

106TH CONGRESS
1ST SESSION

S. 9

To combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DORGAN, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BREAUX, Mr. DURBIN, Mr. BINGAMAN, Mr. BRYAN, and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safe Schools, Safe Streets, and Secure Borders Act of
6 1999”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—COMBATING VIOLENCE IN SCHOOLS AND PUNISHING
 JUVENILE CRIME

Subtitle A—Assistance to Schools

- Sec. 1001. Establishment of School Security Technology Center.
 Sec. 1002. Grants for local school security programs.
 Sec. 1003. Safe and secure school advisory report.

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 Sec. 1212. Applicability of statutory minimums to juveniles 16 years and older
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 Sec. 1213. Conforming amendment to definitions section.
 Sec. 1214. Custody prior to appearance before judicial officer.
 Sec. 1215. Technical and conforming amendments to section 5034.
 Sec. 1216. Speedy trial for detained juveniles pending delinquency proceedings;
 reinstating dismissed cases.
 Sec. 1217. Disposition; availability of increased detention, fines, and supervised
 release for juvenile offenders.
 Sec. 1218. Access to juvenile records.
 Sec. 1219. Technical amendments of section 5034.
 Sec. 1220. Definitions.

PART 2—INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

- Sec. 1221. Detention of juveniles prior to disposition or sentencing.
 Sec. 1222. Rules governing the commitment of juveniles.

Subtitle C—Assistance to States for Prosecuting and Punishing Juvenile
 Offenders, and Reducing Juvenile Crime

- Sec. 1301. Juvenile and violent offender incarceration grants.
 Sec. 1302. Certain punishment and graduated sanctions for youth offenders.
 Sec. 1303. Pilot program to promote replication of recent successful juvenile
 crime reduction strategies.
 Sec. 1304. Reimbursement of States for costs of incarcerating juvenile alien of-
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- Sec. 1411. Gun ban for dangerous juvenile offenders.
 Sec. 1412. Improving firearms safety.
 Sec. 1413. Enhanced penalties for discharging or possessing a firearm during
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 Sec. 1414. Juvenile handgun safety.

- Sec. 1415. Serious juvenile drug offenses as armed career criminal predicates.
- Sec. 1416. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime.
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- Sec. 1421. Competitive grants for children’s firearm safety education.
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- Sec. 1423. Amendment to Safe and Drug-Free Schools and Communities Act of 1994 to provide counseling after gun-related violence.
- Sec. 1424. Youth crime gun interdiction initiative.
- Sec. 1425. Grant priority for tracing of guns used in crimes by juveniles.

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- Sec. 1431. Definitions.
- Sec. 1432. Grant program.
- Sec. 1433. Applications.
- Sec. 1434. Grant awards.
- Sec. 1435. Use of grant amounts.
- Sec. 1436. Grant limitations.
- Sec. 1437. Federal share.
- Sec. 1438. Report and evaluation.
- Sec. 1439. Authorization of appropriations.

PART 4—YOUTH VIOLENCE COURTS

- Sec. 1441. Creation of youth violence courts.

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- Sec. 2101. Gang franchising.
- Sec. 2102. Enhanced penalty for use or recruitment of minors in gangs.
- Sec. 2103. Gang franchising as a RICO predicate.
- Sec. 2104. Increase in offense level for participation in crime as gang member.
- Sec. 2105. Enhanced penalty for possession of firearms in relation to counts of violence or drug trafficking crimes.
- Sec. 2106. Punishment of arson or bombing at facilities receiving Federal financial assistance.
- Sec. 2107. Elimination of statute of limitations for murder.
- Sec. 2108. Extension of statute of limitations for violent and drug trafficking crimes.
- Sec. 2109. Increased penalties under the RICO law for gang and violent crimes.
- Sec. 2110. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.
- Sec. 2111. Facilitating the prosecution of carjacking offenses.
- Sec. 2112. Facilitation of RICO prosecutions.
- Sec. 2113. Forfeiture for crimes of violence, racketeering, and obstruction of justice.
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- Sec. 2115. Authority to investigate serial killings.
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- Sec. 2117. Expansion of Federal jurisdiction over crimes occurring in private penal facilities housing Federal prisoners or prisoners from other States.

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- Sec. 2301. Interstate travel to engage in witness intimidation or obstruction of justice.
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- Sec. 8401. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies.
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- Sec. 8501. Reimbursement of State and local law enforcement agencies in international crime cases.
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- Sec. 9001. Felony punishment for violence committed along the United States borders.

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- Sec. 9101. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.
- Sec. 9102. Civil penalties to support maritime law enforcement.
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Subtitle C—Smuggling of Contraband and Other Illegal Products

- Sec. 9201. Smuggling contraband and other goods from the United States.
- Sec. 9202. Controlling illicit liquor trafficking.
- Sec. 9203. Strengthening of statute punishing evasion or embezzlement of customs duties.
- Sec. 9204. False certifications relating to exports.

Subtitle D—Strengthening Immigration Laws To Exclude International Criminals From the United States

- Sec. 9301. Inadmissibility of persons fleeing prosecution in other countries.
- Sec. 9302. Inadmissibility of persons involved in racketeering and arms trafficking.
- Sec. 9303. Inadmissibility of persons who have benefited from illicit activities of drug traffickers.
- Sec. 9304. Inadmissibility of persons involved in international alien smuggling.

Subtitle E—Alien Smuggling

- Sec. 9401. Forfeiture for alien smuggling.

Subtitle F—Trafficking in Chemicals Used To Produce Drugs

- Sec. 9501. Import and export of chemicals used to produce illicit drugs.

Sec. 9601. Enhanced tools to investigate illicit arms trafficking.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ATTORNEY GENERAL.—The term “Attorney
4 General” means the Attorney General of the United
5 States.

6 (2) INDIAN TRIBE.—The term “Indian tribe”
7 means a tribe, band, pueblo, nation, or other orga-
8 nized group or community of Indians, including an
9 Alaska Native village (as defined in or established
10 under the Alaska Native Claims Settlement Act (43
11 U.S.C. 1601 et seq.)), that is recognized as eligible
12 for the special programs and services provided by
13 the United States to Indians because of their status
14 as Indians.

15 (3) JUVENILE.—The term “juvenile” has the
16 meaning given that term under applicable State law.

17 (4) STATE.—The term “State” means any
18 State of the United States, the District of Columbia,
19 the Commonwealth of Puerto Rico, the Virgin Is-
20 lands, American Samoa, Guam, and the Northern
21 Mariana Islands.

22 (5) UNIT OF LOCAL GOVERNMENT.—The term
23 “unit of local government” means any city, county,

1 township, borough, parish, or other entity exercising
2 governmental power under State law.

3 (6) VIOLENT CRIME REDUCTION TRUST
4 FUND.—The term “Violent Crime Reduction Trust
5 Fund” means the fund established under title XXXI
6 of the Violent Crime Control and Law Enforcement
7 Act of 1994 (42 U.S.C. 14211 et seq.).

8 (7) YOUTH.—The term “youth” means a per-
9 son who is not younger than 5 and not older than
10 18 years of age.

11 **TITLE I—COMBATING VIOLENCE**
12 **IN SCHOOLS AND PUNISHING**
13 **JUVENILE CRIME**

14 **Subtitle A—Assistance to Schools**

15 **SEC. 1001. ESTABLISHMENT OF SCHOOL SECURITY TECH-**
16 **NOLOGY CENTER.**

17 (a) SCHOOL SECURITY TECHNOLOGY CENTER.—

18 (1) ESTABLISHMENT.—The Attorney General,
19 the Secretary of Education, and the Secretary of
20 Energy shall enter into an agreement for the estab-
21 lishment at the Sandia National Laboratories in
22 partnership with the National Law Enforcement and
23 Corrections Technology Center—Southeast of a cen-
24 ter to be known as the “School Security Technology

1 Center". The School Security Technology Center
2 shall be administered by the Attorney General.

3 (2) FUNCTIONS.—The School Security Tech-
4 nology Center shall be a resource to local edu-
5 cational agencies for school security assessments, se-
6 curity technology development, technology availabil-
7 ity and implementation, and technical assistance re-
8 lating to improving school security.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$2,250,000 for each of fiscal years 2000, 2001, and 2002.

12 **SEC. 1002. GRANTS FOR LOCAL SCHOOL SECURITY PRO-**
13 **GRAMS.**

14 Subpart 1 of part A of title IV of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C. 7111
16 et seq.) is amended by adding at the end the following:

17 **"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.**

18 "(a) IN GENERAL.—From amounts appropriated
19 under subsection (c), the Secretary of Education shall
20 award grants on a competitive basis to local educational
21 agencies to enable the agencies to acquire security tech-
22 nology, or carry out activities related to improving security
23 at the middle and high schools served by the agencies, in-
24 cluding obtaining school security assessments, and tech-
25 nical assistance for the development of a comprehensive

1 school security plan from the School Security Technology
2 Center. The Secretary shall give priority to local edu-
3 cational agencies showing the highest security needs as re-
4 ported by the agency to the Secretary in application for
5 funding made available under this section.

6 “(b) APPLICABILITY.—The provisions of this part
7 shall not apply to this section.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$10,000,000 for each of fiscal years 2000, 2001, and
11 2002.”.

12 **SEC. 1003. SAFE AND SECURE SCHOOL ADVISORY REPORT.**

13 The Attorney General, in consultation with the Sec-
14 retary of Education and the Secretary of Energy, or their
15 designees shall—

16 (1) develop a proposal to further improve school
17 security; and

18 (2) submit that proposal to Congress not later
19 than 1 year after the date of enactment of this Act.

1 **Subtitle B—Federal Prosecution of**
 2 **Serious and Violent Juvenile Of-**
 3 **fenders**

4 **PART 1—REFORM OF FEDERAL JUVENILE**
 5 **SYSTEM**

6 **SEC. 1211. DELINQUENCY PROCEEDINGS OR CRIMINAL**
 7 **PROSECUTIONS IN DISTRICT COURTS.**

8 (a) IN GENERAL.—Section 5032 of title 18, United
 9 States Code, is amended to read as follows:

10 **“§ 5032. Delinquency proceedings or criminal pros-**
 11 **ecutions in district courts**

12 “(a) JUVENILE DELINQUENCY PROCEEDINGS.—

13 “(1) IN GENERAL.—A juvenile alleged to have
 14 committed an offense against the United States or
 15 an act of juvenile delinquency may be—

16 “(A) surrendered to State authorities;

17 “(B) proceeded against as a juvenile under
 18 this subsection; or

19 “(C) tried as an adult in the circumstances
 20 described in subsections (b) and (c).

21 “(2) SURRENDER TO STATE ABSENT CERTIFI-
 22 CATION.—

23 “(A) IN GENERAL.—A juvenile referred to
 24 in paragraph (1) may be proceeded against as

1 a juvenile in a court of the United States under
2 this subsection—

3 “(i) for offenses committed within the
4 special maritime and territorial jurisdiction
5 of the United States for which the maxi-
6 mum authorized term of imprisonment
7 does not exceed 6 months; or

8 “(ii) if the Attorney General, after in-
9 vestigation, certifies to the appropriate
10 United States district court that—

11 “(I)(aa) the juvenile court or
12 other appropriate court of a State
13 does not have jurisdiction or declines
14 to assume jurisdiction over the juve-
15 nile with respect to such act of alleged
16 juvenile delinquency; or

17 “(bb) the offense charged is de-
18 scribed in subsection (b) (2) or (3) or
19 subsection (e); and

20 “(II) there is a substantial Fed-
21 eral interest in the case or the offense
22 to warrant the exercise of Federal ju-
23 risdiction.

24 “(B) SURRENDER TO LEGAL AUTHORI-
25 TIES.—If, where required, the Attorney General

1 does not so certify, such juvenile shall be sur-
2 rendered to the appropriate legal authorities of
3 such State.

4 “(3) PUBLIC PROCEEDINGS; ATTENDANCE BY
5 VICTIMS.—

6 “(A) IN GENERAL.—If a juvenile alleged to
7 have committed an act of juvenile delinquency
8 is not surrendered to the authorities of a State
9 pursuant to this section, any proceedings
10 against the juvenile shall be in an appropriate
11 district court of the United States.

12 “(B) CONVENING OF COURT.—For the
13 purposes specified in subparagraph (A), the
14 court—

15 “(i) may be convened at any time and
16 place within the district; and

17 “(ii) shall be open to the public, ex-
18 cept that the court may exclude all or some
19 members of the public from the proceed-
20 ings if—

21 “(I) required by the interests of
22 justice; or

23 “(II) other good cause is shown.

24 “(C) COURT OPEN TO VICTIMS AND REL-
25 ATIVES.—Even if all or some of the members of

1 the public are excluded from the proceedings,
2 the proceedings shall be open to victims of the
3 alleged offense and their relatives and legal
4 guardians unless—

5 “(i) required by the interests of jus-
6 tice; or

7 “(ii) otherwise good cause is shown.

8 “(D) PROCEDURAL REQUIREMENTS.—The
9 Attorney General shall proceed by information
10 or as authorized by section 3401(g) of this title,
11 and no criminal prosecution shall be instituted
12 except as provided in this chapter.

13 “(b) JUVENILES 16 YEARS AND OLDER PROS-
14 ECUTED AS ADULTS.—A juvenile alleged to have commit-
15 ted an act on or after the day the juvenile attains the age
16 of 16 years may be prosecuted as an adult—

17 “(1) if the juvenile has requested in writing
18 upon advice of counsel to be prosecuted as an adult;

19 “(2) if the act committed by an adult would be
20 a serious violent felony or a serious drug offense as
21 described in section 3559(c) (2) and (3) or a con-
22 spiracy or attempt under section 406 of the Con-
23 trolled Substances Act (21 U.S.C. 846) or under
24 section 1013 of the Controlled Substances Import

1 and Export Act (21 U.S.C. 963) to commit an of-
2 fense described in section 3559(c)(2); or

3 “(3) if the act the juvenile is alleged to have
4 committed is not described in paragraph (2), and if
5 committed by an adult would be—

6 “(A) a crime of violence (as defined in sec-
7 tion 3156(a)(4)) that is a felony;

8 “(B) an offense described in section 844
9 (d), (k), or (l), or paragraph (a)(6) or sub-
10 section (b), (g), (h), (j), (k), or (l), of section
11 924;

12 “(C) a violation of section 922(o) that is
13 an offense under section 924(a)(2);

14 “(D) a violation of section 5861 of the In-
15 ternal Revenue Code of 1986 that is an offense
16 under section 5871 of the Internal Revenue
17 Code of 1986;

18 “(E) a conspiracy to commit an offense de-
19 scribed in any of subparagraphs (A) through
20 (D); or

21 “(F) an offense described in section 401 or
22 408 of the Controlled Substances Act (21
23 U.S.C. 841, 848) or a conspiracy or attempt to
24 commit that offense which is punishable under
25 section 406 of the Controlled Substances Act

1 (21 U.S.C. 846), an offense punishable under
2 section 409 or 419 of the Controlled Substances
3 Act (21 U.S.C. 849, 860), an offense described
4 in section 1002, 1003, 1005, or 1009 of the
5 Controlled Substances Import and Export Act
6 (21 U.S.C. 952, 953, 955, or 959) or a conspir-
7 acy or attempt to commit that offense which is
8 punishable under section 1013 of the Controlled
9 Substances Import and Export Act (21 U.S.C.
10 963).

11 “(c) JUVENILES UNDER 16 YEARS PROSECUTED AS
12 ADULTS.—

13 “(1) IN GENERAL.—A juvenile, alleged to have
14 committed an act on or after the day on which the
15 juvenile has attained the age of 13 years but before
16 the juvenile has attained the age of 16 years, may
17 be prosecuted as an adult if the act, if committed by
18 an adult, would be an offense described in paragraph
19 (2) or (3) of subsection (b), upon approval of the At-
20 torney General or the designee of the Attorney Gen-
21 eral, who shall not be at a level lower than a Deputy
22 Assistant Attorney General.

23 “(2) LIMITATION.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), approval shall not be grant-

1 ed under paragraph (1), with respect to a juve-
2 nile described in that paragraph who is subject
3 to the criminal jurisdiction of an Indian tribal
4 government and who is alleged to have commit-
5 ted an act over which, if committed by an adult,
6 there would be Federal jurisdiction based solely
7 on the commission of that act in Indian country
8 (as defined in section 1151).

9 “(B) EXCEPTION.—Subparagraph (A)
10 shall not apply if, before that alleged act was
11 committed, the governing body of the Indian
12 tribe having jurisdiction over the place in which
13 the alleged act was committed notified the At-
14 torney General in writing of its election that
15 prosecution may take place under this sub-
16 section.

17 “(d) LIMITATIONS ON JUDICIAL REVIEW.—

18 “(1) IN GENERAL.—Except as provided in this
19 subsection, a determination to approve or not to ap-
20 prove, or to institute or not to institute, a prosecu-
21 tion under subsection (b) or (c) shall not be review-
22 able in any court.

23 “(2) DETERMINATION BY COURT.—In any pros-
24 ecution of a juvenile under subsection (b)(3) or
25 (c)(1), upon motion of the defendant and after a

1 hearing, the court in which criminal charges have
2 been filed shall determine whether to issue an order
3 to provide for the transfer of the defendant to juve-
4 nile status for the purposes of proceeding against
5 the defendant under subsection (a).

6 “(3) TIME REQUIREMENTS.—A motion by a de-
7 fendant under paragraph (2) shall not be considered
8 unless that motion is filed not later than 20 days
9 after the date on which the defendant—

10 “(A) initially appears through counsel; or

11 “(B) expressly waives the right to counsel
12 and elects to proceed pro se.

13 “(4) PROHIBITION.—The court shall not order
14 the transfer of a defendant to juvenile status under
15 this paragraph unless the defendant establishes by
16 clear and convincing evidence or information that re-
17 moval to juvenile status would be in the interest of
18 justice. In making a determination under paragraph
19 (2), the court shall consider—

20 “(A) the nature of the alleged offense, in-
21 cluding the extent to which the juvenile played
22 a leadership role in an organization, or other-
23 wise influenced other persons to take part in
24 criminal activities, involving the use or distribu-
25 tion of controlled substances or firearms;

1 “(B) whether prosecution of the juvenile as
2 an adult is necessary to protect public safety;

3 “(C) the age and social background of the
4 juvenile;

5 “(D) the extent and nature of the prior de-
6 linquency record of the juvenile;

7 “(E) the intellectual development and psy-
8 chological maturity of the juvenile;

9 “(F) the nature of any treatment efforts
10 and the response of the juvenile to those efforts;
11 and

12 “(G) the availability of programs designed
13 to treat the behavioral problems of the juvenile.

14 “(5) STATUS OF ORDERS.—

15 “(A) IN GENERAL.—An order of the court
16 made in ruling on a motion by a defendant to
17 transfer a defendant to juvenile status under
18 this subsection shall not be a final order for the
19 purpose of enabling an appeal, except that an
20 appeal by the United States shall lie to a court
21 of appeals pursuant to section 3731 from an
22 order of a district court removing a defendant
23 to juvenile status.

