) certify that all their law enforcement
17 personnel have received domestic violence train-
18 ing conducted by a State Domestic Violence Coa-
19 lition as defined in section 10410(b) of title 42,
20 United States Code; and

21 “(B) mandate arrest of domestic violence of-
22 fenders who violate the terms of a valid and out-
23 standing protection order;

1 “(2) demonstrate that their laws, policies, or
2 practices, and training programs discourage dual ar-
3 rests of offender and victim;

4 “(3) certify that their laws, policies, and prac-
5 tices prohibit issuance of mutual restraining orders of
6 protection except in cases where both spouses file a
7 claim and the court makes detailed finding of fact in-
8 dicating that both spouses acted primarily as aggres-
9 sors and that neither spouse acted primarily in self-
10 defense;

11 “(4) certify that their laws, policies, and prac-
12 tices do not require, in connection with the prosecu-
13 tion of any misdemeanor or felony domestic violence
14 offense, that the abused bear the costs associated with
15 the filing of criminal charges or the service of such
16 charges on an abuser, or that the abused bear the costs
17 associated with the issuance or service of a warrant,
18 protection order, or witness subpoena; and

19 “(5) certify that their laws and policies treat sex
20 offenses committed by offenders who are known to, co-
21 habitants of, or social companions of or related by
22 blood or marriage to, the victim no less severely than
23 sex offenses committed by offenders who are strangers
24 to the victim.

1 **“SEC. 1902. APPLICATIONS.**

2 “(a) *APPLICATION.*—An eligible grantee shall submit
3 an application to the Director that shall—

4 “(1) describe plans to implement policies de-
5 scribed in subsection (b);

6 “(2) identify the agency or office or groups of
7 agencies or offices responsible for carrying out the
8 program; and

9 “(3) include documentation from nonprofit, pri-
10 vate sexual assault and domestic violence programs
11 demonstrating their participation in developing the
12 application, and identifying such programs in which
13 such groups will be consulted for development and im-
14 plementation.

15 “(b) *PRIORITY.*—In awarding grants under this part,
16 the Director shall give priority to an applicant that—

17 “(1) does not currently provide for centralized
18 handling of cases involving domestic violence by pol-
19 icy, prosecutors, and courts; and

20 “(2) demonstrates a commitment to strong en-
21 forcement of laws, and prosecution of cases, involving
22 domestic violence.

23 **“SEC. 1903. REPORTS.**

24 “Each grantee receiving funds under this part shall
25 submit a report to the Director evaluating the effectiveness
26 of projects developed with funds provided under this part

1 *and containing such additional information as the*
2 *Director may prescribe.*

3 **“SEC. 1904. DEFINITIONS.**

4 *“For purposes of this part—*

5 *“(1) the term ‘domestic violence’ means a crime*
6 *of violence against a victim committed by a current*
7 *or former spouse of the victim, an individual with*
8 *whom the victim shares a child in common, an indi-*
9 *vidual who cohabits with or has cohabited with the*
10 *victim as a spouse, or any other individual similarly*
11 *situated to a spouse, or any other person who is pro-*
12 *ected under the domestic or family violence laws of*
13 *the eligible State, Indian tribe, municipality, or local*
14 *government entity; and*

15 *“(2) the term ‘protection order’ includes any in-*
16 *junction issued for the purpose of preventing violent*
17 *or threatening acts of domestic violence including*
18 *temporary and final orders issued by civil and crimi-*
19 *nal courts (other than support or child custody provi-*
20 *sions) whether obtained by filing an independent ac-*
21 *tion or as a pendente lite order in another proceed-*
22 *ing.”.*

23 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*
24 *1001(a) of title I of the Omnibus Crime Control and Safe*

1 *Streets Act of 1968 (42 U.S.C. 3793), is amended by adding*
2 *at the end the following:*

3 “(14) *There are authorized to be appropriated*
4 *\$25,000,000 for each of the fiscal years 1994, 1995, and*
5 *1996 to carry out the purposes of part S.”.*

6 (c) *ADMINISTRATIVE PROVISIONS.—(1) Section 801(b)*
7 *of title I of the Omnibus Crime Control and Safe Streets*
8 *Act of 1968, as amended by section 1606 of this Act, is*
9 *amended by striking “O, Q, and R” and inserting “O, Q,*
10 *R, and S”.*

11 (2) *Section 802(b) of title I of the Omnibus Crime Con-*
12 *trol and Safe Streets Act of 1968, as amended by section*
13 *1606 of this Act, is amended by striking “O, Q, or R” and*
14 *inserting “O, Q, R, or S”.*

15 (d) *EFFECTIVE DATE.—The eligibility requirements*
16 *provided in this section shall take effect 1 year after the*
17 *date of enactment of this subtitle.*

18 (e) *CONFORMING AMENDMENT.—The table of contents*
19 *of title I of the Omnibus Crime Control and Safe Streets*
20 *Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
21 *1606, is further amended by striking the matter relating*
22 *to part S and inserting the following:*

“PART S—GRANTS TO ENCOURAGE ARREST POLICIES

“Sec. 1901. Arrest policies.

“Sec. 1902. Applications.

“Sec. 1903. Reports.

“Sec. 1904. Definitions.

1 **Subtitle C—Domestic Violence**

2 **SEC. 1624. FINDINGS.**

3 *The Congress finds that—*

4 (1) *domestic violence is the leading cause of in-*
5 *jury to women in the United States between the ages*
6 *of 15 and 44;*

7 (2) *firearms are used by the abuser in 7 percent*
8 *of domestic violence incidents and produces an ad-*
9 *verse effect on interstate commerce; and*

10 (3) *individuals with a history of domestic abuse*
11 *should not have easy access to firearms.*

12 **SEC. 1625. PROHIBITION AGAINST DISPOSAL OF FIREARMS**

13 **TO, OR RECEIPT OF FIREARMS BY, PERSONS**

14 **WHO HAVE COMMITTED DOMESTIC ABUSE.**

15 (a) *INTIMATE PARTNER DEFINED.*—Section 921(a) of
16 *title 18, United States Code, is amended by inserting at*
17 *the end the following:*

18 “(30) *The term ‘intimate partner’ means, with respect*
19 *to a person, the spouse of the person, a former spouse of*
20 *the person, an individual who is a parent of a child of the*
21 *person, and an individual who cohabitates or has cohabited*
22 *with the person.’”.*

23 (b) *PROHIBITION AGAINST DISPOSAL OF FIREARMS.*—
24 *Section 922(d) of such title is amended—*

1 (1) by striking “or” at the end of paragraph (6);

2 (2) by striking the period at the end of para-
3 graph (7) and inserting “; or”; and

4 (3) by inserting after paragraph (7) the follow-
5 ing:

6 “(8) is subject to a court order that restrains
7 such person from harassing, stalking, or threatening
8 an intimate partner of such person, or engaging in
9 other conduct that would place an intimate partner
10 in reasonable fear of bodily injury, except that this
11 paragraph shall only apply to a court order that (A)
12 was issued after a hearing of which such person re-
13 ceived actual notice, and at which such person had
14 the opportunity to participate, and (B) includes a
15 finding that such person represents a credible threat
16 to the physical safety of such intimate partner.”.

17 (c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—

18 Section 922(g) of such title is amended—

19 (1) by striking “or” at the end of paragraph (6);

20 (2) by inserting “or” at the end of paragraph
21 (7); and

22 (3) by inserting after paragraph (7) the follow-
23 ing:

24 “(8) who is subject to a court order that—

1 “(A) was issued after a hearing of which
2 such person received actual or constructive no-
3 tice, and at which such person had an oppor-
4 tunity to participate;

5 “(B) restrains such person from harassing,
6 stalking, or threatening an intimate partner of
7 such person, or engaging in other conduct that
8 would place an intimate partner in reasonable
9 fear of bodily injury; and

10 “(C) includes a finding that such person
11 represents a credible threat to the physical
12 safety of such intimate partner;”.

13 (d) *STORAGE OF FIREARMS.*—Section 926(a) of such
14 title is amended—

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

17 (2) by striking the period at the end of para-
18 graph (2) and inserting “; and”; and

19 (3) by inserting after paragraph (2) the follow-
20 ing:

21 “(3) regulations providing for effective receipt
22 and secure storage of firearms relinquished by or
23 seized from persons described in subsection (d)(8) or
24 (g)(8) of section 922.”.

1 (e) *RETURN OF FIREARMS.*—Section 924(d)(1) of such
2 title is amended by striking “the seized” and inserting “or
3 lapse of or court termination of the restraining order to
4 which he is subject, the seized or relinquished”.

5 **SEC. 1626. ALIEN SPOUSE PETITIONING RIGHTS FOR IMME-**
6 **DIATE RELATIVE OR SECOND PREFERENCE**
7 **STATUS.**

8 (a) *IN GENERAL.*—Section 204(a)(1) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
10 ed—

11 (1) in subparagraph (A)—

12 (A) by inserting “(i)” after “(A)”,

13 (B) by redesignating the second sentence as
14 clause (ii), and

15 (C) by adding at the end the following new
16 clause:

17 “(iii) An alien who is the spouse of a citizen of the
18 United States, who is eligible to be classified as an imme-
19 diate relative under section 201(b)(2)(A)(i), and who has
20 resided in the United States with the alien’s spouse may
21 file a petition with the Attorney General under this sub-
22 paragraph for classification of the alien (and children of
23 the alien) under such section if the alien demonstrates to
24 the Attorney General that—

1 “(I) the alien is residing in the United States,
2 the marriage between the alien and the spouse was
3 entered into in good faith by the alien, and during
4 the marriage the alien or a child of the alien has been
5 battered by or has been the subject of extreme cruelty
6 perpetrated by the alien’s spouse, or

7 “(II) the alien is residing in the United States
8 with the alien’s spouse, the alien has been married to
9 and residing with the spouse for a period of not less
10 than 3 years, and the alien’s spouse has failed to file
11 a petition under clause (i) on behalf of the alien.”;
12 and

13 (2) in subparagraph (B)—

14 (A) by inserting “(i)” after “(B)”, and

15 (B) by adding at the end the following new
16 clause:

17 “(ii) An alien who is the spouse of an alien lawfully
18 admitted for permanent residence, who is eligible for classi-
19 fication under section 203(a)(2)(A), and who has resided
20 in the United States with the alien’s legal permanent resi-
21 dent spouse may file a petition with the Attorney General
22 under this subparagraph for classification of the alien (and
23 children of the alien) under such section if the alien dem-
24 onstrates to the Attorney General that the conditions de-

1 *scribed in subclause (I) or (II) of subparagraph (A)(iii) are*
2 *met with respect to the alien.”.*

3 (b) *CONFORMING AMENDMENTS.—(1) Section*
4 *204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—*

5 (A) *in subparagraph (A), by striking “filed by*
6 *an alien who,” and inserting “for the classification of*
7 *the spouse of an alien if the alien,”, and*

8 (B) *in subparagraph (B), by striking “by an*
9 *alien whose prior marriage” and inserting “for the*
10 *classification of the spouse of an alien if the prior*
11 *marriage of the alien”.*

12 (2) *Section 201(b)(2)(A)(i) of such Act (8 U.S.C.*
13 *1151(b)(2)(A)(i)) is amended by striking “204(a)(1)(A)”*
14 *and inserting “204(a)(1)(A)(ii)”.*

15 (c) *SURVIVAL RIGHTS TO PETITION.— Section 204 of*
16 *the Immigration and Nationality Act (8 U.S.C. 1154) is*
17 *amended by adding at the end the following new subsection:*

18 *“(h) The legal termination of a marriage may not be*
19 *the basis for revocation under section 205 of a petition filed*
20 *under subsection (a)(1)(A)(iii)(I) or a petition filed under*
21 *subsection (a)(1)(B)(ii) pursuant to conditions described in*
22 *subsection (a)(1)(A)(iii)(I).”.*

23 (d) *EFFECTIVE DATE.—The amendments made by this*
24 *section shall take effect January 1, 1994.*

1 **SEC. 1627. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIV-**
2 **ER APPLICATIONS.**

3 (a) *IN GENERAL.*—Section 216(c)(4) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
5 ed by inserting after the second sentence the following: “In
6 acting on applications under this paragraph, the Attorney
7 General shall consider any credible evidence submitted in
8 support of the application (whether or not the evidence is
9 supported by an evaluation of a licensed mental health pro-
10 fessional). The determination of what evidence is credible
11 and the weight to be given that evidence shall be within
12 the sole discretion of the Attorney General.”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
14 section (a) shall take effect on the date of the enactment
15 of this Act and shall apply to applications made before,
16 on, or after such date.

17 **SEC. 1628. SUSPENSION OF DEPORTATION.**

18 Section 244(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1254(a)) is amended—

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

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

23 (3) by inserting after paragraph (2) the follow-
24 ing:

25 “(3) is deportable under any law of the United
26 States except section 241(a)(1)(G) and the provisions

1 *specified in paragraph (2); is physically present in*
2 *the United States; has been battered or subjected to*
3 *extreme cruelty in the United States by a spouse or*
4 *parent who is a United States citizen or lawful per-*
5 *manent resident; and proves that during all of such*
6 *time in the United States the alien was and is a per-*
7 *son of good moral character; and is a person whose*
8 *deportation would, in the opinion of the Attorney*
9 *General, result in extreme hardship to the alien or the*
10 *alien's parent or child."*

11 ***Subtitle D—Miscellaneous***
12 ***Provisions***

13 ***SEC. 1641. REPORT ON CONFIDENTIALITY OF ADDRESSES***
14 ***FOR VICTIMS OF DOMESTIC VIOLENCE.***

15 *(a) REPORT.—The Attorney General shall conduct a*
16 *study of the means by which abusive spouses may obtain*
17 *information concerning the addresses or locations of es-*
18 *tranged or former spouses, notwithstanding the desire of the*
19 *victims to have such information withheld to avoid further*
20 *exposure to abuse. Based on the study, the Attorney General*
21 *shall transmit a report to Congress including—*

22 *(1) the findings of the study concerning the*
23 *means by which information concerning the addresses*
24 *or locations of abused spouses may be obtained by*
25 *abusers; and*

1 **SEC. 1643. ESTABLISHMENT OF TASK FORCE.**

2 *Not later than 30 days after the date of enactment of*
3 *this Act, the Attorney General shall establish a task force*
4 *to be known as the Attorney General’s Task Force on Vio-*
5 *lence Against Women (referred to in this subtitle as the*
6 *“Task Force”).*

7 **SEC. 1644. GENERAL PURPOSES OF TASK FORCE.**

8 (a) *GENERAL PURPOSE OF THE TASK FORCE.*—The
9 *Task Force shall review Federal, State, and local strategies*
10 *for preventing and punishing violent crimes against*
11 *women, including the enhancement and protection of the*
12 *rights of the victims of such crimes, and make recommenda-*
13 *tions to improve the response to such crimes.*

14 (b) *FUNCTIONS.*—The Task Force shall perform such
15 *functions as the Attorney General deems appropriate to*
16 *carry out the purposes of the Task Force, including—*

17 (1) *evaluating the adequacy of, and making rec-*
18 *ommendations regarding, current law enforcement ef-*
19 *forts at the Federal and State levels to reduce the rate*
20 *of violent crimes against women;*

21 (2) *evaluating the adequacy of, and making rec-*
22 *ommendations regarding, the responsiveness of State*
23 *prosecutors and State courts to violent crimes against*
24 *women;*

25 (3) *evaluating the adequacy of State and Federal*
26 *rules of evidence, practice, and procedure to ensure*

1 *the effective prosecution and conviction of violent of-*
2 *fenders against women and to protect victims from*
3 *abuse in legal proceedings, making recommendations,*
4 *where necessary, to improve those rules;*

5 *(4) evaluating the adequacy of pretrial release,*
6 *sentencing, incarceration, and post-conviction release*
7 *for crimes that predominantly affect women, such as*
8 *rape and domestic violence;*

9 *(5) evaluating the adequacy of, and making rec-*
10 *ommendations regarding, the adequacy of State and*
11 *Federal laws on sexual assault and the need for a*
12 *more uniform statutory response to sex offenses, in-*
13 *cluding sexual assaults and other sex offenses commit-*
14 *ted by offenders who are known or related by blood*
15 *or marriage to the victim;*

16 *(6) evaluating the adequacy of, and making rec-*
17 *ommendations regarding, the adequacy of State and*
18 *Federal laws on domestic violence and the need for a*
19 *more uniform statutory response to domestic*
20 *violence;*

21 *(7) evaluating the adequacy of, and making rec-*
22 *ommendations regarding, the adequacy of current*
23 *education, prevention, and protection services for*
24 *women victims of violent crimes;*

1 (8) *assessing the issuance, formulation, and en-*
2 *forcement of protective orders, whether or not related*
3 *to a criminal proceeding, and making recommenda-*
4 *tions for their more effective use in domestic violence*
5 *and stalking cases;*

6 (9) *assessing the problem of stalking and persist-*
7 *ent menacing and recommending an effective Federal*
8 *response to the problem;*

9 (10) *evaluating the adequacy of, and making rec-*
10 *ommendations regarding, the national public aware-*
11 *ness and the public dissemination of information es-*
12 *sential to the prevention of violent crimes against*
13 *women;*

14 (11) *evaluating the treatment of women as vic-*
15 *tims of violent crime in the State and Federal crimi-*
16 *nal justice system, and making recommendations to*
17 *improve such treatment; and*

18 (12) *assessing the problem of sexual exploitation*
19 *of women and youths through prostitution and in the*
20 *production of pornography, and recommending effec-*
21 *tive means of response to the problem.*

22 **SEC. 1645. MEMBERSHIP.**

23 (a) *CHAIR; NUMBER AND APPOINTMENT.—The Task*
24 *Force shall be chaired by the Attorney General (or designee).*
25 *Not later than 60 days after the date of the enactment of*

1 *this Act, after consultation with the Secretary of Health and*
2 *Human Services, the Secretary of Education, and the Sec-*
3 *retary of Housing and Urban Development, the Attorney*
4 *General shall select up to 14 other members to serve on the*
5 *Task Force.*

6 (b) *PARTICIPATION.*—*The Attorney General (or des-*
7 *ignee) shall select, without regard to political affiliation,*
8 *members who are specially qualified to serve on the Task*
9 *Force based on their involvement in efforts to combat vio-*
10 *lence against women, assistance or service to victims of such*
11 *violence, or other pertinent experience or expertise. The At-*
12 *torney General shall ensure that the Task Force includes*
13 *a broad base of participation by including members with*
14 *backgrounds in such areas as law enforcement, victim serv-*
15 *ices and advocacy, legal defense and prosecution, judicial*
16 *administration, medical services, and counseling.*

17 (c) *VACANCIES.*—*The Attorney General may fill any*
18 *vacancy that occurs on the Task Force.*

19 **SEC. 1646. TASK FORCE OPERATIONS.**

20 (a) *MEETINGS.*—*The Task Force shall hold its first*
21 *meeting on a date specified by the Attorney General (or des-*
22 *ignee), but shall not be later than 60 days after the date*
23 *of the enactment of this Act. After the initial meeting, the*
24 *Task Force shall meet at the call of the Attorney General*
25 *(or designee), but shall meet at least 6 times.*

1 (b) *PAY.*—Members of the Task Force who are officers
2 or employees or elected officials of a government entity shall
3 receive no additional compensation by reason of their serv-
4 ice on the Task Force.

5 (c) *PER DIEM.*—Except as provided in subsection (b),
6 members of the Task Force shall be allowed travel and other
7 expenses including per diem in lieu of subsistence, at rates
8 authorized for employees of agencies under sections 5702
9 and 5703 of title 5, United States Code.

10 **SEC. 1647. REPORTS.**

11 (a) *IN GENERAL.*—Not later than 1 year after the date
12 on which the Task Force is fully constituted under section
13 1645, the Task Force shall prepare and submit a final re-
14 port to the President and to congressional committees that
15 have jurisdiction over legislation addressing violent crimes
16 against women, including the crimes of
17 domestic and sexual assault.

18 (b) *CONTENTS.*—The final report submitted under
19 paragraph (1) shall contain a detailed statement of the ac-
20 tivities of the Task Force and of the findings and conclu-
21 sions of the Task Force, including such recommendations
22 for legislation and administrative action as the Task Force
23 considers appropriate.

24 **SEC. 1648. EXECUTIVE DIRECTOR AND STAFF.**

25 (a) *EXECUTIVE DIRECTOR.*—

1 (1) *APPOINTMENT.*—*The Task Force shall have*
2 *an Executive Director who shall be appointed by the*
3 *Attorney General (or designee), with the approval of*
4 *the Task Force.*

5 (2) *COMPENSATION.*—*The Executive Director*
6 *shall be compensated at a rate not to exceed the maxi-*
7 *mum rate of the basic pay payable for a position*
8 *above GS-15 of the General Schedule contained in*
9 *title 5, United States Code.*

10 (b) *STAFF.*—*With the approval of the Task Force, the*
11 *Executive Director may appoint and fix the compensation*
12 *of such additional personnel as the Executive Director con-*
13 *siders necessary to carry out the duties of the Task Force.*

14 (c) *APPLICABILITY OF CIVIL SERVICE LAWS.*—*The Ex-*
15 *ecutive Director and the additional personnel of the Task*
16 *Force appointed under subsection (b) may be appointed*
17 *without regard to the provisions of title 5, United States*
18 *Code, governing appointments in the competitive service,*
19 *and may be paid without regard to the provisions of chapter*
20 *51 and subchapter III of chapter 53 of such title relating*
21 *to classification and General Schedule pay rates.*

22 (d) *CONSULTANTS.*—*Subject to such rules as may be*
23 *prescribed by the Task Force, the Executive Director may*
24 *procure temporary or intermittent services under section*

1 3109(b) of title 5, United States Code, at rates for individ-
2 uals not to exceed \$200 per day.

3 **SEC. 1649. POWERS OF TASK FORCE.**

4 (a) *HEARINGS.*—For the purposes of carrying out this
5 subtitle, the Task Force may conduct such hearings, sit and
6 act at such times and places, take such testimony, and re-
7 ceive such evidence, as the Task Force considers appro-
8 priate. The Task Force may administer oaths for testimony
9 before the Task Force.

10 (b) *DELEGATION.*—Any member or employee of the
11 Task Force may, if authorized by the Task Force, take any
12 action that the Task Force is authorized to take under this
13 subtitle.

14 (c) *ACCESS TO INFORMATION.*—The Task Force may
15 request directly from any executive department or agency
16 such information as may be necessary to enable the Task
17 Force to carry out this subtitle, on the request of the
18 Attorney General (or designee).

19 (d) *MAILS.*—The Task Force may use the United
20 States mails in the same manner and under the same condi-
21 tions as other departments and agencies of the United
22 States.

23 **SEC. 1650. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to carry out
25 this subtitle \$500,000 for fiscal year 1994.

1 **SEC. 1651. TERMINATION.**

2 *The Task Force shall cease to exist 30 days after the*
3 *date on which its final report is submitted under section*
4 *1647.*

5 **SEC. 1652. PAYMENT OF COST OF STD TESTING FOR VIC-**
6 **TIMS IN SEX OFFENSE CASES.**

7 *Section 503(c)(7) of the Victims' Rights and Restitu-*
8 *tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by*
9 *adding at the end the following: "The Attorney General*
10 *shall authorize the Director of the Office of Victims of Crime*
11 *to provide for the payment of the cost of up to two tests*
12 *of the victim for sexually transmitted diseases, including,*
13 *but not limited to gonorrhea, herpes, chlamydia, syphilis,*
14 *and HIV, during the 12 months following sexual assaults*
15 *that pose a risk of transmission, and the cost of a counseling*
16 *session by a medically trained professional on the accuracy*
17 *of such tests and the risk of transmission of sexually trans-*
18 *mitted diseases to the victim as the result of the assault."*

19 **SEC. 1653. NATIONAL DOMESTIC VIOLENCE HOTLINE**
20 **GRANT.**

21 *(a) FINDINGS.—Congress finds that—*

22 *(1) 4,000,000 women are battered by their part-*
23 *ners each year, of which 4,000 die as a result of such*
24 *abuse;*

1 (2) *victims of domestic violence need access to re-*
2 *sources which will refer such victims and their chil-*
3 *dren to safe homes and shelters; and*

4 (3) *there is a need for a national domestic vio-*
5 *lence hotline to provide information and assistance to*
6 *victims of domestic violence because a privately fund-*
7 *ed national domestic violence hotline which handled*
8 *more than 65,000 crisis calls annually no longer*
9 *exists.*

10 (b) *IN GENERAL.—The Attorney General, through the*
11 *Bureau of Justice Assistance, shall provide a grant to a*
12 *nonprofit private organization to establish and operate a*
13 *national, toll-free telephone hotline to provide information*
14 *and assistance to victims of domestic violence. A grant pro-*
15 *vided under this subsection may extend over a period of*
16 *not more than 3 fiscal years and the provision of payments*
17 *under such grant shall be subject to annual approval by*
18 *the Attorney General and subject to the availability of*
19 *appropriations for the fiscal year involved to make the*
20 *payments.*

21 (c) *APPLICATION.—*

22 (1) *IN GENERAL.—The Attorney General may*
23 *not provide a grant under subsection (b) unless an*
24 *application that meets the requirements of paragraph*

1 (2) *has been approved by the Attorney*
2 *General.*

3 (2) *REQUIREMENTS.—An application meets the*
4 *requirements of this paragraph if the application—*

5 (A) *contains such agreements, assurances,*
6 *and information, and is in such form and sub-*
7 *mitted in such manner as the Attorney General*
8 *shall prescribe through notice in the Federal*
9 *Register;*

10 (B) *demonstrates that the applicant has na-*
11 *tionally recognized expertise in the area of do-*
12 *mestic violence and a record of high quality serv-*
13 *ice to victims of domestic violence, including*
14 *support from advocacy groups, particularly*
15 *State coalitions and recognized national domes-*
16 *tic violence groups;*

17 (C) *demonstrates that the applicant has a*
18 *commitment to diversity, including the hiring of*
19 *and provision of services to ethnic, racial, cul-*
20 *tural, and non-English speaking minorities, in*
21 *addition to older individuals and individuals*
22 *with disabilities;*

23 (D) *demonstrates that the applicant has the*
24 *ability to integrate the hotline into existing serv-*

1 ices provided by the applicant to victims of do-
2 mestic violence;

3 (E) includes a complete description of the
4 applicant's plan for the establishment and oper-
5 ation of the hotline, including a description of—

6 (i) the hiring criteria and training
7 program for hotline personnel;

8 (ii) the methods for the creation, main-
9 tenance, and updating of a resource
10 database for the hotline;

11 (iii) a plan for providing service on a
12 24-hour-a-day basis to non-English speak-
13 ing callers, including hotline personnel who
14 speak Spanish;

15 (iv) a plan for access to the hotline by
16 individuals with hearing impairments; and

17 (v) a plan for publicizing the avail-
18 ability of the hotline; and

19 (F) contains such other information as the
20 Attorney General may require.