24 “(B) APPEALS.—Upon receipt of a notice
25 of appeal of an order under this paragraph, a

1 court of appeals shall hear and determine the
2 appeal on an expedited basis.

3 “(6) INADMISSIBILITY OF EVIDENCE.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), no statement made by a de-
6 fendant during or in connection with a hearing
7 under this subsection shall be admissible
8 against the defendant in any criminal prosecu-
9 tion.

10 “(B) EXCEPTIONS.—The prohibition under
11 subparagraph (A) shall not apply, except—

12 “(i) for impeachment purposes; or

13 “(ii) in a prosecution for perjury or
14 giving a false statement.

15 “(7) RULES.—The rules concerning the receipt
16 and admissibility of evidence shall be the same as
17 prescribed in subsection 3142(f) of this title.

18 “(e) JOINDER; LESSER INCLUDED OFFENSES.—In a
19 prosecution under subsection (b) or (c) the juvenile may
20 be prosecuted and convicted as an adult for any other of-
21 fense which is properly joined under the Federal Rules of
22 Criminal Procedure, and may also be convicted of a lesser
23 included offense.”.

1 **SEC. 1212. APPLICABILITY OF STATUTORY MINIMUMS TO**
2 **JUVENILES 16 YEARS AND OLDER AND LIM-**
3 **TATION AS TO YOUNGER JUVENILES.**

4 Section 3553 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
7 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
8 UNDER THE AGE OF 16.—Notwithstanding any other pro-
9 vision of law, in the case of a juvenile alleged to have com-
10 mitted an act on or after the day on which the juvenile
11 has attained the age of 13 years but before the juvenile
12 has attained the age of 16 years, which if committed by
13 an adult would be an offense described in section 5032
14 (b)(3) or (e), the court shall impose a sentence pursuant
15 to guidelines promulgated by the United States Sentenc-
16 ing Commission under section 994 of title 28 without re-
17 gard to any statutory minimum sentence, if the court finds
18 at sentencing, after the Government has been afforded the
19 opportunity to make a recommendation, that the juvenile
20 has not been previously adjudicated delinquent for or con-
21 victed of an offense described in section 5032(b)(2).”.

22 **SEC. 1213. CONFORMING AMENDMENT TO DEFINITIONS**
23 **SECTION.**

24 Section 5031 of title 18, United States Code, is
25 amended by adding at the end the following: “As used in
26 this chapter, the term ‘State’ includes a State of the

1 United States, the District of Columbia, any common-
 2 wealth, territory, or possession of the United States and,
 3 with regard to an act of juvenile delinquency that would
 4 have been a misdemeanor if committed by an adult, a fed-
 5 erally recognized Indian tribe.”.

6 **SEC. 1214. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
 7 **CIAL OFFICER.**

8 Section 5033 of title 18, United States Code, is
 9 amended to read as follows:

10 **“§ 5033. Custody prior to appearance before judicial**
 11 **officer**

12 “(a) IN GENERAL.—Whenever a juvenile is taken
 13 into custody, the arresting officer shall immediately advise
 14 such juvenile of the juvenile’s rights, in language com-
 15 prehensible to a juvenile. The arresting officer shall
 16 promptly take reasonable steps to notify the juvenile’s par-
 17 ents, guardian, or custodian of such custody, of the rights
 18 of the juvenile, and of the nature of the alleged offense.

19 “(b) TIMELY ACTION.—The juvenile shall be taken
 20 before a judicial officer without unreasonable delay.”.

21 **SEC. 1215. TECHNICAL AND CONFORMING AMENDMENTS**
 22 **TO SECTION 5034.**

23 Section 5034 of title 18, United States Code, is
 24 amended—

1 (1) by striking “The” each place it appears at
2 the beginning of a paragraph and inserting “the”;

3 (2) by striking “If” at the beginning of the
4 third paragraph and inserting “if”;

5 (3) by designating the 3 paragraphs as para-
6 graphs (1), (2), and (3), respectively; and

7 (4) by inserting at the beginning of such section
8 before those paragraphs the following: “In a pro-
9 ceeding under section 5032(a)—”.

10 **SEC. 1216. SPEEDY TRIAL FOR DETAINED JUVENILES PEND-**
11 **ING DELINQUENCY PROCEEDINGS; RE-**
12 **INSTITUTING DISMISSED CASES.**

13 Section 5036 of title 18, United States Code, is
14 amended—

15 (1) by striking “If an alleged delinquent” and
16 inserting “If a juvenile proceeded against under sec-
17 tion 5032(a)”;

18 (2) by striking “thirty” and inserting “45”; and

19 (3) by striking “the court,” and all that follows
20 through the end of the section and inserting “the
21 court. In determining whether an information should
22 be dismissed with or without prejudice, the court
23 shall consider the seriousness of the offense, the
24 facts and circumstances of the case that led to the
25 dismissal, and the impact of a reprosecution on the

1 administration of justice. The periods of exclusion
2 under section 3161(h) of this title shall apply to this
3 section.”.

4 **SEC. 1217. DISPOSITION; AVAILABILITY OF INCREASED DE-**
5 **TENTION, FINES, AND SUPERVISED RELEASE**
6 **FOR JUVENILE OFFENDERS.**

7 Section 5037 of title 18, United States Code, is
8 amended to read as follows:

9 **“§ 5037. Disposition**

10 “(a) IN GENERAL.—

11 “(1) HEARING.—In a proceeding under section
12 5032(a), if the court finds a juvenile to be a juvenile
13 delinquent, the court shall hold a hearing concerning
14 the appropriate disposition of the juvenile not later
15 than 40 court days after the finding of juvenile de-
16 linquency, unless the court has ordered further study
17 pursuant to subsection (e).

18 “(2) REPORT.—A predisposition report shall be
19 prepared by the probation officer who shall promptly
20 provide a copy to the juvenile, the juvenile’s counsel,
21 and the attorney for the Government.

22 “(3) VICTIM IMPACT INFORMATION.—Victim
23 impact information shall be included in the report,
24 and victims, or in appropriate cases, their official
25 representatives, shall be provided the opportunity to

1 make a statement to the court in person or present
2 any information in relation to the disposition.

3 “(4) ORDER OF RESTITUTION.—After the
4 dispositional hearing, and after considering any per-
5 tinent policy statements promulgated by the Sen-
6 tencing Commission pursuant to section 994 of title
7 28, the court shall enter an order of restitution pur-
8 suant to section 3556 of this title, and place the ju-
9 venile on probation, commit the juvenile to official
10 detention (including the possibility of a term of su-
11 pervised release), and impose any fine that would be
12 authorized if the juvenile had been tried and con-
13 victed as an adult.

14 “(5) RELEASE OR DETENTION.—With respect
15 to release or detention pending an appeal or a peti-
16 tion for a writ of certiorari after disposition, the
17 court shall proceed pursuant to the provisions of
18 chapter 207.

19 “(b) TERM OF PROBATION.—The term for which pro-
20 bation may be ordered for a juvenile found to be a juvenile
21 delinquent may not extend beyond the maximum term that
22 would be authorized by section 3561(c) if the juvenile had
23 been tried and convicted as an adult. Sections 3563, 3564,
24 and 3565 are applicable to an order placing a juvenile on
25 probation.

1 “(c) TERM OF OFFICIAL DETENTION.—

2 “(1) MAXIMUM TERM.—The term for which of-
3 ficial detention (other than supervised release) may
4 be ordered for a juvenile found to be a juvenile de-
5 linquent may not extend beyond the lesser of—

6 “(A) the maximum term of imprisonment
7 that would be authorized if the juvenile had
8 been tried and convicted as an adult;

9 “(B) 10 years; or

10 “(C) the date on which the juvenile attains
11 the age of 26 years.

12 “(2) APPLICABILITY OF OTHER PROVISIONS.—
13 Section 3624 of this title shall apply to an order
14 placing a juvenile in detention.

15 “(d) TERM OF SUPERVISED RELEASE.—The term for
16 which supervised release may be ordered for a juvenile
17 found to be a juvenile delinquent may not extend beyond
18 5 years. Subsections (e) through (i) of section 3583 shall
19 apply to an order placing a juvenile on supervised release.

20 “(e) CUSTODY OF THE ATTORNEY GENERAL.—

21 “(1) IN GENERAL.—If the court desires more
22 detailed information concerning a juvenile alleged to
23 have committed an act of juvenile delinquency or a
24 juvenile adjudicated delinquent, the court may com-
25 mit the juvenile, after notice and hearing at which

1 the juvenile is represented by counsel, to the custody
2 of the Attorney General for observation and study by
3 an appropriate agency or entity.

4 “(2) OUTPATIENT BASIS.—Any observation and
5 study pursuant to a commission under paragraph
6 (1) shall be conducted on an outpatient basis, unless
7 the court determines that inpatient observation and
8 study are necessary to obtain the desired informa-
9 tion, except in the case of an alleged juvenile delin-
10 quent, inpatient study may be ordered only with the
11 consent of the juvenile and the juvenile’s attorney.

12 “(3) CONTENTS OF STUDY.—The agency or en-
13 tity conducting an observation or study under this
14 subsection shall make a complete study of the al-
15 leged or adjudicated delinquent to ascertain the ju-
16 venile’s personal traits, capabilities, background,
17 previous delinquency or criminal experience, mental
18 or physical defect, and any other relevant factors
19 pertaining to the juvenile.

20 “(4) SUBMISSION OF RESULTS.—The Attorney
21 General shall submit to the court and the attorneys
22 for the juvenile and the Government the results of
23 the study not later than 30 days after the commit-
24 ment of the juvenile, unless the court grants addi-
25 tional time. If the juvenile has not been committed

1 for the study, the probation office shall obtain the
2 report under sections 3154 and 3672 and submit the
3 results of the study in like manner and within the
4 same time period.

5 “(5) EXCLUSION OF TIME.—Time spent in cus-
6 tody under this subsection shall be excluded for pur-
7 poses of section 5036.

8 “(f) CONVICTION AS ADULT OF JUVENILES 13, 14,
9 AND 15 YEARS OLD.—With respect to any juvenile pros-
10 ecuted and convicted as an adult under section 5032(c),
11 the court may, pursuant to guidelines promulgated by the
12 United States Sentencing Commission under section 994
13 of title 28, determine to treat the conviction as an adju-
14 dication of delinquency and impose any disposition author-
15 ized under this section. The United States Sentencing
16 Commission shall promulgate such guidelines as soon as
17 practicable and not later than 1 year after the date of
18 enactment of the Safe Schools, Safe Streets, and Secure
19 Borders Act of 1999.”.

20 **SEC. 1218. ACCESS TO JUVENILE RECORDS.**

21 Section 5038 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a)—

24 (A) by striking the matter preceding the
25 colon and inserting the following: “Throughout

1 and upon completion of the juvenile delinquency
2 proceeding, the court records of the original
3 proceeding shall be safeguarded from disclosure
4 to unauthorized persons. The records shall be
5 released to the extent necessary to meet the fol-
6 lowing circumstances”; and

7 (B) by striking paragraph (6) and insert-
8 ing the following:

9 “(6) inquiries from any victim of such juvenile
10 delinquency, or in appropriate cases with the official
11 representative of the victim, or, if the victim is de-
12 ceased, from the immediate family of such victim in
13 order to—

14 “(A) apprise such victim or representative
15 of the status or disposition of the proceeding;

16 “(B) effectuate any other provision of law;
17 or

18 “(C) assist in a victim’s or the victim’s of-
19 ficial representative’s, allocution at disposi-
20 tion;”;

21 (2) by striking subsections (d) and (f) and re-
22 designating subsection (e) as subsection (d); and

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

24 “(e) RECORDS AND INFORMATION.—

1 “(1) JUVENILE DELINQUENCY RECORDS.—If a
2 juvenile has been adjudicated delinquent for an act
3 that, if committed by an adult, would be a felony or
4 for a violation of section 922(x)—

5 “(A) the juvenile shall be fingerprinted and
6 photographed, and the fingerprints and photo-
7 graph shall be sent to the Federal Bureau of
8 Investigation;

9 “(B) the court shall transmit to the Fed-
10 eral Bureau of Investigation the information
11 concerning the adjudication, including the
12 name, date of adjudication, court, offenses, and
13 sentence of the juvenile, along with the notation
14 that the matter was a juvenile adjudication; and

15 “(C) access to the fingerprints, photo-
16 graph, and other records and information relat-
17 ing to a juvenile described in this subsection,
18 shall be restricted as prescribed by subsection
19 (a).

20 “(2) JUVENILES TRIED AS ADULTS.—Finger-
21 prints and photographs of a juvenile who is pros-
22 ecuted as an adult shall be made available in the
23 manner applicable to adult defendants.

24 “(f) ADDITIONAL AUTHORIZATION.—In addition to
25 any other authorization under this section for the report-

1 ing, retention, disclosure, or availability of records or in-
 2 formation, if the law of the State in which a Federal juve-
 3 nile delinquency proceeding takes place permits or re-
 4 quires the reporting, retention, disclosure, or availability
 5 of records or information relating to a juvenile or to a
 6 juvenile delinquency proceeding or adjudication in certain
 7 circumstances, then such reporting, retention, disclosure,
 8 or availability is permitted under this section in any case
 9 in which the same circumstances exist.”.

10 **SEC. 1219. TECHNICAL AMENDMENTS OF SECTION 5034.**

11 Section 5034 of title 18, United States Code, as
 12 amended by section 1215 of this title, is amended—

13 (1) by striking “his” each place it appears and
 14 inserting “the juvenile’s”; and

15 (2) by striking “magistrate” each place it ap-
 16 pears and inserting “judicial officer”.

17 **SEC. 1220. DEFINITIONS.**

18 Section 5031 of title 18, United States Code, is
 19 amended to read as follows:

20 **“§ 5031. Definitions**

21 “In this chapter:

22 “(1) **ADULT JAIL OR CORRECTIONAL FACIL-**
 23 **ITY.**—The term ‘adult jail or correctional facility’
 24 means a locked facility that is used by a State, unit

1 of local government, or any law enforcement author-
2 ity to detain or confine adults—

3 “(A) pending the filing of a charge of vio-
4 lating a criminal law;

5 “(B) awaiting trial on a criminal charge;
6 or

7 “(C) convicted of violating a criminal law.

8 “(2) COMMUNITY-BASED FACILITY, PROGRAM,
9 OR SERVICE.—The term ‘community-based facility,
10 program, or service’ means, with respect to a juve-
11 nile, a small, open group home or other suitable
12 place located near the juvenile’s home or family and
13 programs of community supervision and service that
14 maintain community and consumer participation in
15 the planning, operation, and evaluation of those pro-
16 grams (which may include medical, educational, vo-
17 cational, social and psychological guidance, training,
18 special education, counseling, alcoholism treatment,
19 drug treatment, and other rehabilitative services).

20 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
21 means an Indian or Alaskan native tribe, band, na-
22 tion, pueblo, village, or community that the Sec-
23 retary of the Interior acknowledges to exist as an In-
24 dian tribe pursuant to section 104 of the Federally

1 Recognized Indian Tribe List Act of 1994 (25
2 U.S.C. 479a-1).

3 “(4) INDIAN TRIBAL GOVERNMENT.—The term
4 ‘Indian tribal government’ means the legally recog-
5 nized leadership of an Indian tribe, band, nation,
6 pueblo, village, or community.

7 “(5) JUVENILE.—The term ‘juvenile’ means—

8 “(A) a person who has not attained his or
9 her 18th birthday; or

10 “(B) for the purpose of proceedings and
11 disposition under this chapter for an alleged act
12 of juvenile delinquency, a person who has not
13 attained his or her 21st birthday.

14 “(6) JUVENILE DELINQUENCY.—The term ‘ju-
15 venile delinquency’ means the violation of a law of
16 the United States committed by a person prior to
17 the 18th birthday of that person, if the violation—

18 “(A) would have been a crime if committed
19 by an adult; or

20 “(B) is a violation of section 922(x).

21 “(7) PROHIBITED PHYSICAL CONTACT.—

22 “(A) IN GENERAL.—The term ‘prohibited
23 physical contact’ means—

24 “(i) any physical contact between a
25 juvenile and an adult inmate; and

1 “(ii) proximity that provides an op-
2 portunity for physical contact between a
3 juvenile and an adult inmate.

4 “(B) EXCLUSION.—The term does not in-
5 clude supervised proximity between a juvenile
6 and an adult inmate that is brief and incidental
7 or accidental.

8 “(8) SUSTAINED ORAL COMMUNICATION.—

9 “(A) IN GENERAL.—The term ‘sustained
10 oral communication’ means the imparting or
11 interchange of speech by or between an adult
12 inmate and a juvenile.

13 “(B) EXCEPTION.—The term does not
14 include—

15 “(i) communication that is accidental
16 or incidental; or

17 “(ii) sounds or noises that cannot rea-
18 sonably be considered to be speech.

19 “(9) STATE.—The term ‘State’ includes a State
20 of the United States, the District of Columbia, any
21 commonwealth, territory, or possession of the United
22 States and, with regard to an act of juvenile delin-
23 quency that would have been a misdemeanor if com-
24 mitted by an adult, an Indian tribe (as that term is
25 defined in section 4(e) of the Indian Self-Determina-

1 tion and Education Assistance Act (25 U.S.C.
2 4506(e)).

3 “(10) VIOLENT JUVENILE.—The term ‘violent
4 juvenile’ means any juvenile who is alleged to have
5 committed, has been adjudicated delinquent for, or
6 has been convicted of an offense that, if committed
7 by an adult, would be a crime of violence (as that
8 term is defined in section 16).”.

9 **PART 2—INCARCERATION OF JUVENILES IN THE**
10 **FEDERAL SYSTEM**

11 **SEC. 1221. DETENTION OF JUVENILES PRIOR TO DISPOSI-**
12 **TION OR SENTENCING.**

13 Section 5035 of title 18, United States Code, is
14 amended to read as follows:

15 **“§ 5035. Detention prior to disposition or sentencing**

16 **“(a) IN GENERAL.—**

17 **“(1) JUVENILES 16 YEARS OF AGE OR**
18 **OLDER.—**

19 **“(A) A juvenile 16 years of age or older**
20 **prosecuted pursuant to paragraph (2) or (3) of**
21 **section 5032(b), if detained at any time prior to**
22 **sentencing, shall be detained in a suitable juve-**
23 **nile facility as the Attorney General may des-**
24 **ignate. Preference shall be given to a place lo-**
25 **cated within, or within a reasonable distance of,**

1 the district in which the juvenile is being pros-
2 ecuted.

3 “(B)(i) A juvenile 16 years of age or older
4 prosecuted pursuant to section 5032(a), if de-
5 tained at any time prior to sentencing, shall be
6 detained in a suitable juvenile facility located
7 within, or within a reasonable distance of, the
8 district in which the juvenile is being pros-
9 ecuted.