21 (d) *SELECTION.*—The Attorney General shall select a
22 nonprofit private organization to receive a grant under sub-
23 section (b) which has been in existence for at least 5 years
24 from the date of submission of the application by the orga-
25 nization.

1 (e) *USES.*—A grant made under subsection (b) shall
2 be used to establish and operate a national, toll-free tele-
3 phone hotline to provide information and assistance to vic-
4 tims of domestic violence. In establishing and operating the
5 hotline, a nonprofit private organization shall—

6 (1) contract with a carrier for the use of a toll-
7 free telephone line;

8 (2) employ, train, and supervise personnel to an-
9 swer incoming calls and provide counseling and refer-
10 ral services to callers on a 24-hour-a-day basis;

11 (3) establish, maintain, and update a database
12 of information relating to services for victims of do-
13 mestic violence, including information on the avail-
14 ability of shelters that serve battered women; and

15 (4) publicize the hotline to potential users
16 throughout the United States.

17 (f) *AUTHORIZATION OF APPROPRIATIONS.*—

18 (1) *IN GENERAL.*—There is authorized to be ap-
19 propriated to carry out this section \$1,000,000 for
20 each of the fiscal years 1994 through 1996.

21 (2) *AVAILABILITY.*—Funds authorized to be ap-
22 propriated under paragraph (1) shall remain avail-
23 able until expended.

1 **SEC. 1654. GRANTS FOR COMMUNITY PROGRAMS ON DO-**
2 **MESTIC VIOLENCE.**

3 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
4 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
5 as amended by section 1623 of this Act, is
6 amended by—

7 (1) redesignating part T as part U;

8 (2) redesignating section 2001 as section 2101;

9 and

10 (3) adding after part S the following new part:

11 **“PART T—GRANTS FOR COMMUNITY PROGRAMS**
12 **ON DOMESTIC VIOLENCE.**

13 **“SEC. 2001. GRANT AUTHORITY.**

14 “The Director shall provide grants to establish projects
15 in local communities involving many sectors of each com-
16 munity to coordinate intervention and prevention of domes-
17 tic violence.

18 **“SEC. 2002. APPLICATIONS.**

19 “(a) *IN GENERAL.*—An organization that desires to re-
20 ceive a grant under this section shall submit to the Director
21 an application, in such form and in such manner as the
22 Director may reasonably require that—

23 “(1) demonstrates that the applicant will serve a
24 community leadership function, bringing together
25 opinion leaders from each sector of the community to

1 *develop a coordinated community consensus opposing*
2 *domestic violence;*

3 “(2) *demonstrates a community action compo-*
4 *nent to improve and expand current intervention and*
5 *prevention strategies through increased communica-*
6 *tion and coordination among all affected sectors;*

7 “(3) *includes a complete description of the appli-*
8 *cant’s plan for the establishment and operation of the*
9 *community project, including a description of—*

10 “(A) *the method for identification and selec-*
11 *tion of an administrative committee made up of*
12 *persons knowledgeable in domestic violence to*
13 *oversee the project, hire staff, assure compliance*
14 *with the project outline, and secure annual eval-*
15 *uation of the project;*

16 “(B) *the method for identification and selec-*
17 *tion of project staff and a project evaluator;*

18 “(C) *the method for identification and selec-*
19 *tion of a project council consisting of representa-*
20 *tives of the community sectors listed in sub-*
21 *section (b)(2);*

22 “(D) *the method for identification and se-*
23 *lection of a steering committee consisting of rep-*
24 *resentatives of the various community sectors*

1 *who will chair subcommittees of the project coun-*
2 *cil focusing on each of the sectors; and*

3 *“(E) a plan for developing outreach and*
4 *public education campaigns regarding domestic*
5 *violence; and*

6 *“(4) contains such other information, agree-*
7 *ments, and assurances as the Director may require.*

8 *“(b) ELIGIBILITY.—To be eligible for a grant under*
9 *this section, such application shall include—*

10 *“(1) an assurance that the applicant is a non-*
11 *profit private organization organized for the purpose*
12 *of coordinating community projects for the interven-*
13 *tion in and prevention of domestic violence; and*

14 *“(2) an assurance that such nonprofit organiza-*
15 *tion includes representation from pertinent sectors of*
16 *the local community, including—*

17 *“(A) health care providers;*

18 *“(B) the education community;*

19 *“(C) the religious community;*

20 *“(D) the justice system;*

21 *“(E) domestic violence program advocates;*

22 *“(F) human service entities such as State*
23 *child services divisions; and*

24 *“(G) business and civic leaders.*

1 **“SEC. 2003. AWARD OF GRANTS.**

2 “(a) *TERM.*—A grant provided under this section may
3 extend over a period of not more than 3 fiscal years.

4 “(b) *CONDITIONS ON PAYMENT.*—Payments under a
5 grant under this section shall be subject to—

6 “(1) annual approval by the Director; and

7 “(2) availability of appropriations.

8 “(c) *GEOGRAPHICAL DISPERSION.*—The Director shall
9 award grants under this section to organizations in com-
10 munities geographically dispersed throughout the country.

11 **“SEC. 2004. USES OF FUNDS.**

12 “(a) *IN GENERAL.*—A grant made under subsection
13 (a) shall be used to establish and operate a community
14 project to coordinate intervention and prevention of domes-
15 tic violence.

16 “(b) *REQUIREMENTS.*—In establishing and operating
17 a project, a nonprofit private organization shall—

18 “(1) establish protocols to improve and expand
19 domestic violence intervention and prevention strate-
20 gies among all affected sectors;

21 “(2) develop action plans to direct responses
22 within each community sector that are in conjunction
23 with development in all other sectors; and

24 “(3) provide for periodic evaluation of the
25 project with a written report and analysis to assist
26 application of this concept in other communities.”.

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 *1001 of the Omnibus Crime Control and Safe Streets Act*
3 *of 1968 is amended by adding at the end the following:*

4 “(15) *There are authorized to be appropriated to carry*
5 *out part T \$20,000,000 for fiscal year 1994 and such*
6 *sums as are necessary for each of the fiscal years 1995,*
7 *1996, and 1997, to remain available until*
8 *expended.”.*

9 (c) *ADMINISTRATIVE PROVISIONS.*—(1) *Section 801(b)*
10 *of title I of the Omnibus Crime Control and Safe Streets*
11 *Act of 1968, as amended by section 1623 of this Act, is*
12 *amended by striking “O, Q, R, and S” and inserting “O,*
13 *Q, R, S, and T”.*

14 (2) *Section 802(b) of title I of the Omnibus Crime Con-*
15 *trol and Safe Streets Act of 1968, as amended by section*
16 *1623 of this Act, is amended by striking “O, Q, R, or S”*
17 *and inserting “O, Q, R, S, or T”.*

18 (d) *CONFORMING AMENDMENT.*—*The table of contents*
19 *of title I of the Omnibus Crime Control and Safe Streets*
20 *Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section*
21 *1623 of this Act, is amended by striking the matter relating*
22 *to part T and inserting the following:*

 “PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

 “Sec. 2001. Grant authority.

 “Sec. 2002. Applications.

 “Sec. 2003. Award of grants.

 “Sec. 2004. Uses of funds.”.

1 ***Subtitle E—Equal Justice for***
2 ***Women in the Courts***

3 **SEC. 1661. GRANTS AUTHORIZED.**

4 *The State Justice Institute is authorized to award*
5 *grants for the purpose of developing, testing, presenting,*
6 *and disseminating model programs to be used by States in*
7 *training judges and court personnel in the laws of the*
8 *States on rape, sexual assault, domestic violence, and other*
9 *crimes of violence motivated by gender.*

10 **SEC. 1662. TRAINING PROVIDED BY GRANTS.**

11 *Training provided pursuant to grants made under this*
12 *subtitle may include current information, existing studies,*
13 *or current data on—*

14 (1) *the nature and incidence of rape and sexual*
15 *assault by strangers and nonstrangers, marital rape,*
16 *and incest;*

17 (2) *the underreporting of rape, sexual assault,*
18 *and child sexual abuse;*

19 (3) *the physical, psychological, and economic im-*
20 *act of rape and sexual assault on the victim, the*
21 *costs to society, and the implications for sentencing;*

22 (4) *the psychology of sex offenders, their high*
23 *rate of recidivism, and the implications for sentenc-*
24 *ing;*

1 (5) *the historical evolution of laws and attitudes*
2 *on rape and sexual assault;*

3 (6) *sex stereotyping of female and male victims*
4 *of rape and sexual assault, racial stereotyping of rape*
5 *victims and defendants, and the impact of such*
6 *stereotypes on credibility of witnesses, sentencing, and*
7 *other aspects of the administration of justice;*

8 (7) *application of rape shield laws and other*
9 *limits on introduction of evidence that may subject*
10 *victims to improper sex stereotyping and harassment*
11 *in both rape and nonrape cases, including the need*
12 *for sua sponte judicial intervention in inappropriate*
13 *cross-examination;*

14 (8) *the use of expert witness testimony on rape*
15 *trauma syndrome, child sexual abuse accommodation*
16 *syndrome, post-traumatic stress syndrome, and simi-*
17 *lar issues;*

18 (9) *the legitimate reasons why victims of rape,*
19 *sexual assault, domestic violence, and incest may*
20 *refuse to testify against a defendant;*

21 (10) *the nature and incidence of domestic vio-*
22 *lence;*

23 (11) *the physical, psychological, and economic*
24 *impact of domestic violence on the victim, the costs to*

1 *society, and the implications for court procedures and*
2 *sentencing;*

3 (12) *the psychology and self-presentation of*
4 *batterers and victims and the negative implications*
5 *for court proceedings and credibility of witnesses;*

6 (13) *sex stereotyping of female and male victims*
7 *of domestic violence, myths about presence or absence*
8 *of domestic violence in certain racial, ethnic, reli-*
9 *gious, or socioeconomic groups, and their impact on*
10 *the administration of justice;*

11 (14) *historical evolution of laws and attitudes on*
12 *domestic violence;*

13 (15) *proper and improper interpretations of the*
14 *defenses of self-defense and provocation, and the use*
15 *of expert witness testimony on battered woman*
16 *syndrome;*

17 (16) *the likelihood of retaliation, recidivism, and*
18 *escalation of violence by batterers, and the potential*
19 *impact of incarceration and other meaningful sanc-*
20 *tions for acts of domestic violence including violations*
21 *of orders of protection;*

22 (17) *economic, psychological, social and institu-*
23 *tional reasons for victims' inability to leave the*
24 *batterer, to report domestic violence or to follow*
25 *through on complaints, including the influence of lack*

1 of support from police, judges, and court personnel,
2 and the legitimate reasons why victims of domestic
3 violence may refuse to testify against a defendant and
4 should not be held in contempt;

5 (18) the need for orders of protection, and the
6 negative implications of mutual orders of protection,
7 dual arrest policies, and mediation in domestic vio-
8 lence cases; and

9 (19) recognition of and response to gender-moti-
10 vated crimes of violence other than rape, sexual as-
11 sault and domestic violence, such as mass or serial
12 murder motivated by the gender of the victims.

13 **SEC. 1663. COOPERATION IN DEVELOPING PROGRAMS.**

14 The State Justice Institute shall ensure that model
15 programs carried out pursuant to grants made under this
16 subtitle are developed with the participation of law enforce-
17 ment officials, public and private nonprofit victim advo-
18 cates, legal experts, prosecutors, defense attorneys, and rec-
19 ognized experts on gender bias in the courts.

20 **SEC. 1664. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated for fiscal year
22 1994, \$600,000 to carry out the purposes of sections 1661
23 through 1664. Of amounts appropriated under this section,
24 the State Justice Institute shall expend no less than 40 per-
25 cent on model programs regarding domestic violence and

1 *no less than 40 percent on model programs regarding rape*
2 *and sexual assault.*

3 **SEC. 1665. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
4 **CATION AND TRAINING GRANTS.**

5 (a) *STUDY.*—*In order to gain a better understanding*
6 *of the nature and the extent of gender bias in the Federal*
7 *courts, the circuit judicial councils are encouraged to con-*
8 *duct studies of the instances of gender bias in their respec-*
9 *tive circuits. The studies may include an examination of*
10 *the effects of gender on—*

11 (1) *the treatment of litigants, witnesses, attor-*
12 *neys, jurors, and judges in the courts, including before*
13 *magistrate and bankruptcy judges;*

14 (2) *the interpretation and application of the law,*
15 *both civil and criminal;*

16 (3) *treatment of defendants in criminal cases;*

17 (4) *treatment of victims of violent crimes;*

18 (5) *sentencing;*

19 (6) *sentencing alternatives, facilities for incar-*
20 *ceration, and the nature of supervision of probation,*
21 *parole, and supervised release;*

22 (7) *appointments to committees of the Judicial*
23 *Conference and the courts;*

24 (8) *case management and court sponsored alter-*
25 *native dispute resolution programs;*

1 (9) *the selection, retention, promotion, and treat-*
2 *ment of employees;*

3 (10) *appointment of arbitrators, experts, and*
4 *special masters;*

5 (11) *the admissibility of past sexual history in*
6 *civil and criminal cases; and*

7 (12) *the aspects of the topics listed in section*
8 *1662 that pertain to issues within the jurisdiction of*
9 *the Federal courts.*

10 (b) *CLEARINGHOUSE.*—*The Judicial Conference of the*
11 *United States shall designate an entity within the Judicial*
12 *Branch to act as a clearinghouse to disseminate any reports*
13 *and materials issued by the gender bias task forces under*
14 *subsection (a) and to respond to requests for such reports*
15 *and materials. The gender bias task forces shall provide this*
16 *entity with their reports and related material.*

17 (c) *MODEL PROGRAMS.*—*The Federal Judicial Center,*
18 *in carrying out section 620(b)(3) of title 28, United States*
19 *Code, shall—*

20 (1) *include in the educational programs it pre-*
21 *sents and prepares, including the training programs*
22 *for newly appointed judges, information on issues re-*
23 *lated to gender bias in the courts including such areas*
24 *as are listed in subsection (a) along with such other*

1 *topics as the Federal Judicial Center deems appro-*
2 *priate;*

3 (2) *prepare materials necessary to implement*
4 *this subsection; and*

5 (3) *take into consideration the findings and rec-*
6 *ommendations of the studies conducted pursuant to*
7 *subsection (a), and to consult with individuals and*
8 *groups with relevant expertise in gender bias issues as*
9 *it prepares or revises such materials.*

10 **SEC. 1666. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *IN GENERAL.*—*There is authorized to be appro-*
12 *priated—*

13 (1) *\$600,000 to the Salaries and Expenses Ac-*
14 *count of the Courts of Appeals, District Courts, and*
15 *other Judicial Services, to carry out section 1665(a),*
16 *to be available until expended through fiscal year*
17 *1996;*

18 (2) *\$100,000 to the Federal Judicial Center to*
19 *carry out section 1665(c) and any activities des-*
20 *ignated by the Judicial Conference under section*
21 *1665(b); and*

22 (3) *such sums as are necessary to the Adminis-*
23 *trative Office of the United States Courts to carry out*
24 *any activities designated by the Judicial Conference*
25 *under section 1665(b).*

1 (b) *THE JUDICIAL CONFERENCE OF THE UNITED*
2 *STATES.*—(1) *The Judicial Conference of the United States*
3 *Courts shall allocate funds to Federal circuit courts under*
4 *this subtitle that—*

5 (A) *undertake studies in their own circuits; or*

6 (B) *implement reforms recommended as a result*
7 *of such studies in their own or other circuits, includ-*
8 *ing education and training.*

9 (2) *Funds shall be allocated to Federal circuits under*
10 *this subtitle on a first come first serve basis in an amount*
11 *not to exceed \$100,000 on the first application. If within*
12 *6 months after the date on which funds authorized under*
13 *this Act become available, funds are still available, circuits*
14 *that have received funds may reapply for additional funds,*
15 *with not more than \$200,000 going to any one circuit.*

16 ***SEC. 1667. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.***

17 (a) *FINDINGS.*—*The Congress finds that—*

18 (1) *State criminal courts often fail to admit ex-*
19 *pert testimony offered by a defendant concerning the*
20 *nature and effect of physical, sexual, and mental*
21 *abuse to assist the trier of fact in assessing the behav-*
22 *ior, beliefs, or perceptions of such defendant in a do-*
23 *mestic relationship in which abuse has occurred;*

24 (2) *the average juror often has little understand-*
25 *ing of the nature and effect of domestic violence on*

1 *such a defendant's behavior, beliefs, or perceptions,*
2 *and the lack of understanding can result in the juror*
3 *blaming the woman for her victimization;*

4 *(3) the average juror is often unaware that vic-*
5 *tims of domestic violence are frequently in greater*
6 *danger of violence after they terminate or attempt to*
7 *terminate domestic relationships with their abuser;*

8 *(4) myths, misconceptions, and victim-blaming*
9 *attitudes are often held not only by the average lay*
10 *person but also by many in the criminal justice sys-*
11 *tem, insofar as the criminal justice system tradition-*
12 *ally has failed to protect women from violence at the*
13 *hands of men;*

14 *(5) specialized knowledge of the nature and effect*
15 *of domestic violence is sufficiently established to have*
16 *gained the general acceptance which is required for*
17 *the admissibility of expert testimony;*

18 *(6) although both men and women can be vic-*
19 *tims of physical, sexual, and mental abuse by their*
20 *partners in domestic relationships, the most frequent*
21 *victims are women; and*

22 *(7) a woman is more likely to be assaulted and*
23 *injured, raped, or killed by her current or former*
24 *male partner than by any other type of assailant,*

1 *and over one-half of all women murdered are killed*
2 *by their current or former male partners.*

3 *(b) SENSE OF CONGRESS.—It is the sense of the Con-*
4 *gress that the executive branch, working through the State*
5 *Justice Institute, should examine programs which would*
6 *allow the States to consider—*

7 *(1) that expert testimony concerning the nature*
8 *and effect of domestic violence, including descriptions*
9 *of the experiences of battered women, be admissible*
10 *when offered in a State court by a defendant in a*
11 *criminal case to assist the trier of fact in understand-*
12 *ing the behavior, beliefs, or perceptions of such defend-*
13 *ant in a domestic relationship in which abuse has oc-*
14 *curred;*

15 *(2) that a witness be qualified to testify as an*
16 *expert witness based upon her or his knowledge, skill,*
17 *experience, training, or education, and be permitted*
18 *to testify in the form of an opinion or otherwise; and*

19 *(3) that expert testimony about a domestic rela-*
20 *tionship be admissible to include testimony of rela-*
21 *tionships between spouses, former spouses, cohabi-*
22 *tants, former cohabitants, partners or former part-*
23 *ners, and between persons who are in, or have been*
24 *in, a dating, courtship, or intimate relationship.*

1 **TITLE XVII—HATE CRIMES**
2 **SENTENCING ENHANCEMENT**

3 **SEC. 1701. DIRECTION TO COMMISSION.**

4 (a) *IN GENERAL.*—Pursuant to section 994 of title 28,
5 *United States Code, the United States Sentencing Commis-*
6 *sion shall promulgate guidelines or amend existing guide-*
7 *lines to provide sentencing enhancements of not less than*
8 *3 offense levels for offenses that the finder of fact at trial*
9 *determines beyond a reasonable doubt are hate crimes. In*
10 *carrying out this section, the United States Sentencing*
11 *Commission shall assure reasonable consistency with other*
12 *guidelines, avoid duplicative punishments for substantially*
13 *the same offense, and take into account any mitigating cir-*
14 *cumstances which might justify exceptions.*

15 (b) *DEFINITION.*—As used in this section, the term
16 *“hate crime” is a crime in which the defendant inten-*
17 *tionally selects a victim, or in the case of a property crime,*
18 *the property which is the object of the crime, because of the*
19 *actual or perceived race, color, religion, national origin,*
20 *ethnicity, gender, or sexual orientation of any person.*

1 **TITLE XVIII—USE OF FORMULA**
2 **GRANTS TO PROSECUTE PER-**
3 **SONS DRIVING WHILE INTOXI-**
4 **CATED**

5 **SEC. 1801. GRANT PROGRAM DESCRIPTION.**

6 *Section 501(b) of title I of the Omnibus Crime Control*
7 *and Safe Streets Act of 1968 is amended by adding at the*
8 *end the following:*

9 *“(23) programs for the prosecution of driving*
10 *while intoxicated and the enforcement of other laws*
11 *relating to alcohol use and the operation of motor*
12 *vehicles.”.*

13 **TITLE XIX—YOUTH HANDGUN**
14 **SAFETY**

15 **SEC. 1901. FINDINGS AND DECLARATIONS.**

16 *The Congress finds and declares that—*

17 *(1) Crime, particularly crime involving drugs*
18 *and guns, is a pervasive, nationwide problem.*

19 *(2) Problems with crime at the local level are ex-*
20 *acerbated by the interstate movement of drugs, funds,*
21 *and criminal gangs.*

22 *(3) Firearms and ammunition, and handguns in*
23 *particular, move easily in interstate commerce, as*
24 *documented in numerous hearings in both the Judici-*

1 *ary Committee of the House of Representatives and*
2 *Judiciary Committee of the Senate.*

3 (4) *In fact, even before the sale of a handgun, the*
4 *gun, its component parts, ammunition, and the raw*
5 *materials from which they are made have consider-*
6 *ably moved in interstate commerce.*

7 (5) *While criminals freely move from State to*
8 *State, ordinary citizens may fear to travel to or*
9 *through certain parts of the country due to the con-*
10 *cern that violent crime is not under control, and for-*
11 *eigners may decline to travel in the United States for*
12 *the same reason.*

13 (6) *Just as the hardened drug kingpins begin*
14 *their life in the illicit drug culture by exposure to*
15 *drugs at a young age, violent criminals often start*
16 *their criminal careers on streets where the ready*
17 *availability of guns to young people results in the ac-*
18 *ceptability of their random use.*

19 (7) *Violent crime and the use of illicit drugs go*
20 *hand-in-hand, and attempts to control one without*
21 *controlling the other may be fruitless.*

22 (8) *Individual States and localities find it im-*
23 *possible to handle the problem by themselves; even*
24 *States and localities that have made a strong effort to*
25 *prevent, detect, and punish crime find their effort*

1 *unavailing due in part to the failure or inability of*
2 *other States and localities to take strong measures.*

3 *(9) Inasmuch as illicit drug activity and related*
4 *violent crime overflow State lines and national*
5 *boundaries, the Congress has power, under the inter-*
6 *state commerce clause and other provisions of the*
7 *Constitution, to enact measures to combat these*
8 *problems.*

9 *(10) The Congress finds that it is necessary and*
10 *appropriate to assist the States in controlling crime*
11 *by stopping the commerce in handguns with juveniles*
12 *nationwide, and allowing the possession of handguns*
13 *by juveniles only when handguns are possessed and*
14 *used for legitimate purposes under appropriate condi-*
15 *tions.*

16 **SEC. 1902. PROHIBITION OF THE POSSESSION OF A HAND-**
17 **GUN OR AMMUNITION BY, OR THE PRIVATE**
18 **TRANSFER OF A HANDGUN OR AMMUNITION**
19 **TO, A JUVENILE.**

20 *(a) OFFENSE.—Section 922 of title 18, United States*
21 *Code, as amended by section 706(a) of this Act, is*
22 *amended by adding at the end the following:*

23 *“(w)(1) It shall be unlawful for a person to sell, de-*
24 *liver, or otherwise transfer to a juvenile, or to a person who*

1 *the transferor knows or has reasonable cause to believe is*
2 *a juvenile—*

3 “(A) *a handgun; or*

4 “(B) *ammunition that is suitable for use only in*
5 *a handgun.*

6 “(2) *It shall be unlawful for any person who is a juve-*
7 *nile to knowingly possess—*

8 “(A) *a handgun; or*

9 “(B) *ammunition that is suitable for use*
10 *only in a handgun.*

11 “(3) *This subsection does not apply—*

12 “(A) *to a temporary transfer of a handgun or*
13 *ammunition to a juvenile, or to the possession or use*
14 *of a handgun or ammunition by a juvenile, if the*
15 *handgun and ammunition are possessed and used by*
16 *the juvenile—*

17 “(i) *in the course of employment, in the*
18 *course of ranching or farming related to activi-*
19 *ties at the residence of the juvenile (or on prop-*
20 *erty used for ranching or farming at which the*
21 *juvenile, with the permission of the property*
22 *owner or lessee, is performing activities related*
23 *to the operation of the farm or ranch), target*
24 *practice, hunting, or a course of instruction in*
25 *the safe and lawful use of a handgun;*

1 “(ii) with the prior written consent of the
2 juvenile’s parent or guardian who is not prohib-
3 ited by Federal, State, or local law from possess-
4 ing a firearm;

5 “(iii) with the prior written consent in the
6 juvenile’s possession at all times when a hand-
7 gun is in the possession of the juvenile; and

8 “(iv) in accordance with State and local
9 law;

10 “(B) during transportation by the juvenile of an
11 unloaded handgun in a locked container directly from
12 the place of transfer to a place at which an activity
13 described in subparagraph (A)(i) is to take place, and
14 transportation by the juvenile of that handgun, un-
15 loaded and in a locked container, directly from the
16 place at which such an activity took place to the
17 transferor;

18 “(C) to a juvenile who is a member of the Armed
19 Forces of the United States or the National Guard
20 who possesses or is armed with a handgun in the line
21 of duty;

22 “(D) to a transfer by inheritance of title (but not
23 possession) of a handgun or ammunition to a
24 juvenile; or

1 “(E) to the possession of a handgun or ammuni-
2 tion by a juvenile taken in defense of the juvenile or
3 other persons against an intruder into the residence
4 of the juvenile or a residence in which the juvenile is
5 an invited guest.