10 “(ii) If a facility described in clause (i) is
11 not available, such a juvenile may be detained
12 in any other suitable juvenile facility that the
13 Attorney General may designate. To the extent
14 practicable, violent juveniles shall be kept sepa-
15 rate from nonviolent juveniles.

16 “(2) JUVENILES LESS THAN 16 YEARS OF
17 AGE.—

18 “(A) IN GENERAL.—A juvenile less than
19 16 years of age prosecuted pursuant to this sec-
20 tion, if detained at any time prior to sentenc-
21 ing, shall be detained in a suitable juvenile fa-
22 cility located within, or within a reasonable dis-
23 tance of, the district in which the juvenile is
24 being prosecuted.

1 “(B) UNAVAILABILITY OF CERTAIN FACILI-
2 TIES.—If a facility described in subparagraph
3 (A) is not available, such a juvenile may be de-
4 tained in any other suitable juvenile facility
5 that the Attorney General may designate. To
6 the extent practicable, violent juveniles shall be
7 kept separate from nonviolent juveniles.

8 “(b) PROHIBITION.—A juvenile less than 16 years of
9 age prosecuted pursuant to this section shall not be de-
10 tained prior to disposition or sentencing in any facility in
11 which the juvenile has prohibited physical contact or sus-
12 tained oral communication with adult persons convicted
13 of a crime or awaiting trial on criminal charges.

14 “(c) PROVISION OF SAFETY, SECURITY, AND OTHER
15 AMENITIES.—Every juvenile who is detained prior to dis-
16 position or sentencing shall be provided with reasonable
17 safety and security and with adequate food, heat, light,
18 sanitary facilities, bedding, clothing, recreation, education,
19 and medical care, including necessary psychiatric, psycho-
20 logical, or other care and treatment.”.

21 **SEC. 1222. RULES GOVERNING THE COMMITMENT OF JUVE-**
22 **NILES.**

23 Section 5039 of title 18, United States Code, is
24 amended to read as follows:

1 **“§ 5039. Commitment**

2 “(a) IN GENERAL.—

3 “(1) PROHIBITION.—The Attorney General
4 shall not cause any person less than 18 years of age
5 adjudicated delinquent under section 5032(a), or
6 any person less than 16 years of age convicted of an
7 offense to be placed or retained in an adult jail or
8 correctional facility in which the person has prohib-
9 ited physical contact or sustained oral communica-
10 tion with adults incarcerated because they have been
11 convicted of a crime or are awaiting trial on criminal
12 charges.

13 “(2) FACILITIES NEAR HOME.—Whenever pos-
14 sible, the Attorney General shall commit a juvenile
15 described in paragraph (1) to a foster home or com-
16 munity-based facility located in or near the home
17 community of that juvenile. To the extent prac-
18 ticable, violent juveniles shall be kept separate from
19 nonviolent juveniles.

20 “(b) PROVISION OF AMENITIES.—Each juvenile who
21 has been committed under subsection (a) shall be provided
22 with reasonable safety and security and with adequate
23 food, heat, light, sanitary facilities, bedding, clothing,
24 recreation, counseling, education, training, and medical
25 care including necessary psychiatric, psychological, or
26 other care and treatment.”.

1 **Subtitle C—Assistance to States for**
2 **Prosecuting and Punishing Ju-**
3 **venile Offenders, and Reducing**
4 **Juvenile Crime**

5 **SEC. 1301. JUVENILE AND VIOLENT OFFENDER INCARCER-**
6 **ATION GRANTS.**

7 (a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE
8 FACILITIES.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) COLOCATED FACILITY.—The term “co-
11 located facility” means the location of adult and
12 juvenile facilities on the same property in a
13 manner consistent with regulations issued by
14 the Attorney General to ensure that adults and
15 juveniles are substantially segregated.

16 (B) SUBSTANTIALLY SEGREGATED.—The
17 term “substantially segregated” means—

18 (i) complete sight and sound separa-
19 tion in residential confinement;

20 (ii) use of shared direct care and
21 management staff, properly trained and
22 certified by the State to interact with juve-
23 nile offenders, if the staff does not interact
24 with adult and juvenile offenders during
25 the same shift; and

1 (iii) incidental contact during trans-
2 portation to court proceedings and other
3 activities in accordance with regulations
4 issued by the Attorney General to ensure
5 reasonable efforts are made to segregate
6 adults and juveniles.

7 (C) VIOLENT JUVENILE OFFENDER.—The
8 term “violent juvenile offender” means a person
9 under the age of majority pursuant to State law
10 that has been adjudicated delinquent or con-
11 victed in adult court of a violent felony as de-
12 fined in section 924(e)(2)(B) of title 18, United
13 States Code.

14 (D) QUALIFYING STATE.—The term
15 “qualifying State” means a State that has sub-
16 mitted, or a State in which an eligible unit of
17 local government has submitted, a grant appli-
18 cation that meets the requirements of para-
19 graphs (3) and (5).

20 (2) AUTHORITY.—

21 (A) IN GENERAL.—The Attorney General
22 may make grants in accordance with this sub-
23 section to States, units of local government, or
24 any combination thereof, to assist them in plan-
25 ning, establishing, and operating secure facili-

1 ties, staff-secure facilities, detention centers,
2 and other correctional programs for violent ju-
3 venile offenders.

4 (B) USE OF AMOUNTS.—Grants under this
5 subsection may be used—

6 (i) for colocated facilities for adult
7 prisoners and violent juvenile offenders;
8 and

9 (ii) only for the construction or oper-
10 ation of facilities in which violent juvenile
11 offenders are substantially segregated from
12 nonviolent juvenile offenders.

13 (3) APPLICATIONS.—

14 (A) IN GENERAL.—The chief executive of-
15 ficer of a State or unit of local government that
16 seeks to receive a grant under this subsection
17 shall submit to the Attorney General an appli-
18 cation, in such form and in such manner as the
19 Attorney General may prescribe.

20 (B) CONTENTS.—Each application submit-
21 ted under subparagraph (A) shall provide writ-
22 ten assurances that each facility or program
23 funded with a grant under this subsection—

24 (i) will provide appropriate edu-
25 cational and vocational training, appro-

1 appropriate mental health services, a program of
2 substance abuse testing, and substance
3 abuse treatment for appropriate juvenile
4 offenders; and

5 (ii) will afford juvenile offenders in-
6 tensive post-release supervision and serv-
7 ices.

8 (4) MINIMUM AMOUNT.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), each qualifying State, to-
11 gether with units of local government within the
12 State, shall be allocated for each fiscal year not
13 less than 1.0 percent of the total amount made
14 available in each fiscal year for grants under
15 this subsection.

16 (B) EXCEPTION.—The United States Vir-
17 gin Islands, American Samoa, Guam, and the
18 Northern Mariana Islands shall each be allo-
19 cated 0.2 percent of the total amount made
20 available in each fiscal year for grants under
21 this subsection.

22 (5) PERFORMANCE EVALUATION.—

23 (A) EVALUATION COMPONENTS.—

24 (i) IN GENERAL.—Each facility or
25 program funded under this subsection shall

1 contain an evaluation component developed
2 pursuant to guidelines established by the
3 Attorney General.

4 (ii) OUTCOME MEASURES.—The eval-
5 uations required by this subsection shall
6 include outcome measures that can be used
7 to determine the effectiveness of the fund-
8 ed programs, including the effectiveness of
9 such programs in comparison with other
10 correctional programs or dispositions in re-
11 ducing the incidence of recidivism, and
12 other outcome measures.

13 (B) PERIODIC REVIEW AND REPORTS.—

14 (i) REVIEW.—The Attorney General
15 shall review the performance of each grant
16 recipient under this subsection.

17 (ii) REPORTS.—The Attorney General
18 may require a grant recipient to submit to
19 the Office of Justice Programs, Correc-
20 tions Programs Office the results of the
21 evaluations required under subparagraph
22 (A) and such other data and information
23 as are reasonably necessary to carry out
24 the responsibilities of the Attorney General
25 under this subsection.

1 (6) TECHNICAL ASSISTANCE AND TRAINING.—

2 The Attorney General shall provide technical assist-
3 ance and training to grant recipients under this sub-
4 section to achieve the purposes of this subsection.

5 (b) JUVENILE FACILITIES ON TRIBAL LANDS.—

6 (1) RESERVATION OF FUNDS.—Of amounts
7 made available to carry out this section under sec-
8 tion 20108(a)(2)(A) of the Violent Crime Control
9 and Law Enforcement Act of 1994 (42 U.S.C.
10 13708(a)(2)(A)), the Attorney General shall reserve,
11 to carry out this subsection, 0.75 percent for each
12 of fiscal years 2000 through 2003.

13 (2) GRANTS TO INDIAN TRIBES.—Of amounts
14 reserved under paragraph (1), the Attorney General
15 may make grants to Indian tribes or to regional
16 groups of Indian tribes for the purpose of construct-
17 ing secure facilities, staff-secure facilities, detention
18 centers, and other correctional programs for incar-
19 ceration of juvenile offenders subject to tribal juris-
20 diction.

21 (3) APPLICATIONS.—To be eligible to receive a
22 grant under this section, an Indian tribe shall sub-
23 mit to the Attorney General an application in such
24 form and containing such information as the Attor-
25 ney General may by regulation require.

1 (4) REGIONAL GROUPS.—Individual Indian
2 tribes from a geographic region may apply for
3 grants under paragraph (2) jointly for the purpose
4 of building regional facilities.

5 (c) REPORT ON ACCOUNTABILITY AND PERFORM-
6 ANCE MEASURES IN JUVENILE CORRECTIONS PRO-
7 GRAMS.—

8 (1) IN GENERAL.—Not later than 6 months
9 after the date of enactment of this Act, the Attorney
10 General shall, after consultation with the National
11 Institute of Justice and other appropriate govern-
12 mental and nongovernmental organizations, submit
13 to Congress a report regarding the possible use of
14 performance-based criteria in evaluating and improv-
15 ing the effectiveness of juvenile corrections facilities
16 and programs.

17 (2) CONTENTS.—The report required under
18 this subsection shall include an analysis of—

19 (A) the range of performance-based meas-
20 ures that might be utilized as evaluation cri-
21 teria, including measures of recidivism among
22 juveniles who have been incarcerated in facili-
23 ties or have participated in correctional pro-
24 grams;

1 (B) the feasibility of linking Federal juve-
2 nile corrections funding to the satisfaction of
3 performance-based criteria by grantees (includ-
4 ing the use of a Federal matching mechanism
5 under which the share of Federal funding would
6 vary in relation to the performance of a pro-
7 gram or facility);

8 (C) whether, and to what extent, the data
9 necessary for the Attorney General to utilize
10 performance-based criteria in the Attorney Gen-
11 eral's administration of juvenile corrections pro-
12 grams are collected and reported nationally;
13 and

14 (D) the estimated cost and feasibility of es-
15 tablishing minimal, uniform data collection and
16 reporting standards nationwide that would
17 allow for the use of performance-based criteria
18 in evaluating juvenile corrections programs and
19 facilities and administering Federal juvenile
20 corrections funds.

21 **SEC. 1302. CERTAIN PUNISHMENT AND GRADUATED SANC-**
22 **TIONS FOR YOUTH OFFENDERS.**

23 (a) FINDINGS AND PURPOSES.—

24 (1) FINDINGS.—Congress finds that—

1 (A) youth violence constitutes a growing
2 threat to the national welfare requiring imme-
3 diate and comprehensive action by the Federal
4 Government to reduce and prevent youth vio-
5 lence;

6 (B) the behavior of youth who become vio-
7 lent offenders often follow a progression, begin-
8 ning with aggressive behavior in school, tru-
9 ancy, and vandalism, leading to property crimes
10 and then serious violent offenses;

11 (C) the juvenile justice systems in most
12 States are ill-equipped to provide meaningful
13 sanctions to minor, nonviolent offenders be-
14 cause most of their resources are dedicated to
15 dealing with more serious offenders;

16 (D) in most States, some youth commit
17 multiple, nonviolent offenses without facing any
18 significant criminal sanction;

19 (E) the failure to provide meaningful
20 criminal sanctions for first time, nonviolent of-
21 fenders sends the false message to youth that
22 they can engage in antisocial behavior without
23 suffering any negative consequences and that
24 society is unwilling or unable to restrain that
25 behavior;

1 (F) studies demonstrate that interventions
2 during the early stages of a criminal career can
3 halt the progression to more serious, violent be-
4 havior; and

5 (G) juvenile courts need access to a range
6 of sentencing options so that at least some level
7 of sanction is imposed on all youth offenders,
8 including status offenders, and the severity of
9 the sanctions increase along with the serious-
10 ness of the offense.

11 (2) PURPOSES.—The purposes of this section
12 are to provide—

13 (A) assistance to State and local juvenile
14 courts to expand the range of sentencing op-
15 tions for first time, nonviolent offenders; and

16 (B) a selection of graduated sanctions for
17 more serious offenses.

18 (b) DEFINITIONS.—In this section:

19 (1) FIRST TIME OFFENDER.—The term “first
20 time offender” means a juvenile against whom for-
21 mal charges have not previously been filed in any
22 Federal or State judicial proceeding.

23 (2) NONVIOLENT OFFENDER.—The term “non-
24 violent offender” means a juvenile who is charged

1 with an offense that does not involve the use of force
2 against the person of another.

3 (3) STATUS OFFENDER.—The term “status of-
4 fender” means a juvenile who is charged with an of-
5 fense that would not be criminal if committed by an
6 adult (other than an offense that constitutes a viola-
7 tion of a valid court order or a violation of section
8 922(x) of title 18, United States Code (or similar
9 State law)).

10 (c) GRANT AUTHORIZATION.—The Attorney General
11 may make grants in accordance with this section to States,
12 State courts, local courts, units of local government, and
13 Indian tribes, for the purposes of—

14 (1) providing juvenile courts with a range of
15 sentencing options such that first time juvenile of-
16 fenders, including status offenders such as truants,
17 vandals, and juveniles in violation of State or local
18 curfew laws, face at least some level of punishment
19 as a result of their initial contact with the juvenile
20 justice system; and

21 (2) increasing the sentencing options available
22 to juvenile court judges so that juvenile offenders re-
23 ceive increasingly severe sanctions—

24 (A) as the seriousness of their unlawful
25 conduct increases; and

1 (B) for each additional offense.

2 (d) APPLICATIONS.—

3 (1) ELIGIBILITY.—In order to be eligible to re-
4 ceive a grant under this section, the chief executive
5 of a State, unit of local government, or Indian tribe,
6 or the chief judge of a local court, shall submit an
7 application to the Attorney General in such form
8 and containing such information as the Attorney
9 General may reasonably require.

10 (2) REQUIREMENTS.—Each application submit-
11 ted in accordance with paragraph (1) shall include—

12 (A) a request for a grant to be used for
13 the purposes described in this section;

14 (B) a description of the communities to be
15 served by the grant, including the extent of
16 youth crime and violence in those communities;

17 (C) written assurances that Federal funds
18 received under this subtitle will be used to sup-
19 plement, not supplant, non-Federal funds that
20 would otherwise be available for activities fund-
21 ed under this subsection;

22 (D) a comprehensive plan described in
23 paragraph (3) (in this section referred to as the
24 “comprehensive plan”); and

1 (E) any additional information in such
2 form and containing such information as the
3 Attorney General may reasonably require.

4 (3) IMPLEMENTATION PLAN.—For purposes of
5 paragraph (2), a comprehensive plan shall include—

6 (A) an action plan outlining the manner in
7 which the applicant will achieve the purposes
8 described in subsection (c)(1);

9 (B) a description of any resources available
10 in the jurisdiction of the applicant to implement
11 the action plan described in subparagraph (A);

12 (C) an estimate of the costs of full imple-
13 mentation of the plan; and

14 (D) a plan for evaluating the impact of the
15 grant on the jurisdiction’s juvenile justice sys-
16 tem.

17 (e) GRANT AWARDS.—

18 (1) CONSIDERATIONS.—In awarding grants
19 under this section, the Attorney General shall
20 consider—

21 (A) the ability of the applicant to provide
22 the stated services;

23 (B) the level of youth crime, violence, and
24 drug use in the community; and

1 (C) to the extent practicable, achievement
2 of an equitable geographic distribution of the
3 grant awards.

4 (2) ALLOCATIONS.—

5 (A) IN GENERAL.—The Attorney General
6 shall allot not less than 0.75 percent of the
7 total amount made available to carry out this
8 section in each fiscal year to applicants in each
9 State from which applicants have applied for
10 grants under this section.

11 (B) INDIAN TRIBES.—The Attorney Gen-
12 eral shall allocate not less than 0.75 percent of
13 the total amount made available to carry out
14 this section in each fiscal year to Indian tribes.

15 (f) USE OF GRANT AMOUNTS.—

16 (1) IN GENERAL.—Each grant made under this
17 section shall be used to establish programs that—

18 (A) expand the number of judges, prosecu-
19 tors, and public defenders for the purpose of
20 imposing sanctions on first time juvenile offend-
21 ers and status offenders and for establishing re-
22 storative justice boards involving members of
23 the community;

24 (B) provide expanded sentencing options,
25 such as restitution, community service, drug

1 testing and treatment, mandatory job training,
2 curfews, house arrest, mandatory work projects,
3 and boot camps, for status offenders and non-
4 violent offenders;

5 (C) increase staffing for probation officers
6 to supervise status offenders and nonviolent of-
7 fenders to ensure that sanctions are enforced;

8 (D) provide aftercare and supervision for
9 status and nonviolent offenders, such as drug
10 education and drug treatment, vocational train-
11 ing, job placement, and family counseling;

12 (E) encourage private sector employees to
13 provide training and work opportunities for sta-
14 tus offenders and nonviolent offenders; and

15 (F) provide services and interventions for
16 status and nonviolent offenders designed, in
17 tandem with criminal sanctions, to reduce the
18 likelihood of further criminal behavior.

19 (2) PROHIBITION ON USE OF AMOUNTS.—

20 (A) DEFINITIONS.—In this paragraph:

21 (i) ALIEN.—The term “alien” has the
22 same meaning as in section 101(a) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1101(a)).

1 (ii) SECURE DETENTION FACILITY;
2 SECURE CORRECTIONAL FACILITY.—The
3 terms “secure detention facility” and “se-
4 cure correctional facility” have the same
5 meanings as in section 103 of the Juvenile
6 Justice and Delinquency Prevention Act of
7 1974 (42 U.S.C. 5603).

8 (B) PROHIBITION.—No amounts made
9 available under this subtitle may be used for
10 any program that permits the placement of sta-
11 tus offenders, alien juveniles in custody, or non-
12 offender juveniles (such as dependent, abused,
13 or neglected children) in secure detention facili-
14 ties or secure correctional facilities.

15 (g) GRANT LIMITATIONS.—Not more than 3 percent
16 of the amounts made available to the Attorney General
17 or a grant recipient under this section may be used for
18 administrative purposes.

19 (h) FEDERAL SHARE.—

20 (1) IN GENERAL.—Subject to paragraphs (2)
21 and (3), the Federal share of a grant made under
22 this section may not exceed 90 percent of the total
23 estimated costs of the program described in the com-
24 prehensive plan submitted under subsection (d)(3)

1 for the fiscal year for which the program receives
2 assistance under this section.

3 (2) WAIVER.—The Attorney General may
4 waive, in whole or in part, the requirements of para-
5 graph (1).

6 (3) IN-KIND CONTRIBUTIONS.—For purposes of
7 paragraph (1), in-kind contributions may constitute
8 any portion of the non-Federal share of a grant
9 under this section.

10 (i) REPORT AND EVALUATION.—

11 (1) REPORT TO THE ATTORNEY GENERAL.—
12 Not later than October 1, 1999, and October 1 of
13 each year thereafter, each grant recipient under this
14 section shall submit to the Attorney General a report
15 that describes, for the year to which the report re-
16 lates, any progress achieved in carrying out the com-
17 prehensive plan of the grant recipient.

18 (2) EVALUATION AND REPORT TO CONGRESS.—
19 Not later than March 1, 2000, and March 1 of each
20 year thereafter, the Attorney General shall submit to
21 Congress an evaluation and report that contains a
22 detailed statement regarding grant awards, activities
23 of grant recipients, a compilation of statistical infor-
24 mation submitted by grant recipients under this sec-

1 tion, and an evaluation of programs established by
2 grant recipients under this section.

3 (3) CRITERIA.—In assessing the effectiveness of
4 the programs established and operated by grant re-
5 cipients pursuant to this section, the Attorney Gen-
6 eral shall consider—

7 (A) a comparison between the number of
8 first time offenders who received a sanction for
9 criminal behavior in the jurisdiction of the
10 grant recipient before and after initiation of the
11 program;

12 (B) changes in the recidivism rate for first
13 time offenders in the jurisdiction of the grant
14 recipient;

15 (C) a comparison of the recidivism rates
16 and the seriousness of future offenses of first
17 time offenders in the jurisdiction of the grant
18 recipient that receive a sanction and those who
19 do not;

20 (D) changes in truancy rates of the public
21 schools in the jurisdiction of the grant recipient;
22 and

23 (E) changes in the arrest rates for vandal-
24 ism and other property crimes in the jurisdic-
25 tion of the grant recipient.

1 (4) DOCUMENTS AND INFORMATION.—Each
 2 grant recipient under this section shall provide the
 3 Attorney General with all documents and informa-
 4 tion that the Attorney General determines to be nec-
 5 essary to conduct an evaluation of the effectiveness
 6 of programs funded under this section.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated to carry out this section
 9 from the Violent Crime Reduction Trust Fund—

10 (1) such sums as may be necessary for each of
 11 fiscal years 2000 and 2001; and

12 (2) \$175,000,000 for each of fiscal years 2002
 13 and 2003.

14 **SEC. 1303. PILOT PROGRAM TO PROMOTE REPLICATION OF**
 15 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
 16 **DUCTION STRATEGIES.**

17 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF
 18 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION
 19 STRATEGIES.—

20 (1) ESTABLISHMENT.—The Attorney General
 21 (or a designee of the Attorney General), in conjunc-
 22 tion with the Secretary of the Treasury (or the des-
 23 ignee of the Secretary), shall establish a pilot pro-
 24 gram (in this section referred to as the “program”)
 25 to encourage and support communities that adopt a

1 comprehensive approach to suppressing and prevent-
2 ing violent juvenile crime patterned after successful
3 State juvenile crime reduction strategies.

4 (2) PROGRAM.—In carrying out the program,
5 the Attorney General shall—

6 (A) make and track grants to grant recipi-
7 ents (in this section referred to as “coalitions”);

8 (B) in conjunction with the Secretary of
9 the Treasury, provide for technical assistance
10 and training, data collection, and dissemination
11 of relevant information; and

12 (C) provide for the general administration
13 of the program.

14 (3) ADMINISTRATION.—Not later than 30 days
15 after the date of enactment of this Act, the Attorney
16 General shall appoint an Administrator (in this sec-
17 tion referred to as the “Administrator”) to carry out
18 the program.

19 (4) PROGRAM AUTHORIZATION.—To be eligible
20 to receive an initial grant or a renewal grant under
21 this section, a coalition shall meet each of the follow-
22 ing criteria:

23 (A) COMPOSITION.—The coalition shall
24 consist of 1 or more representatives of—

- 1 (i) the local police department or sher-
2 iff's department;
- 3 (ii) the local prosecutors' office;
- 4 (iii) the United States Attorney's of-
5 fice;
- 6 (iv) the Federal Bureau of Investiga-
7 tion;
- 8 (v) the Bureau of Alcohol, Tobacco
9 and Firearms;
- 10 (vi) State or local probation officers;
- 11 (vii) religious affiliated or fraternal
12 organizations involved in crime prevention;
- 13 (viii) schools;
- 14 (ix) parents or local grass roots orga-
15 nizations such as neighborhood watch
16 groups; and
- 17 (x) social service agencies involved in
18 crime prevention.

19 (B) OTHER PARTICIPANTS.—If possible, in
20 addition to the representatives from the cat-
21 egories listed in subparagraph (A), the coalition
22 shall include—

- 23 (i) representatives from the business
24 community; and

1 (ii) researchers who have studied
2 criminal justice and can offer technical or
3 other assistance.

4 (C) COORDINATED STRATEGY.—A coalition
5 shall submit to the Attorney General, or the At-
6 torney General’s designee, a comprehensive plan
7 for reducing violent juvenile crime. To be eligi-
8 ble for consideration, a plan shall—

9 (i) ensure close collaboration among
10 all members of the coalition in suppressing
11 and preventing juvenile crime;

12 (ii) place heavy emphasis on coordi-
13 nated enforcement initiatives, such as Fed-
14 eral and State programs that coordinate
15 local police departments, prosecutors, and
16 local community leaders to focus on the
17 suppression of violent juvenile crime involv-
18 ing gangs;

19 (iii) ensure that there is close collabo-
20 ration between police and probation offi-
21 cers in the supervision of juvenile offend-
22 ers, such as initiatives that coordinate the
23 efforts of parents, school officials, and po-
24 lice and probation officers to patrol the
25 streets and make home visits to ensure

1 that offenders comply with the terms of
2 their probation;

3 (iv) ensure that a program is in place
4 to trace all firearms seized from crime
5 scenes or offenders in an effort to identify
6 illegal gun traffickers; and

7 (v) ensure that effective crime preven-
8 tion programs are in place, such as pro-
9 grams that provide after-school safe havens
10 and other opportunities for at-risk youth to
11 escape or avoid gang or other criminal ac-
12 tivity, and to reduce recidivism.

13 (D) ACCOUNTABILITY.—A coalition shall—

14 (i) establish a system to measure and
15 report outcomes consistent with common
16 indicators and evaluation protocols estab-
17 lished by the Administrator and which re-
18 ceives the approval of the Administrator;
19 and

20 (ii) devise a detailed model for meas-
21 uring and evaluating the success of the
22 plan of the coalition in reducing violent ju-
23 venile crime, and provide assurances that
24 the plan will be evaluated on a regular

1 basis to assess progress in reducing violent
2 juvenile crime.

3 (5) GRANT AMOUNTS.—

4 (A) IN GENERAL.—The Administrator may
5 grant to an eligible coalition under this para-
6 graph, an amount not to exceed the amount of
7 non-Federal funds raised by the coalition, in-
8 cluding in-kind contributions, for that fiscal
9 year.

10 (B) NONSUPPLANTING REQUIREMENT.—A
11 coalition seeking funds shall provide reasonable
12 assurances that funds made available under this
13 program to States or units of local government
14 shall be so used as to supplement and increase
15 (but not supplant) the level of the State, local,
16 and other non-Federal funds that would in the
17 absence of such Federal funds be made avail-
18 able for programs described in this section, and
19 shall in no event replace such State, local, or
20 other non-Federal funds.

21 (C) SUSPENSION OF GRANTS.—If a coali-
22 tion fails to continue to meet the criteria set
23 forth in this section, the Administrator may
24 suspend the grant, after providing written no-

1 tice to the grant recipient and an opportunity
2 to appeal.

3 (D) RENEWAL GRANTS.—Subject to sub-
4 paragraph (D), the Administrator may award a
5 renewal grant to grant recipient under this sub-
6 paragraph for each fiscal year following the fis-
7 cal year for which an initial grant is awarded,
8 in an amount not to exceed the amount of non-
9 Federal funds raised by the coalition, including
10 in-kind contributions, for that fiscal year, dur-
11 ing the 4-year period following the period of the
12 initial grant.

13 (E) LIMITATION.—The amount of a grant
14 award under this section may not exceed
15 \$300,000 for a fiscal year.

16 (6) PERMITTED USE OF FUNDS.—A coalition
17 receiving funds under this section may expend such
18 Federal funds on any use or program that is con-
19 tained in the plan submitted to the Administrator.

20 (7) CONGRESSIONAL CONSULTATION.—Two
21 years after the date of implementation of the pro-
22 gram established in this section, the General Ac-
23 counting Office shall submit a report to Congress re-
24 viewing the effectiveness of the program in suppress-
25 ing and reducing violent juvenile crime in the par-

1 participating communities. The report shall contain an
2 analysis of each community participating in the pro-
3 gram, along with information regarding the plan un-
4 dertaken in the community, and the effectiveness of
5 the plan in reducing violent juvenile crime. The re-
6 port shall contain recommendations regarding the ef-
7 ficacy of continuing the program.

8 (b) INFORMATION COLLECTION AND DISSEMINATION
9 WITH RESPECT TO COALITIONS.—

10 (1) COALITION INFORMATION.—For the pur-
11 pose of audit and examination, the Administrator—

12 (A) shall have access to any books, docu-
13 ments, papers, and records that are pertinent to
14 any grant or grant renewal request under this
15 section; and

16 (B) may periodically request information
17 from a coalition to ensure that the coalition
18 meets the applicable criteria.

19 (2) REPORTING.—The Administrator shall, to
20 the maximum extent practicable and in a manner
21 consistent with applicable law, minimize reporting
22 requirements by a coalition and expedite any appli-
23 cation for a renewal grant made under this section.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated from the Violent Crime

1 Reduction Trust Fund to carry out this section,
2 \$3,000,000 in each of fiscal years 2000, 2001, and 2002.

3 **SEC. 1304. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
4 **CARCERATING JUVENILE ALIEN OFFENDERS.**

5 (a) IN GENERAL.—Section 501 of the Immigration
6 Reform and Control Act of 1986 (8 U.S.C. 1365) is
7 amended—

8 (1) in subsection (a), by inserting “or illegal ju-
9 venile alien who has been adjudicated delinquent and
10 committed to a juvenile correctional facility by such
11 State or locality” before the period;

12 (2) in subsection (b), by inserting “(including
13 any juvenile alien who has been adjudicated delin-
14 quent and has been committed to a correctional fa-
15 cility)” before “who is in the United States unlaw-
16 fully”; and

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

18 “(f) JUVENILE ALIEN DEFINED.—In this section,
19 the term ‘juvenile alien’ means an alien (as that term is
20 defined in section 101(a)(3) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1103)) who has been adjudicated
22 delinquent and committed to a correctional facility by a
23 State or locality as a juvenile offender.”.

1 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
2 migration Reform and Immigrant Responsibility Act of
3 1996 (8 U.S.C. 1366) is amended—

4 (1) by striking “and” at the end of paragraph
5 (3);

6 (2) by striking the period at the end of para-
7 graph (4) and inserting “; and”; and

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

9 “(5) the number of illegal juvenile aliens that
10 are committed to State or local juvenile correctional
11 facilities, including the type of offense committed by
12 each juvenile.”.

13 (c) CONFORMING AMENDMENT.—Section
14 241(i)(3)(B) of the Immigration and Nationality Act (8
15 U.S.C. 1231(i)(3)(B)) is amended—

16 (1) by striking “or” at the end of clause (ii);

17 (2) by striking the period at the end of clause

18 (iii) and inserting “; or”; and

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

20 “(iv) is a juvenile alien with respect to
21 whom section 501 of the Immigration Re-
22 form and Control Act of 1986 applies.”.

1 **Subtitle D—Protecting Children**
2 **From Violence**

3 **PART 1—GUN OFFENSES**

4 **SEC. 1411. GUN BAN FOR DANGEROUS JUVENILE OFFEND-**
5 **ERS.**

6 (a) DEFINITION.—Section 921(a)(20) of title 18,
7 United States Code, is amended—

8 (1) by inserting “(A)” after “(20)”;

9 (2) by redesignating subparagraphs (A) and
10 (B) as clauses (i) and (ii), respectively;

11 (3) by inserting after subparagraph (A) the fol-
12 lowing:

13 “(B) For purposes of subsections (d), (g),
14 and (s) of section 922, the term ‘act of juvenile
15 delinquency’ means an adjudication of delin-
16 quency based on a finding of the commission of
17 an act by a person prior to his or her eight-
18 eenth birthday that, if committed by an adult,
19 would be a serious drug offense or violent fel-
20 ony (as defined in section 3559(c)(2) of this
21 title), on or after the date of enactment of this
22 paragraph.”; and

23 (4) by striking “What constitutes” through the
24 end and inserting the following: “What constitutes a
25 conviction of such a crime or an adjudication of ju-

1 venile delinquency shall be determined in accordance
2 with law of the jurisdiction in which the proceedings
3 were held. Any State conviction or adjudication of
4 delinquency which has been expunged or set aside
5 for which a person has been pardoned or has had
6 civil rights restored by the jurisdiction in which the
7 conviction or adjudication of delinquency occurred
8 shall not be considered a conviction or adjudication
9 of delinquency.

10 (b) PROHIBITION.—Section 922 of title 18, United
11 States Code is amended—

12 (1) in subsection (d)—

13 (A) by striking “or” at the end of para-
14 graph (8);

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

17 (C) by inserting after paragraph (9) the
18 following:

19 “(10) who has committed an act of juvenile de-
20 linquency.”;

21 (2) in subsection (g)—

22 (A) by striking “or” at the end of para-
23 graph (8);

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

1 (C) by inserting after paragraph (9) the
2 following:

3 “(10) who has committed an act of juvenile de-
4 linquency.”; and

5 (3) in subsection (s)(3)(B)—

6 (A) by striking “and” at the end of clause
7 (vi);

8 (B) by inserting “and” after the semicolon
9 at the end of clause (vii); and

10 (C) by inserting after clause (vii) the fol-
11 lowing:

12 “(viii) has not committed an act of ju-
13 venile delinquency.”.

14 **SEC. 1412. IMPROVING FIREARMS SAFETY.**

15 (a) **SECURE GUN STORAGE DEVICE.**—Section 921(a)
16 of title 18, United States Code, is amended by adding at
17 the end the following:

18 “(35) **SECURE GUN STORAGE OR SAFETY DE-**
19 **VICE.**—The term ‘secure gun storage or safety de-
20 vice’ means—

21 “(A) a device that, when installed on a
22 firearm, is designed to prevent the firearm from
23 being operated without first deactivating the de-
24 vice;

1 “(B) a device incorporated into the design
2 of the firearm that is designed to prevent the
3 operation of the firearm by anyone not having
4 access to the device; or

5 “(C) a safe, gun safe, gun case, lock box,
6 or other device that is designed to be or can be
7 used to store a firearm and that is designed to
8 be unlocked only by means of a key, a combina-
9 tion, or other similar means.”.

10 (b) CERTIFICATION REQUIRED IN APPLICATION FOR
11 DEALER’S LICENSE.—Section 923(d)(1) of title 18,
12 United States Code, is amended—

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

15 (2) in subparagraph (F), by striking the period
16 at the end and inserting “; and”; and

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

18 “(G) in the case of an application to be li-
19 censed as a dealer, the applicant certifies that
20 secure gun storage or safety devices will be
21 available at any place in which firearms are
22 sold under the license to persons who are not
23 licensees (subject to the exception that in any
24 case in which a secure gun storage or safety de-
25 vice is temporarily unavailable because of theft,

1 casualty loss, consumer sales, backorders from
2 a manufacturer, or any other similar reason be-
3 yond the control of the licensee, the dealer shall
4 not be considered to be in violation of the re-
5 quirement under this subparagraph to make
6 available such a device).”.

7 (c) REVOCATION OF DEALER’S LICENSE FOR FAIL-
8 URE TO HAVE SECURE GUN STORAGE OR SAFETY DE-
9 VICES AVAILABLE.—The first sentence of section 923(e)
10 of title 18, United States Code, is amended by inserting
11 before the period at the end the following: “or fails to have
12 secure gun storage or safety devices available at any place
13 in which firearms are sold under the license to persons
14 who are not licensees (except that in any case in which
15 a secure gun storage or safety device is temporarily un-
16 available because of theft, casualty loss, consumer sales,
17 backorders from a manufacturer, or any other similar rea-
18 son beyond the control of the licensee, the dealer shall not
19 be considered to be in violation of the requirement to make
20 available such a device)”.

21 (d) STATUTORY CONSTRUCTION.—Nothing in the
22 amendments made by this section shall be construed—

23 (1) as creating a cause of action against any
24 firearms dealer or any other person for any civil li-
25 ability; or

1 (2) as establishing any standard of care.

2 **SEC. 1413. ENHANCED PENALTIES FOR DISCHARGING OR**
3 **POSSESSING A FIREARM DURING A CRIME OF**
4 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

5 (a) IN GENERAL.—Section 924(c) of title 18, United
6 States Code, is amended—

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

9 “(c) POSSESSION OF FIREARM DURING COMMISSION
10 OF CRIME OF VIOLENCE OR DRUG TRAFFICKING
11 CRIME.—

12 “(1) TERM OF IMPRISONMENT.—

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

1 for such crime of violence or drug trafficking
2 crime—

3 “(i) be sentenced to a term of impris-
4 onment of not less than 5 years; and

5 “(ii) if the firearm is discharged, be
6 sentenced to a term of imprisonment of
7 not less than 10 years.

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

11 “(i) is a short-barreled rifle, short-
12 barreled shotgun, or semiautomatic assault
13 weapon, the person shall be sentenced to a
14 term of imprisonment of not less than 10
15 years; and

16 “(ii) is a machinegun or a destructive
17 device, or is equipped with a firearm si-
18 lencer or firearm muffler, the person shall
19 be sentenced to a term of imprisonment of
20 not less than 30 years.

21 “(C) EXCEPTION FOR CERTAIN OFFEND-
22 ERS.—In the case of a second or subsequent
23 conviction under this subsection, a person
24 shall—

1 “(i) be sentenced to a term of impris-
2 onment of not less than 25 years; and

3 “(ii) if the firearm at issue is a ma-
4 chinegun or a destructive device, or is
5 equipped with a firearm silencer or firearm
6 muffler, be sentenced to a term of impris-
7 onment for life.