6 “(4) A handgun or ammunition, the possession of
7 which is transferred to a juvenile in circumstances in which
8 the transferor is not in violation of this subsection shall
9 not be subject to permanent confiscation by the Government
10 if its possession by the juvenile subsequently becomes unlaw-
11 ful because of the conduct of the juvenile, but shall be re-
12 turned to the lawful owner when such handgun or ammuni-
13 tion is no longer required by the Government for the pur-
14 poses of investigation or prosecution.

15 “(5) For purposes of this subsection, the term ‘juvenile’
16 means a person who is less than 18 years of age.

17 “(6)(A) In a prosecution of a violation of this sub-
18 section, the court shall require the presence of a juvenile
19 defendant’s parent or legal guardian at all proceedings.

20 “(B) The court may use the contempt power to enforce
21 subparagraph (A).

22 “(C) The court may excuse attendance of a parent or
23 legal guardian of a juvenile defendant at a proceeding in
24 a prosecution of a violation of this subsection for good cause
25 shown.”.

1 (b) *PENALTIES.*—Section 924(a) of title 18, United
2 States Code, as amended by section 706(b) of this Act, is
3 amended by adding at the end the following:

4 “(7)(A)(i) A juvenile who violates section 922(w) shall
5 be fined under this title, imprisoned not more than 1 year,
6 or both, except that a juvenile described in clause (ii) shall
7 be sentenced to probation on appropriate conditions and
8 shall not be incarcerated unless the juvenile fails to comply
9 with a condition of probation.

10 “(ii) A juvenile is described in this clause if—

11 “(I) the offense of which the juvenile is charged
12 is possession of a handgun or ammunition in viola-
13 tion of section 922(w)(2); and

14 “(II) the juvenile has not been convicted in any
15 court of an offense (including an offense under section
16 922(w) or a similar State law, but not including any
17 other offense consisting of conduct that if engaged in
18 by an adult would not constitute an offense) or adju-
19 dicated as a juvenile delinquent for conduct that if
20 engaged in by an adult would constitute an offense.

21 “(B) A person other than a juvenile who knowingly
22 violates section 922(w)—

23 “(i) shall be fined under this title, imprisoned
24 not more than 1 year, or both; and

1 “(ii) if the person sold, delivered, or otherwise
2 transferred a handgun or ammunition to a juvenile
3 knowing or having reasonable cause to know that the
4 juvenile intended to carry or otherwise possess or dis-
5 charge or otherwise use the handgun or ammunition
6 in the commission of a crime of violence, shall be
7 fined under this title, imprisoned not more than 10
8 years, or both.”.

9 (d) *TECHNICAL AMENDMENT OF JUVENILE DELIN-*
10 *QUENCY PROVISIONS IN TITLE 18, UNITED STATES*
11 *CODE.*—

12 (1) *SECTION 5031.*—Section 5031 of title 18,
13 *United States Code, is amended by inserting “or a*
14 *violation by such person of section 922(w)” before the*
15 *period at the end.*

16 (2) *SECTION 5032.*—Section 5032 of title 18,
17 *United States Code, is amended—*

18 (A) *in the first undesignated paragraph by*
19 *inserting “or (w)” after “922(p)”;* and

20 (B) *in the fourth undesignated paragraph*
21 *by inserting “or section 922(w) of this title,” be-*
22 *fore “criminal prosecution on the basis”.*

23 (e) *TECHNICAL AMENDMENT OF THE JUVENILE JUS-*
24 *TICE AND DELINQUENCY PREVENTION ACT OF 1974.*—Sec-
25 *tion 223(a)(12)(A) of the Juvenile Justice and Delinquency*

1 *Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is*
2 *amended by striking “which do not constitute violations of*
3 *valid court orders” and inserting “(other than an offense*
4 *that constitutes a violation of a valid court order or a viola-*
5 *tion of section 922(w) of title 18, United States Code, or*
6 *a similar State law)”.*

7 (f) *MODEL LAW.—The Attorney General, acting*
8 *through the Director of the National Institute for Juvenile*
9 *Justice and Delinquency Prevention, shall—*

10 (1) *evaluate existing and proposed juvenile*
11 *handgun legislation in each State;*

12 (2) *develop model juvenile handgun legislation*
13 *that is constitutional and enforceable;*

14 (3) *prepare and disseminate to State authorities*
15 *the findings made as the result of the evaluation; and*

16 (4) *report to Congress by December 31, 1994,*
17 *findings and recommendations concerning the need or*
18 *appropriateness of further action by the Federal Gov-*
19 *ernment.*

1 **TITLE XX—SUBSTANCE ABUSE**
2 **TREATMENT IN FEDERAL**
3 **PRISONS**

4 **SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL**
5 **PRISONS.**

6 *Section 3621 of title 18, United States Code, is amend-*
7 *ed—*

8 *(1) in the last sentence of subsection (b), by*
9 *striking “, to the extent practicable,”; and*

10 *(2) by adding at the end the following new sub-*
11 *section:*

12 *“(e) SUBSTANCE ABUSE TREATMENT.—*

13 *“(1) PHASE-IN.—In order to carry out the re-*
14 *quirement of the last sentence of subsection (b) of this*
15 *section, that every prisoner with a substance abuse*
16 *problem have the opportunity to participate in ap-*
17 *propriate substance abuse treatment, the Bureau of*
18 *Prisons shall provide substance abuse treatment—*

19 *“(A) for not less than 50 percent of eligible*
20 *prisoners by the end of fiscal year 1995, with*
21 *priority for such treatment accorded based on an*
22 *eligible prisoner’s proximity to release date;*

23 *“(B) for not less than 75 percent of eligible*
24 *prisoners by the end of fiscal year 1996, with*

1 *priority for such treatment accorded based on an*
2 *eligible prisoner's proximity to release date; and*
3 *“(C) for all eligible prisoners by the end of*
4 *fiscal year 1997 and thereafter, with priority for*
5 *such treatment accorded based on an eligible*
6 *prisoner's proximity to release date.*

7 *“(2) INCENTIVE FOR PRISONERS' SUCCESSFUL*
8 *COMPLETION OF TREATMENT PROGRAM.—*

9 *“(A) GENERALLY.—Any prisoner who, in*
10 *the judgment of the Director of the Bureau of*
11 *Prisons, has successfully completed a program of*
12 *residential substance abuse treatment provided*
13 *under paragraph (1) of this subsection, shall re-*
14 *main in the custody of the Bureau for such time*
15 *(as limited by subparagraph (B) of this para-*
16 *graph) and under such conditions, as the Bureau*
17 *deems appropriate. If the conditions of confine-*
18 *ment are different from those the prisoner would*
19 *have experienced absent the successful completion*
20 *of the treatment, the Bureau shall periodically*
21 *test the prisoner for substance abuse and dis-*
22 *continue such conditions on determining that*
23 *substance abuse has recurred.*

24 *“(B) PERIOD OF CUSTODY.—The period the*
25 *prisoner remains in custody after successfully*

1 *completing a treatment program shall not exceed*
2 *the prison term the law would otherwise require*
3 *such prisoner to serve, but may not be less than*
4 *such term minus one year.*

5 “(3) *REPORT.—The Bureau of Prisons shall*
6 *transmit to the Committees on the Judiciary of the*
7 *Senate and the House of Representatives on January*
8 *1, 1995, and on January 1 of each year thereafter, a*
9 *report. Such report shall contain—*

10 “(A) *a detailed quantitative and qualitative*
11 *description of each substance abuse treatment*
12 *program, residential or not, operated by the Bu-*
13 *reau;*

14 “(B) *a full explanation of how eligibility*
15 *for such programs is determined, with complete*
16 *information on what proportion of prisoners*
17 *with substance abuse problems are eligible; and*

18 “(C) *a complete statement of to what extent*
19 *the Bureau has achieved compliance with the re-*
20 *quirements of this title.*

21 “(4) *AUTHORIZATION OF APPROPRIATIONS.—*
22 *There are authorized to be appropriated in each fiscal*
23 *year such sums as may be necessary to carry out this*
24 *subsection.*

25 “(5) *DEFINITIONS.—As used in this subsection—*

1 “(A) the term ‘residential substance abuse
2 treatment’ means a course of individual and
3 group activities, lasting between 6 and 12
4 months, in residential treatment facilities set
5 forth from the general prison population—

6 “(i) directed at the substance abuse
7 problems of the prisoner; and

8 “(ii) intended to develop the prisoner’s
9 cognitive, behavioral, social, vocational, and
10 other skills so as to solve the prisoner’s sub-
11 stance abuse and related problems; and

12 “(B) the term ‘eligible prisoner’ means a
13 prisoner who is—

14 “(i) determined by the Bureau of Pris-
15 ons to have a substance abuse problem; and

16 “(ii) willing to participate in a resi-
17 dential substance abuse treatment pro-
18 gram.”.

1 **TITLE XXI—ALTERNATIVE PUN-**
2 **ISHMENTS FOR YOUNG OF-**
3 **FENDERS**

4 **SEC. 2101. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**
5 **FENDERS.**

6 (a) *IN GENERAL.*—Title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
8 as amended by section 1654 of this Act is amended—

9 (1) by redesignating part U as part Y;

10 (2) by redesignating section 2101 as section
11 2501; and

12 (3) by inserting after part T the following:

13 **“PART U—ALTERNATIVE PUNISHMENTS FOR**
14 **YOUNG OFFENDERS**

15 **“SEC. 2101. GRANT AUTHORIZATION.**

16 “(a) *IN GENERAL.*—The Director of the Bureau of Jus-
17 tice Assistance (referred to in this part as the ‘Director’)
18 may make grants under this part to States, for the use by
19 States and units of local government in the States, for the
20 purpose of developing alternative methods of punishment for
21 young offenders to traditional forms of incarceration and
22 probation.

23 “(b) *ALTERNATIVE METHODS.*—The alternative meth-
24 ods of punishment referred to in subsection (a) should en-
25 sure certainty of punishment for young offenders and pro-

1 *mote reduced recidivism, crime prevention, and assistance*
2 *to victims, particularly for young offenders who can be pun-*
3 *ished more effectively in an environment other than a tradi-*
4 *tional correctional facility, including—*

5 “(1) *alternative sanctions that create account-*
6 *ability and certainty of punishment for young offend-*
7 *ers;*

8 “(2) *boot camp prison programs that include*
9 *education and job training activities such as pro-*
10 *grams modeled, to the extent practicable, after activi-*
11 *ties carried out under part B of title IV of the Job*
12 *Training Partnership Act (relating to Job Corps) (29*
13 *U.S.C. 1691 et seq.);*

14 “(3) *technical training and support for the im-*
15 *plementation and maintenance of State and local res-*
16 *titution programs for young offenders;*

17 “(4) *innovative projects, such as projects consist-*
18 *ing of education and job training activities for incar-*
19 *cerated young offenders, modeled, to the extent prac-*
20 *ticable, after activities carried out under part B of*
21 *title IV of the Job Training Partnership Act (relating*
22 *to Job Corps) (29 U.S.C. 1691 et seq.);*

23 “(5) *correctional options, such as community-*
24 *based incarceration, weekend incarceration, and elec-*
25 *tronic monitoring of offenders;*

1 “(6) community service programs that provide
2 work service placement for young offenders at non-
3 profit, private organizations and community organi-
4 zations;

5 “(7) demonstration restitution projects that are
6 evaluated for effectiveness;

7 “(8) innovative methods that address the prob-
8 lems of young offenders convicted of serious substance
9 abuse (including alcohol abuse, and gang-related of-
10 fenses), including technical assistance and training to
11 counsel and treat such offenders; and

12 “(9) the provision for adequate and appropriate
13 after care programs for the young offenders, such as
14 substance abuse treatment, education programs, voca-
15 tional training, job placement counseling, and other
16 support programs upon release.

17 **“SEC. 2102. STATE APPLICATIONS.**

18 “(a) *IN GENERAL.*—(1) To request a grant under this
19 part, the chief executive of a State shall submit an applica-
20 tion to the Director in such form and containing such infor-
21 mation as the Director may reasonably require.

22 “(2) Such application shall include assurances that
23 Federal funds received under this part shall be used to sup-
24 plement, not supplant, non-Federal funds that would other-
25 wise be available for activities funded under this part.

1 “(b) *STATE OFFICE.*—*The office designated under sec-*
2 *tion 507 of this title—*

3 “(1) *shall prepare the application as required*
4 *under subsection (a); and*

5 “(2) *shall administer grant funds received under*
6 *this part, including review of spending, processing,*
7 *progress, financial reporting, technical assistance,*
8 *grant adjustments, accounting, auditing, and fund*
9 *disbursement.*

10 **“SEC. 2103. REVIEW OF STATE APPLICATIONS.**

11 “(a) *IN GENERAL.*—*The Director, in consultation with*
12 *the Director of the National Institute of Corrections, shall*
13 *make a grant under section 2101(a) to carry out the*
14 *projects described in the application submitted by such ap-*
15 *plicant under section 2102 upon determining that—*

16 “(1) *the application is consistent with the re-*
17 *quirements of this part; and*

18 “(2) *before the approval of the application, the*
19 *Director has made an affirmative finding in writing*
20 *that the proposed project has been reviewed in accord-*
21 *ance with this part.*

22 “(b) *APPROVAL.*—*Each application submitted under*
23 *section 2102 shall be considered approved, in whole or in*
24 *part, by the Director not later than 45 days after first re-*

1 *ceived unless the Director informs the applicant of specific*
2 *reasons for disapproval.*

3 “(c) *RESTRICTION.*—*Grant funds received under this*
4 *part shall not be used for land acquisition or construction*
5 *projects, other than alternative facilities described in section*
6 *2101(b).*

7 “(d) *DISAPPROVAL NOTICE AND RECONSIDERATION.*—
8 *The Director shall not disapprove any application without*
9 *first affording the applicant reasonable notice and an op-*
10 *portunity for reconsideration.*

11 **“SEC. 2104. LOCAL APPLICATIONS.**

12 “(a) *IN GENERAL.*—(1) *To request funds under this*
13 *part from a State, the chief executive of a unit of local gov-*
14 *ernment shall submit an application to the office designated*
15 *under section 2102(b).*

16 “(2) *Such application shall be considered approved, in*
17 *whole or in part, by the State not later than 45 days after*
18 *such application is first received unless the State informs*
19 *the applicant in writing of specific reasons for disapproval.*

20 “(3) *The State shall not disapprove any application*
21 *submitted to the State without first affording the applicant*
22 *reasonable notice and an opportunity for reconsideration.*

23 “(4) *If such application is approved, the unit of local*
24 *government is eligible to receive such funds.*

1 “(b) *DISTRIBUTION TO UNITS OF LOCAL GOVERN-*
2 *MENT.*—A State that receives funds under section 2101 in
3 a fiscal year shall make such funds available to units of
4 local government with an application that has been submit-
5 ted and approved by the State within 45 days after the Di-
6 rector has approved the application submitted by the State
7 and has made funds available to the State. The Director
8 shall have the authority to waive the 45-day requirement
9 in this section upon a finding that the State is unable to
10 satisfy such requirement under State statutes.

11 **“SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.**

12 “(a) *STATE DISTRIBUTION.*—Of the total amount ap-
13 propriated under this part in any fiscal year—

14 “(1) 0.4 percent shall be allocated to each of the
15 participating States; and

16 “(2) of the total funds remaining after the allo-
17 cation under paragraph (1), there shall be allocated
18 to each of the participating States an amount which
19 bears the same ratio to the amount of remaining
20 funds described in this paragraph as the number of
21 young offenders of such State bears to the number of
22 young offenders in all the participating States.

23 “(b) *LOCAL DISTRIBUTION.*—(1) A State that receives
24 funds under this part in a fiscal year shall distribute to
25 units of local government in such State for the purposes

1 *specified under section 2101 that portion of such funds*
2 *which bears the same ratio to the aggregate amount of such*
3 *funds as the amount of funds expended by all units of local*
4 *government for correctional programs in the preceding fis-*
5 *cal year bears to the aggregate amount of funds expended*
6 *by the State and all units of local government in such State*
7 *for correctional programs in such preceding fiscal year.*

8 “(2) Any funds not distributed to units of local govern-
9 ment under paragraph (1) shall be available for expenditure
10 by such State for purposes specified under section 2101.

11 “(3) If the Director determines, on the basis of infor-
12 mation available during any fiscal year, that a portion of
13 the funds allocated to a State for such fiscal year will not
14 be used by such State or that a State is not eligible to re-
15 ceive funds under section 2101, the Director shall award
16 such funds to units of local government in such State giving
17 priority to the units of local government that the Director
18 considers to have the greatest need.

19 “(c) *GENERAL REQUIREMENT.*—Notwithstanding the
20 provisions of subsections (a) and (b), not less than two-
21 thirds of funds received by a State under this part shall
22 be distributed to units of local government unless the State
23 applies for and receives a waiver from the Director of the
24 Bureau of Justice Assistance.

1 “(d) *FEDERAL SHARE.*—*The Federal share of a grant*
2 *made under this part may not exceed 75 percent of the total*
3 *costs of the projects described in the application submitted*
4 *under section 2102(a) for the fiscal year for which the*
5 *projects receive assistance under this part.*

6 “(e) *CONSIDERATION.*—*Notwithstanding subsections*
7 *(a) and (b), in awarding grants under this part, the Direc-*
8 *tor shall consider as an important factor whether a State*
9 *has in effect throughout such State a law or policy which—*

10 “(1) *requires that a juvenile who is in possession*
11 *of a firearm or other weapon on school property or*
12 *convicted of a crime involving the use of a firearm or*
13 *weapon on school property—*

14 “(A) *be suspended from school for a reason-*
15 *able period of time; and*

16 “(B) *lose driving license privileges for a*
17 *reasonable period of time; and*

18 “(2) *bans firearms and other weapons in a 100-*
19 *yard radius of school property, but the State may*
20 *allow exceptions for school-sponsored activities, as*
21 *well as other reasonable exceptions.*

22 “(f) *DEFINITION.*—*For purposes of this part, ‘juvenile’*
23 *means 18 years of age or younger.*

1 **“SEC. 2106. EVALUATION.**

2 “(a) *IN GENERAL.*—(1) *Each State and local unit of*
3 *government that receives a grant under this part shall sub-*
4 *mit to the Director an evaluation not later than March 1*
5 *of each year in accordance with guidelines issued by the*
6 *Director and in consultation with the National Institute*
7 *of Justice.*

8 “(2) *The Director may waive the requirement specified*
9 *in paragraph (1) if the Director determines that such eval-*
10 *uation is not warranted in the case of the State or unit*
11 *of local government involved.*

12 “(b) *DISTRIBUTION.*—*The Director shall make avail-*
13 *able to the public on a timely basis evaluations received*
14 *under subsection (a).*

15 “(c) *ADMINISTRATIVE COSTS.*—*A State and local unit*
16 *of government may use not more than 5 percent of funds*
17 *it receives under this part to develop an evaluation program*
18 *under this section.”.*

19 (b) *CONFORMING AMENDMENT.*—*The table of contents*
20 *of title I of the Omnibus Crime Control and Safe Streets*
21 *Act of 1968 (42 U.S.C. 3711 et seq.), is amended by insert-*
22 *ing after the matter relating to part T (as added by section*
23 *1654) the following:*

“PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“Sec. 2101. *Grant authorization.*

“Sec. 2102. *State applications.*

“Sec. 2103. *Review of State applications.*

“Sec. 2104. *Local applications.*

“Sec. 2105. Allocation and distribution of funds.

“Sec. 2106. Evaluation.

“PART Y—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 2501. Continuation of rules, authorities, and proceedings.”.

1 (c) *DEFINITION.—Section 901(a) of the Omnibus*
2 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
3 *3791(a)), is amended by adding after paragraph (23) the*
4 *following:*

5 *“(24) the term ‘young offender’ means an indi-*
6 *vidual, convicted of a crime, 22 years of age or*
7 *younger—*

8 *“(A) who has not been convicted of—*

9 *“(i) a crime of sexual assault; or*

10 *“(ii) a crime involving the use of a*
11 *firearm in the commission of the crime; and*

12 *“(B) who has no prior convictions for a*
13 *crime of violence (as defined by section 16 of title*
14 *18, United States Code) punishable by a period*
15 *of 1 or more years of imprisonment; and”.*

16 (d) *TECHNICAL AMENDMENTS.—Section 901(a) of the*
17 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
18 *U.S.C. 3791(a)) is amended—*

19 (1) *in paragraph (21), by adding a semicolon at*
20 *the end;*

21 (2) *in paragraph (22), by striking “and” at the*
22 *end; and*

1 (3) in paragraph (23) by striking the period at
2 the end and inserting a semicolon.

3 **SEC. 2102. AUTHORIZATION OF APPROPRIATION.**

4 Section 1001(a) of title I of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is
6 amended by adding at the end the following:

7 “(16) There are authorized to be appropriated
8 \$200,000,000 for each of the fiscal years 1994, 1995, and
9 1996 to carry out the projects under part U.”.

10 **SEC. 2103. SENSE OF THE CONGRESS.**

11 It is the sense of the Congress that States should impose
12 mandatory sentences for crimes involving the use of a fire-
13 arm or other weapon on school property or within a 100-
14 yard radius of school property.

15 **TITLE XXII—JUVENILE DRUG**
16 **TRAFFICKING AND GANG PRE-**
17 **VENTION GRANTS**

18 **SEC. 2201. JUVENILE DRUG TRAFFICKING AND GANG PRE-**
19 **VENTION GRANTS.**

20 (a) The Omnibus Crime Control and Safe Streets Act
21 of 1968, is amended by inserting after part U (as added
22 by section 2101(a)) the following new part:

1 **“PART V—JUVENILE DRUG TRAFFICKING AND**
2 **GANG PREVENTION GRANTS**

3 **“SEC. 2201. GRANT AUTHORIZATION.**

4 “(a) *IN GENERAL.*—The Director is authorized to
5 make grants to States and units of local government or com-
6 binations thereof to assist them in planning, establishing,
7 operating, coordinating, and evaluating projects directly or
8 through grants and contracts with public and private agen-
9 cies for the development of more effective programs, includ-
10 ing education, prevention, treatment and enforcement pro-
11 grams to reduce—

12 “(1) *the formation or continuation of juvenile*
13 *gangs; and*

14 “(2) *the use and sale of illegal drugs by juve-*
15 *niles.*

16 “(b) *USES OF FUNDS.*—The grants made under this
17 section may be used for any of the following specific
18 purposes:

19 “(1) *To reduce the participation of juveniles in*
20 *drug related crimes (including drug trafficking and*
21 *drug use), particularly in and around elementary*
22 *and secondary schools.*

23 “(2) *To reduce juvenile involvement in organized*
24 *crime, drug and gang-related activity, particularly*
25 *activities that involve the distribution of drugs by or*
26 *to juveniles.*

1 “(3) To develop new and innovative means to
2 address the problems of juveniles convicted of serious,
3 drug-related and gang-related offenses;

4 “(4) To reduce juvenile drug and gang-related
5 activity in public housing projects.

6 “(5) To provide technical assistance and train-
7 ing to personnel and agencies responsible for the adju-
8 dicatory and corrections components of the juvenile
9 justice system to identify drug-dependent or gang-in-
10 volved juvenile offenders and to provide appropriate
11 counseling and treatment to such offenders.

12 “(6) To promote the involvement of all juveniles
13 in lawful activities, including—

14 “(A) school programs that teach that drug
15 and gang involvement are wrong; and

16 “(B) programs such as youth sports and
17 other activities, including girls and boys clubs,
18 scout troops, and little leagues.

19 “(7) To facilitate Federal and State cooperation
20 with local school officials to develop education, pre-
21 vention and treatment programs for juveniles who are
22 likely to participate in drug trafficking, drug use or
23 gang-related activities.

24 “(8) To provide pre- and post-trial drug abuse
25 treatment to juveniles in the juvenile justice system;

1 *with the highest possible priority to providing drug*
2 *abuse treatment to drug-dependent pregnant juveniles*
3 *and drug-dependent juvenile mothers.*

4 “(9) *To provide education and treatment pro-*
5 *grams for youth exposed to severe violence in their*
6 *homes, schools, or neighborhoods.*

7 “(10) *To establish sports mentoring and coach-*
8 *ing programs in which athletes serve as role models*
9 *for youth to teach that athletics provide a positive al-*
10 *ternative to drug and gang involvement.*

11 “(11) *To develop new programs that specifically*
12 *address the unique crime, drug, and alcohol-related*
13 *challenges faced by juveniles living at or near Inter-*
14 *national Ports of Entry and in other international*
15 *border communities, including rural localities.*

16 “(12) *To identify promising new juvenile drug*
17 *demand reduction and enforcement programs, to rep-*
18 *licate and demonstrate these programs to serve as na-*
19 *tional, regional or local models that could be used, in*
20 *whole or in part, by other public and private juvenile*
21 *justice programs, and to provide technical assistance*
22 *and training to public or private organizations to*
23 *implement similar programs.*

24 “(13) *To coordinate violence, gang, and juvenile*
25 *drug prevention programs with other existing Federal*

1 *programs that serve community youth to better ad-*
2 *dress the comprehensive needs of such youth.*

3 *“(14) To reduce the incidence of graffiti and to*
4 *promote graffiti removal, prevention, and education*
5 *programs.*

6 *“(c) FEDERAL SHARE.—(1) The Federal share of a*
7 *grant made under this part may not exceed 75 percent of*
8 *the total costs of the projects described in applications sub-*
9 *mitted under this section for the fiscal year for which the*
10 *projects receive assistance under this part.*

11 *“(2) The Director may waive the 25 percent matching*
12 *requirement under paragraph (1), upon making a deter-*
13 *mination that such waiver is equitable due to the financial*
14 *circumstances affecting the ability of the applicant to meet*
15 *such requirements.*

16 **“SEC. 2202. APPLICATIONS.**

17 *“A State or unit of local government applying for*
18 *grants under this part shall submit an application to the*
19 *Director in such form and containing such information as*
20 *the Director shall reasonably require.”.*

21 *(b) CONFORMING AMENDMENT.—The table of contents*
22 *of title I of the Omnibus Crime Control and Safe Streets*
23 *Act of 1968 (42 U.S.C. 3711 et seq.), is amended by insert-*
24 *ing after the matter relating to part U (as added by section*
25 *2101(b)) the following:*

*"PART V—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS**"Sec. 2201. Grant authorization.**"Sec. 2202. Applications."***1 SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 1001(a) of title I of the Omnibus Crime Con-*
 3 *trol and Safe Streets Act of 1968 (42 U.S.C. 3793), is*
 4 *amended by adding at the end the following:*

5 *"(17) There are authorized to be appropriated*
 6 *\$100,000,000 for each of the fiscal years 1994 and 1995*
 7 *to carry out the projects under part V."*

8 **TITLE XXIII—RESIDENTIAL SUB-**
 9 **STANCE ABUSE TREATMENT**
 10 **FOR STATE PRISONERS**

11 **SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
 12 **FOR STATE PRISONERS.**

13 *(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT*
 14 *FOR PRISONERS.—Title I of the Omnibus Crime Control*
 15 *and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is*
 16 *amended by inserting after part V (as added by section*
 17 *2201(a)) the following:*

18 **"PART W—RESIDENTIAL SUBSTANCE ABUSE**
 19 **TREATMENT FOR STATE PRISONERS**

20 **"SEC. 2301. GRANT AUTHORIZATION.**

21 *"The Director of the Bureau of Justice Assistance (re-*
 22 *ferred to in this part as the 'Director') may make grants*
 23 *under this part to States, for the use by States and units*

1 *of local government for the purpose of developing and imple-*
2 *menting residential substance abuse treatment programs*
3 *within State correctional facilities, as well as within local*
4 *correctional facilities in which inmates are incarcerated for*
5 *a period of time sufficient to permit substance abuse treat-*
6 *ment.*

7 ***“SEC. 2302. STATE APPLICATIONS.***

8 *“(a) IN GENERAL.—(1) To request a grant under this*
9 *part the chief executive of a State shall submit an applica-*
10 *tion to the Director in such form and containing such infor-*
11 *mation as the Director may reasonably require.*

12 *“(2) Such application shall include assurances that*
13 *Federal funds received under this part shall be used to sup-*
14 *plement, not supplant, non-Federal funds that would other-*
15 *wise be available for activities funded under this part.*

16 *“(3) Such application shall coordinate the design and*
17 *implementation of treatment programs between State cor-*
18 *rectional representatives and the State Alcohol and Drug*
19 *Abuse agency (and, if appropriate, between representatives*
20 *of local correctional agencies and representatives of either*
21 *the State alcohol and drug abuse agency or any appropriate*
22 *local alcohol and drug abuse agency).*

23 *“(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To*
24 *be eligible to receive funds under this part, a State must*
25 *agree to implement or continue to require urinalysis or*

1 *similar testing of individuals in correctional residential*
2 *substance abuse treatment programs. Such testing shall in-*
3 *clude individuals released from residential substance abuse*
4 *treatment programs who remain in the custody of the State.*

5 “(c) *ELIGIBILITY FOR PREFERENCE WITH AFTER*
6 *CARE COMPONENT.*—

7 “(1) *To be eligible for a preference under this*
8 *part, a State must ensure that individuals who par-*
9 *ticipate in the substance abuse treatment program es-*
10 *tablished or implemented with assistance provided*
11 *under this part will be provided with aftercare*
12 *services.*

13 “(2) *State aftercare services must involve the co-*
14 *ordination of the correctional facility treatment pro-*
15 *gram with other human service and rehabilitation*
16 *programs, such as educational and job training pro-*
17 *grams, parole supervision programs, half-way house*
18 *programs, and participation in self-help and peer*
19 *group programs, that may aid in the rehabilitation*
20 *of individuals in the substance abuse treatment*
21 *program.*

22 “(3) *To qualify as an aftercare program, the*
23 *head of the substance abuse treatment program, in*
24 *conjunction with State and local authorities and or-*
25 *ganizations involved in substance abuse treatment,*

1 *shall assist in placement of substance abuse treatment*
2 *program participants with appropriate community*
3 *substance abuse treatment facilities when such indi-*
4 *viduals leave the correctional facility at the end of a*
5 *sentence or on parole.*

6 “(d) *STATE OFFICE.*—*The Office designated under sec-*
7 *tion 507 of this title—*

8 “(1) *shall prepare the application as required*
9 *under this section; and*

10 “(2) *shall administer grant funds received under*
11 *this part, including review of spending, processing,*
12 *progress, financial reporting, technical assistance,*
13 *grant adjustments, accounting, auditing, and fund*
14 *disbursement.*

15 **“SEC. 2303. REVIEW OF STATE APPLICATIONS.**

16 “(a) *IN GENERAL.*—*The Director shall make a grant*
17 *under section 2301 to carry out the projects described in*
18 *the application submitted under section 2302 upon deter-*
19 *mining that—*

20 “(1) *the application is consistent with the re-*
21 *quirements of this part; and*

22 “(2) *before the approval of the application the*
23 *Director has made an affirmative finding in writing*
24 *that the proposed project has been reviewed in accord-*
25 *ance with this part.*

1 “(b) *APPROVAL.*—Each application submitted under
2 section 2302 shall be considered approved, in whole or in
3 part, by the Director not later than 45 days after first re-
4 ceived unless the Director informs the applicant of specific
5 reasons for disapproval.

6 “(c) *RESTRICTION.*—Grant funds received under this
7 part shall not be used for land acquisition or construction
8 projects.

9 “(d) *DISAPPROVAL NOTICE AND RECONSIDERATION.*—
10 The Director shall not disapprove any application without
11 first affording the applicant reasonable notice and an op-
12 portunity for reconsideration.

13 **“SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14 “(a) *ALLOCATION.*—Of the total amount appropriated
15 under this part in any fiscal year—

16 “(1) 0.4 percent shall be allocated to each of the
17 participating States; and

18 “(2) of the total funds remaining after the allo-
19 cation under paragraph (1), there shall be allocated
20 to each of the participating States an amount which
21 bears the same ratio to the amount of remaining
22 funds described in this paragraph as the State prison
23 population of such State bears to the total prison pop-
24 ulation of all the participating States.

1 “(b) *FEDERAL SHARE*.—The Federal share of a grant
2 made under this part may not exceed 75 percent of the total
3 costs of the projects described in the application submitted
4 under section 2302 for the fiscal year for which the projects
5 receive assistance under this part.

6 **“SEC. 2305. EVALUATION.**

7 “Each State that receives a grant under this part shall
8 submit to the Director an evaluation not later than March
9 1 of each year in such form and containing such informa-
10 tion as the Director may reasonably require.”.

11 (b) *CONFORMING AMENDMENT*.—The table of contents
12 of title I of the Omnibus Crime Control and Safe Streets
13 Act of 1968 (42 U.S.C. 3711 et seq.), is amended by insert-
14 ing after the matter relating to part V (as added by section
15 2201(b)) the following:

“PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 2301. Grant authorization.

“Sec. 2302. State applications.

“Sec. 2303. Review of State applications.

“Sec. 2304. Allocation and distribution of funds.

“Sec. 2305. Evaluation.”.

16 (c) *DEFINITIONS*.—Section 901(a) of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
18 3791(a)) is amended by adding after paragraph (24) (as
19 added by section 2101(c)) the following:

20 “(25) the term ‘residential substance abuse treat-
21 ment program’ means a course of individual and
22 group activities, lasting between 9 and 12 months, in

1 *residential treatment facilities set apart from the gen-*
2 *eral prison population—*

3 “(A) *directed at the substance abuse prob-*
4 *lems of the prisoner; and*

5 “(B) *intended to develop the prisoner’s cog-*
6 *nitive, behavioral, social, vocational, and other*
7 *skills so as to solve the prisoner’s substance abuse*
8 *and related problems.”.*

9 **SEC. 2302. AUTHORIZATION OF APPROPRIATIONS.**

10 *Section 1001(a) of title I of the Omnibus Crime Con-*
11 *trol and Safe Streets Act of 1968 (42 U.S.C. 3793), is*
12 *amended by adding at the end the following:*

13 “(18) *There are authorized to be appropriated*
14 *\$100,000,000 for each of the fiscal years 1994, 1995, and*
15 *1996 to carry out the projects under part W.”.*

16 **TITLE XXIV—IMMIGRATION RE-**
17 **LATED PROVISIONS AND**
18 **CRIMINAL ALIENS.**

19 **Subtitle A—Criminal Aliens**

20 **SEC. 2401. CONGRESSIONAL FINDINGS.**

21 *The Congress makes the following findings:*

22 (1) *The Federal Government is responsible for*
23 *controlling illegal immigration into the United*
24 *States.*

1 (2) *Many States and localities are burdened with*
2 *the financial costs of housing and processing aliens*
3 *who are unlawfully within the United States and who*
4 *are charged with violating criminal statutes.*

5 (3) *The Immigration and Naturalization Service*
6 *is not permitted under current law to accept local*
7 *and State assistance in its deportation responsibil-*
8 *ities.*

9 (4) *Many communities with criminal alien pop-*
10 *ulations would like to expedite the deportation of*
11 *aliens who are charged with violating criminal stat-*
12 *utes and who are either unlawfully within the United*
13 *States or willing to submit to voluntary deportation*
14 *under safeguard.*

15 **SEC. 2402. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.**

16 (a) *IN GENERAL.*—*Subject to subsection (b) and not-*
17 *withstanding any other provision of law, the Attorney Gen-*
18 *eral, in the discretion of the Attorney General, is authorized*
19 *to accept, hold, administer, and utilize gifts of property and*
20 *services (which may not include cash assistance) for the*
21 *purpose of assisting the Immigration and Naturalization*
22 *Service in carrying out the deportation of aliens who are*
23 *subject to charges for misdemeanor or felony crimes under*
24 *State or Federal law and who are either unlawfully within*
25 *the United States or willing to submit to voluntary deporta-*

1 *tion under safeguard. Any property acquired pursuant to*
2 *this section shall be acquired in the name of the United*
3 *States.*

4 (b) *LIMITATION.—The Attorney General shall termi-*
5 *nate or rescind the exercise of the authority under sub-*
6 *section (a) if the Attorney General determines that the exer-*
7 *cise of such authority has resulted in discrimination in law*
8 *enforcement on the basis of race, color, or national origin.*

9 **SEC. 2403. INCARCERATION OF UNDOCUMENTED CRIMINAL**
10 **ALIENS.**

11 (a) *INCARCERATION.—Section 242 of the Immigration*
12 *and Nationality Act (8 U.S.C. 1252) is amended by adding*
13 *at the end the following:*

14 “(j) *INCARCERATION.—*

15 “(1) *If the chief official of the State (or, if ap-*
16 *propriate, a political subdivision of the State) exercis-*
17 *ing authority with respect to the incarceration of an*
18 *undocumented criminal alien (sentenced to a deter-*
19 *minate term of imprisonment) submits a written re-*
20 *quest to the Attorney General, the Attorney General*
21 *shall, as determined by the Attorney General—*

22 “(A) *enter into a contractual arrangement*
23 *which provides for compensation to the State or*
24 *a political subdivision of the State, as may be*
25 *appropriate, with respect to the incarceration of*

1 *such undocumented criminal alien for such de-*
2 *terminate sentence of imprisonment, or*

3 *“(B) take the undocumented criminal alien*
4 *into the custody of the Federal Government and*
5 *incarcerate such alien for such determinate sen-*
6 *tence of imprisonment.*

7 *“(2) Compensation under paragraph (1)(A) shall*
8 *be determined by the Attorney General and may not*
9 *exceed the median cost of incarceration of a prisoner*
10 *in all maximum security facilities in the United*
11 *States as determined by the Bureau of Justice Statis-*
12 *tics.*

13 *“(3) For purposes of this subsection, the term*
14 *‘undocumented criminal alien’ means an alien who—*

15 *“(A) has been convicted of a felony and sen-*
16 *tenced to a term of imprisonment, and*

17 *“(B)(i) entered the United States without*
18 *inspection or at any time or place other than as*
19 *designated by the Attorney General,*

20 *“(ii) was the subject of exclusion or deporta-*
21 *tion proceedings at the time he or she was taken*
22 *into custody by the State or a political subdivi-*
23 *sion of the State, or*

24 *“(iii) was admitted as a nonimmigrant and*
25 *at the time he or she was taken into custody by*

1 *the State or a political subdivision of the State*
2 *has failed to maintain the nonimmigrant status*
3 *in which the alien was admitted or to which it*
4 *was changed under section 248, or to comply*
5 *with the conditions of any such status.*

6 “(4)(A) *In carrying out paragraph (1), the At-*
7 *torney General shall give priority to the Federal in-*
8 *carceration of undocumented criminal aliens who*
9 *have committed aggravated felonies.*

10 “(B) *The Attorney General shall ensure that un-*
11 *documented criminal aliens incarcerated in Federal*
12 *facilities pursuant to this subsection are held in fa-*
13 *cilities which provide a level of security appropriate*
14 *to the crimes for which they were convicted.”.*

15 **(b) EFFECTIVE DATE.**—*The amendments made by this*
16 *section shall take effect October 1, 1994.*

17 **(c) LIMITATION.**—*The authority created in section*
18 *242(j) of the Immigration and Nationality Act (as added*
19 *by subsection (a)) shall be subject to appropriation until*
20 *October 1, 1998.*

21 **Subtitle B—Immigration Provisions**

22 **SEC. 2411. EXPEDITED DEPORTATION FOR DENIED ASYLUM** 23 **APPLICANTS.**

24 **(a)** *The Attorney General may provide for the expedi-*
25 *tious adjudication of asylum claims and the expeditious de-*

1 portation of asylum applicants whose applications have
2 been finally denied, unless the applicant remains in an oth-
3 erwise valid nonimmigrant status.

4 (b) There are authorized to be appropriated to carry
5 out this section, such sums as are necessary for each of fiscal
6 years 1994, 1995, 1996, 1997, and 1998.

7 **SEC. 2412. IMPROVING BORDER CONTROLS.**

8 (a) There are authorized to be appropriated such sums
9 as are necessary to increase the Immigration and Natu-
10 ralization Service's resources for the Border Patrol, the In-
11 spections Program, and the Deportation Branch to appre-
12 hend illegal aliens who attempt clandestine entry into the
13 United States or entry into the United States with fraudu-
14 lent documents or who remain in the country after their
15 nonimmigrant visas expire.

16 (b) The Attorney General shall report to the Congress
17 every two years on the programs referred to in subsection
18 (a).

19 **SEC. 2413. EXPANDED SPECIAL DEPORTATION PROCEED-**
20 **INGS.**

21 (a) Subject to the availability of appropriations, the
22 Attorney General may expand the program authorized by
23 section 242A(d) of the Immigration and Nationality Act
24 to ensure that such aliens are immediately deportable upon
25 their release from incarceration.

1 (b) *There are authorized to be appropriated such sums*
2 *as necessary to carry out this section for each of fiscal years*
3 *1995 through 1998.*

4 (c) *The Attorney General shall report to the Congress*
5 *every two years on the program referred to in subsection*
6 *(a).*

7 **SEC. 2414. CONSTRUCTION OF INS SERVICE PROCESSING**
8 **CENTERS TO DETAIN CRIMINAL ALIENS.**

9 *There are authorized to be appropriated such sums as*
10 *are necessary in fiscal year 1996 to construct or contract*
11 *for the construction of 2 Immigration and Naturalization*
12 *Service Processing Centers to detain criminal aliens.*

13 **Subtitle C—Border Patrol Agents**

14 **SEC. 2421. BORDER PATROL AGENTS.**

15 *In addition to such amounts as are otherwise author-*
16 *ized to be appropriated, there is authorized to be appro-*
17 *priated for each of the fiscal years 1995, 1996, 1997, 1998,*
18 *and 1999 for salaries and expenses of the Border Patrol*
19 *such amounts as may be necessary to provide for an in-*
20 *crease in the number of agents of the Border Patrol by 6,000*
21 *full-time equivalent agent positions (and necessary support*
22 *personnel positions) beyond the number of such positions*
23 *authorized for the Border Patrol as of October 1, 1993.*

1 ***Subtitle D—Passport and Visa***
2 ***Offenses Penalties Improvements***

3 ***SEC. 2431. PASSPORT AND VISA OFFENSES PENALTIES IM-***
4 ***PROVEMENT.***

5 (a) *IN GENERAL.*—Chapter 75 of title 18, United
6 *States Code, is amended—*

7 (1) *in section 1541, by striking “not more than*
8 *\$500 or imprisoned not more than one year” and in-*
9 *serting “under this title or imprisoned not more than*
10 *10 years”;*

11 (2) *in each of sections 1542, 1543, and 1544, by*
12 *striking “not more than \$2,000 or imprisoned not*
13 *more than five years” and inserting “under this title*
14 *or imprisoned not more than 10 years”;*

15 (3) *in section 1545, by striking “not more than*
16 *\$2,000 or imprisoned not more than three years” and*
17 *inserting “under this title or imprisoned not more*
18 *than 10 years”;*

19 (4) *in section 1546(a), by striking “five years”*
20 *and inserting “10 years”;*

21 (5) *in section 1546(b), by striking “in accord-*
22 *ance with this title, or imprisoned not more than two*
23 *years” and inserting “under this title or imprisoned*
24 *not more than 10 years”;* and

25 (6) *by adding at the end the following:*

1 **“§ 1547. Alternative imprisonment maximum for cer-**
2 **tain offenses**

3 *“Notwithstanding any other provision of this title, the*
4 *maximum term of imprisonment that may be imposed for*
5 *an offense under this chapter (other than an offense under*
6 *section 1545)—*

7 *“(1) if committed to facilitate a drug trafficking*
8 *crime (as defined in 929(a) of this title) is 15 years;*
9 *and*

10 *“(2) if committed to facilitate an act of inter-*
11 *national terrorism (as defined in section 2331 of this*
12 *title) is 20 years.”.*

13 *(b) CLERICAL AMENDMENT.—The table of sections at*
14 *the beginning of chapter 75 of title 18, United States Code,*
15 *is amended by adding at the end the following new item:*
“1547. Alternative imprisonment maximum for certain offenses.”.

16 **TITLE XXV—RURAL CRIME.**
17 **Subtitle A—Drug Trafficking in**
18 **Rural Areas**

19 **SEC. 2501. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
20 **MENT AGENCIES.**

21 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*
22 *1001(a)(9) of title I of the Omnibus Crime Control and Safe*
23 *Streets Act of 1968 is amended to read as follows:*

1 (2) the Drug Enforcement Administration;
2 (3) the Federal Bureau of Investigation;
3 (4) the Immigration and Naturalization Service;
4 (5) the Customs Service;
5 (6) the United States Marshals Service; and
6 (7) law enforcement officers from the United
7 States Park Police, United States Forest Service and
8 Bureau of Land Management, and such other Federal
9 law enforcement agencies as the Attorney General
10 may direct.

11 **SEC. 2503. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

12 (a) *IN GENERAL.*—The Attorney General may cross-
13 designate up to 100 law enforcement officers from each of
14 the agencies specified under section 1502(b)(6) of the Omni-
15 bus Crime Control and Safe Streets Act of 1968 with juris-
16 diction to enforce the provisions of the Controlled Sub-
17 stances Act on non-Federal lands and title 18 of the United
18 States Code to the extent necessary to effect the purposes
19 of this Act.

20 (b) *ADEQUATE STAFFING.*—The Attorney General
21 shall, subject to the availability of appropriations, ensure
22 that each of the task forces established in accordance with
23 this title are adequately staffed with investigators and that
24 additional investigators are provided when requested by the
25 task force.

1 **SEC. 2504. RURAL DRUG ENFORCEMENT TRAINING.**

2 (a) *SPECIALIZED TRAINING FOR RURAL OFFICERS.*—
3 *The Director of the Federal Law Enforcement Training*
4 *Center shall develop a specialized course of instruction de-*
5 *voted to training law enforcement officers from rural agen-*
6 *cies in the investigation of drug trafficking and related*
7 *crimes.*

8 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
9 *authorized to be appropriated to carry out subsection (a)*
10 *\$1,000,000 for each of fiscal years 1994, 1995, 1996, 1997,*
11 *and 1998.*

12 **SEC. 2505. MORE AGENTS FOR THE DRUG ENFORCEMENT**
13 **ADMINISTRATION.**

14 *There are authorized to be appropriated for the hiring*
15 *of additional Drug Enforcement Administration agents*
16 *\$20,000,000 for each of fiscal years 1994, 1995, 1996, 1997,*
17 *and 1998.*

18 **Subtitle B—Drug Free Truck Stops**
19 **and Safety Rest Areas**

20 **SEC. 2511. DRUG FREE TRUCK STOPS AND SAFETY REST**
21 **AREAS.**

22 (a) *SHORT TITLE.*—*This section may be cited as the*
23 *“Drug Free Truck Stop Act”.*

24 (b) *AMENDMENT TO CONTROLLED SUBSTANCES*
25 *ACT.*—

1 (1) *IN GENERAL.*—Part D of the Controlled Sub-
2 stances Act (21 U.S.C. 801 et seq.) is amended by in-
3 serting after section 408 the following new section:

4 “TRANSPORTATION SAFETY OFFENSES

5 “SEC. 409. (a) *DEFINITIONS.*—In this section—

6 “(1) the term ‘safety rest area’ means a roadside
7 facility with parking facilities for the rest or other
8 needs of motorists; and

9 “(2) the term ‘truck stop’ means a facility (in-
10 cluding any parking lot appurtenant thereto) that—

11 “(A) has the capacity to provide fuel or
12 service, or both, to any commercial motor vehicle
13 (as defined under section 12019 of the Commer-
14 cial Motor Vehicle Safety Act of 1986 (49 U.S.C.
15 2716)) operating in commerce (as defined in that
16 section); and

17 “(B) is located within 2,500 feet of the Na-
18 tional System of Interstate and Defense High-
19 ways or the Federal-Aid Primary System.

20 “(b) *FIRST OFFENSE.*—A person who violates section
21 401(a)(1) or section 416 by distributing or possessing with
22 intent to distribute a controlled substance in or on, or with-
23 in 1,000 feet of, a truck stop or safety rest area is (except
24 as provided in subsection (b)) subject to—

25 “(1) twice the maximum punishment authorized
26 by section 401(b); and

1 “(2) twice any term of supervised release author-
2 ized by section 401(b) for a first offense.

3 “(c) *SUBSEQUENT OFFENSE*.—A person who violates
4 section 401(a)(1) or section 416 by distributing or possess-
5 ing with intent to distribute a controlled substance in or
6 on, or within 1,000 feet of, a truck stop or a safety rest
7 area after a prior conviction or convictions under sub-
8 section (a) have become final is subject to—

9 “(1) 3 times the maximum punishment author-
10 ized by section 401(b); and

11 “(2) 3 times any term of supervised release au-
12 thorized by section 401(b) for a first offense.”.

13 (2) *TECHNICAL AMENDMENTS*.—

14 (A) *CROSS REFERENCE*.—Section 401(b) of
15 the Controlled Substances Act (21 U.S.C. 841(b))
16 is amended by inserting “409,” before “418,”
17 each place it appears.