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

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

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

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

24 (2) in paragraph (3)—

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

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

5 (B) by indenting subparagraphs (A) and
6 (B) appropriately.

7 (b) CONFORMING AMENDMENT.—Section
8 3559(c)(2)(F)(i) of title 18, United States Code, is
9 amended by inserting “firearms possession (as described
10 in section 924(c));” after “firearms use;”.

11 **SEC. 1414. JUVENILE HANDGUN SAFETY.**

12 (a) JUVENILE HANDGUN SAFETY.—Section
13 924(a)(6) of title 18, United States Code, is amended—

14 (1) by striking subparagraph (A);

15 (2) by redesignating subparagraph (B) as sub-
16 paragraph (A); and

17 (3) in subparagraph (A), as redesignated—

18 (A) by striking “A person other than a ju-
19 venile who knowingly” and inserting “A person
20 who knowingly”; and

21 (B) in clause (i), by striking “not more
22 than 1 year” and inserting “not more than 5
23 years”.

1 **SEC. 1415. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
2 **CAREER CRIMINAL PREDICATES.**

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

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

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

7 and

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

9 “(iii) any act of juvenile delinquency that,
10 if committed by an adult, would be an offense
11 described in this paragraph;”.

12 **SEC. 1416. INCREASED PENALTY FOR TRANSFERRING A**
13 **FIREARM TO A MINOR FOR USE IN CRIME OF**
14 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

15 Section 924(h) of title 18, United States Code, is
16 amended by striking “10 years, fined in accordance with
17 this title, or both” and inserting “10 years, and if the
18 transferee is a person who is under 18 years of age, im-
19 prisoned for a term of not more than 15 years, fined in
20 accordance with this title, or both”.

21 **SEC. 1417. INCREASED PENALTY FOR FIREARMS CONSPIR-**
22 **ACY.**

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

25 “(p) Except as otherwise provided in this section, a
26 person who conspires to commit an offense defined in this

1 chapter shall be subject to the same penalties (other than
 2 the penalty of death) as those prescribed for the offense
 3 the commission of which is the object of the conspiracy.”.

4 **PART 2—LOCAL GUN VIOLENCE PREVENTION**
 5 **PROGRAMS**

6 **SEC. 1421. COMPETITIVE GRANTS FOR CHILDREN’S FIRE-**
 7 **ARM SAFETY EDUCATION.**

8 (a) PURPOSES.—The purposes of this section are—

9 (1) to award grants to assist local educational
 10 agencies, in consultation with community groups and
 11 law enforcement agencies, to educate children about
 12 preventing gun violence; and

13 (2) to assist communities in developing partner-
 14 ships between public schools, community organiza-
 15 tions, law enforcement, and parents in educating
 16 children about preventing gun violence.

17 (b) DEFINITIONS.—In this section:

18 (1) LOCAL EDUCATIONAL AGENCY.—The term
 19 “local educational agency” has the same meaning
 20 given such term in section 14101(18) of the Elemen-
 21 tary and Secondary Education Act of 1965 (20
 22 U.S.C. 8701).

23 (2) SECRETARY.—The term “Secretary” means
 24 the Secretary of Education.

1 (3) STATE.—The term “State” means each of
2 the 50 States, the District of Columbia, the Com-
3 monwealth of Puerto Rico, Guam, American Samoa,
4 the Commonwealth of the Northern Mariana Is-
5 lands, and the United States Virgin Islands.

6 (c) ALLOCATION OF COMPETITIVE GRANTS.—

7 (1) GRANTS BY THE SECRETARY.—For any fis-
8 cal year in which the amount appropriated to carry
9 out this section does not equal or exceed
10 \$50,000,000, the Secretary of Education may award
11 competitive grants described under subsection (d).

12 (2) GRANTS BY THE STATES.—For any fiscal
13 year in which the amount appropriated to carry out
14 this section exceeds \$50,000,000, the Secretary shall
15 make allotments to State educational agencies pur-
16 suant to paragraph (3) to award competitive grants
17 described in subsection (d).

18 (3) FORMULA.—Except as provided in para-
19 graph (4), funds appropriated to carry out this sec-
20 tion shall be allocated among the States as follows:

21 (A) 75 percent of such amount shall be al-
22 located proportionately based upon the popu-
23 lation that is less than 18 years of age in the
24 State.

1 (B) 25 percent of such amount shall be al-
2 located proportionately based upon the popu-
3 lation that is less than 18 years of age in the
4 State that is incarcerated.

5 (4) MINIMUM ALLOTMENT.—Of the amounts
6 appropriated to carry out this section, 0.50 percent
7 shall be allocated to each State.

8 (d) AUTHORIZATION OF COMPETITIVE GRANTS.—
9 The Secretary or the State educational agency, as the case
10 may be, may award grants to eligible local educational
11 agencies for the purposes of educating children about pre-
12 venting gun violence, in accordance with the following:

13 (1) ASSURANCES.—

14 (A) The Secretary or the State educational
15 agency, as the case may be, shall ensure that
16 not less than 90 percent of the funds allotted
17 under this section are distributed to local edu-
18 cational agencies.

19 (B) In awarding the grants, the Secretary
20 or the State educational agency, as the case
21 may be, shall ensure, to the maximum extent
22 practicable—

23 (i) an equitable geographic distribu-
24 tion of grant awards;

1 (ii) an equitable distribution of grant
2 awards among programs that serve public
3 elementary school students, public second-
4 ary school students, and a combination of
5 both; and

6 (iii) that urban, rural and suburban
7 areas are represented within the grants
8 that are awarded.

9 (2) PRIORITY.—In awarding grants under this
10 section, the Secretary or the State educational agen-
11 cy, as the case may be, shall give priority to a local
12 educational agency that—

13 (A) coordinates with other Federal, State,
14 and local programs that educate children about
15 personal health, safety, and responsibility, in-
16 cluding programs carried out under the Safe
17 and Drug-Free Schools and Communities Act
18 of 1994 (20 U.S.C. 7101 et seq.);

19 (B) serves a population with a high inci-
20 dence of students found in possession of a
21 weapon on school property or students sus-
22 pended or expelled for bringing a weapon onto
23 school grounds or engaging in violent behavior
24 on school grounds; and

1 (C) forms a partnership that includes not
2 less than 1 local educational agency working in
3 consultation with not less than 1 public or pri-
4 vate nonprofit agency or organization with ex-
5 perience in violence prevention or 1 local law
6 enforcement agency.

7 (3) PEER REVIEW; CONSULTATION.—

8 (A) IN GENERAL.—

9 (i) PEER REVIEW BY PANEL.—Before
10 grants are awarded, the Secretary shall
11 submit grant applications to a peer review
12 panel for evaluation.

13 (ii) COMPOSITION OF PANEL.—The
14 panel shall be composed of not less than 1
15 representative from a local educational
16 agency, State educational agency, a local
17 law enforcement agency, and a public or
18 private nonprofit organization with experi-
19 ence in violence prevention.

20 (B) CONSULTATION.—The Secretary shall
21 submit grant applications to the Attorney Gen-
22 eral for consultation.

23 (e) ELIGIBLE GRANT RECIPIENTS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), an eligible grant recipient is a local edu-

1 cational agency that may work in partnership with
2 1 or more of the following:

3 (A) A public or private nonprofit agency or
4 organization with experience in violence preven-
5 tion.

6 (B) A local law enforcement agency.

7 (C) An institution of higher education.

8 (2) EXCEPTION.—A State educational agency
9 may, with the approval of a local educational agency,
10 submit an application on behalf of such local edu-
11 cational agency or a consortium of such agencies.

12 (f) LOCAL APPLICATIONS; REPORTS.—

13 (1) APPLICATIONS.—Each local educational
14 agency that wishes to receive a grant under this sec-
15 tion shall submit an application to the Secretary and
16 the State educational agency that includes—

17 (A) a description of the proposed activities
18 to be funded by the grant and how each activity
19 will further the goal of educating children about
20 preventing gun violence;

21 (B) how the program will be coordinated
22 with other programs that educate children
23 about personal health, safety, and responsibil-
24 ity, including programs carried out under the

1 Safe and Drug-Free Schools and Communities
2 Act of 1994 (20 U.S.C. 7101 et seq.); and

3 (C) the age and number of children that
4 the programs will serve.

5 (2) REPORTS.—Each local educational agency
6 that receives a grant under this section shall submit
7 a report to the Secretary and to the State edu-
8 cational agency not later than 18 months after the
9 grant is awarded and submit an additional report to
10 the Secretary and to the State not later than 36
11 months after the grant is awarded. Each report shall
12 include information regarding—

13 (A) the activities conducted to educate
14 children about gun violence;

15 (B) how the program will continue to edu-
16 cate children about gun violence in the future;
17 and

18 (C) how the grant is being coordinated
19 with other Federal, State, and local programs
20 that educate children about personal health,
21 safety, and responsibility, including programs
22 carried out under the Safe and Drug-Free
23 Schools and Communities Act of 1994 (20
24 U.S.C. 7101 et seq.).

25 (g) AUTHORIZED ACTIVITIES.—

1 (1) REQUIRED ACTIVITIES.—Grants authorized
2 under subsection (d) shall be used for the following
3 activities:

4 (A) Supporting existing programs that
5 educate children about personal health, safety,
6 and responsibility, including programs carried
7 out under the Safe and Drug-Free Schools and
8 Communities Act of 1994 (20 U.S.C. 7101 et
9 seq.).

10 (B) Educating children about the effects of
11 gun violence.

12 (C) Educating children to identify dan-
13 gerous situations in which guns are involved
14 and how to avoid and prevent such situations.

15 (D) Educating children how to identify
16 threats and other indications that their peers
17 are in possession of a gun and may use a gun,
18 and what steps they can take in such situations.

19 (E) Developing programs to give children
20 access to adults to whom they can report, in a
21 confidential manner, any problems relating to
22 guns.

23 (2) PERMISSIBLE ACTIVITIES.—Grants author-
24 ized under subsection (d) may be used for the fol-
25 lowing:

1 (A) Encouraging schoolwide programs and
2 partnerships that involve teachers, students,
3 parents, administrators, other staff, and mem-
4 bers of the community in reducing gun inci-
5 dents in public elementary and secondary
6 schools.

7 (B) Establishing programs that assist par-
8 ents in helping educate their children about
9 firearm safety and the prevention of gun vio-
10 lence.

11 (C) Providing ongoing professional devel-
12 opment for public school staff and administra-
13 tors to identify the causes and effects of gun vi-
14 olence and risk factors and student behavior
15 that may result in gun violence, including train-
16 ing sessions to review and update school crisis
17 response plans and school policies for prevent-
18 ing the presence of guns on school grounds and
19 facilities.

20 (D) Providing technical assistance for
21 school psychologists and counselors to provide
22 timely counseling and evaluations, in accord-
23 ance with State and local laws, of students who
24 possess a weapon on school grounds.

1 (E) Improving security on public elemen-
 2 tary and secondary school campuses to prevent
 3 outside persons from entering school grounds
 4 with firearms.

5 (F) Assisting public schools and commu-
 6 nities in developing crisis response plans when
 7 firearms are found on school campuses and
 8 when gun-related incidents occur.

9 (h) STATE APPLICATIONS; ACTIVITIES AND RE-
 10 PORTS.—

11 (1) STATE APPLICATIONS.—

12 (A) Each State desiring to receive funds
 13 under this section shall, through its State edu-
 14 cational agency, submit an application to the
 15 Secretary of Education at such time and in
 16 such manner as the Secretary shall require.
 17 Such application shall describe—

18 (i) the manner in which funds under
 19 this section for State activities and com-
 20 petitive grants will be used to fulfill the
 21 purposes of this section;

22 (ii) the manner in which the activities
 23 and projects supported by this section will
 24 be coordinated with other State and Fed-
 25 eral education, law enforcement, and juve-

1 nile justice programs, including the Safe
2 and Drug-Free Schools and Communities
3 Act of 1994 (20 U.S.C. 7101 et seq.);

4 (iii) the manner in which States will
5 ensure an equitable geographic distribution
6 of grant awards; and

7 (iv) the criteria which will be used to
8 determine the impact and effectiveness of
9 the funds used pursuant to this section.

10 (B) A State educational agency may sub-
11 mit an application to receive a grant under this
12 section under paragraph (1) or as an amend-
13 ment to the application the State educational
14 agency submits under the Safe and Drug-Free
15 Schools and Communities Act of 1994 (20
16 U.S.C. 7101 et seq.).

17 (2) STATE ACTIVITIES.—Of appropriated
18 amounts allocated to the States under subsection
19 (c)(2), the State educational agency may reserve not
20 more than 10 percent for activities to further the
21 goals of this section, including—

22 (A) providing technical assistance to eligi-
23 ble grant recipients in the State;

24 (B) performing ongoing research into the
25 causes of gun violence among children and

1 methods to prevent gun violence among chil-
2 dren; and

3 (C) providing ongoing professional develop-
4 ment for public school staff and administrators
5 to identify the causes and indications of gun vi-
6 olence.

7 (3) STATE REPORTS.—Each State receiving an
8 allotment under this section shall submit a report to
9 the Secretary and to the Committees on Labor and
10 Human Resources and the Judiciary of the Senate
11 and the Committees on Education and the Work-
12 force and the Judiciary of the House of Representa-
13 tives, not later than 12 months after receipt of the
14 grant award and shall submit an additional report to
15 those committees not later than 36 months after re-
16 ceipt of the grant award. Each report shall include
17 information regarding—

18 (A) the progress of local educational agen-
19 cies that received a grant award under this sec-
20 tion in the State in educating children about
21 firearms;

22 (B) the progress of State activities under
23 paragraph (1) to advance the goals of this sec-
24 tion; and

1 (C) how the State is coordinating funds al-
2 located under this section with other State and
3 Federal education, law enforcement, and juve-
4 nile justice programs, including the Safe and
5 Drug-Free Schools and Communities Act of
6 1994 (20 U.S.C. 7101 et seq.).

7 (i) SUPPLEMENT NOT SUPPLANT.—A State or local
8 educational agency shall use funds received under this sec-
9 tion only to supplement the amount of funds that would,
10 in the absence of such Federal funds, be made available
11 from non-Federal sources for reducing gun violence among
12 children and educating children about firearms, and not
13 to supplant such funds.

14 (j) DISPLACEMENT.—A local educational agency that
15 receives a grant award under this section shall ensure that
16 persons hired to carry out the activities under this section
17 do not displace persons already employed.

18 (k) HOME SCHOOLS.—Nothing in this section shall
19 be construed to affect home schools.

20 (l) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated for this section
22 \$60,000,000 for each of fiscal years 2000, 2001, and
23 2002.

1 **SEC. 1422. DISSEMINATION OF BEST PRACTICES VIA THE**
 2 **INTERNET.**

3 (a) MODEL DISSEMINATION.—The Secretary of Edu-
 4 cation shall include on the Internet site of the Department
 5 of Education a description of programs that receive grants
 6 under section 1421.

7 (b) GRANT PROGRAM NOTIFICATION.—The Sec-
 8 retary shall publicize the competitive grant program
 9 through its Internet site, publications, and public service
 10 announcements.

11 **SEC. 1423. AMENDMENT TO SAFE AND DRUG-FREE**
 12 **SCHOOLS AND COMMUNITIES ACT OF 1994 TO**
 13 **PROVIDE COUNSELING AFTER GUN-RELATED**
 14 **VIOLENCE.**

15 Section 4116(a)(1) of the Safe and Drug-Free
 16 Schools and Communities Act of 1994 (20 U.S.C. 7116)
 17 is amended—

18 (1) by redesignating subparagraph (C) as sub-
 19 paragraph (D); and by inserting after subparagraph
 20 (B) the following:

21 “(C) to the extent practicable, provide—

22 “(i) timely counseling (without requir-
 23 ing the hiring of additional staff);

24 “(ii) evaluations of any student, in ac-
 25 cordance with State and local law, who
 26 possesses a weapon on school grounds or

1 who threatens to bring or use a weapon on
2 school grounds; and

3 “(iii) advice to public school students,
4 staff, and administrators after an incident
5 of violence on school grounds;”.

6 **SEC. 1424. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

7 (a) IN GENERAL.—

8 (1) EXPANSION OF NUMBER OF CITIES.—The
9 Secretary of the Treasury shall endeavor to expand
10 the number of cities and counties directly participat-
11 ing in the Youth Crime Gun Interdiction Initiative
12 (in this section referred to as the “YCGII”) to 75
13 cities or counties by October 1, 2000, to 150 cities
14 or counties by October 1, 2002, and to 250 cities or
15 counties by October 1, 2003.

16 (2) SELECTION.—Cities and counties selected
17 for participation in the YCGII shall be selected by
18 the Secretary of the Treasury and in consultation
19 with Federal, State and local law enforcement offi-
20 cials.

21 (b) IDENTIFICATION OF INDIVIDUALS.—

22 (1) IN GENERAL.—The Secretary of the Treas-
23 ury shall, utilizing the information provided by the
24 YCGII, facilitate the identification and prosecution

1 of individuals illegally trafficking firearms to prohib-
2 ited individuals.

3 (2) SHARING OF INFORMATION.—The Secretary
4 of the Treasury shall share information derived from
5 the YCGII with State and local law enforcement
6 agencies through on-line computer access, as soon as
7 such capability is available.

8 (c) GRANT AWARDS.—

9 (1) IN GENERAL.—The Secretary of the Treas-
10 ury shall award grants (in the form of funds or
11 equipment) to States, cities, and counties for pur-
12 poses of assisting such entities in the tracing of fire-
13 arms and participation in the YCGII.

14 (2) USE OF GRANT FUNDS.—Grants made
15 under this part shall be used to—

16 (A) hire or assign additional personnel for
17 the gathering, submission and analysis of trac-
18 ing data submitted to the Bureau of Alcohol,
19 Tobacco and Firearms under the YCGII;

20 (B) hire additional law enforcement per-
21 sonnel for the purpose of identifying and arrest-
22 ing individuals illegally trafficking firearms; and

23 (C) purchase additional equipment, includ-
24 ing automatic data processing equipment and

1 computer software and hardware, for the timely
2 submission and analysis of tracing data.

3 **SEC. 1425. GRANT PRIORITY FOR TRACING OF GUNS USED**
4 **IN CRIMES BY JUVENILES.**

5 Section 517 of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3763) is amended by add-
7 ing at the end the following:

8 “(c) PRIORITY.—In awarding discretionary grants
9 under section 511 to public agencies to undertake law en-
10 forcement initiatives relating to gangs, or relating to juve-
11 niles who are involved or at risk of involvement in gangs,
12 the Director shall give priority to a public agency that in-
13 cludes in its application a description of strategies or pro-
14 grams of that public agency (either in effect or proposed)
15 that provide cooperation between Federal, State, and local
16 law enforcement authorities, through the use of firearms
17 and ballistics identification systems, to disrupt illegal sale
18 or transfer of firearms to or between juveniles through
19 tracing the sources of guns used in crime that were pro-
20 vided to juveniles.”.