18 (B) *TABLE OF CONTENTS*.—The table of
19 contents of the Comprehensive Drug Abuse Pre-
20 vention and Control Act of 1970 is amended by
21 striking the item relating to section 409 and in-
22 serting the following new item:

“Sec. 409. Transportation safety offenses.”.

23 (c) *SENTENCING GUIDELINES*.—Pursuant to its au-
24 thority under section 994 of title 28, United States Code,
25 and section 21 of the Sentencing Act of 1987 (28 U.S.C.

1 994 note), the United States Sentencing Commission shall
2 promulgate guidelines, or shall amend existing guidelines,
3 to provide an appropriate enhancement of punishment for
4 a defendant convicted of violating section 409 of the Con-
5 trolled Substances Act, as added by subsection (b).

6 **Subtitle C—Rural Domestic Violence and Child Abuse Enforce-**
7 **ment**
8

9 **SEC. 2521. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE**
10 **ENFORCEMENT ASSISTANCE.**

11 (a) *GRANTS.*—The Attorney General may make grants
12 to units of State and local governments of rural States, and
13 to other public or private entities of rural States—

14 (1) to implement, expand, and establish coopera-
15 tive efforts and projects between law enforcement offi-
16 cers, prosecutors, victim advocacy groups, and other
17 related parties to investigate and prosecute incidents
18 of domestic violence and child abuse;

19 (2) to provide treatment and counseling to vic-
20 tims of domestic violence and child abuse; and

21 (3) to work in cooperation with the community
22 to develop education and prevention strategies di-
23 rected toward such issues.

24 (b) *DEFINITION.*—In this section, the term “rural
25 State” has the meaning stated in section 1501(b) of title

1 *I of the Omnibus Crime Control and Safe Streets Act of*
2 *1968 (42 U.S.C. 3796bb(B)).*

3 *(c) AUTHORIZATION OF APPROPRIATIONS.—*

4 *(1) IN GENERAL.—There is authorized to be ap-*
5 *propriated to carry out this section \$10,000,000 for*
6 *each of fiscal years 1995, 1996, and 1997.*

7 *(2) ADDITIONAL FUNDING.—In addition to funds*
8 *received under a grant under subsection (a), a law*
9 *enforcement agency may use funds received under a*
10 *grant under section 1402 to accomplish the objectives*
11 *of this section.*

12 ***Subtitle D—Sense of Congress Re-***
13 ***garding Funding for Rural***
14 ***Areas***

15 ***SEC. 2531. FUNDING FOR RURAL AREAS.***

16 *It is the sense of Congress that—*

17 *(1) the Attorney General should ensure that*
18 *funding for programs in this Act is distributed such*
19 *that rural areas continue to receive comparable sup-*
20 *port for their broad-based crime fighting initiatives;*

21 *(2) rural communities should not receive less*
22 *funding than they received in fiscal year 1994 for*
23 *anti-crime initiatives as a result of any legislative or*
24 *administrative actions; and*

1 (3) to the maximum extent possible, funding for
2 the Edward Byrne Memorial State and Local Law
3 Enforcement Assistance Program should be main-
4 tained at its fiscal year 1994 level.

5 **TITLE XXVI—COMMISSION ON**
6 **CRIME AND VIOLENCE.**

7 **SEC. 2601. FINDINGS.**

8 *The Congress finds that—*

9 (1) *there is no more important responsibility of*
10 *government than the protection of the lives and prop-*
11 *erty of its citizens;*

12 (2) *a violent crime occurs every 22 seconds in*
13 *America;*

14 (3) *the Nation's law enforcement personnel and*
15 *criminal justice system lack the resources they need to*
16 *fully maintain law and order;*

17 (4) *the proliferation of drugs and guns in the*
18 *last 3 decades has dramatically changed the nature of*
19 *crime;*

20 (5) *it has been 27 years since the Brown Com-*
21 *mission redefined the Federal Government's response*
22 *to crime in America; and*

23 (6) *the Nation must commit itself to an ener-*
24 *getic, innovative assault on the epidemic of crime in*
25 *our society, including—*

1 (A) *alternative forms of sentencing to guar-*
2 *antee swift and sure punishment of criminals,*
3 *including the Nation's growing number of youth*
4 *offenders;*

5 (B) *initiatives by the public and private*
6 *sectors designed to identify and alleviate the*
7 *causes of criminal behavior; and*

8 (C) *an examination of current laws and*
9 *law enforcement practices to determine where*
10 *and how resources may be best utilized to fight*
11 *crime, reduce burdens on courts and jails, and*
12 *stop recidivism.*

13 **SEC. 2602. ESTABLISHMENT OF COMMISSION ON CRIME**
14 **AND VIOLENCE.**

15 (a) *ESTABLISHMENT.*—*There is established a commis-*
16 *sion to be known as the “National Commission on Crime*
17 *and Violence in America” (referred to as the “Commis-*
18 *sion”).*

19 (b) *MEMBERSHIP.*—

20 (1) *IN GENERAL.*—*The Commission shall be com-*
21 *posed of 22 members, of whom—*

22 (A) *6 shall be appointed by the President;*

23 (B) *8 shall be appointed by the Speaker of*
24 *the House of Representatives, of whom 2 shall be*

1 *appointed on the recommendation of the minor-*
2 *ity leader; and*

3 (C) *8 shall be appointed by the President*
4 *pro tempore of the Senate, of whom 6 shall be*
5 *appointed on the recommendation of the major-*
6 *ity leader and 2 shall be appointed on the rec-*
7 *ommendation of the minority leader.*

8 (2) *GOALS IN MAKING APPOINTMENTS.—In ap-*
9 *pointing members of the Commission, the President,*
10 *Speaker, President pro tempore, and the majority and*
11 *minority leaders shall seek to ensure that—*

12 (A) *the membership of the Commission re-*
13 *fect the racial, ethnic, and gender diversity of*
14 *the United States; and*

15 (B) *members are specially qualified to serve*
16 *on the Commission by reason of their education,*
17 *training, expertise, or experience in—*

18 (i) *sociology;*

19 (ii) *psychology;*

20 (iii) *law;*

21 (iv) *law enforcement;*

22 (v) *social work; and*

23 (vi) *ethnography and urban poverty,*
24 *including health care, housing, education,*
25 *and employment.*

1 (3) *DEADLINE.*—Members of the Commission
2 shall be appointed within 60 days after the date of
3 enactment of this Act.

4 (4) *TERM.*—Members shall serve on the Commis-
5 sion through the date of its termination under section
6 8.

7 (5) *MEETINGS.*—The Commission—

8 (A) shall have its headquarters in the Dis-
9 trict of Columbia; and

10 (B) shall meet at least once each month for
11 a business session.

12 (6) *QUORUM.*—Twelve members of the Commis-
13 sion shall constitute a quorum, but a lesser number
14 may hold hearings.

15 (7) *CHAIRPERSON AND VICE CHAIRPERSON.*—Not
16 later than 15 days after the members of the Commis-
17 sion are appointed, the members shall designate a
18 Chairperson and Vice Chairperson of the Commission.

19 (8) *VACANCIES.*—A vacancy in the Commission
20 shall be filled not later than 30 days after the Com-
21 mission is informed of the vacancy in the manner in
22 which the original appointment was made.

23 (9) *COMPENSATION.*—

24 (A) *NO PAY, ALLOWANCE, OR BENEFIT.*—
25 Members of the Commission shall receive no pay,

1 *allowances, or benefits by reason of their service*
2 *on the Commission.*

3 (B) *TRAVEL EXPENSES.*—*A member of the*
4 *Commission shall receive travel expenses, includ-*
5 *ing per diem in lieu of subsistence, in accordance*
6 *with section 5702 and 5703 of title 5, United*
7 *States Code.*

8 **SEC. 2603. DUTIES.**

9 *The Commission shall—*

10 (1) *review the effectiveness of traditional crimi-*
11 *nal justice approaches in preventing and controlling*
12 *crime and violence;*

13 (2) *examine the impact that changes to Federal*
14 *and State law have had in controlling crime and*
15 *violence;*

16 (3) *examine the impact of changes in Federal*
17 *immigration laws and policies and increased develop-*
18 *ment and growth along United States international*
19 *borders on crime and violence in the United States,*
20 *particularly among our Nation's youth;*

21 (4) *examine the problem of youth gangs and pro-*
22 *vide recommendations on how to reduce youth in-*
23 *volvement in violent crime;*

1 (5) *examine the extent to which assault weapons*
2 *and high power firearms have contributed to violence*
3 *and murder in the United States;*

4 (6) *convene hearings in various parts of the*
5 *country to receive testimony from a cross section of*
6 *criminal justice professionals, business leaders, elected*
7 *officials, medical doctors, and other citizens that wish*
8 *to participate;*

9 (7) *review all segments of the criminal justice*
10 *system, including the law enforcement, prosecution,*
11 *defense, judicial, corrections components, in develop-*
12 *ing the crime control and antiviolenace plan;*

13 (8) *develop a comprehensive and effective crime*
14 *control and antiviolenace plan that will serve as a*
15 *blueprint for action in the 1990's;*

16 (9) *bring attention to successful models and pro-*
17 *grams in crime prevention, crime control, and*
18 *antiviolenace;*

19 (10) *reach out beyond the traditional criminal*
20 *justice community for ideas when developing the com-*
21 *prehensive crime control and antiviolenace plan;*

22 (11) *recommend improvements in the coordina-*
23 *tion of Federal, State, local, and international border*
24 *crime control efforts;*

1 (12) make a comprehensive study of the economic
2 and social factors leading to or contributing to crime
3 and violence and specific proposals for legislative and
4 administrative actions to reduce crime and violence
5 and the elements that contribute to crime and vio-
6 lence; and

7 (13) recommend means of allocating finite cor-
8 rectional facility space and resources to the most seri-
9 ous and violent offenders, with the goal of achieving
10 the most cost-effective crime control and protection of
11 the community and public safety, after—

12 (A) examining the issue of disproportionate
13 incarceration rates among black males and any
14 other minority group disproportionately rep-
15 resented in Federal and State correctional popu-
16 lations; and

17 (B) considering increased use of alternatives
18 to incarceration that offer a reasonable prospect
19 of equal or better crime control at equal or less
20 cost than incarceration.

21 **SEC. 2604. STAFF AND SUPPORT SERVICES.**

22 (a) *DIRECTOR.*—

23 (a) *APPOINTMENT.*—After consultation with the
24 members of the Commission, the Chairperson shall

1 *appoint a director of the Commission (referred to in*
2 *this title as the “Director”).*

3 (2) *COMPENSATION.*—*The Director shall be paid*
4 *at a rate not to exceed the rate of basic pay for level*
5 *V of the Executive Schedule.*

6 (b) *STAFF.*—*With the approval of the Commission, the*
7 *Director may appoint such personnel as the Director con-*
8 *siders to be appropriate.*

9 (c) *CIVIL SERVICE LAWS.*—*The staff of the Commis-*
10 *sion shall be appointed without regard to the provisions of*
11 *title 5, United States Code, governing appointments in the*
12 *competitive service and shall be paid without regard to the*
13 *provisions of chapter 51 and subchapter III of chapter 53*
14 *of that title relating to classification and General Schedule*
15 *pay rates.*

16 (d) *EXPERTS AND CONSULTANTS.*—*With the approval*
17 *of the Commission, the Director may procure temporary*
18 *and intermittent services under section 3109(b) of title 5,*
19 *United States Code.*

20 (e) *STAFF OF FEDERAL AGENCIES.*—*Upon the request*
21 *of the Commission, the head of any Federal agency may*
22 *detail, on a reimbursable basis, personnel of that agency*
23 *to the Commission to assist in carrying out its duties.*

24 (f) *PHYSICAL FACILITIES.*—*The Administrator of the*
25 *General Services Administration shall provide suitable of-*

1 *vice space for the operation of the Commission. The facilities*
2 *shall serve as the headquarters of the Commission and shall*
3 *include all necessary equipment and incidentals required*
4 *for proper functioning.*

5 **SEC. 2605. POWERS.**

6 (a) *HEARINGS.*—*The Commission may conduct public*
7 *hearings or forums at its discretion, at any time and place*
8 *it is able to secure facilities and witnesses, for the purpose*
9 *of carrying out its duties.*

10 (b) *DELEGATION OF AUTHORITY.*—*Any member or*
11 *agent of the Commission may, if authorized by the Commis-*
12 *sion, take any action that the Commission is authorized*
13 *to take by this section.*

14 (c) *INFORMATION.*—*The Commission may secure from*
15 *any Federal agency or entity in the executive or legislative*
16 *branch such materials, resources, statistical data, and other*
17 *information as is necessary to enable it to carry out this*
18 *Act. Upon request of the Chairperson or Vice Chairperson*
19 *of the Commission, the head of a Federal agency or entity*
20 *shall furnish the information to the Commission to the ex-*
21 *tent permitted by law.*

22 (d) *GIFTS, BEQUESTS, AND DEVISES.*—*The Commis-*
23 *sion may accept, use, and dispose of gifts, bequests, or de-*
24 *visees of services or property, both real and personal, for the*
25 *purpose of aiding or facilitating the work of the Commis-*

1 *sion. Gifts, bequests, or devises of money and proceeds from*
2 *sales of other property received as gifts, bequests, or devises*
3 *shall be deposited in the Treasury and shall be available*
4 *for disbursement upon order of the Commission.*

5 (e) *MAILS.*—*The Commission may use the United*
6 *States mails in the same manner and under the same condi-*
7 *tions as other Federal agencies.*

8 **SEC. 2606. REPORTS.**

9 (a) *MONTHLY REPORTS.*—*The Commission shall*
10 *submit monthly activity reports to the President and the*
11 *Congress.*

12 (b) *INTERIM REPORT.*—*Not later than 1 year before*
13 *the date of its termination, the Commission shall submit*
14 *an interim report to the President and the Congress con-*
15 *taining—*

16 (1) *a detailed statement of the findings and con-*
17 *clusions of the Commission;*

18 (2) *recommendations for legislative and adminis-*
19 *trative action based on the Commission's activities to*
20 *date;*

21 (3) *an estimation of the costs of implementing*
22 *the recommendations made by the Commission; and*

23 (4) *a strategy for disseminating the report to*
24 *Federal, State, and local authorities.*

1 (c) *FINAL REPORT.*—Not later than the date of its ter-
2 mination, the Commission shall submit to the Congress and
3 the President a final report with a detailed statement of
4 final findings, conclusions, recommendations, and esti-
5 mation of costs and an assessment of the extent to which
6 recommendations included in the interim report under
7 subsection (b) have been implemented.

8 (d) *PRINTING AND PUBLIC DISTRIBUTION.*—Upon re-
9 ceipt of each report of the Commission under this section,
10 the President shall—

11 (1) order the report to be printed; and

12 (2) make the report available to the public.

13 **SEC. 2607. TERMINATION.**

14 The Commission shall terminate on the date that is
15 2 years after the date on which members of the Commission
16 have met and designated a Chairperson and Vice Chair-
17 person.

18 **TITLE XXVII—POLICE CORPS**
19 **AND LAW ENFORCEMENT**
20 **SCHOLARSHIP ACT**

21 **SEC. 2701. PURPOSES.**

22 The purposes of this title are to—

23 (1) address violent crime by increasing the num-
24 ber of police with advanced education and training
25 on community patrol; and

1 (2) *provide educational assistance to law enforce-*
2 *ment personnel and to students who possess a sincere*
3 *interest in public service in the form of law enforce-*
4 *ment.*

5 **SEC. 2702. DEFINITIONS.**

6 *For purposes of this title—*

7 (1) *the term “academic year” means a tradi-*
8 *tional academic year beginning in August or Septem-*
9 *ber and ending in the following May or June;*

10 (2) *the term “dependent child” means a natural*
11 *or adopted child or stepchild of a law enforcement of-*
12 *ficer who at the time of the offer’s death—*

13 (A) *was no more than 21 years old; or*

14 (B) *if older than 21 years, was in fact de-*
15 *pendent on the child’s parents for at least one-*
16 *half of the child’s support (excluding educational*
17 *expenses), as determined by the Director;*

18 (3) *the term “Director” means the Director of the*
19 *Office of the Police Corps and Law Enforcement Edu-*
20 *cation appointed under section 2711;*

21 (4) *the term “educational expenses” means ex-*
22 *penses that are directly attributable to—*

23 (A) *a course of education leading to the*
24 *award of the baccalaureate degree in legal- or*
25 *criminal justice-related studies; or*

1 (B) a course of graduate study legal or
2 criminal justice studies following award of a
3 baccalaureate degree,
4 including the cost of tuition, fees, books, supplies,
5 transportation, room and board and miscellaneous
6 expenses.

7 (5) the term “institution of higher education”
8 has the meaning stated in the first sentence of section
9 1201(a) of the Higher Education Act of 1965 (20
10 U.S.C. 1141(a));

11 (6) the term “participant” means a participant
12 in the Police Corps program selected pursuant to sec-
13 tion 2714;

14 (7) the term “State” means a State of the United
15 States, the District of Columbia, the Commonwealth
16 of Puerto Rico, the Virgin Islands, American Samoa,
17 Guam, and the Commonwealth of the Northern Mari-
18 ana Islands; and

19 (8) the term “State Police Corps program”
20 means a State police corps program that meets the re-
21 quirements of section 2717.

Subtitle A—Police Corps

SEC. 2711. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) *ESTABLISHMENT.*—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) *APPOINTMENT OF DIRECTOR.*—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) *RESPONSIBILITIES OF DIRECTOR.*—The Director shall be responsible for the administration of the Police Corps program established by this subtitle and shall have authority to promulgate regulations to implement this subtitle.

SEC. 2712. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) *LEAD AGENCY.*—A State that desires to participate in the Police Corps program under this subtitle shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) *STATE PLANS.*—A State plan shall—

1 (1) contain assurances that the lead agency shall
2 work in cooperation with the local law enforcement li-
3 aisons, representatives of police labor organizations
4 and police management organizations, and other ap-
5 propriate State and local agencies to develop and im-
6 plement interagency agreements designed to carry out
7 the program;

8 (2) contain assurances that the State shall adver-
9 tise the assistance available under this subtitle;

10 (3) contain assurances that the State shall screen
11 and select law enforcement personnel for participation
12 in the program; and

13 (4) meet the requirements of section 2717.

14 **SEC. 2713. SCHOLARSHIP ASSISTANCE.**

15 (a) *SCHOLARSHIPS AUTHORIZED.*—(1) The Director
16 may award scholarships to participants who agree to work
17 in a State or local police force in accordance with agree-
18 ments entered into pursuant to subsection (d).

19 (2)(A) Except as provided in subparagraph (B), each
20 scholarship payment made under this section for each aca-
21 demic year shall not exceed—

22 (i) \$7,500; or

23 (ii) the cost of the educational expenses related to
24 attending an institution of higher education.

1 (B) *In the case of a participant who is pursuing a*
2 *course of educational study during substantially an entire*
3 *calendar year, the amount of scholarship payments made*
4 *during such year shall not exceed \$10,000.*

5 (C) *The total amount of scholarship assistance received*
6 *by any one participant under this section shall not exceed*
7 *\$30,000.*

8 (3) *Participants who receive scholarship assistance*
9 *under this section shall continue to receive such scholarship*
10 *payments only during such periods as the Director finds*
11 *that the recipient is maintaining satisfactory progress as*
12 *determined by the institution of higher education the recipi-*
13 *ent is attending.*

14 (4)(A) *The Director shall make scholarship payments*
15 *under this section directly to the institution of higher edu-*
16 *cation that the student is attending.*

17 (B) *Each institution of higher education receiving a*
18 *payment on behalf of a participant pursuant to subpara-*
19 *graph (A) shall remit to such student any funds in excess*
20 *of the costs of tuition, fees, and room and board payable*
21 *to the institution.*

22 (b) *REIMBURSEMENT AUTHORIZED.—(1) The Director*
23 *may make payments to a participant to reimburse such*
24 *participant for the costs of educational expenses if the stu-*
25 *dent agrees to work in a State or local police force in ac-*

1 *cordance with the agreement entered into pursuant to sub-*
2 *section (d).*

3 (2)(A) *Each payment made pursuant to paragraph (1)*
4 *for each academic year of study shall not exceed—*

5 (i) *\$7,500; or*

6 (ii) *the cost of educational expenses related to at-*
7 *tending an institution of higher education.*

8 (B) *In the case of a participant who is pursuing a*
9 *course of educational study during substantially an entire*
10 *calendar year, the amount of scholarship payments made*
11 *during such year shall not exceed \$10,000.*

12 (C) *The total amount of payments made pursuant to*
13 *subparagraph (A) to any 1 student shall not exceed \$30,000.*

14 (c) *USE OF SCHOLARSHIP.—Scholarships awarded*
15 *under this under subsection shall only be used to attend a*
16 *4-year institution of higher education, except that—*

17 (1) *scholarships may be used for graduate and*
18 *professional study; and*

19 (2) *if a participant has enrolled in the program*
20 *upon or after transfer to a 4-year institution of high-*
21 *er education, the Director may reimburse the partici-*
22 *part for the participant's prior educational expenses.*

23 (d) *AGREEMENT.—(1)(A) Each participant receiving*
24 *a scholarship or a payment under this section shall enter*
25 *into an agreement with the Director.*

1 (B) An agreement under subparagraph (A) shall con-
2 tain assurances that the participant shall—

3 (i) after successful completion of a baccalaureate
4 program and training as prescribed in section 2715,
5 work for 4 years in a State or local police force with-
6 out there having arisen sufficient cause for the par-
7 ticipant's dismissal under the rules applicable to
8 members of the police force of which the participant
9 is a member;

10 (ii) complete satisfactorily—

11 (I) an educational course of study and re-
12 ceipt of a baccalaureate degree (in the case of un-
13 dergraduate study) or the reward of credit to the
14 participant for having completed one or more
15 graduate courses (in the case of graduate study);
16 and

17 (II) Police Corps training and certification
18 by the Director that the participant has met
19 such performance standards as may be estab-
20 lished pursuant to section 2715; and

21 (iii) repay all of the scholarship or payment re-
22 ceived plus interest at the rate of 10 percent if the
23 conditions of clauses (i) and (ii) are not complied
24 with.

1 (2)(A) *A participant who receives a scholarship or*
2 *payment under this section shall not be considered to be*
3 *in violation of the agreement entered into pursuant to para-*
4 *graph (1) if the recipient—*

5 (i) *dies; or*

6 (ii) *becomes permanently and totally disabled as*
7 *established by the sworn affidavit of a qualified phy-*
8 *sician.*

9 (B) *If the participant who has received a scholarship*
10 *is unable to comply with the repayment provision set forth*
11 *in paragraph (1)(B)(ii) because of a physical or emotional*
12 *disability or for good cause as determined by the Director,*
13 *the Director may substitute community service in a form*
14 *prescribed by the Director for the required repayment.*

15 (C) *The Director shall expeditiously seek repayment*
16 *from a participant who violates an agreement described in*
17 *paragraph (1).*

18 (e) *DEPENDENT CHILD.—(1) A dependent child of an*
19 *individual referred to in paragraph (2) shall be entitled to*
20 *the scholarship assistance authorized in this section for any*
21 *course of study in any accredited institution of higher edu-*
22 *cation. Such dependent child shall not incur any repayment*
23 *obligation in exchange for the scholarship assistance pro-*
24 *vided in this section.*

1 (2) *For purposes of paragraph (1), an individual is*
2 *a law enforcement officer—*

3 (A) *who is a member of a State or local police*
4 *force or is a Federal criminal investigator or uni-*
5 *formed police officer;*

6 (B) *who is not a participant in the Police Corps*
7 *program, but who serves in a State for which the Di-*
8 *rector has approved a State Police Corps plan; and*

9 (C) *who is killed in the course of performing po-*
10 *lice duties.*

11 (f) *APPLICATION.—Each participation desiring a*
12 *scholarship or payment under this section shall submit an*
13 *application as prescribed by the Director in such manner*
14 *and accompanied by such information as the Director may*
15 *reasonably require.*

16 **SEC. 2714. SELECTION OF PARTICIPANTS.**

17 (a) *IN GENERAL.—Participants in State Police Corps*
18 *programs shall be selected on a competitive basis by each*
19 *State under regulations prescribed by the Director.*

20 (b) *SELECTION CRITERIA AND QUALIFICATIONS.—(1)*
21 *In order to participate in a State Police Corps program,*
22 *a participant shall—*

23 (A) *be a citizen of the United States or an alien*
24 *lawfully admitted for permanent residence in the*
25 *United States;*

1 (B) meet the requirements for admission as a
2 trainee of the State or local police force to which the
3 participant will be assigned pursuant to section 2717
4 (c)(5), including achievement of satisfactory scores on
5 any applicable examination, except that failure to
6 meet the age requirement for a trainee of the State or
7 local police shall not disqualify the applicant if the
8 applicant will be of sufficient age upon completing an
9 undergraduate course of study;

10 (C) possess the necessary mental and physical
11 capabilities and emotional characteristics to discharge
12 effectively the duties of a law enforcement officer;

13 (D) be a good character and demonstrate sincere
14 motivation and dedication to law enforcement and
15 public service;

16 (E) in the case of an undergraduate, agree in
17 writing that the participant will complete an edu-
18 cational course of study leading to the award of a
19 baccalaureate degree and will then accept an appoint-
20 ment and complete 4 years of service as an officer in
21 the State police or in a local police department with-
22 in the State;

23 (F) in the case of a participant desiring to un-
24 dertake or continue graduate study, agree in writing
25 that the participant will accept an appointment and

1 *complete 4 years of service as an officer in the State*
2 *police or in a local police department within the*
3 *State before undertaking or continuing graduate*
4 *study;*

5 *(G) contract, with the consent of the partici-*
6 *part's parent or guardian if the participant is a*
7 *minor, to serve for 4 years as an officer in the State*
8 *police or in a local police department, if an appoint-*
9 *ment is offered; and*

10 *(H) except as provided in paragraph (2), be*
11 *without previous law enforcement experience.*

12 *(2)(A) Until the date that is 5 years after the date*
13 *of enactment of this title, up to 10 percent of the applicants*
14 *accepted into a State Police Corps program may be persons*
15 *who—*

16 *(i) have had some law enforcement experience;*
17 *and*

18 *(ii) have demonstrated special leadership poten-*
19 *tial and dedication to law enforcement.*

20 *(B)(i) The prior period of law enforcement of a partic-*
21 *ipant selected pursuant to subparagraph (A) shall not be*
22 *counted toward satisfaction of the participant's 4-year serv-*
23 *ice obligation under section 2716, and such a participant*
24 *shall be subject to the same benefits and obligations under*

1 *this subtitle as other participants, including those stated*
2 *in subsection (b)(1)(E) and (F).*

3 *(ii) Clause (i) shall not be construed to preclude count-*
4 *ing a participant's previous period of law enforcement ex-*
5 *perience for purposes other than satisfaction of the require-*
6 *ments of section 2716, such as for purposes of determining*
7 *such a participant's pay and other benefits, rank, and ten-*
8 *ure.*

9 *(3) It is the intent of this subtitle that there shall be*
10 *no more than 20,000 participants in each graduating class.*
11 *The Director shall approve State plans providing in the ag-*
12 *gregate for such enrollment of applicants as shall assure,*
13 *as nearly as possible, annual graduating classes of 20,000.*
14 *In a year in which applications are received a number*
15 *greater than that which will produce, in the judgment of*
16 *the Director, a graduating class of more than 20,000, the*
17 *Director shall, in deciding which applications to grant, give*
18 *preference to those who will be participating in State plans*
19 *that provide law enforcement personnel to areas of greatest*
20 *need.*

21 *(c) RECRUITMENT OF MINORITIES.—Each State par-*
22 *ticipating in the Police Corps program shall make special*
23 *efforts to seek and recruit applicants from among members*
24 *of all racial, ethnic or gender groups. This subsection does*
25 *not authorize an exception from the competitive standards*

1 *for admission established pursuant to subsections (a) and*
2 *(b).*

3 *(d) ENROLLMENT OF APPLICANT.—(1) An applicant*
4 *shall be accepted into a State Police Corps program on the*
5 *condition that the applicant will be matriculated in, or ac-*
6 *cepted for admission at, a 4-year institution of higher edu-*
7 *cation—*

8 *(A) as a full-time student in an undergraduate*
9 *program; or*

10 *(B) for purposes of taking a graduate course.*

11 *(2) If the applicant is not matriculated or accepted*
12 *as set forth in paragraph (1), the applicant's acceptance*
13 *in the program shall be revoked.*

14 *(e) LEAVE OF ABSENCE.—(1) A participant in a State*
15 *Police Corps program who requests a leave of absence from*
16 *educational study, training or service for a period not to*
17 *exceed 1 year (or 18 months in the aggregate in the event*
18 *of multiple requests) due to temporary physical or emo-*
19 *tional disability shall be granted such leave of absence by*
20 *the State.*

21 *(2) A participant who requests a leave of absence from*
22 *educational study, training or service for a period not to*
23 *exceed 1 year (or 18 months in the aggregate in the event*
24 *of multiple requests) for any reason other than those listed*

1 *in paragraph (1) may be granted such leave of absence by*
2 *the State.*

3 *(3) A participant who requests a leave of absence from*
4 *educational study or training for a period not to exceed*
5 *30 months to serve on an official church mission may be*
6 *granted such leave of absence.*

7 *(f) ADMISSION OF APPLICANTS.—An applicant may be*
8 *admitted into a State Police Corps program either before*
9 *commencement of or during the applicant's course of edu-*
10 *cational study.*

11 **SEC. 2715. POLICE CORPS TRAINING.**

12 *(a) IN GENERAL.—(1) The Director shall establish*
13 *programs of training for State Police Corps participants.*
14 *Such programs may be carried out at up to 3 training cen-*
15 *ters established for this purpose and administered by the*
16 *Director, or by contracting with existing State training fa-*
17 *cilities. The Director shall contract with a State training*
18 *facility upon request of such facility if the Director deter-*
19 *mines that such facility offers a course of training substan-*
20 *tially equivalent to the Police Corps training program de-*
21 *scribed in this subtitle.*

22 *(2) The Director may enter into contracts with indi-*
23 *viduals, institutions of learning, and government agencies*
24 *(including State and local police forces) to obtain the serv-*

1 ices of persons qualified to participate in and contribute
2 to the training process.

3 (3) The Director may enter into agreements with agen-
4 cies of the Federal Government to utilize on a reimbursable
5 basis space in Federal buildings and other resources.

6 (4) The Director may authorize such expenditures as
7 are necessary for the effective maintenance of the training
8 centers, including purchases of supplies, uniforms, and edu-
9 cational materials, and the provision of subsistence, quar-
10 ters, and medical care to participants.

11 (b) TRAINING SESSIONS.—A participant in a State
12 Police Corps program shall attend two 8-week training ses-
13 sions at a training center, one during the summer following
14 completion of sophomore year and one during the summer
15 following completion of junior year. If a participant enters
16 the program after sophomore year, the participant shall
17 complete 16 weeks of training at times determined by the
18 Director.

19 (c) FURTHER TRAINING.—The 16 weeks of State Police
20 Corps training authorized in this section is intended to
21 serve as basic law enforcement training but not to exclude
22 further training of participants by the State and local au-
23 thorities to which they will be assigned. Each State plan
24 approved by the Director under section 2717 shall include
25 assurances that following completion of a participant's

1 *course of education each participant shall receive appro-*
2 *priate additional training by the State or local authority*
3 *to which the participant is assigned. The time spent by a*
4 *participant in such additional training, but not the time*
5 *spent in State Police Corps training, shall be counted to-*
6 *ward fulfillment of the participant's 4-year service obliga-*
7 *tion.*

8 (d) *COURSE OF TRAINING.*—*The training sessions at*
9 *training centers established under this section shall be de-*
10 *signed to provide basic law enforcement training, including*
11 *vigorous physical and mental training to teach partici-*
12 *pants self-discipline and organizational loyalty and to im-*
13 *part knowledge and understanding of legal processes and*
14 *law enforcement.*

15 (e) *EVALUATION OF PARTICIPANTS.*—*A participant*
16 *shall be evaluated during training for mental, physical, and*
17 *emotional fitness, and shall be required to meet performance*
18 *standards prescribed by the Director at the conclusion of*
19 *each training session in order to remain in the Police Corps*
20 *program.*

21 (f) *STIPEND.*—*The Director shall pay participants in*
22 *training sessions a stipend of \$250 a week during training.*

23 **SEC. 2716. SERVICE OBLIGATION.**

24 (a) *SWEARING IN.*—*Upon satisfactory completion of*
25 *the participant's course of education and training program*

1 *established in section 2715 and meeting the requirements*
2 *of the police force to which the participant is assigned, a*
3 *participant shall be sworn in as a member of the police*
4 *force to which the participant is assigned pursuant to the*
5 *State Police Corps plan, and shall serve for 4 years as a*
6 *member of that police force.*

7 (b) *RIGHTS AND RESPONSIBILITIES.*—A participant
8 *shall have all of the rights and responsibilities of and shall*
9 *be subject to all rules and regulations applicable to other*
10 *members of the police force of which the participant is a*
11 *member, including those contained in applicable agree-*
12 *ments with labor organizations and those provided by State*
13 *and local law.*

14 (c) *DISCIPLINE.*—If the police force of which the par-
15 *ticipant is a member subjects the participant to discipline*
16 *such as would preclude the participant's completing 4 years*
17 *of service, and result in denial of educational assistance*
18 *under section 2713, the Director may, upon a showing of*
19 *good cause, permit the participant to complete the service*
20 *obligation in an equivalent alternative law enforcement*
21 *service and, if such service is satisfactorily completed, sec-*
22 *tion 2713(d)(1)(B)(iii) shall not apply.*

23 (d) *LAYOFFS.*—If the police force of which the partici-
24 *part is a member lays off the participant such as would*
25 *preclude the participant's completing 4 years of service, and*

1 *result in denial of educational assistance under section*
2 *2713, the Director may permit the participant to complete*
3 *the service obligation in an equivalent alternative law en-*
4 *forcement service and, if such service is satisfactorily com-*
5 *pleted, section 2713(d)(1)(B)(iii) shall not apply.*

6 **SEC. 2717. STATE PLAN REQUIREMENTS.**

7 *A State Police Corps plan shall—*

8 *(1) provide for the screening and selection of*
9 *participants in accordance with the criteria set out in*
10 *section 2714;*

11 *(2) State procedures governing the assignment of*
12 *participants in the Police Corps program to State*
13 *and local police forces (no more than 10 percent of all*
14 *the participants assigned in each year by each State*
15 *to be assigned to a statewide police force or forces);*

16 *(3) provide that participants shall be assigned to*
17 *those geographic areas in which—*

18 *(A) there is the greatest need for additional*
19 *law enforcement personnel; and*

20 *(B) the participants will be used most effec-*
21 *tively;*

22 *(4) provide that to the extent consistent with*
23 *paragraph (3), a participant shall be assigned to an*
24 *area near the participant's home or such other place*
25 *as the participant may request;*

1 (5) *provide that to the extent feasible, a partici-*
2 *part's assignment shall be made at the time the par-*
3 *ticipant is accepted into the program, subject to*
4 *change—*

5 (A) *prior to commencement of a partici-*
6 *part's fourth year of undergraduate study, under*
7 *such circumstances as the plan may specify; and*

8 (B) *from commencement of a participant's*
9 *fourth year of undergraduate study until comple-*
10 *tion of 4 years of police service by participant,*
11 *only for compelling reasons or to meet the needs*
12 *of the State Police Corps program and only with*
13 *the consent of the participant;*

14 (6) *provide that no participant shall be assigned*
15 *to serve with a local police force—*

16 (A) *whose size has declined by more than 5*
17 *percent since June 21, 1989; or*

18 (B) *which has members who have been laid*
19 *off but not retired;*

20 (7) *provide that participants shall be placed and*
21 *to the extent feasible kept on community and preven-*
22 *tive patrol;*

23 (8) *ensure that participants will receive effective*
24 *training and leadership;*

1 (9) provide that the State may decline to offer a
2 participant an appointment following completion of
3 Federal training, or may remove a participant from
4 the State Police Corps program at any time, only for
5 good cause (including failure to make satisfactory
6 progress in a course of educational study) and after
7 following reasonable review procedures stated in the
8 plan; and

9 (10) provide that a participant shall, while serv-
10 ing as a member of a police force, be compensated at
11 the same rate of pay and benefits and enjoy the same
12 rights under applicable agreements with labor organi-
13 zations and under State and local law as other police
14 officers of the same rank and tenure in the police
15 force of which the participant is a member.

16 **SEC. 2718. ASSISTANCE TO STATES AND LOCALITIES EM-**
17 **PLOYING POLICE CORPS OFFICERS.**

18 Each jurisdiction directly employing State Police
19 Corps participants during the 4-year term of service pre-
20 scribed by section 2716 shall receive \$10,000 on account of
21 each such participant at the completion of each such year
22 of service, but—

23 (1) no such payment shall be made on account
24 of service in any State or local police force—

1 (A) whose average size, in the year for
2 which payment is to be made, not counting State
3 Police Corps participants assigned under section
4 2715, has declined more than 2 percent since
5 January 1, 1993; or

6 (B) which has members who have been laid
7 off but not retired; and

8 (2) no such payment shall be made on account
9 of any State Police Corps participant for years of
10 service after the completion of the term of service pre-
11 scribed in section 2716.

12 **SEC. 2719. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out
14 this subtitle—

15 (1) \$100,000,000 for fiscal year 1995 and
16 \$250,000,000 for fiscal year 1996; and

17 (2) such sums as are necessary for each of the
18 fiscal years 1997, 1998, and 1999.

19 **SEC. 2720. REPORTS TO CONGRESS.**

20 (a) *IN GENERAL.*—Not later than April 1 of each year,
21 the Director shall submit a report to the Attorney General,
22 the President, the Speaker of the House of Representatives,
23 and the President of the Senate.

24 (b) *CONTENTS.*—A report under subsection (a) shall—

1 (1) *state the number of current and past partici-*
2 *pants in the State Police Corps program, broken*
3 *down according to the levels of educational study in*
4 *which they are engaged and years of service they have*
5 *served on police forces (including service following*
6 *completion of the 4-year service obligation);*

7 (2) *describe the geographic, racial, and gender*
8 *dispersion of participants in the State Police Corps*
9 *program; and*

10 (3) *describe the progress of the State Police*
11 *Corps program and make recommendations for*
12 *changes in the program.*

13 ***Subtitle B—Law Enforcement***
14 ***Scholarship Program***

15 ***SEC. 2731. ALLOTMENT.***

16 *From amounts appropriated under section 2739, the*
17 *Director shall allot—*

18 (1) *80 percent of such amounts to States on the*
19 *basis of the number of law enforcement officers in*
20 *each State compared to the number of law enforce-*
21 *ment officers in all States; and*

22 (2) *20 percent of such amounts to States on the*
23 *basis of the shortage of law enforcement personnel and*
24 *the need for assistance under this subtitle in the State*
25 *compared to the shortage of law enforcement personnel*

1 *and the need for assistance under this subtitle in all*
2 *States.*

3 **SEC. 2732. ESTABLISHMENT OF PROGRAM.**

4 (a) *USE OF ALLOTMENT.*—

5 (1) *IN GENERAL.*—*A State that receives an allot-*
6 *ment pursuant to section 2731 shall use the allotment*
7 *to pay the Federal share of the costs of—*

8 (A) *awarding scholarships to in-service law*
9 *enforcement personnel to enable such personnel to*
10 *seek further education; and*

11 (B) *providing—*

12 (i) *full-time employment in summer;*

13 *or*

14 (ii) *part-time (not to exceed 20 hours*
15 *per week) employment for a period not to*
16 *exceed 1 year.*

17 (2) *EMPLOYMENT.*—*The employment described*
18 *in paragraph (1)(B)—*

19 (A) *shall be provided by State and local law*
20 *enforcement agencies for students who are juniors*
21 *or seniors in high school or are enrolled in an*
22 *institution of higher education and who dem-*
23 *onstrate an interest in undertaking a career in*
24 *law enforcement;*

1 (B) shall not be in a law enforcement posi-
2 tion; and

3 (C) shall consist of performing meaningful
4 tasks that inform students of the nature of the
5 tasks performed by law enforcement agencies.

6 (b) *PAYMENTS; FEDERAL SHARE; NON-FEDERAL*
7 *SHARE.*—

8 (1) *PAYMENTS.*—The Secretary shall pay to each
9 State that receives an allotment under section 2731
10 the Federal share of the cost of the activities described
11 in the application submitted pursuant to section
12 2735.

13 (2) *FEDERAL SHARE.*—The Federal share shall
14 not exceed 60 percent.

15 (3) *NON-FEDERAL SHARE.*—The non-Federal
16 share of the cost of scholarships and student employ-
17 ment provided under this subtitle shall be supplied
18 from sources other than the Federal Government.

19 (c) *RESPONSIBILITIES OF DIRECTOR.*—The Director
20 shall be responsible for the administration of the programs
21 conducted pursuant to this subtitle and shall, in consulta-
22 tion with the Assistant Secretary for Postsecondary Edu-
23 cation, issue rules to implement this subtitle.

24 (d) *ADMINISTRATIVE EXPENSES.*—A State that re-
25 ceives an allotment under section 2731 may reserve not

1 *more than 8 percent of the allotment for administrative*
2 *expenses.*

3 (e) *SPECIAL RULE.*—A State that receives an allot-
4 *ment under section 2731 shall ensure that each scholarship*
5 *recipient under this subtitle be compensated at the same*
6 *rate of pay and benefits and enjoy the same rights under*
7 *applicable agreements with labor organizations and under*
8 *State and local law as other law enforcement personnel of*
9 *the same rank and tenure in the office of which the scholar-*
10 *ship recipient is a member.*

11 (f) *SUPPLEMENTATION OF FUNDING.*—Funds received
12 *under this subtitle shall only be used to supplement, and*
13 *not to supplant, Federal, State, or local efforts for recruit-*
14 *ment and education of law enforcement personnel.*

15 **SEC. 2733. SCHOLARSHIPS.**

16 (a) *PERIOD OF AWARD.*—Scholarships awarded under
17 *this subtitle shall be for a period of 1 academic year.*

18 (b) *USE OF SCHOLARSHIPS.*—Each individual award-
19 *ed a scholarship under this subtitle may use the scholarship*
20 *for educational expenses at an institution of higher edu-*
21 *cation.*

22 **SEC. 2734. ELIGIBILITY.**

23 (a) *SCHOLARSHIPS.*—A person shall be eligible to re-
24 *ceive a scholarship under this subtitle if the person has been*

1 *employed in law enforcement for the 2-year period imme-*
2 *diately preceding the date on which assistance is sought.*

3 (b) *INELIGIBILITY FOR STUDENT EMPLOYMENT.*—A
4 *person who has been employed as a law enforcement officer*
5 *is ineligible to participate in a student employment pro-*
6 *gram carried out under this subtitle.*

7 ***SEC. 2735. STATE APPLICATION.***

8 (a) *IN GENERAL.*—Each State desiring an allotment
9 *under section 2731 shall submit an application to the Di-*
10 *rector at such time, in such manner, and accompanied by*
11 *such information as the Director may reasonably require.*

12 (b) *CONTENTS.*—An application under subsection (a)
13 *shall—*

14 (1) *describe the scholarship program and the stu-*
15 *dent employment program for which assistance under*
16 *this subtitle is sought;*

17 (2) *contain assurances that the lead agency will*
18 *work in cooperation with the local law enforcement li-*
19 *aisons, representatives of police labor organizations*
20 *and police management organizations, and other ap-*
21 *propriate State and local agencies to develop and im-*
22 *plement interagency agreements designed to carry out*
23 *this subtitle;*

24 (3) *contain assurances that the State will adver-*
25 *tise the scholarship assistance and student employ-*

1 *ment it will provide under this subtitle and that the*
2 *State will use such programs to enhance recruitment*
3 *efforts;*

4 *(4) contain assurances that the State will screen*
5 *and select law enforcement personnel for participation*
6 *in the scholarship program under this subtitle;*

7 *(5) contain assurances that under such student*
8 *employment program the State will screen and select,*
9 *for participation in such program, students who have*
10 *an interest in undertaking a career in law enforce-*
11 *ment;*

12 *(6) contain assurances that under such scholar-*
13 *ship program the State will make scholarship pay-*
14 *ments to institutions of higher education on behalf of*
15 *persons who receive scholarships under this subtitle;*

16 *(7) with respect to such student employment pro-*
17 *gram, identify—*

18 *(A) the employment tasks that students will*
19 *be assigned to perform;*

20 *(B) the compensation that students will be*
21 *paid to perform such tasks; and*

22 *(C) the training that students will receive*
23 *as part of their participation in the program;*

1 (8) *identify model curriculum and existing pro-*
2 *grams designed to meet the educational and profes-*
3 *sional needs of law enforcement personnel; and*

4 (9) *contain assurances that the State will pro-*
5 *mote cooperative agreements with educational and*
6 *law enforcement agencies to enhance law enforcement*
7 *personnel recruitment efforts in institutions of higher*
8 *education.*

9 **SEC. 2736. LOCAL APPLICATION.**

10 (a) *IN GENERAL.*—A person who desires a scholarship
11 or employment under this subtitle shall submit an applica-
12 tion to the State at such time, in such manner, and accom-
13 panied by such information as the State may reasonably
14 require.

15 (b) *CONTENTS.*—An application under subsection (a)
16 shall describe—

17 (1) *the academic courses for which a scholarship*
18 *is sought; or*

19 (2) *the location and duration of employment*
20 *that is sought.*

21 (c) *PRIORITY.*—In awarding scholarships and provid-
22 ing student employment under this subtitle, each State shall
23 give priority to applications from persons who are—

24 (1) *members of racial, ethnic, or gender groups*
25 *whose representation in the law enforcement agencies*

1 *within the State is substantially less than in the pop-*
2 *ulation eligible for employment in law enforcement in*
3 *the State;*

4 *(2) pursuing an undergraduate degree; and*

5 *(3) not receiving financial assistance under the*
6 *Higher Education Act of 1965.*

7 **SEC. 2737. SCHOLARSHIP AGREEMENT.**

8 *(a) IN GENERAL.—A person who receives a scholarship*
9 *under this subtitle shall enter into an agreement with the*
10 *Director.*

11 *(b) CONTENTS.—An agreement described in subsection*
12 *(a) shall—*

13 *(1) provide assurances that the scholarship recip-*
14 *ient will work in a law enforcement position in the*
15 *State that awarded the scholarship in accordance*
16 *with the service obligation described in subsection (c)*
17 *after completion of the scholarship recipient's aca-*
18 *demic courses leading to an associate, bachelor, or*
19 *graduate degree;*

20 *(2) provide assurances that the scholarship recip-*
21 *ient will repay the entire scholarship in accordance*
22 *with such terms and conditions as the Director shall*
23 *prescribe if the requirements of the agreement are not*
24 *complied with, unless the scholarship recipient—*

25 *(A) dies;*

1 (B) becomes physically or emotionally dis-
2 abled, as established by the sworn affidavit of a
3 qualified physician; or

4 (C) has been discharged in bankruptcy; and

5 (3) set forth the terms and conditions under
6 which the scholarship recipient may seek employment
7 in the field of law enforcement in a State other than
8 the State that awarded the scholarship.

9 (c) *SERVICE OBLIGATION.*—

10 (1) *IN GENERAL.*—Except as provided in para-
11 graph (2), a person who receives a scholarship under
12 this subtitle shall work in a law enforcement position
13 in the State that awarded the scholarship for a period
14 of 1 month for each credit hour for which funds are
15 received under the scholarship.

16 (2) *SPECIAL RULE.*—For purposes of satisfying
17 the requirement of paragraph (1), a scholarship recip-
18 ient shall work in a law enforcement position in the
19 State that awarded the scholarship for not less than
20 6 months but shall not be required to work in such
21 a position for more than 2 years.

22 **SEC. 2738. DEFINITIONS.**

23 For purposes of this subtitle—

24 (1) the term “Director” means the Director of the
25 Bureau of Justice Assistance;

1 (2) the term “educational expenses” means ex-
2 penses that are directly attributable to—

3 (A) a course of education leading to the
4 award of an associate degree;

5 (B) a course of education leading to the
6 award of baccalaureate degree; or

7 (C) a course of graduate study following
8 award of a baccalaureate degree,
9 including the cost of tuition, fees, books, supplies, and
10 related expenses;

11 (3) the term “institution of higher education”
12 has the meaning stated in the first sentence of section
13 1201(a) of the Higher Education Act of 1965 (20
14 U.S.C. 1141(a));

15 (4) the term “law enforcement position” means
16 employment as an officer in a State or local police
17 force or correctional institution; and

18 (5) the term “State” means a State of the United
19 States, the District of Columbia, the Commonwealth
20 of Puerto Rico, the Virgin Islands of the United
21 States, American Samoa, Guam, and the Common-
22 wealth of the Northern Mariana Islands.

23 **SEC. 2739. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to carry out this

1 *subtitle \$30,000,000 for each of fiscal years 1995, 1996,*
2 *1997, 1998, and 1999.*

3 (b) *USES OF FUNDS.—Of the funds appropriated*
4 *under subsection (a) for a fiscal year—*

5 (1) *80 percent shall be available to provide schol-*
6 *arships described in section 2732(a)(1)(A); and*

7 (2) *20 percent shall be available to provide em-*
8 *ployment described in sections 2732(a)(1)(B) and*
9 *2732(a)(2).*

10 ***TITLE XXVIII—NATIONAL STALK-***
11 ***ER AND DOMESTIC VIOLENCE***
12 ***REDUCTION***

13 ***SEC. 2801. AUTHORIZING ACCESS TO FEDERAL CRIMINAL***
14 ***INFORMATION DATABASES.***

15 (a) *ACCESS.—The Attorney General shall amend exist-*
16 *ing regulations (published at 28 C.F.R. 20.33(a)) to author-*
17 *ize the dissemination of information from existing national*
18 *crime information databases, including the National Crime*
19 *Information Center and III (“Triple I”), to courts and*
20 *court personnel, civil or criminal, for use in domestic vio-*
21 *lence or stalking cases. Nothing in this subsection shall be*
22 *construed to permit any person or court access to criminal*
23 *history record information for any other purpose or for any*
24 *other civil case other than for use in a stalking or domestic*
25 *violence case.*

1 (b) *ENTRY.*—*The Attorney General shall amend exist-*
2 *ing regulations to permit Federal and State criminal jus-*
3 *tice agencies, assigned to input information into national*
4 *crime information databases, to include arrests, warrants,*
5 *and orders for the protection of parties from stalking or*
6 *domestic violence, whether issued by a criminal, civil, or*
7 *family court. Such amendment shall include a definition*
8 *of criminal history information that covers warrants, ar-*
9 *rests, and orders for the protection of parties from stalking*
10 *or domestic violence. Nothing in this subsection shall be con-*
11 *strued to permit access to such information for any purpose*
12 *which is different than the purposes described in subsection*
13 *(a).*

14 (c) *PROCEDURES.*—*The regulations required by sub-*
15 *section (a) shall be proposed no later than 90 days after*
16 *the date of enactment of this Act, after appropriate con-*
17 *sultation with the Director of the Federal Bureau of Inves-*
18 *tigation, the officials charged with managing the National*
19 *Crime Information Center, and the National Crime Infor-*
20 *mation Center Advisory Policy Board. Final regulations*
21 *shall be issued no later than 180 days after the date of the*
22 *enactment of this Act.*

23 **SEC. 2802. NONSERIOUS OFFENSE BAR.**

24 *The Attorney General shall amend existing regulations*
25 *to specify that the term “nonserious offenses”, as used in*

1 28 C.F.R. 20.32, does not include stalking or domestic vio-
2 lence offenses. Nothing in this section is intended to change
3 current regulations requiring that juvenile offenses shall be
4 excluded from national crime information databases unless
5 the juvenile has been tried as an adult.