21 **PART 3—JUVENILE GUN COURTS**

22 **SEC. 1431. DEFINITIONS.**

23 In this part:

1 (1) FIREARM.—The term “firearm” has the
2 same meaning as in section 921 of title 18, United
3 States Code.

4 (2) FIREARM OFFENDER.—The term “firearm
5 offender” means any individual charged with an of-
6 fense involving the illegal possession, use, transfer,
7 or threatened use of a firearm.

8 (3) JUVENILE GUN COURT.—The term “juve-
9 nile gun court” means a specialized division within
10 a State or local juvenile court system, or a special-
11 ized docket within a State or local court that consid-
12 ers exclusively cases involving juvenile firearm of-
13 fenders.

14 (4) LOCAL COURT.—The term “local court”
15 means any section or division of a State or municip-
16 al juvenile court system.

17 **SEC. 1432. GRANT PROGRAM.**

18 The Attorney General may make grants in accord-
19 ance with this part to States, State courts, local courts,
20 units of local government, and Indian tribes for court-
21 based juvenile justice programs that target juvenile fire-
22 arm offenders through the establishment of juvenile gun
23 courts.

1 **SEC. 1433. APPLICATIONS.**

2 (a) **ELIGIBILITY.**—In order to be eligible to receive
3 a grant under this part, the chief executive of a State,
4 unit of local government, or Indian tribe, or the chief
5 judge of a local court, shall submit an application to the
6 Attorney General in such form and containing such infor-
7 mation as the Attorney General may reasonably require.

8 (b) **REQUIREMENTS.**—Each application submitted in
9 accordance with subsection (a) shall include—

10 (1) a request for a grant to be used for the pur-
11 poses described in this part;

12 (2) a description of the communities to be
13 served by the grant, including the extent of juvenile
14 crime, juvenile violence, and juvenile firearm use and
15 possession in such communities;

16 (3) written assurances that Federal funds re-
17 ceived under this part will be used to supplement,
18 not supplant, non-Federal funds that would other-
19 wise be available for activities funded under this
20 subsection;

21 (4) a comprehensive plan described in sub-
22 section (c) (hereafter in this part referred to as the
23 “comprehensive plan”); and

24 (5) any additional information in such form and
25 containing such information as the Attorney General
26 may reasonably require.

1 (c) COMPREHENSIVE PLAN.—For purposes of sub-
2 section (b), a comprehensive plan as described in this sub-
3 section includes—

4 (1) a description of the juvenile crime and vio-
5 lence problems in the jurisdiction of the applicant,
6 including gang crime and juvenile firearm use and
7 possession;

8 (2) an action plan outlining the manner in
9 which the applicant would use the grant amounts in
10 accordance with this part;

11 (3) a description of any resources available in
12 the jurisdiction of the applicant to implement the ac-
13 tion plan described in paragraph (2); and

14 (4) a description of the plan of the applicant for
15 evaluating the performance of the juvenile gun
16 court.

17 **SEC. 1434. GRANT AWARDS.**

18 (a) CONSIDERATIONS.—In awarding grants under
19 this part, the Attorney General shall consider—

20 (1) the ability of the applicant to provide the
21 stated services;

22 (2) the level of juvenile crime, violence, and
23 drug use in the community; and

1 (3) to the extent practicable, achievement of an
2 equitable geographic distribution of the grant
3 awards.

4 (b) DIVERSITY.—The Attorney General shall allot not
5 less than 0.75 percent of the total amount made available
6 each fiscal year to carry out this part to applicants in each
7 State from which applicants have applied for grants under
8 this subtitle.

9 (c) INDIAN TRIBES.—The Attorney General shall al-
10 locate 0.75 percent of amounts made available under this
11 part for grants to Indian tribes.

12 **SEC. 1435. USE OF GRANT AMOUNTS.**

13 Each grant made under this part shall be used to—

14 (1) establish juvenile gun courts for adjudica-
15 tion of juvenile firearm offenders;

16 (2) grant prosecutorial discretion to try, in a
17 gun court, cases involving the illegal possession, use,
18 transfer, or threatened use of a firearm by a juve-
19 nile;

20 (3) require prosecutors to transfer such cases to
21 the gun court calendar not later than 30 days after
22 arraignment;

23 (4) require that gun court trials commence not
24 later than 60 days after transfer to the gun court;

1 (5) facilitate innovative and individualized sen-
2 tencing (such as incarceration, house arrest, victim
3 impact classes, electronic monitoring, restitution,
4 and gang prevention programs);

5 (6) provide services in furtherance of paragraph
6 (5);

7 (7) limit grounds for continuances and grant
8 continuances only for the shortest practicable time;

9 (8) ensure that any term of probation or super-
10 vised release imposed on a firearm offender in a ju-
11 venile gun court, in addition to, or in lieu of, a term
12 of incarceration, shall include a prohibition on fire-
13 arm possession during such probation or supervised
14 release and that violation of that prohibition shall
15 result in, to the maximum extent permitted under
16 State law, a term of incarceration; and

17 (9) allow transfer of a case or an offender out
18 of the gun court by agreement of the parties, subject
19 to court approval.

20 **SEC. 1436. GRANT LIMITATIONS.**

21 Not more than 5 percent of the amounts made avail-
22 able to the Attorney General or a grant recipient under
23 this part may be used for administrative purposes.

1 **SEC. 1437. FEDERAL SHARE.**

2 (a) IN GENERAL.—Subject to subsections (b) and (c),
3 the Federal share of a grant made under this part may
4 not exceed 90 percent of the total cost of the program
5 or programs of the grant recipient that are funded by that
6 grant for the fiscal year for which the program receives
7 assistance under this part.

8 (b) WAIVER.—The Attorney General may waive, in
9 whole or in part, the requirements of subsection (a).

10 (c) IN-KIND CONTRIBUTIONS.—For purposes of sub-
11 section (a), in-kind contributions may constitute any por-
12 tion of the non-Federal share of a grant under this part.

13 (d) CONTINUED AVAILABILITY OF GRANT
14 AMOUNTS.—Any amount provided to a grant recipient
15 under this part shall remain available until expended.

16 **SEC. 1438. REPORT AND EVALUATION.**

17 (a) REPORT TO THE ATTORNEY GENERAL.—Not
18 later than March 1, 2000, and March 1 of each year there-
19 after, each grant recipient under this part shall submit
20 to the Attorney General a report that describes, for the
21 year to which the report relates, any progress achieved in
22 carrying out the comprehensive plan of the grant recipient.

23 (b) EVALUATION AND REPORT TO CONGRESS.—Not
24 later than October 1, 2000 and October 1 of each year
25 thereafter, the Attorney General shall submit to Congress
26 an evaluation and report that contains a detailed state-

1 ment regarding grant awards, activities of grant recipi-
2 ents, a compilation of statistical information submitted by
3 grant recipients under this part, and an evaluation of pro-
4 grams established by grant recipients under this part.

5 (c) CRITERIA.—In assessing the effectiveness of the
6 programs established and operated by grant recipients
7 pursuant to this part, the Attorney General shall
8 consider—

9 (1) the number of juveniles tried in gun court
10 sessions in the jurisdiction of the grant recipient;

11 (2) a comparison of the amount of time be-
12 tween the filing of charges and ultimate disposition
13 in gun court and nongun court cases;

14 (3) the recidivism rates of juvenile offenders
15 tried in gun court sessions in the jurisdiction of the
16 grant recipient in comparison to those tried outside
17 of drug courts;

18 (4) changes in the amount of gun-related and
19 gang-related crime in the jurisdiction of the grant
20 recipient; and

21 (5) the quantity of firearms and ammunition
22 recovered in gun court cases in the jurisdiction of
23 the grant recipient.

24 (d) DOCUMENTS AND INFORMATION.—Each grant
25 recipient under this part shall provide the Attorney Gen-

1 eral with all documents and information that the Attorney
2 General determines to be necessary to conduct an evalua-
3 tion of the effectiveness of programs funded under this
4 part.

5 **SEC. 1439. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
7 this part from the Violent Crime Reduction Trust Fund—

8 (1) such sums as may be necessary for each of
9 fiscal years 2000 and 2001; and

10 (2) \$50,000,000 for each of fiscal years 2002
11 and 2003.

12 **PART 4—YOUTH VIOLENCE COURTS**

13 **SEC. 1441. CREATION OF YOUTH VIOLENCE COURTS.**

14 Section 210602 of the Violent Crime Control and
15 Law Enforcement Act of 1994 (42 U.S.C. 14161) is
16 amended—

17 (1) by redesignating subsections (a), (b), (c),
18 and (d) as paragraphs (1), (2), (3), and (4), respec-
19 tively;

20 (2) by redesignating paragraphs (1), (2), (3),
21 (4), and (5) as subparagraphs (A), (B), (C), (D),
22 and (E), respectively;

23 (3) by inserting before paragraph (1), as so
24 designated, the following:

1 “(a) STATE AND LOCAL COURT ASSISTANCE.—”;

2 and

3 (4) by adding after subsection (a), as so des-
4 ignated, the following:

5 “(b) YOUTH VIOLENCE COURTS.—

6 “(1) AUTHORITY TO MAKE GRANTS AND ENTER
7 INTO CONTRACTS.—

8 “(A) IN GENERAL.—The Attorney General
9 may award grants and enter into cooperative
10 agreements and contracts with States, State
11 courts, local courts, units of local government,
12 Indian tribes, and tribal courts to plan, develop,
13 implement, and administer programs to adju-
14 dicate and better manage juvenile and youthful
15 violent offenders within State, tribal, and local
16 court systems.

17 “(B) INITIATIVES.—Initiatives funded
18 under this paragraph may include—

19 “(i) the establishment of court based
20 juvenile justice programs that target young
21 firearms offenders through the establish-
22 ment of juvenile gun courts for the adju-
23 dication and prosecution of juvenile fire-
24 arms offenders;

1 “(ii) the establishment of drug court
2 programs for juveniles so as to provide
3 continuing judicial supervision over juve-
4 nile offenders with substance abuse prob-
5 lems and to provide the integrated admin-
6 istration of other sanctions and services as
7 enumerated under the provisions of section
8 50001 of the Violent Crime Control and
9 Law Enforcement Act of 1994 (42 U.S.C.
10 3796ii), as in effect on the day before the
11 date of enactment of Public Law 104–134;

12 “(iii) the establishment of courts of
13 specialized or joint jurisdiction as deemed
14 appropriate by a jurisdiction’s chief judi-
15 cial officer; and

16 “(iv) the establishment of programs
17 aimed at the enhanced and improved adju-
18 dication of juvenile offenders, including in-
19 novative programs involving the courts,
20 prosecutors, public defenders, probation of-
21 fices, and corrections agencies.

22 “(2) APPLICATION.—The Attorney General
23 shall establish guidelines governing the administra-
24 tion of this program. Such guidelines shall include
25 the manner and content of applications for funding

1 under this program, as well as procedures and meth-
2 ods for the distribution of funds distributed under
3 this program.

4 “(3) FEDERAL SHARE.—The Federal share of
5 any individual grant made under this program may
6 not exceed 75 percent. Further, in-kind contribu-
7 tions, pursuant to the discretion of the Attorney
8 General may constitute a portion, or all, of the non-
9 Federal share of a grant made under this program.
10 With regard to grants to Indian tribes, the Attorney
11 General may allow other Federal funds to constitute
12 all or a portion of the non-Federal share.

13 “(4) GEOGRAPHIC DISTRIBUTION.—The Attor-
14 ney General shall ensure that, to the extent reason-
15 able and practicable, an equitable geographic dis-
16 tribution of grant awards is made.

17 “(5) TRAINING AND TECHNICAL ASSISTANCE.—
18 Two percent of all funds appropriated for this part
19 shall be set aside for use by the Attorney General
20 for training and technical assistance consistent with
21 this program.”.

1 **TITLE II—COMBATING GANG**
2 **VIOLENCE**
3 **Subtitle A—Enhanced Penalties for**
4 **Gang-Related Activities**

5 **SEC. 2101. GANG FRANCHISING.**

6 Chapter 26 of title 18, United States Code, is amend-
7 ed by adding at the end the following:

8 **“SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL**
9 **STREET GANGS.**

10 “(a) **PROHIBITED ACT.**—Whoever travels in inter-
11 state or foreign commerce, or causes another to do so, to
12 recruit, solicit, induce, command, or cause to create, or
13 attempt to create a franchise of a criminal street gang
14 shall be punished in accordance with subsection (c).

15 “(b) **DEFINITIONS.**—In this section:

16 “(1) **CRIMINAL STREET GANG.**—The term
17 ‘criminal street gang’ has the meaning given that
18 term in section 521.

19 “(2) **FRANCHISE.**—The term ‘franchise’ means
20 an organized group of individuals related by name,
21 moniker, or other identifier, that engages in coordi-
22 nated violent crime or drug trafficking activities in
23 interstate or foreign commerce with a criminal street
24 gang in another State.

1 “(c) PENALTIES.—A person who violates subsection
2 (a) shall be imprisoned for not more than 10 years, fined
3 under this title, or both.”.

4 **SEC. 2102. ENHANCED PENALTY FOR USE OR RECRUIT-**
5 **MENT OF MINORS IN GANGS.**

6 (a) IN GENERAL.—Chapter 26 of title 18, United
7 States Code, as amended by section 2101 of this title, is
8 amended by adding at the end the following:

9 **“§ 523. Sentencing enhancement for use or recruit-**
10 **ment of minors**

11 “Pursuant to its authority under section 994(p) of
12 title 28, the United States Sentencing Commission shall
13 amend the Federal sentencing guidelines to provide an ap-
14 propriate enhancement for the use of minors in a criminal
15 street gang and the recruitment of minors in furtherance
16 of the creation of a criminal street gang franchise.”.

17 (b) CONFORMING AMENDMENT.—The chapter analy-
18 sis for chapter 26 of title 18, United States Code, is
19 amended by adding at the end the following:

“522. Interstate franchising of criminal street gangs.

“523. Sentencing enhancement for use or recruitment of minors.”.

20 **SEC. 2103. GANG FRANCHISING AS A RICO PREDICATE.**

21 Section 1961(1) of title 18, United States Code, is
22 amended—

23 (1) by striking “or” before “(F)”; and

1 (2) by inserting “, or (G) an offense under sec-
2 tion 522 of this title” before the semicolon at the
3 end.

4 **SEC. 2104. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
5 **TION IN CRIME AS GANG MEMBER.**

6 (a) **DEFINITION OF CRIMINAL STREET GANG.**—In
7 this section, the term “criminal street gang” has the same
8 meaning as in section 521(a) of title 18, United States
9 Code.

10 (b) **SENTENCING ENHANCEMENT.**—Pursuant to its
11 authority under section 994(p) of title 28, United States
12 Code, the United States Sentencing Commission shall
13 amend the Federal sentencing guidelines to provide an ap-
14 propriate enhancement with respect to any offense com-
15 mitted in connection with, or in furtherance of, the activi-
16 ties of a criminal street gang if the defendant is a member
17 of the criminal street gang at the time of the offense.

18 (c) **CONSISTENCY.**—In carrying out this section, the
19 United States Sentencing Commission shall—

20 (1) ensure that there is reasonable consistency
21 with other Federal sentencing guidelines; and

22 (2) avoid duplicative punishment for substan-
23 tially the same offense.

1 **SEC. 2105. ENHANCED PENALTY FOR POSSESSION OF FIRE-**
2 **ARMS IN RELATION TO COUNTS OF VIO-**
3 **LENCE OR DRUG TRAFFICKING CRIMES.**

4 (a) DEFINITIONS.—In this section, the terms “crime
5 of violence” and “drug trafficking crime” have the same
6 meanings as in section 924(c) of title 18, United States
7 Code.

8 (b) SENTENCING ENHANCEMENT.—Pursuant to its
9 authority under section 994(p) of title 28, United States
10 Code, the United States Sentencing Commission shall
11 amend the Federal sentencing guidelines to provide an ap-
12 propriate sentence enhancement with respect to any de-
13 fendant who discharges a firearm during or in relation to
14 any crime of violence or any drug trafficking crime.

15 (c) CONSISTENCY.—In carrying out this section, the
16 United States Sentencing Commission shall—

17 (1) ensure that there is reasonable consistency
18 with other Federal sentencing guidelines; and

19 (2) avoid duplicative punishment for substan-
20 tially the same offense.

21 **SEC. 2106. PUNISHMENT OF ARSON OR BOMBING AT FA-**
22 **CILITIES RECEIVING FEDERAL FINANCIAL**
23 **ASSISTANCE.**

24 Section 844(f)(1) of title 18, United States Code, is
25 amended by inserting “or any institution or organization

1 receiving Federal financial assistance” after “or agency
2 thereof,”.

3 **SEC. 2107. ELIMINATION OF STATUTE OF LIMITATIONS FOR**
4 **MURDER.**

5 (a) IN GENERAL.—Section 3281 of title 18, United
6 States Code, is amended to read as follows:

7 **“§ 3281. Capital offenses and Class A felonies involv-**
8 **ing murder**

9 “An indictment for any offense punishable by death
10 or an indictment or information for a Class A felony in-
11 volving murder (as defined in section 1111 or as defined
12 under applicable State law in the case of an offense under
13 section 1963(a) involving racketeering activity described
14 in section 1961(1)) may be found at any time without limi-
15 tation.”.

16 (b) APPLICABILITY.—The amendment made by sub-
17 section (a) applies to any offense for which the applicable
18 statute of limitations had not run as of the date of enact-
19 ment of this Act.

20 **SEC. 2108. EXTENSION OF STATUTE OF LIMITATIONS FOR**
21 **VIOLENT AND DRUG TRAFFICKING CRIMES.**

22 (a) IN GENERAL.—Chapter 213 of title 18, United
23 States Code, is amended by adding at the end the follow-
24 ing:

1 **“§ 3296. Class A violent and drug trafficking offenses**

2 “Except as provided in section 3281, no person shall
3 be prosecuted, tried, or punished for a Class A felony that
4 is a crime of violence or a drug trafficking crime (as that
5 term is defined in section 924(c)) unless the indictment
6 is returned or the information is filed within 10 years after
7 the commission of the offense.”.

8 (b) APPLICABILITY.—The amendment made by sub-
9 section (a) applies to any offense for which the applicable
10 statute of limitations had not run as of the date of enact-
11 ment of this Act.

12 (c) CONFORMING AMENDMENTS.—The chapter anal-
13 ysis for chapter 213 of title 18, United States Code, is
14 amended—

15 (1) in the item relating to section 3281, by in-
16 serting “and Class A felonies involving murder” be-
17 fore the period; and

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

“3296. Class A violent and drug trafficking offenses.”.