6 **SEC. 2803. PERFORMANCE GRANT PROGRAM.**

7 (a) *IN GENERAL.*—The Attorney General, through the
8 Director of the Bureau of Justice Assistance, is authorized
9 to provide performance grants to the States to improve
10 processes for entering data about stalking and domestic vio-
11 lence into national crime information databases.

12 (b) *ELIGIBILITY.*—Eligible grantees under subsection
13 (a) are States that provide, in their application, that all
14 criminal justice agencies within their jurisdiction shall
15 enter into the National Crime Information Center all
16 records of (1) warrants for the arrest of persons violating
17 civil protection orders intended to protect victims from
18 stalking or domestic violence; (2) arrests of persons violat-
19 ing civil protection orders intended to protect victims from
20 stalking or domestic violence; and (3) orders for the protec-
21 tion of persons from violence, including stalking and domes-
22 tic violence.

23 (c) *PERFORMANCE-BASED DISTRIBUTION.*—Eligible
24 grantees under subsection (a) shall be awarded 25 percent
25 of their grant moneys upon application approval as “seed

1 money” to cover start-up costs for the project funded by the
2 grant. Upon successful completion of the performance audit
3 provided in subsection (d), the grantees shall be awarded
4 the remaining sums in the grant.

5 (d) *PERFORMANCE AUDIT.*—Within 6 months after the
6 initial 25 percent of a grant is provided, the State shall
7 report to the Federal Bureau of Investigation and the Bu-
8 reau of Justice Assistance, the number of records included
9 in national crime information databases as a result of the
10 grant funding, including separate data for warrants, ar-
11 rests, and protective orders. If the State can show a substan-
12 tial increase in the number of records entered, then it shall
13 be eligible for the entire amount. However, the Director
14 shall suspend funding for an approved application if an
15 applicant fails to submit a 6 month performance report or
16 if funds are expended for purposes other than those set forth
17 under this title. Federal funds may be used to supplement,
18 not supplant, State funds.

19 (e) *GRANT AMOUNT.*—From amounts appropriated,
20 the amount of grants under subsection (a) shall be—

21 (1) \$75,000 to each State; and

22 (2) that portion of the then remaining available
23 money to each State that results from a distribution
24 among the States on the basis of each State’s popu-
25 lation in relation to the population of all States.

1 **SEC. 2804. APPLICATION REQUIREMENTS.**

2 *The application requirements provided in section 513*
3 *of the Omnibus Crime Control and Safe Streets Act of 1968*
4 *(42 U.S.C. 3711 et seq.) shall apply to grants made under*
5 *this title. In addition, applications shall include docu-*
6 *mentation showing—*

7 *(1) the need for grant funds and that State fund-*
8 *ing does not already cover these operations;*

9 *(2) intended use of the grant funds, including a*
10 *plan of action to increase record input; and*

11 *(3) an estimate of expected results from the use*
12 *of the grant funds.*

13 **SEC. 2805. DISBURSEMENT.**

14 *(a) GENERAL RULE.—No later than 30 days after the*
15 *receipt of an application under this title, the Director shall*
16 *either disburse the appropriate sums provided for under*
17 *this title or shall inform the applicant why the application*
18 *does not conform to the terms of section 513 of the Omnibus*
19 *Crime Control and Safe Streets Act of 1968 or to the re-*
20 *quirements of section 2804 of this title.*

21 *(b) REGULATIONS.—In disbursing moneys under this*
22 *title, the Director of the Bureau of Justice Assistance shall*
23 *issue regulations to ensure that grantees give priority to*
24 *the areas with the greatest showing of need.*

1 **SEC. 2806. FEDERAL NONMONETARY ASSISTANCE.**

2 *In addition to the assistance provided under the per-*
3 *formance grant program, the Attorney General may direct*
4 *any Federal agency, with or without reimbursement, to use*
5 *its authorities and the resources granted to it under Federal*
6 *law (including personnel, equipment, supplies, facilities,*
7 *and managerial, technical, and advisory services) in sup-*
8 *port of State and local law enforcement efforts to combat*
9 *stalking and domestic violence.*

10 **SEC. 2807. AUTHORIZATION.**

11 *There are authorized to be appropriated for each of*
12 *the fiscal years 1994, 1995, and 1996, \$2,000,000 to carry*
13 *out the purposes of the Performance Grant Program under*
14 *this title.*

15 **SEC. 2808. TRAINING PROGRAMS FOR JUDGES.**

16 *The National Institute of Justice, in conjunction with*
17 *a nationally recognized nonprofit organization expert in*
18 *stalking and domestic violence cases, shall conduct training*
19 *programs for judges to ensure that any judge issuing an*
20 *order in stalking or domestic violence cases has all available*
21 *criminal history and other information, whether from State*
22 *or Federal sources.*

23 **SEC. 2809. RECOMMENDATIONS ON INTRASTATE COMMU-**
24 **NICATION.**

25 *The National Institute of Justice, after consulting a*
26 *nationally recognized nonprofit associations expert in data*

1 *sharing among criminal justice agencies and familiar with*
2 *the issues raised in stalking and domestic violence cases,*
3 *shall recommend proposals about how State courts may in-*
4 *crease intrastate communication between family courts, ju-*
5 *venile courts, and criminal courts.*

6 **SEC. 2810. INCLUSION IN NATIONAL INCIDENT-BASED RE-**
7 **PORTING SYSTEM.**

8 *Not later than 2 years after the date of enactment of*
9 *this Act, the Attorney General, in coordination with the*
10 *Federal Bureau of Investigation and the States, shall com-*
11 *pile data regarding stalking civil protective orders and*
12 *other forms of domestic violence as part of the National In-*
13 *cident-Based Reporting System (NIBRS).*

14 **SEC. 2811. REPORT TO CONGRESS.**

15 *The Attorney General shall submit to the Congress an*
16 *annual report, beginning one year after the date of the en-*
17 *actment of this Act, that reports information on the inci-*
18 *dence of stalking and other forms of domestic violence, and*
19 *evaluates the effectiveness of State anti-stalking efforts and*
20 *legislation.*

21 **SEC. 2812. DEFINITIONS.**

22 *As used in this title—*

23 *(1) the term “national crime information*
24 *databases” refers to the National Crime Information*

1 Center and its incorporated criminal history
2 databases, including III (“Triple I”);

3 (2) the term “stalking” includes any conduct
4 that would, if proven, justify the issuance of an order
5 of protection under the stalking, or other, laws of the
6 State in which it occurred; and

7 (3) the term “domestic violence” includes any
8 conduct that would, if proven, justify the issuance of
9 an order of protection under the domestic violence, or
10 other, laws of the State in which it occurred.

11 **TITLE XXIX—PROTECTING THE**
12 **PRIVACY OF INFORMATION IN**
13 **STATE MOTOR VEHICLE**
14 **RECORDS**

15 **SEC. 2901. SHORT TITLE.**

16 This title may be cited as the “Driver’s Privacy
17 Protection Act of 1994”.

18 **SEC. 2902. PROHIBITION ON RELEASE AND USE OF CERTAIN**
19 **PERSONAL INFORMATION FROM STATE**
20 **MOTOR VEHICLE RECORDS.**

21 (A) *IN GENERAL.*—Title 18, United States Code, is
22 amended by inserting after chapter 121 the following:

1 **“CHAPTER 123—PROHIBITION ON RE-**
2 **LEASE AND USE OF CERTAIN PER-**
3 **SONAL INFORMATION FROM STATE**
4 **MOTOR VEHICLE RECORDS**

5 **“§ 2721. Prohibition on release and use of certain per-**
6 **sonal information from State motor vehi-**
7 **cle records**

8 *“(a) IN GENERAL.—Except as provided in subsection*
9 *(b), a State department of motor vehicles, and any officer,*
10 *employee, or contractor, thereof, shall not knowingly dis-*
11 *close or otherwise make available to any person or entity*
12 *personal information about any individual obtained by the*
13 *department in connection with a motor vehicle record.*

14 *“(b) PERMISSIBLE USES.—Personal information re-*
15 *ferred to in subsection (a) of this section shall be disclosed*
16 *for paragraphs (1) and (2) to carry out the purpose of the*
17 *Automobile Information Disclosure Act, the Motor Vehicle*
18 *Information and Cost Saving Act, the National Traffic and*
19 *Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act*
20 *of 1992, and the Clean Air Act, and may be disclosed for*
21 *paragraphs (3) through (14), as follows:*

22 *“(1) For use by any Federal, State, or local*
23 *agency, including any court or law enforcement agen-*
24 *cy, in carrying out its functions, or any private per-*

1 *son or entity acting on behalf of a Federal, State, or*
2 *local agency in carrying out its functions.*

3 *“(2) For use in connection with matters of motor*
4 *vehicle or driver safety and theft, motor vehicle emis-*
5 *sions, motor vehicle product alteration, recall or advi-*
6 *sory, and motor vehicle customer satisfaction.*

7 *“(3) For use in the normal course of business by*
8 *a legitimate business or its agents, employees, or con-*
9 *tractors, but only—*

10 *“(A) to verify the accuracy of personal in-*
11 *formation submitted by the individual to the*
12 *business or its agents, employees, or contractors;*
13 *and*

14 *“(B) if such information as so submitted is*
15 *not correct or is no longer correct, to obtain the*
16 *correct information, but only for the purposes of*
17 *preventing fraud by, pursuing legal remedies*
18 *against, or recovering on a debt or security in-*
19 *terest against, the individual.*

20 *“(4) For use in connection with any civil, crimi-*
21 *nal, administrative, or arbitral proceeding in any*
22 *Federal, State, or local court or agency or before any*
23 *self-regulatory body, including the service of process,*
24 *investigation in anticipation of litigation, and the*
25 *execution or enforcement of judgments and orders, or*

1 *pursuant to an order of a Federal, State, or local*
2 *court.*

3 *“(5) For use in research activities, including*
4 *survey research, and for use in producing statistical*
5 *reports, provided that the personal information is not*
6 *published or redisclosed and provided that the per-*
7 *sonal information is not used to direct solicitations or*
8 *marketing offers at the individuals whose personal in-*
9 *formation is disclosed under this paragraph.*

10 *“(6) For use by any insurer or insurance sup-*
11 *port organization, or by a self-insured entity, or its*
12 *agents, employees, or contractors, in connection with*
13 *claims investigation activities, antifraud activities,*
14 *rating or underwriting.*

15 *“(7) For the purpose of providing notice to the*
16 *owners of towed or impounded vehicles.*

17 *“(8) For use by any licensed private investiga-*
18 *tive agency or licensed security service for any pur-*
19 *pose permitted under this subsection.*

20 *“(9) For use by an employer or its agent or in-*
21 *surer to obtain or verify information relating to a*
22 *holder of a commercial driver’s license that is re-*
23 *quired under the Commercial Motor Vehicle Safety*
24 *Act of 1986 (49 U.S.C. App. 2710 et seq.).*

1 “(10) For use in connection with the operation
2 of private toll transportation facilities.

3 “(11) For any other purpose in response to re-
4 quests for individual motor vehicle records if the
5 motor vehicle department has provided in a clear and
6 conspicuous manner to the individual to whom the
7 information pertains an opportunity to prohibit such
8 disclosures.

9 “(12) For bulk distribution for marketing or so-
10 licitations if the motor vehicle department has imple-
11 mented methods and procedures to ensure—

12 “(A) that individuals are provided an op-
13 portunity, in a clear and conspicuous manner,
14 to prohibit such disclosure; and

15 “(B) that the information will be used,
16 rented, or sold solely for bulk distribution for
17 marketing and solicitations, and that such solici-
18 tations will not be directed at those individuals
19 who have requested in a timely fashion that they
20 not be directed at them.

21 ‘Methods and procedures’ includes the motor vehicle
22 department’s use of a mail preference list to remove
23 from its records before bulk distribution the names
24 and personal information of those individuals who

1 *have requested that solicitations not be directed at*
2 *them.*

3 “(13) *For use by any requestor, if the requestor*
4 *demonstrates it has obtained the written consent of*
5 *the individual to whom the information pertains.*

6 “(14) *For any other purpose specifically author-*
7 *ized under the law of the State that holds the record,*
8 *if such purpose is related to the operation of a motor*
9 *vehicle or public safety.*

10 “(c) *RESALE OR REDISCLOSURE.—Any authorized re-*
11 *ipient of personal information may resell or redisclose the*
12 *information for any use permitted under subsection (b).*
13 *Any authorized recipient (except a recipient under sub-*
14 *sections (b) (11) or (12)) that resells or rediscloses personal*
15 *information covered by this title must keep for a period of*
16 *5 years records identifying each person or entity that re-*
17 *ceives information and the permitted purpose for which the*
18 *information will be used.*

19 “(d) *WAIVER PROCEDURES.—A State motor vehicle*
20 *department may establish and carry out procedures under*
21 *which the department or its agents, upon receiving a request*
22 *for personal information that does not fall within one of*
23 *the exceptions in subsection (b), may mail a copy of the*
24 *request to the individual about whom the information was*
25 *requested, informing such individual of the request, together*

1 *with a statement to the effect that the information will not*
2 *be released unless the individual waives such individual's*
3 *right to privacy under this section.*

4 **“§ 2722. Additional unlawful acts**

5 “(a) *PROCUREMENT FOR UNLAWFUL PURPOSE.*—It
6 *shall be unlawful for any person knowingly to obtain or*
7 *disclose personal information, from a motor vehicle record,*
8 *for any purpose not permitted under section 2721(b) of this*
9 *title.*

10 “(b) *FALSE REPRESENTATION.*—It shall be unlawful
11 *for any person to make false representation to obtain any*
12 *personal information from an individual's motor vehicle*
13 *record.*

14 **“§ 2723. Criminal penalty**

15 “Any person that knowingly violates this chapter shall
16 *be fined under this title.*

17 **“§ 2724. Civil action**

18 “(a) *CAUSE OF ACTION.*—A person who knowingly ob-
19 *tains, discloses or uses personal information, derived from*
20 *a motor vehicle record, for a purpose not permitted under*
21 *this chapter shall be liable to the individual to whom the*
22 *information pertains, who may bring a civil action in a*
23 *United States district court.*

24 “(b) *REMEDIES.*—The court may award—

1 “(1) actual damages, but not less than liquidated
2 damages in the amount of \$2,500;

3 “(2) punitive damages upon proof of willful or
4 reckless disregard of the law;

5 “(3) reasonable attorneys’ fees and other litiga-
6 tion costs reasonably incurred; and

7 “(4) such other preliminary and equitable relief
8 as the court determines to be appropriate.

9 **“§ 2725. Definitions**

10 “As used in this chapter—

11 “(1) the term ‘motor vehicle record’ means any
12 record that pertains to a motor vehicle operator’s per-
13 mit, motor vehicle title, motor vehicle registration, or
14 identification card issued by a department of motor
15 vehicles;

16 “(2) the term ‘personal information’ means in-
17 formation that identifies an individual, including an
18 individual’s photograph, social security number, driv-
19 er identification number, name, address (but not the
20 5-digit zip code), telephone number, and medical or
21 disability information, but such term does not include
22 information on vehicular accidents, driving viola-
23 tions, and driver’s status; and

1 (3) by striking “(3)” and inserting “(4)”; and
2 (4) by inserting in paragraph (4) “, including
3 the display at half-staff of the flag of the United
4 States” after “activities”.

5 (b) ACT OF JUNE 22, 1942.—Section 3(m) of the Act
6 of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C.
7 175) is amended by inserting “The flag shall be flown at
8 half-staff on Peace Officers Memorial Day, unless that day
9 is also Armed Forces Day.” after “a Member of Congress.”.

10 **Subtitle B—Sense of Congress With**
11 **Respect to Violence Against**
12 **Truckers**

13 **SEC. 3005. SENSE OF CONGRESS WITH RESPECT TO VIO-**
14 **LENCE AGAINST TRUCKERS.**

15 (a) FINDINGS.—Congress finds that—

16 (1) there are 8,000,000 workers in the trucking
17 industry in the United States, some working for large
18 carriers and some for small carriers, some for private
19 carriers and some owner operators, all assisting the
20 free flow commerce by transporting all types of com-
21 modities that enter, leave, or move within this coun-
22 try;

23 (2) unemployment, crime, and drug use have
24 contributed to an increase of violence against com-

1 *mercial truckers, an increase that has gone unrecog-*
2 *nized by the public at large;*

3 *(3) few State or local authorities report violent*
4 *crimes against truckers as such to the Federal Bureau*
5 *of Investigation, statistics do not reflect this fast-*
6 *growing and increasingly violent segment of crime;*

7 *(4) the Federal Bureau of Investigation inves-*
8 *tigated 282 truck hijackings involving crimes of vio-*
9 *lence in 1993, not including attempted crimes and*
10 *crimes addressed by State, county, and local authori-*
11 *ties;*

12 *(5) the Federal Government in large measure fi-*
13 *nances the highway system the trucking industry*
14 *uses, collecting large sums in taxes from the industry,*
15 *and licenses and regulates the industry and its driv-*
16 *ers, entailing a concomitant responsibility to protect*
17 *them against crime; and*

18 *(6) Federal law provides protections to truckers*
19 *in among others, sections 33 and 1951 of title 18,*
20 *United States Code, but currently Federal prosecu-*
21 *tions are not undertaken unless certain monetary*
22 *thresholds of loss are met.*

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

1 *Center, the Criminal –Investigation Division of the Inter-*
2 *nal Revenue Service, and the United States Secret Service,*
3 *in addition to sums authorized elsewhere in this Act, not*
4 *to exceed \$210,000,000 for each of the fiscal years 1995,*
5 *1996, 1997, 1998, and 1999 to help meet the Department*
6 *of the Treasury’s increased law enforcement activities.*

7 ***Subtitle E—Conversion of Closed***
8 ***Military Installations***

9 ***SEC. 3021. CONVERSION OF THREE CLOSED MILITARY IN-***
10 ***STALLATIONS INTO FEDERAL PRISON FACILI-***
11 ***TIES.***

12 (a) *STUDY OF SUITABLE BASES.*—*The Secretary of*
13 *Defense and the Attorney General shall jointly conduct a*
14 *study of all military installations selected before the date*
15 *of the enactment of this Act to be closed pursuant to a base*
16 *closure law for the purpose of evaluating the suitability of*
17 *any of these installations, or portions of these installations,*
18 *for conversion into Federal prison facilities. As part of the*
19 *study, the Secretary and the Attorney General shall identify*
20 *the three military installations so evaluated that are most*
21 *suitable for conversion into Federal prison facilities.*

22 (b) *SUITABILITY FOR CONVERSION.*—*In evaluating the*
23 *suitability of a military installation for conversion into a*
24 *Federal prison facility, the Secretary of Defense and the*
25 *Attorney General shall consider the estimated cost to convert*

1 *the installation into a prison facility, the proximity of the*
2 *installation to overcrowded Federal and State prison facili-*
3 *ties, and such other factors as the Secretary and the Attor-*
4 *ney General consider to be appropriate.*

5 (c) *TRANSFER TO ATTORNEY GENERAL.*—*Notwith-*
6 *standing any other provision of law regarding disposal of*
7 *military installations selected to be closed pursuant to a*
8 *base closure law, the Secretary of Defense shall transfer,*
9 *without reimbursement, jurisdiction over the three installa-*
10 *tions identified under subsection (a) to the Attorney Gen-*
11 *eral for conversion into Federal prison facilities. The Fed-*
12 *eral prison facilities established using these installations*
13 *shall be designed to incarcerate persons convicted of a Fed-*
14 *eral violent felony. Upon a space available basis, the Attor-*
15 *ney General may accept transfers from overcrowded State*
16 *prisons if the persons to be transferred had previously been*
17 *convicted of a Federal violent felony or are serving a sen-*
18 *tence of more than 20 years.*

19 (d) *TIME FOR STUDY.*—*The study required by sub-*
20 *section (a) shall be completed not later than 180 days after*
21 *the date of the enactment of this Act.*

22 (e) *DEFINITIONS.*—*For purpose of this section:*

23 (1) *The term “base closure law” means—*

1 (A) *The Defense Base Closure and Realign-*
2 *ment Act of 1990 (part A of title XXIX of Public*
3 *Law 101–510; 10 U.S.C. 2687 note); or*

4 (B) *Title II of the Defense Authorization*
5 *Amendments and Base Closure and Realignment*
6 *Act (Public Law 100–526; 10 U.S.C. 2687 note).*

7 (2) *The term “violent felony” has the meaning*
8 *given that term in section 3581(c)(2) of title 18,*
9 *United States Code.*

10 ***SUBTITLE F—COMMISSION MEM-***
11 ***BERSHIP AND APPOINTMENT***

12 ***SEC. 3026. COMMISSION MEMBERSHIP AND APPOINTMENT.***

13 (a) *MEMBERSHIP.—Section 211(B)(f) of Public Law*
14 *101–515 (104 Stat. 2123) is amended to read as follows:*

15 “*(a) NUMBER AND APPOINTMENT.—The Commission*
16 *shall be composed of 25 members as follows:*

17 “*(1) Seven individuals appointed from national*
18 *law enforcement organizations representing law en-*
19 *forcement officers, of whom—*

20 “*(A) two shall be appointed by the Speaker*
21 *of the House of Representatives;*

22 “*(B) two shall be appointed by the majority*
23 *leader of the Senate;*

24 “*(C) one shall be appointed by the minority*
25 *leader of the House of Representatives;*

1 “(D) one shall be appointed by the minority
2 leader of the Senate; and

3 “(E) one shall be appointed by the Presi-
4 dent.

5 “(2) Seven individuals appointed from national
6 law enforcement organizations representing law en-
7 forcement management, of whom—

8 “(A) two shall be appointed by the Speaker
9 of the House of Representatives;

10 “(B) two shall be appointed by the majority
11 leader of the Senate;

12 “(C) one shall be appointed by the minority
13 leader of the House of Representatives;

14 “(D) one shall be appointed by the minority
15 leader of the Senate; and

16 “(E) one shall be appointed by the Presi-
17 dent.

18 “(3) Two individuals appointed with academic
19 expertise regarding law enforcement issues, of
20 whom—

21 “(A) one shall be appointed by the Speaker
22 of the House of Representatives and the majority
23 leader of the Senate; and

1 “(B) one shall be appointed by the minority
2 leader of the Senate and the minority leader of
3 the House of Representatives.

4 “(4) Two Members of the House of Representa-
5 tives, appointed by the Speaker and the minority
6 leader of the House of Representatives.

7 “(5) Two Members of the Senate, appointed by
8 the majority leader and the minority leader of the
9 Senate.

10 “(6) One individual involved in Federal law en-
11 forcement from the Department of the Treasury, ap-
12 pointed by the President.

13 “(7) One individual from the Department of
14 Justice, appointed by the President.

15 “(8) One individual representing a State or local
16 governmental entity, such as a Governor, mayor, or
17 State attorney general, to be appointed by the major-
18 ity leader of the Senate.

19 “(9) One individual representing a State or local
20 governmental entity, such as a Governor, mayor, or
21 State attorney general, to be appointed by the Speak-
22 er of the House of Representatives.

23 “(10) One individual representing a State or
24 local governmental entity, such as a Governor, mayor,

1 or State attorney general, to be appointed by the
2 President.”.

3 (b) *REPORT.*—Section 211(B)(p) of Public Law 101–
4 515 (104 Stat. 2124) is amended by striking “the expira-
5 tion” and all that follows through “this Act,” and inserting
6 “March 31, 1996,”.

7 **SEC. 3027. CONFORMING AMENDMENT.**

8 Section 3404(a) of Public Law 101–647 (42 U.S.C.
9 3721 note) is repealed.

10 **Subtitle G—Explosives Crime**
11 **Penalties**

12 **SEC. 3031. ENHANCED PENALTY FOR SECOND OFFENSE OF**
13 **USING AN EXPLOSIVE TO COMMIT A FELONY.**

14 Pursuant to its authority under section 994 of title
15 28, United States Code, the United States Sentencing Com-
16 mission shall promulgate amendments to the sentencing
17 guidelines to appropriately enhance penalties in a case in
18 which a defendant convicted under section 844(h) of title
19 18, United States Code, has previously been convicted under
20 that section.

21 **SEC. 3032. THEFT OF EXPLOSIVES.**

22 Section 844 of title 18, United States Code, is amended
23 by adding at the end the following:

24 “(k) A person who steals any explosives materials
25 which are moving as, or are a part of, or which have moved

1 *in, interstate or foreign commerce shall be imprisoned for*
2 *not more than 10 years, fined under this title, or both.”.*

3 **SEC. 3033. POSSESSION OF EXPLOSIVES BY FELONS AND**
4 **OTHERS.**

5 *Section 842(i) of title 18, United States Code, is*
6 *amended by inserting “or possess” after “to receive”.*

7 **SEC. 3034. THEFT OF EXPLOSIVES FROM LICENSEE.**

8 *Section 844 of title 18, United States Code, as amend-*
9 *ed by section 3032 of this Act, is amended by adding at*
10 *the end the following:*

11 *“(l) A person who steals any explosive material from*
12 *a licensed importer, licensed manufacturer, licensed dealer,*
13 *or permittee shall be fined under this title, imprisoned not*
14 *more than 10 years, or both.”.*

15 **SEC. 3035. DISPOSING OF EXPLOSIVES TO PROHIBITED**
16 **PERSONS.**

17 *Section 842(d) of title 18, United States Code, is*
18 *amended by striking “licensee” and inserting “person”.*

19 **Subtitle H—Traveler Protection**

20 **SEC. 3041. AUTHORITY TO INVESTIGATE VIOLENT CRIMES**
21 **AGAINST TRAVELERS .**

22 *(a) Chapter 33 of title 28, United States Code, is*
23 *amended by adding at the end the following:*

1 **“§ 540A. Investigation of violent crimes against travel-**
2 **ers**

3 “(a) Upon the request of an appropriate law enforce-
4 ment official of a State or political subdivision, the Attor-
5 ney General and the Federal Bureau of Investigation may
6 assist in the investigation of a felony crime of violence in
7 violation of the law of any State in which the victim ap-
8 pears to have been selected because he or she is a traveler.
9 In a case in which the traveler is from a foreign nation,
10 the Department of Justice and, where appropriate, the De-
11 partment of State shall assist the prosecuting and law en-
12 forcement officials of a State or political subdivision to the
13 fullest extent possible in securing from abroad such evidence
14 or other information as may be needed for the effective in-
15 vestigation and prosecution of the crime.

16 “(b) For purpose of this section—

17 “(1) the term ‘felony crime of violence’ means an
18 offense punishable by more than one year in prison
19 that has as an element the use, attempted use, or
20 threatened use of physical force against the person of
21 another;

22 “(2) and for purposes of section 540, the term
23 ‘State’ means a State of the United States, the Dis-
24 trict of Columbia, and any commonwealth, territory,
25 or possession of the United States; and

1 “(3) the term ‘traveler’ means a person who is
2 not a resident of the State in which the crime of vio-
3 lence occurred.”.

4 (b) The chapter analysis for chapter 33 of title 28,
5 United States Code, is amended by adding at the end the
6 following:

 “540A. Investigation of violence crimes against travelers.”.

7 ***Subtitle I—Study and Report by***
8 ***Attorney General***

9 ***SEC. 3046. STUDY AND REPORT BY ATTORNEY GENERAL.***

10 (a) *IN GENERAL.*—Not later than 180 days after the
11 date of the enactment of this section, the Attorney General
12 shall make a study and submit a report of the results of
13 that study to the Congress. Such study shall—

14 (1) *address how to ease the overcrowding at tra-*
15 *ditional style prisons by allowing for the processing*
16 *of new convicts and the housing of non-violent, elder-*
17 *ly, and short-term Federal, State, and local inmates*
18 *in prefabricated, temporary, or portable structures*
19 *within a secure area; and*

20 (2) *determine what legal requirements may exist*
21 *on the use of such structures for these purposes and*
22 *suggest legislative measures or other appropriate ac-*
23 *tions to modify or eliminate those requirements.*

24 (b) *ACTION BY THE ATTORNEY GENERAL.*—Not later
25 than 2 years after the report referred to in subsection (a)

1 *is submitted to the Congress, the Attorney General shall im-*
2 *plement the actions recommended in the report.*

3 **Subtitle J—Edward Byrne**
4 **Memorial Formula Grant Program**

5 **SEC. 3048. EDWARD BYRNE MEMORIAL FORMULA GRANT**
6 **PROGRAM.**

7 *Nothing in this Act shall be construed to prohibit or*
8 *exclude the expenditure of appropriations to grant recipi-*
9 *ents who would have been or are eligible to receive grants*
10 *under subpart 1 of part E of the Omnibus Crime Control*
11 *and Safe Streets Act of 1968.*

12 **Subtitle K—Penalties for Traffick-**
13 **ing in Counterfeit Goods and**
14 **Services**

15 **SEC. 3051. PENALTIES FOR TRAFFICKING IN COUNTERFEIT**
16 **GOODS AND SERVICES.**

17 *Section 2320(a) of title 18, United States Code, is*
18 *amended—*

19 (1) *in the first sentence—*

20 (A) *by striking “\$250,000 or imprisoned*
21 *not more than five years” and inserting*
22 *“\$2,000,000 or imprisoned not more than 10*
23 *years”;* and

24 (B) *by striking “\$1,000,000” and inserting*
25 *“\$5,000,000”;*

1 (2) *in the second sentence—*

2 (A) *by striking “\$1,000,000 or imprisoned*
3 *not more than fifteen years’ and inserting*
4 *“\$5,000,000 or imprisoned not more than 20*
5 *years”;* and

6 (B) *by striking “\$5,000,000” and inserting*
7 *“\$15,000,000”.*

8 ***Subtitle L—Military Medals and***
9 ***Decorations***

10 ***SEC. 3056. MILITARY MEDALS AND DECORATIONS.***

11 *Section 704 of title 18, United States Code, is amend-*
12 *ed—*

13 (1) *by inserting “(a)” before “Whoever”;*

14 (2) *by striking “not more than \$250” and insert-*
15 *ing “under this title”;* and

16 (3) *by adding at the end the following:*

17 *“(b)(1) If the decoration or medal involved in an of-*
18 *fense under subsection (a) of this section is a Congressional*
19 *Medal of Honor, in lieu of the punishment provided in such*
20 *subsection the offender shall be fined under this title or im-*
21 *prisoned not more than one year, or both.*

22 *“(2) As used in subsection (a) of this section with re-*
23 *spect to a Congressional Medal of Honor, the term ‘sells’*
24 *includes trades, barters, or exchanges for anything of value.*

1 “(3) As used in this subsection, the ‘Congressional
2 Medal of Honor’ is a medal awarded under section 3741
3 of title 10.”.

4 ***Subtitle M—Age Discrimination in***
5 ***Employment***

6 ***SEC. 3061. REENACTMENT OF SUBSECTION WITH AN***
7 ***AMENDMENT.***

8 (a) *REENACTMENT.*—Section 4(j) of the Age Discrimi-
9 nation in Employment Act of 1967 (29 U.S.C. 623(j)) as
10 in effect immediately before December 31, 1993, is hereby
11 reenacted.

12 (b) *AMENDMENT.*—Section 4(j) of the Age Discrimina-
13 tion in Employment Act of 1967 (29 U.S.C. 623(j)), as re-
14 enacted by subsection (a) of this section, is amended by
15 striking “attained the age” and all that follows through
16 “1983, and”, and inserting the following:

17 “attained—

18 “(A) the age of hiring or retirement in effect
19 under applicable State or local law on March 3,
20 1983; or

21 “(B) if the age of retirement was not in ef-
22 fect under applicable State or local law on
23 March 3, 1983, 55 years of age; and”.

24 (c) *RETROACTIVITY.*—Subsections (a) and (b) shall
25 take effect immediately after the operation of section 3(b)

1 *of the Age Discrimination in Employment Amendments of*
2 *1986 (Public Law 99–592; 29 U.S.C. 523 note).*

3 **SEC. 3062. STUDY AND GUIDELINES FOR PERFORMANCE**
4 **TESTS.**

5 (a) *STUDY.*—*Not later than 3 years after the date of*
6 *enactment of this Act, the Chairman of the Equal Employ-*
7 *ment Opportunity Commission (in this section referred to*
8 *as “the Chairman”)* shall conduct, directly or by contract,
9 *a study that will include—*

10 (1) *a list and description of all tests available*
11 *for the assessment of abilities important for comple-*
12 *tion of public safety tasks performed by law enforce-*
13 *ment officers and firefighters,*

14 (2) *a list of such public safety tasks for which*
15 *adequate tests do not exist,*

16 (3) *a description of the technical characteristics*
17 *that performance tests must meet to be compatible*
18 *with applicable Federal civil rights Acts and policies,*

19 (4) *a description of the alternative methods*
20 *available for determining minimally acceptable per-*
21 *formance standards on the tests described in para-*
22 *graph (1),*

23 (5) *a description of the administrative standards*
24 *that should be met in the administration, scoring,*

1 *and score interpretation of the tests described in*
2 *paragraph (1), and*

3 *(6) an examination of the extent to which the*
4 *tests described in paragraph (1) are cost effective,*
5 *safe, and comply with Federal civil rights Acts and*
6 *regulations.*

7 *(b) ADVISORY GUIDELINES.—Not later than 4 years*
8 *after the date of enactment of this Act, the Chairman shall*
9 *develop and issue, based on the results of the study required*
10 *by subsection (a), advisory guidelines for the administra-*
11 *tion and use of physical and mental fitness tests to measure*
12 *the ability and competency of law enforcement officers and*
13 *firefighters to perform the requirements of their jobs.*

14 *(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR*
15 *PUBLIC COMMENT.—(1) The Chairman shall, during the*
16 *conduct of the study required by subsection (a), consult*
17 *with—*

18 *(A) the United States Fire Administration,*

19 *(B) the Federal Emergency Management Agency,*

20 *(C) organizations that represent law enforcement*
21 *officers, firefighters, and their employers, and*

22 *(D) organizations that represent older individ-*
23 *uals.*

1 (2) *Before issuing the advisory guidelines required in*
2 *subsection (b), the Chairman shall allow for public comment*
3 *on the proposed guidelines.*

4 (d) *DEVELOPMENT OF STANDARDS FOR WELLNESS*
5 *PROGRAMS.—Not later than 2 years after the date of the*
6 *enactment of this Act, the Chairman shall propose advisory*
7 *standards for wellness programs for law enforcement officers*
8 *and firefighters.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section*
11 *\$5,000,000.*

12 ***Subtitle N—Prison Security***
13 ***Enhancement***

14 ***SEC. 3066. PRISON SECURITY.***

15 (a) *IN GENERAL.—Chapter 303 of title 18, United*
16 *States Code, is amended by adding at the end the following*
17 *new section:*

18 ***“§ 4047. Strength-training of prisoners prohibited***

19 *“The Bureau of Prisons shall take care that—*

20 *“(1) prisoners under its jurisdiction do not en-*
21 *gage in any activities designed to increase their phys-*
22 *ical strength or their fighting ability; and*

23 *“(2) that all equipment designed for this purpose*
24 *be removed from Federal correctional facilities.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of chapter 303 of title 18, United States Code,*
3 *is amended by adding at the end the following new item:*
4 “4047. *Strength-training of prisoners prohibited.*”.

4 ***Subtitle O—Civil Rights of***
5 ***Institutionalized Persons Act***

6 ***SEC. 3070. EXHAUSTION REQUIREMENT.***

7 *Section 8 of the Civil Rights of Institutionalized Per-*
8 *sons Act (42 U.S.C. 1997e) is amended—*

9 (1) *in subsection (a)—*

10 (A) *in paragraph (1)—*

11 (i) *by striking “in any action brought”*
12 *and inserting “no action shall be brought”;*

13 (ii) *by striking “the court shall” and*
14 *all that follows through “require exhaustion*
15 *of” and insert “until”; and*

16 (iii) *by inserting “are exhausted” after*
17 *“available”; and*

18 (B) *in paragraph (2), by inserting “or are*
19 *otherwise fair and effective” before the period at*
20 *the end.*

21 ***SEC. 3071. FRIVOLOUS ACTIONS.***

22 *Section 8(a) of the Civil Rights of Institutionalized*
23 *Persons Act (42 U.S.C. 1997e(a)) is amended by adding*
24 *at the end the following:*

1 “(3) The court shall on its own motion or on mo-
2 tion of a party dismiss any action brought pursuant
3 to section 1979 of the Revised Statutes of the United
4 States by an adult convicted of a crime and confined
5 in any jail, prison, or other correctional facility if the
6 court is satisfied that the action fails to state a claim
7 upon which relief can be granted or is frivolous or
8 malicious.

9 **SEC. 3072. MODIFICATION OF REQUIRED MINIMUM STAND-**
10 **ARDS.**

11 Section 8(b)(2) of the Civil Rights of Institutionalized
12 Persons Act (42 U.S.C. 1997e(b)(2)) is amended by striking
13 subparagraph (A) and redesignating subparagraphs (B)
14 through (E) as subparagraphs (A) through (D), respec-
15 tively.

16 **SEC. 3073. REVIEW AND CERTIFICATION PROCEDURE**
17 **CHANGES.**

18 Section 8(c) of the Civil Rights of Institutionalized
19 Persons Act (42 U.S.C. 1997e(c)) is amended—

20 (1) in paragraph (1), by inserting “or are other-
21 wise fair and effective” before the period at the end;
22 and

23 (2) in paragraph (2), by inserting “or is no
24 longer fair and effective” before the period at the end.

1 **SEC. 3074. PROCEEDINGS IN FORMA PAUPERIS.**

2 (a) *DISMISSAL.*—Section 1915(d) of title 28, United
3 States Code, is amended—

4 (1) by inserting “at any time” after “counsel
5 and may”; and

6 (2) by striking “and may” and inserting “and
7 shall”;

8 (3) by inserting “fails to state a claim upon
9 which relief may be granted or” after “that the ac-
10 tion”; and

11 (4) by inserting “even if partial failing fees have
12 been imposed by the court” before the period.

13 (b) *PRISONER’S STATEMENT OF ASSETS.*—Section
14 1915 of title 28, United States Code, is amended by adding
15 at the end the following:

16 “(f) If a prisoner in a correctional institution files an
17 affidavit in accordance with subsection (a) of this section,
18 such prisoner shall include in that affidavit a statement
19 of all assets such prisoner possesses. The court shall make
20 inquiry of the correctional institution in which the prisoner
21 is incarcerated for information available to that institution
22 relating to the extent of the prisoner’s assets. The court shall
23 require full or partial payment of filing fees according to
24 the prisoner’s ability to pay.”

1 **Subtitle P—Prison Overcrowding**

2 **SEC. 3080. APPROPRIATE REMEDIES FOR PRISON OVER-**
3 **CROWDING.**

4 (a) AMENDMENT OF TITLE 18, UNITED STATES
5 CODE.—Subchapter C of chapter 229 of title 18, United
6 States Code, is amended by adding at the end the following:

7 **“§ 3626. Appropriate remedies with respect to prison**
8 **crowding**

9 “(a) REQUIREMENT OF SHOWING WITH RESPECT TO
10 THE PLAINTIFF IN PARTICULAR.—

11 “(1) HOLDING.—A Federal court shall not hold
12 prison or jail crowding unconstitutional under the
13 eighth amendment except to the extent that an indi-
14 vidual plaintiff inmate proves that the crowding
15 causes the infliction of cruel and unusual punishment
16 of that inmate.

17 “(2) RELIEF.—The relief in a case described in
18 paragraph (1) shall extend no further than necessary
19 to remove the conditions that are causing the cruel
20 and unusual punishment of the plaintiff inmate.

21 “(b) INMATE POPULATION CEILINGS.—

22 “(1) REQUIREMENT OF SHOWING WITH RESPECT
23 TO PARTICULAR PRISONERS.—A Federal court shall
24 not place a ceiling on the inmate population of any
25 Federal, State, or local detention facility as an equi-

1 *table remedial measure for conditions that violate the*
2 *eighth amendment unless crowding is inflicting cruel*
3 *and unusual punishment on particular identified*
4 *prisoners.*

5 “(2) *RULE OF CONSTRUCTION.—Paragraph (1)*
6 *of this subsection shall not be construed to have any*
7 *effect on Federal judicial power to issue equitable re-*
8 *lief other than that described in paragraph (1) of this*
9 *subsection, including the requirement of improved*
10 *medical or health care and the imposition of civil*
11 *contempt fines or damages, where such relief is appro-*
12 *priate.*

13 “(c) *PERIODIC REOPENING.—Each Federal court*
14 *order or consent decree seeking to remedy an eighth amend-*
15 *ment violation shall be reopened at the behest of a defendant*
16 *for recommended modification at a minimum of 2-year*
17 *intervals.”.*

18 (b) *APPLICATION OF AMENDMENT.—Section 3626 of*
19 *title 18, United States Code, as added by subsection a, shall*
20 *apply to all outstanding court orders on the date of enact-*
21 *ment of this Act. Any State or municipality shall be enti-*
22 *tled to seek modification of any outstanding eighth amend-*
23 *ment decree pursuant to that section.*

24 (c) *CLERICAL AMENDMENT.—The table of sections at*
25 *the beginning of subchapter C of chapter 229 of title 18,*

1 *United States Code, is amended by adding at the end the*
2 *following new item:*

“3626. Appropriate remedies with respect to prison crowding.”.

3 (d) *SUNSET PROVISION.*—*This section and the amend-*
4 *ments made by this section are repealed effective as of the*
5 *date that is 5 years after the date of enactment of this Act.*

6 ***Subtitle Q—Sense of Congress With***
7 ***Respect to Child Pornography***

8 ***SEC. 3083. CHILD PORNOGRAPHY.***

9 (a) *FINDINGS.*—*Congress finds that—*

10 (1) *child pornography is the permanent record of*
11 *the sexual abuse or exploitation of children;*

12 (2) *children who are victims of child pornog-*
13 *raphy often suffer severe physical and emotional*
14 *harm;*

15 (3) *child pornography is a serious national*
16 *problem;*

17 (4) *the Congress of the United States has a com-*
18 *PELLING interest in the protection of children from sex-*
19 *ual abuse and exploitation by pornography (see New*
20 *York v. Ferber, 458 U.S. 747 (1982));*

21 (5) *the Congress of the United States, in pursuit*
22 *of this compelling interest, has taken every oppor-*
23 *tunity to strengthen child pornography laws and has,*
24 *in clear and unambiguous language, criminalized the*

1 *production, interstate distribution, receipt and posses-*
2 *sion of child pornography;*

3 *(6) the United States Department of Justice in*
4 *its brief to the United States Supreme Court in the*
5 *case of Knox v. United States, 92–1183, has failed to*
6 *support the conviction of a child pornographer won*
7 *by the Department in the United States District*
8 *Court for the Middle District of Pennsylvania and af-*
9 *firmed on appeal in the United States Court of Ap-*
10 *peals for the Third Circuit;*

11 *(7) the Department of Justice has used its brief*
12 *in the Knox case as a vehicle for reinterpretation of*
13 *the Federal child pornography laws in contravention*
14 *to legislative history and past prosecution practices of*
15 *the Department of Justice;*

16 *(8) the Department of Justice by declaring in its*
17 *brief in the Knox case that a pornographer who las-*
18 *civiously exhibits the genitals of children is prosecut-*
19 *able within the Federal child pornography laws only*
20 *if the depictions show a minor engaged in the conduct*
21 *of lasciviously exhibiting his or her genitals or pubic*
22 *area, creates a federally protected class of child por-*
23 *nography; for example, child pornography involving*
24 *children who are not knowingly engaged in lasciv-*
25 *iously exhibiting their genitals or pubic areas but*

1 *whose genitals or pubic areas are nonetheless lasciv-*
2 *iously depicted by others;*

3 *(9) the Department of Justice by declaring in its*
4 *brief in the Knox case in contravention to legislative*
5 *history, that a pornographer who lasciviously exhibits*
6 *the genital or pubic area of children is prosecutable*
7 *within the Federal child pornography laws only if the*
8 *genitals are nude or visible creates a federally pro-*
9 *ected class of child pornography, e.g. depictions*
10 *which focus on a minor child's clothed genital or*
11 *pubic area with the obvious intent of eliciting a sex-*
12 *ual response in pedophiles;*

13 *(10) the plain meaning and congressional intent*
14 *of the language in section 2256 of title 18, United*
15 *States Code, is that the term "lascivious exhibition"*
16 *refers to whether the depiction is intended to elicit a*
17 *sexual response from the viewer, and not to the ac-*
18 *tions of the child;*

19 *(11) the Department of Justice has employed this*
20 *meaning of the term "lascivious exhibition" since it*
21 *was included in the laws in 1984, and Congress has*
22 *not changed the meaning of the term;*

23 *(12) Congress specifically repudiated a "nudity"*
24 *requirement for child pornography statutes (see Unit-*

1 *ed States v. Knox, 977 F. 2d 815, at 820–823, (3rd*
2 *Cir., 1992));*

3 (13) *the “harm Congress attempted to eradicate*
4 *by enacting child pornography laws is present when*
5 *a photographer unnaturally focuses on a minor*
6 *child’s clothed genital area with the obvious intent to*
7 *produce an image sexually arousing to pedophiles.”*
8 *(see Knox at 822); and*

9 (14) *the Congress of the United States believes*
10 *that the reinterpretation of the Federal child pornog-*
11 *raphy laws by Department of Justice, unless reversed,*
12 *will bring back commercial child pornography and*
13 *lead to a substantial increase of sexual exploitation of*
14 *children.*

15 (b) *SENSE OF CONGRESS.—It is the sense of the House*
16 *of Representatives that the Department of Justice repudiate*
17 *its reinterpretation of Federal child pornography laws, de-*
18 *fend the conviction won in lower courts in the Knox case,*
19 *and vigorously prosecute sexual exploitation of children.*

20 ***Subtitle R—Labels on Products***

21 ***SEC. 3086. PLACEMENT OF MADE IN AMERICA LABELS ON*** 22 ***PRODUCTS.***

23 (a) *REQUIREMENTS FOR USE OF LABELS.—No prod-*
24 *uct may bear a label which states or suggests that the prod-*
25 *uct was made in America unless—*

1 (1) *the product has been registered with the De-*
2 *partment of Commerce under subsection (b); and*

3 (2) *the Secretary of Commerce has determined*
4 *that—*

5 (A) *60 percent of the product was manufac-*
6 *tured in the United States; and*

7 (B) *final assembly of the product took place*
8 *in the United States.*

9 (b) *REGISTRY OF AMERICAN-MADE PRODUCTS.—Not*
10 *later than 12 months after the Secretary has promulgated*
11 *regulations regarding the registration of products with the*
12 *Department of Commerce under this section, a person shall*
13 *register with the Department of Commerce any product on*
14 *which there is or will be affixed a label which states or sug-*
15 *gests that the product was made in America.*

16 (c) *PENALTIES FOR FRAUDULENT USE OF LABELS.—*

17 (1) *CIVIL FINE.—Any person who, with an in-*
18 *tent to defraud or mislead, places on a product a*
19 *label which states or suggests that the product was*
20 *“made in America” in violation of this section may*
21 *be assessed a civil penalty by the Secretary of not*
22 *more than \$100,000. The Secretary may issue an*
23 *order assessing such civil penalty only after notice*
24 *and an opportunity for an agency hearing on the*

1 *record. The validity of such order may not be re-*
2 *viewed in an action to collect such civil penalty.*

3 (2) *INJUNCTIVE RELIEF.*—*The Secretary may*
4 *bring an action to enjoin the violation of, or to com-*
5 *pel compliance with, this section, whenever the Sec-*
6 *retary believes that such a violation has occurred or*
7 *is about to occur.*

8 (d) *REGULATIONS.*—*Not later than 12 months after the*
9 *date of the enactment of this Act, the Secretary shall pro-*
10 *mulgate regulations establishing procedures under which a*
11 *person shall register a product under this section.*

12 (e) *DEFINITIONS.*—*For purposes of this section:*

13 (1) *LABEL.*—*The term “label” means any writ-*
14 *ten, printed, or graphic matter on, or attached to, a*
15 *product or any of its containers or wrappers.*

16 (2) *SECRETARY.*—*The term “Secretary” means*
17 *the Secretary of Commerce.*

18 ***Subtitle S—Awards of Pell Grants***
19 ***to Prisoners Prohibited***

20 ***SEC. 3089. AWARDS OF PELL GRANTS TO PRISONERS PRO-***
21 ***HIBITED.***

22 *Section 401(b)(8) of the Higher Education Act of 1965*
23 *(20 U.S.C. 1070a(b)(8)) is amended to read as follows:*

1 *that has vested may not later be withdrawn, and*
 2 *credit that has not been earned may not later be*
 3 *granted.” and inserting “Credit that has not been*
 4 *earned may not later be granted.”; and*

5 *(3) by adding at the end the following:*

6 *“(2) Credit toward a prisoner’s service of sentence shall*
 7 *not be vested unless the prisoner has earned a high school*
 8 *diploma or an equivalent degree.*

9 *“(3) The Attorney General shall ensure that the Bu-*
 10 *reau of Prisons has in effect an optional General Edu-*
 11 *cational Development program for inmates who have not*
 12 *earned a high school diploma or its equivalent.”.*

13 *“(4) Exemptions to the General Educational Develop-*
 14 *ment requirement may be made as deemed necessary by the*
 15 *Director of the Federal Bureau of Prisons.”.*

Amend the title so as to read: “An Act entitled ‘The
 Violent Crime Control and Law Enforcement Act of
 1994’.”.

Attest:

Clerk.

HR 3355 EAH—2

HR 3355 EAH—3

HR 3355 EAH—4

HR 3355 EAH—5

HR 3355 EAH—6
HR 3355 EAH—7
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