19 **SEC. 2109. INCREASED PENALTIES UNDER THE RICO LAW**
20 **FOR GANG AND VIOLENT CRIMES.**

21 Section 1963(a) of title 18, United States Code, is
22 amended by striking “or imprisoned not more than 20
23 years (or for life if the violation is based on a racketeering
24 activity for which the maximum penalty includes life im-
25 prisonment), or both,” and inserting “or imprisoned not

1 more than the greater of 20 years or the statutory maxi-
2 mum term of imprisonment (other than the penalty of
3 death) applicable to a racketeering activity on which the
4 violation is based, or both.”.

5 **SEC. 2110. INCREASED PENALTY AND BROADENED SCOPE**
6 **OF STATUTE AGAINST VIOLENT CRIMES IN**
7 **AID OF RACKETEERING.**

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

10 (1) by inserting “or commits any other crime of
11 violence” before “or threatens to commit a crime of
12 violence”;

13 (2) in paragraph (4), by inserting “committing
14 any other crime of violence or for” before “threaten-
15 ing to commit a crime of violence”, and by striking
16 “five” and inserting “ten”;

17 (3) in paragraph (5), by striking “for not more
18 than ten years” and inserting “for any term of years
19 or for life”;

20 (4) in paragraph (6), by—

21 (A) striking “or” before “assault resulting
22 in serious bodily injury”;

23 (B) inserting “or any other crime of vio-
24 lence” after “assault resulting in serious bodily
25 injury”; and

1 (C) striking “three” and inserting “10”;

2 and

3 (5) by inserting “(as defined in section 1365 of
4 this title)” after “serious bodily injury” the first
5 place that term appears.

6 **SEC. 2111. FACILITATING THE PROSECUTION OF**
7 **CARJACKING OFFENSES.**

8 Section 2119 of title 18, United States Code, is
9 amended by striking “, with the intent to cause death or
10 serious bodily harm”.

11 **SEC. 2112. FACILITATION OF RICO PROSECUTIONS.**

12 Section 1962(d) of title 18, United States Code, is
13 amended by adding at the end the following: “For pur-
14 poses of this subsection, it is not necessary to establish
15 that the defendant personally committed an act of rack-
16 eteering activity.”.

17 **SEC. 2113. FORFEITURE FOR CRIMES OF VIOLENCE, RACK-**
18 **ETEERING, AND OBSTRUCTION OF JUSTICE.**

19 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title
20 18, United States Code, is amended by adding at the end
21 the following:

22 “(G) Any proceeds of a crime of violence
23 (as defined in Section 16), an offense under
24 chapter 95 (racketeering), or any offense under
25 chapter 73 (obstruction of justice), or a con-

1 spiracy to commit such offense, any property
2 used to facilitate such offense, and any property
3 traceable to such property.”.

4 (b) **CRIMINAL FORFEITURE.**—Section 982(a) of title
5 18, United States Code, is amended by adding at the end
6 the following:

7 “(7) The court, in imposing a sentence on a person
8 convicted of a crime of violence (as defined in section 16),
9 an offense under chapter 95 (racketeering), or any offense
10 under chapter 73 (obstruction of justice), or a conspiracy
11 to commit such offense, shall order the person to forfeit
12 to the United States any proceeds derived from such of-
13 fense, any property used or intended to be used to commit
14 such offense, and any property traceable to such prop-
15 erty.”.

16 **SEC. 2114. EXPANSION OF DEFINITION OF “RACKETEERING**
17 **ACTIVITY” TO AFFECT GANGS IN INDIAN**
18 **COUNTRY.**

19 Section 1961(1)(A) of title 18, United States Code,
20 is amended by inserting “or, with respect to an act or
21 threat occurring solely in Indian country, as defined in
22 section 1151 of this title, Federal” after “chargeable
23 under State”.

1 **SEC. 2115. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

2 (a) IN GENERAL.—Chapter 33 of title 18, United
3 States Code, is amended by inserting after section 537 the
4 following:

5 **“§ 538. Investigation of serial killings**

6 “(a) AUTHORIZATION UPON REQUEST.—The Attor-
7 ney General and the Federal Bureau of Investigation may
8 investigate serial killings in violation of the laws of a State
9 or political subdivision, when such investigation is re-
10 quested by the head of a law enforcement agency with in-
11 vestigative or prosecutorial jurisdiction over the offense.

12 “(b) DEFINITIONS.—In this section:

13 “(1) KILLING.—The term ‘killing’ means con-
14 duct that would constitute an offense under section
15 1111 of title 18, United States Code, if Federal ju-
16 risdiction existed.

17 “(2) SERIAL KILLINGS.—The term ‘serial
18 killings’ means a series of 3 or more killings, not
19 less than 1 of which was committed within the
20 United States, having common characteristics such
21 as to suggest the reasonable possibility that the
22 crimes were committed by the same actor or actors.

23 “(3) STATE.—The term ‘State’ means a State
24 of the United States, the District of Columbia, and
25 any commonwealth, territory, or possession of the
26 United States.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 33 of title 28, United States Code, is amended
3 by inserting after the item for section 537 the following:

“538. Investigation of serial killings.”.

4 **SEC. 2116. INCREASED PENALTIES FOR VIOLENCE IN THE**
5 **COURSE OF RIOT OFFENSES.**

6 Section 2101(a) of title 18, United States Code, is
7 amended by striking “paragraph—” and all that follows
8 through the end of the subsection and inserting “shall be
9 fined under this title—

10 “(i) if death results from such act, be impris-
11 oned for any term of years or for life, or both;

12 “(ii) if serious bodily injury (as defined in sec-
13 tion 1365 of this title) results from such act, be im-
14 prisoned for not more than 20 years, or both; or

15 “(iii) in any other case, be imprisoned for not
16 more than 5 years, or both”.

17 **SEC. 2117. EXPANSION OF FEDERAL JURISDICTION OVER**
18 **CRIMES OCCURRING IN PRIVATE PENAL FA-**
19 **CILITIES HOUSING FEDERAL PRISONERS OR**
20 **PRISONERS FROM OTHER STATES.**

21 Section 1791(d)(4) of title 18, United States Code,
22 is amended by inserting before the period at the end the
23 following: “, including privately owned facilities housing
24 Federal prisoners or prisoners who are serving a term of

1 imprisonment under a commitment order from a State
 2 other than the State in which the penal facility is located”.

3 **Subtitle B—Targeting Gang-**
 4 **Related Gun Offenses**

5 **SEC. 2201. TRANSFER OF FIREARM TO COMMIT A CRIME OF**
 6 **VIOLENCE.**

7 Section 924(h) of title 18, United States Code, is
 8 amended by inserting “or having reasonable cause to be-
 9 lieve” after “knowing”.

10 **SEC. 2202. INCREASED PENALTY FOR KNOWINGLY RECEIV-**
 11 **ING FIREARM WITH OBLITERATED SERIAL**
 12 **NUMBER.**

13 Section 924(a) of title 18, United States Code, is
 14 amended—

15 (1) in paragraph (1)(B), by striking “(k),”; and
 16 (2) in paragraph (2), by inserting “(k),” after
 17 “(j),”.

18 **SEC. 2203. AMENDMENT OF THE SENTENCING GUIDELINES**
 19 **FOR TRANSFERS OF FIREARMS TO PROHIB-**
 20 **ITED PERSONS.**

21 Pursuant to its authority under section 994(p) of title
 22 28, United States Code, the United States Sentencing
 23 Commission shall amend the Federal sentencing guidelines
 24 to increase the base offense level for offenses subject to
 25 section 2K2.1 of those guidelines (Unlawful Receipt, Pos-

1 session, or Transportation of Firearms or Ammunition;
2 Prohibited Transactions Involving Firearms or Ammuni-
3 tions) to assume that a person who transferred a firearm
4 or ammunition and who knew or had reasonable cause to
5 believe that the transferee was a prohibited person is sub-
6 ject to the same base offense level as the transferee. The
7 amended guidelines shall not require the same offense
8 level for the transferor and transferee to the extent that
9 the transferee's base offense level is subject to an addi-
10 tional increase on the basis of a past criminal conviction
11 of either a crime of violence or a controlled substance of-
12 fense.

13 **SEC. 2204. FORFEITURE OF FIREARMS USED IN CRIMES OF**
14 **VIOLENCE AND FELONIES.**

15 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title
16 18, United States Code, as amended by section 2113 of
17 this title, is amended by adding at the end the following:

18 “(H) Any firearm (as defined in section
19 921(a)(3)) used or intended to be used to com-
20 mit or to facilitate the commission of any crime
21 of violence (as defined in Section 16 of this
22 title) or any felony under Federal law.”.

23 (b) CRIMINAL FORFEITURE.—Section 982(a) of title
24 18, United States Code, is amended by adding at the end
25 the following:

1 “(8) The court, in imposing a sentence on a
2 person convicted of any crime of violence (as defined
3 in section 16 of this title) or any felony under Fed-
4 eral law, shall order that the person forfeit to the
5 United States any firearm (as defined in section
6 921(a)(3)) used or intended to be used to commit or
7 to facilitate the commission of the offense.”.

8 (c) DISPOSAL OF FORFEITED PROPERTY.—Section
9 981(c) of title 18, United States Code, is amended by add-
10 ing at the end the following sentence: “Any firearm for-
11 feited pursuant to subsection (a)(1)(H) or section
12 982(a)(8) of this title shall be disposed of by the seizing
13 agency in accordance with law.”.

14 (d) AUTHORITY TO FORFEIT PROPERTY UNDER
15 SECTION 924(d).—Section 924(d) of title 18, United
16 States Code, is amended by adding the following:

17 “(4) Whenever any firearm is subject to forfeit-
18 ure under this section because it was involved in or
19 used in a violation of subsection (c), the Secretary
20 of the Treasury shall have the authority to seize and
21 forfeit, in accordance with the procedures of the ap-
22 plicable forfeiture statute, any property otherwise
23 forfeitable under the laws of the United States that
24 was involved in or derived from the crime of violence

1 or drug trafficking crime described in subsection (c)
2 in which the forfeited firearm was used or carried.”.

3 (e) 120-DAY RULE FOR ADMINISTRATIVE FORFEIT-
4 URE.—Section 924(d)(1) of title 18, United States Code,
5 is amended by adding at the end the following: “If the
6 Government institutes an administrative forfeiture action
7 within the 120-day period, and a claim is then filed that
8 requires that a judicial forfeiture action be filed in Federal
9 court, the Government must file the judicial action within
10 120 days of the filing of the claim. The time during which
11 any related criminal indictment or information is pending
12 shall not be counted in calculating any 120-day period re-
13 ferred to in this subsection.”.

14 **Subtitle C—Using and Protecting**
15 **Witnesses To Help Prosecute**
16 **Gangs and Other Violent Crimi-**
17 **nals**

18 **SEC. 2301. INTERSTATE TRAVEL TO ENGAGE IN WITNESS**
19 **INTIMIDATION OR OBSTRUCTION OF JUS-**
20 **TICE.**

21 Section 1952 of title 18, United States Code, is
22 amended—

23 (1) by redesignating subsections (b) and (c) as
24 (c) and (d), respectively; and

1 (2) by inserting after subsection (a) the follow-
2 ing:

3 “(b) Whoever travels in interstate or foreign com-
4 merce with intent by bribery, force, intimidation, or
5 threat, directed against any person, to delay or influence
6 the testimony of or prevent from testifying a witness in
7 a State criminal proceeding or by any such means to cause
8 any person to destroy, alter, or conceal a record, docu-
9 ment, or other object, with intent to impair the object’s
10 integrity or availability for use in such a proceeding, and
11 thereafter engages or endeavors to engage in such con-
12 duct, shall—

13 “(1) be fined under this title or imprisoned not
14 more than 10 years, or both;

15 “(2) if serious bodily injury (as defined in sec-
16 tion 1365) results, be so fined or imprisoned for not
17 more than 20 years, or both; and

18 “(3) if death results, be so fined and impris-
19 oned for any term of years or for life, or both, and
20 may be sentenced to death.”.

1 **SEC. 2302. EXPANDING PRETRIAL DETENTION ELIGIBILITY**
2 **FOR SERIOUS GANG AND OTHER VIOLENT**
3 **CRIMINALS.**

4 (a) **IN GENERAL.**—Section 3142(f)(1) of title 18,
5 United States Code, is amended by adding at the end the
6 following:

7 “For purposes of subparagraph (D), the term ‘con-
8 victed’ includes a finding, under Federal or State
9 law, that a person has committed an act of juvenile
10 delinquency;”.

11 (b) **OFFENSES.**—Section 3156(a)(4) of title 18,
12 United States Code, is amended—

13 (1) by striking “or” at the end of subparagraph
14 (B);

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

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

18 “(D) an offense that is a violation of sec-
19 tion 842(i)(1) or 922(g)(1) of this title (relating
20 to possession of explosives or firearms by con-
21 victed felons).”.

22 (c) **FACTORS.**—Section 3142(g)(3)(B) of title 18,
23 United States Code, is amended—

24 (1) by striking “the person was on probation”
25 and inserting “the person was—

26 “(i) on probation”;

1 (2) by striking “local law; and” and inserting
2 “local law; or”; and

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

4 “(ii) was a member of or participated
5 in a criminal street gang or racketeering
6 enterprise; and”.

7 **SEC. 2303. CONSPIRACY PENALTY FOR OBSTRUCTION OF**
8 **JUSTICE OFFENSES INVOLVING VICTIMS,**
9 **WITNESSES, AND INFORMANTS.**

10 Section 1512 of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(j) Whoever conspires to commit any offense defined
13 in this section or section 1513 of this title shall be subject
14 to the same penalties as those prescribed for the offense
15 the commission of which was the object of the conspir-
16 acy.”.

17 **SEC. 2304. ALLOWING A REDUCTION OF SENTENCE FOR**
18 **PROVIDING USEFUL INVESTIGATIVE INFOR-**
19 **MATION ALTHOUGH NOT REGARDING A PAR-**
20 **TICULAR INDIVIDUAL.**

21 (a) TITLE 18.—Section 3553(e) of title 18, United
22 States Code, is amended by striking “substantial assist-
23 ance in the investigation or prosecution of another person
24 who has committed an offense” and inserting “substantial

1 assistance in an investigation of any offense or the pros-
2 ecution of another person who has committed an offense”.

3 (b) TITLE 28.—Section 994(n) of title 28, United
4 States Code, is amended by striking “substantial assist-
5 ance in the investigation or prosecution of another person
6 who has committed an offense” and inserting “substantial
7 assistance in an investigation of any offense or the pros-
8 ecution of another person who has committed an offense”.

9 (c) FEDERAL RULES OF CRIMINAL PROCEDURE.—
10 Rule 35(b) of the Federal Rules of Criminal Procedure
11 is amended by striking “substantial assistance in the in-
12 vestigation or prosecution of another person who has com-
13 mitted an offense” and inserting “substantial assistance
14 in an investigation of any offense or the prosecution of
15 another person who has committed an offense”.

16 **SEC. 2305. INCREASING THE PENALTY FOR USING PHYS-**
17 **ICAL FORCE TO TAMPER WITH WITNESSES,**
18 **VICTIMS, OR INFORMANTS.**

19 Section 1512 of title 18, United States Code, is
20 amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “as pro-
23 vided in paragraph (2)” and inserting “as pro-
24 vided in paragraph (3)”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3);

3 (C) by inserting after paragraph (1) the
4 following:

5 “(2) Whoever uses physical force or the threat
6 of physical force, or attempts to do so, with intent
7 to—

8 “(A) influence, delay, or prevent the testi-
9 mony of any person in an official proceeding;

10 “(B) cause or induce any person to—

11 “(i) withhold testimony, or withhold a
12 record, document, or other object, from an
13 official proceeding;

14 “(ii) alter, destroy, mutilate, or con-
15 ceal an object with intent to impair the ob-
16 ject’s integrity or availability for use in an
17 official proceeding;

18 “(iii) evade legal process summoning
19 that person to appear as a witness, or to
20 produce a record, document, or other ob-
21 ject, in an official proceeding; and

22 “(iv) be absent from an official pro-
23 ceeding to which such person has been
24 summoned by legal process; or

1 “(C) hinder, delay, or prevent the commu-
2 nication to a law enforcement officer or judge
3 of the United States of information relating to
4 the commission or possible commission of a
5 Federal offense or a violation of conditions of
6 probation, parole, or release pending judicial
7 proceedings;
8 shall be punished as provided in paragraph (3).”;
9 and

10 (D) by striking paragraph (3)(B), as re-
11 designated, and inserting the following:

12 “(B) an attempt to murder, the use of
13 physical force, the threat of physical force, or
14 an attempt to do so, imprisonment for not more
15 than 20 years.”; and

16 (2) in subsection (b), by striking “or physical
17 force”.

18 **SEC. 2306. EXPANSION OF FEDERAL KIDNAPPING OFFENSE**
19 **TO COVER WHEN DEATH OF VICTIM OCCURS**
20 **BEFORE CROSSING STATE LINE AND WHEN**
21 **FACILITY IN INTERSTATE COMMERCE OR**
22 **THE MAILS ARE USED.**

23 Section 1201(a) of title 18, United States Code, is
24 amended—

1 (1) by inserting before the semicolon at the end
2 of paragraph (1) the following: “, without regard to
3 whether such person was alive when transported
4 across a State boundary if the person was alive
5 when the transportation began”;

6 (2) by striking “or” at the end of paragraph
7 (4); and

8 (3) by inserting after paragraph (5) the follow-
9 ing:

10 “(6) an individual travels in interstate or for-
11 eign commerce in furtherance of the offense; or

12 “(7) the mail or a facility in interstate or for-
13 eign commerce is used in furtherance of the of-
14 fense;”.

15 **SEC. 2307. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR**

16 **HIRE.**

17 Section 1958(a) of title 18, United States Code, is
18 amended by inserting “or other felony crime of violence
19 against the person” after “murder”.

20 **SEC. 2308. CLARIFICATION OF INTERSTATE THREAT STAT-**

21 **UTE TO COVER THREATS TO KILL.**

22 Subsections (b) and (c) of section 875 of title 18,
23 United States Code, and the second and third undesig-
24 nated paragraphs of sections 876 and 877 of title 18,
25 United States Code, are each amended by striking “any

1 threat to injure” and inserting “any threat to kill or in-
2 jure”.

3 **SEC. 2309. CONFORMING AMENDMENT TO LAW PUNISHING**
4 **OBSTRUCTION OF JUSTICE BY NOTIFICATION**
5 **OF EXISTENCE OF A SUBPOENA FOR**
6 **RECORDS IN CERTAIN TYPES OF INVESTIGA-**
7 **TIONS.**

8 Section 1510(b)(3)(B) of title 18, United States
9 Code, is amended—

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

11 (2) in clause (ii), by striking the period at the
12 end and inserting “; or”; and

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

14 “(iii) the Controlled Substances Act
15 (21 U.S.C. 801 et seq.), the Controlled
16 Substances Import and Export Act (21
17 U.S.C. 951 et seq.), or section 6050I of
18 the Internal Revenue Code of 1986; and

19 “(iv) section 286, 287, 669, 1001,
20 1027, 1035, 1341, 1343, 1347, 1518, or
21 1954 relating to a Federal health care of-
22 fense.”.

1 **SEC. 2310. ELIMINATION OF PROOF OF VALUE REQUIRE-**
 2 **MENT FOR FELONY THEFT OR CONVERSION**
 3 **OF GRAND JURY MATERIAL.**

4 Section 641 of title 18, United States Code, is
 5 amended by striking “but if the value of such property
 6 does not exceed the sum of \$1,000, he” and inserting “but
 7 if the value of such property, other than property con-
 8 stituting matters occurring before the grand jury, within
 9 the meaning of Rule 6(e) of the Federal Rules of Criminal
 10 Procedure, does not exceed the sum of \$1,000, that per-
 11 son”.

12 **Subtitle D—Gang Paraphernalia**

13 **SEC. 2401. STREAMLINING PROCEDURES FOR LAW EN-**
 14 **FORCEMENT ACCESS TO CLONE NUMERIC**
 15 **PAGERS.**

16 (a) AMENDMENT TO CHAPTER 206.—Chapter 206 of
 17 title 18, United States Code, is amended—

18 (1) in the chapter heading, by striking “AND
 19 TRAP AND TRACE DEVICES” and inserting:
 20 “TRAP AND TRACE DEVICES, AND CLONE
 21 NUMERIC PAGERS”;

22 (2) in section 3121—

23 (A) in the section heading, by striking
 24 “and trap and trace device” and inserting “,
 25 trap and trace device, and clone pager”;

26 (B) in subsection (a)—

1 (i) by striking “or a trap and trace
2 device” each place that term appears and
3 inserting “, a trap and trace device, or a
4 clone pager”;

5 (ii) after “3123” by inserting “or sec-
6 tion 3129”; and

7 (C) in subsections (b) and (c), by striking
8 “or trap and trace device” each place that term
9 appears and inserting “, a trap and trade de-
10 vice or a cone pager”;

11 (3) in section 3124—

12 (A) in the section heading, by striking “or
13 a trap and trace device” and inserting “, a trap
14 and trace device, or a clone pager”;

15 (B) by redesignating subsections (c)
16 through (f) as subsections (d) through (g), re-
17 spectively; and

18 (C) by inserting after subsection (b) the
19 following:

20 “(c) CLONE PAGER.—Upon the request of an attor-
21 ney for the Government or an officer of a law enforcement
22 agency authorized to use a clone pager under this chapter,
23 a provider of a paging service or electronic communication
24 service shall furnish such investigative or law enforcement
25 officer, all information, facilities, and technical assistance

1 necessary to accomplish the use of the clone pager unob-
2 trusively and with a minimum of interference with the
3 services that the person so ordered by the court provides
4 to the subscriber, if such assistance is directed by a court
5 order as provided in section 3129(b)(2) of this chapter.”;

6 (4) in section 3125—

7 (A) in the section heading, by striking
8 “and trap and trace device” and inserting “,
9 trap and trace device, and clone pager”;

10 (B) in subsection (a)—

11 (i) by striking “or trap and trace de-
12 vice” each place that term appears and in-
13 serting “, a trap and trace device, or a
14 clone pager”; and

15 (ii) by striking “an order approving
16 the installation or use is issued in accord-
17 ance with section 3123 of this title” and
18 inserting “an application is made for an
19 order approving the installation or use in
20 accordance with section 3123 or section
21 3128 of this title”; and

22 (C) in subsection (b), by adding at the end
23 the following: “In the event such application for
24 the use of a clone pager is denied, or in any
25 other case where the use of the clone pager is

1 terminated without an order having been
2 issued, an inventory shall be served as provided
3 for in section 3129(e).”;

4 (5) in section 3126—

5 (A) in the section heading, by striking
6 “and trap and trace devices” and inserting “,
7 trap and trace devices, and clone pagers”; and

8 (B) by striking “pen register orders and
9 orders for trap and trace devices” and inserting
10 “orders for pen registers, trap and trace de-
11 vices, and clone pagers”; and

12 (6) in section 3127—

13 (A) in paragraph (2), by striking “pen reg-
14 ister or a trap and trace device” and inserting
15 “pen register, a trap and trace device, or a
16 clone pager”;

17 (B) by redesignating paragraphs (5) and
18 (6) as paragraphs (6) and (7), respectively; and

19 (C) by inserting after paragraph (4) the
20 following:

21 “(5) the term ‘clone pager’ means a numeric
22 display device that receives transmissions intended
23 for another numeric display paging device.”.

1 (b) APPLICATIONS FOR ORDERS.—Chapter 206 of
2 title 18, United States Code, is amended by adding at the
3 end the following:

4 **“§ 3128. Application for an order for use of a clone**
5 **pager**

6 “(a) APPLICATION.—(1) An attorney for the Govern-
7 ment may apply to a court of competent jurisdiction for
8 an order or an extension of an order under section 3129
9 of this title authorizing the use of a clone pager.

10 “(2) A State investigative or law enforcement officer
11 may, if authorized by State law, apply to a court of com-
12 petent jurisdiction of such State for an order or an exten-
13 sion of an order under section 3129 of this title authoriz-
14 ing the use of a clone pager.

15 “(b) CONTENTS OF APPLICATION.—An application
16 under subsection (a) of this section shall include—

17 “(1) the identify of the attorney for the Govern-
18 ment or the State law enforcement or investigative
19 officer making the application and the identify of the
20 law enforcement agency conducting the investiga-
21 tion;

22 “(2) the identify, if known, of the person using
23 the numeric display paging device to be cloned;

24 “(3) a description of the numeric display paging
25 device to be cloned;

1 “(4) the identify, if known, of the person who
2 is the subject of the criminal investigation; and

3 “(5) an affidavit, sworn to before the court of
4 competent jurisdiction, establishing probable cause
5 for belief that information relevant to an ongoing
6 criminal investigation being conducted by that agen-
7 cy will be obtained through use of the clone pager.

8 **“§ 3129. Issuance of an order for use of a clone pager**

9 “(a) IN GENERAL.—Upon an application made under
10 section 3128 of this title, the court shall enter an ex parte
11 order authorizing the use of a clone pager within the juris-
12 diction of the court if the court finds that the application
13 has established probable cause to believe that information
14 relevant to an ongoing criminal investigation being con-
15 ducted by that agency will be obtained through use of the
16 clone pager.

17 “(b) CONTENTS OF AN ORDER.—An order issued
18 under this section—

19 “(1) shall specify—

20 “(A) the identity, if known, of each indi-
21 vidual using the numeric display paging device
22 to be cloned;

23 “(B) the numeric display paging device to
24 be cloned;

1 “(C) the identity, if known, of the person
2 who is the subject of the criminal investigation;
3 and

4 “(D) the offense to which the information
5 likely to be obtained by the clone pager relates;
6 and

7 “(2) shall direct, upon the request of the appli-
8 cant, the furnishing of information, facilities, and
9 technical assistance necessary to use the clone pager
10 under section 3124 of this title.

11 “(c) TIME PERIOD AND EXTENSIONS.—(1) An order
12 issued under this section shall authorize the use of a clone
13 pager for a period not to exceed 30 days.

14 “(2) Extensions of an order referred to in paragraph
15 (1) may be granted, but only upon an application for an
16 order under section 3128 of this title and upon the judicial
17 finding required by subsection (a). The period of extension
18 shall be for a period not to exceed 30 days.

19 “(3) Within a reasonable time after the termination
20 of the period of a clone pager order or any extensions
21 thereof, the applicant shall report to the issuing judge the
22 number of numeric pager messages acquired through the
23 use of the clone pager during such period.

1 “(d) NONDISCLOSURE OF EXISTENCE OF CLONE
2 PAGER.—An order authorizing the use of a clone pager
3 shall direct that—

4 “(1) the order be sealed until otherwise ordered
5 by the court; and

6 “(2) the person who has been ordered by the
7 court to provide assistance to the applicant not dis-
8 close the existence of the clone pager or the exist-
9 ence of the investigation to the listed subscriber, or
10 to any other person, until otherwise ordered by the
11 court.

12 “(e) NOTIFICATION.—Within a reasonable time but
13 not later than 90 days after the termination of the period
14 of a clone pager order or any extensions thereof, the
15 issuing judge shall cause to be served, on each individual
16 using the numeric display paging device which was cloned,
17 an inventory including notice of—

18 “(1) the fact of the entry of the order or the
19 application;

20 “(2) the date of the entry and the period of
21 clone pager use authorized, or the denial of the ap-
22 plication; and

23 “(3) whether or not information was obtained
24 through the use of the clone pager.

1 Upon an ex parte showing of good cause, a court of com-
 2 petent jurisdiction may in its discretion postpone the serv-
 3 ing of the notice required by this section.”.

4 (c) CONFORMING AMENDMENT.—The analysis for
 5 chapter 206 of title 18, United States Code, is amended—

6 (1) by striking the item relating to section 3121
 7 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone
 pager use; exception.”;

8 (2) by striking the item relating to section 3124
 9 and inserting the following:

“3124. Assistance in installation and use of a pen register, a trap and trace
 device, or clone pager.”;

10 (3) by striking the item relating to section 3125
 11 and inserting the following:

“3125. Emergency pen register, trap and trace device, and clone pager installa-
 tion and use.”;

12 (4) by striking the item relating to section 3126
 13 and inserting the following:

“3126. Reports concerning pen registers, trap and trace devices, and clone
 pagers.”;

14 and

15 (5) by adding at the end the following:

“3128. Application for an order for use of a clone pager.
 “3129. Issuance of an order for use of a clone pager.”.

16 (d) CONFORMING AMENDMENTS.—

17 (1) Section 2511(2)(h) of title 18, United
 18 States Code, is amended by striking clause (i) and
 19 inserting the following:

1 “(i) to use a pen register, a trap and
2 trace device, or a clone pager (as those
3 terms are defined for the purposes of chap-
4 ter 206 (relating to pen registers, trap and
5 trace devices, and clone pagers) of this
6 title); or”.

7 (2) Section 2510(12) of title 18, United States
8 Code, is amended—

9 (A) in subparagraph (C), by striking “or”
10 at the end;

11 (B) by inserting “or” after subparagraph
12 (D); and

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

14 “(E) any transmission made through a
15 clone pager (as defined in section 3127(5) of
16 this title).”.

17 (3) Section 705(a) of the Communications Act
18 of 1934 (47 U.S.C. 605(a)) is amended by striking
19 “chapter 119” and inserting “chapters 119 and
20 206”.

21 **SEC. 2402. SENTENCING ENHANCEMENT FOR USING BODY**

22 **ARMOR IN COMMISSION OF A FELONY.**

23 (a) DEFINITIONS.—In this section:

24 (1) BODY ARMOR.—The term “body armor”
25 means any product sold or offered for sale as per-

1 sonal protective body covering intended to protect
2 against gunfire, regardless of whether the product is
3 to be worn alone or is sold as a complement to an-
4 other product or garment; and

5 (2) LAW ENFORCEMENT OFFICER.—The term
6 “law enforcement officer” means any officer, agent,
7 or employee of the United States, a State, or a polit-
8 ical subdivision of a State, authorized by law or by
9 a government agency to engage in or supervise the
10 prevention, detection, investigation, or prosecution of
11 any violation of criminal law.

12 (b) SENTENCING ENHANCEMENT.—Pursuant to its
13 authority under section 994(p) of title 28, United States
14 Code, the United States Sentencing Commission shall
15 amend the Federal sentencing guidelines to provide an ap-
16 propriate sentencing enhancement for any offense in which
17 the defendant used body armor.

18 (c) CONSISTENCY.—In carrying out this section, the
19 United States Sentencing Commission shall—

20 (1) ensure that there is reasonable consistency
21 with other Federal sentencing guidelines; and

22 (2) avoid duplicative punishment for substan-
23 tially the same offense.

24 (d) APPLICABILITY.—No Federal sentencing guide-
25 line amendment made under this section shall apply if the

1 Federal crime in which the body armor is used constitutes
2 a violation of, attempted violation of, or conspiracy to vio-
3 late the civil rights of a person by a law enforcement offi-
4 cer acting under color of the authority of such law enforce-
5 ment officer.

6 **SEC. 2403. SENTENCING ENHANCEMENT FOR USING LASER**
7 **SIGHTING DEVICES IN COMMISSION OF A**
8 **FELONY.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “firearm” has the same meaning
11 as in section 921 of title 18, United States Code;
12 and

13 (2) the term “laser-sighting device” includes
14 any device designed to be attached to a firearm that
15 uses technology, such as laser sighting, red-dot-
16 sighting, night sighting, telescopic sighting, or other
17 similarly effective technology, in order to enhance
18 target acquisition.

19 (b) SENTENCING ENHANCEMENT.—Pursuant to its
20 authority under section 994(p) of title 28, United States
21 Code, the United States Sentencing Commission shall
22 amend the Federal sentencing guidelines to provide an ap-
23 propriate sentencing enhancement for any serious violent
24 felony or serious drug offense, as defined in section 3559
25 of this title, in which the defendant—

1 (1) possessed a firearm equipped with a laser-
2 sighting device; or

3 (2) possessed a firearm and the defendant pos-
4 sessed a laser-sighting device (capable of being read-
5 ily attached to the firearm).

6 (c) CONSISTENCY.—In carrying out this section, the
7 United States Sentencing Commission shall—

8 (1) ensure that there is reasonable consistency
9 with other Federal sentencing guidelines; and

10 (2) avoid duplicative punishment for substan-
11 tially the same offense.

12 **SEC. 2404. GOVERNMENT ACCESS TO LOCATION INFORMA-**
13 **TION.**

14 (a) COURT ORDER REQUIRED.—Section 2703 of title
15 18, United States Code, is amended by adding at the end
16 the following:

17 “(g) REQUIREMENTS FOR DISCLOSURE OF LOCATION
18 INFORMATION.—A provider of mobile electronic commu-
19 nication service shall provide to a governmental entity in-
20 formation generated by and disclosing, on a real time
21 basis, the physical location of a subscriber’s equipment
22 only if the governmental entity obtains a court order
23 issued upon a finding that there is probable cause to be-
24 lieve that an individual using or possessing the subscriber

1 equipment is committing, has committed, or is about to
2 commit a felony offense.”.

3 (b) CONFORMING AMENDMENT.—Section
4 2703(c)(1)(B) of title 18, United States Code, is amended
5 by inserting “or wireless location information covered by
6 subsection (g) of this section” after “(b) of this section”.

7 **SEC. 2405. LIMITATION ON OBTAINING TRANSACTIONAL IN-**
8 **FORMATION FROM PEN REGISTERS OR TRAP**
9 **AND TRACE DEVICES.**

10 Subsection 3123(a) of title 18, United States Code,
11 is amended to read as follows:

12 “(a) IN GENERAL.—Upon an application made under
13 section 3122, the court may enter an ex parte order—

14 “(1) authorizing the installation and use of a
15 pen register or a trap and trace device within the ju-
16 risdiction of the court if the court finds, based on
17 the certification by the attorney for the Government
18 or the State law enforcement or investigative officer,
19 that the information likely to be obtained by such in-
20 stallation and use is relevant to an ongoing criminal
21 investigation; and

22 “(2) directing that the use of the pen register
23 or trap and trace device be conducted in such a way
24 as to minimize the recording or decoding of any elec-
25 tronic or other impulses that are not related to the

1 dialing and signaling information utilized in call
2 processing.”.

3 **Subtitle E—Grants To Target Gang**
4 **Crime and Violent Juveniles**

5 **PART 1—GRANTS TO PROSECUTORS’ OFFICES**

6 **SEC. 2511. AUTHORITY TO MAKE GRANTS TO PROSECU-**
7 **TORS TO COMBAT GANG CRIME AND YOUTH**
8 **VIOLENCE.**

9 Section 31702 of subtitle Q of title III of the Violent
10 Crime Control and Law Enforcement Act of 1994 (42
11 U.S.C. 13862) is amended—

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

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

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

17 “(5) to allow the hiring of additional prosecu-
18 tors, so that more cases can be prosecuted and back-
19 logs reduced;

20 “(6) to provide funding to enable prosecutors to
21 address drug, gang, and youth violence problems
22 more effectively;

23 “(7) to provide funding to assist prosecutors
24 with funding for technology, equipment, and training
25 to assist prosecutors in reducing the incidence of,

1 and increase the successful identification and speed
2 of prosecution of young violent offenders; and

3 “(8) to provide funding to assist prosecutors in
4 their efforts to engage in community prosecution,
5 problem solving, and conflict resolution techniques
6 through collaborative efforts with police, school offi-
7 cials, probation officers, social service agencies, and
8 community organizations.”.

9 **SEC. 2512. RECIPIENTS.**

10 Section 31701(a) of the Violent Crime Control and
11 Law Enforcement Act of 1994 (42 U.S.C. 13861(a)) is
12 amended by striking “or local prosecutors” and inserting
13 “local prosecutors, or combination thereof,”.

14 **SEC. 2513. AUTHORIZATION OF APPROPRIATIONS.**

15 Subtitle Q of title II of the Violent Crime Control
16 and Law Enforcement Act of 1994 (42 U.S.C. 13861 et
17 seq.) is amended by striking section 31707 and adding at
18 the end the following:

19 **“SEC. 31709. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
21 this subtitle, and to remain available until expended—

22 “(1) \$100,000,000 for each of fiscal years 2000
23 and 2001; and

24 “(2) such sums as may be necessary for each
25 of fiscal years 2002 and 2003.”.

1 **SEC. 2514. TRAINING, TECHNICAL ASSISTANCE, RESEARCH,**
2 **STATISTICS, AND EVALUATION.**

3 (a) IN GENERAL.—Subtitle Q of title III of the Vio-
4 lent Crime Control and Law Enforcement Act of 1994 (42
5 U.S.C. 31701 et seq.) is amended—

6 (1) by inserting after section 31706, the follow-
7 ing:

8 **“SEC. 31707. TRAINING AND TECHNICAL ASSISTANCE.**

9 “Two percent of all funds appropriated for this sub-
10 title shall be set aside for training and technical assistance
11 consistent with this subtitle, including providing funds to
12 training and technical assistance providers to assist orga-
13 nizations listed in section 31701(a) of this subtitle imple-
14 ment programs authorized under section 31702 of this
15 subtitle.

16 **“SEC. 31708. RESEARCH, STATISTICS, AND EVALUATION.**

17 “Ten percent of all funds appropriated for this sub-
18 title shall be set aside for research, statistics, and evalua-
19 tion activities consistent with this subtitle.”; and

20 (2) by redesignating section 31708 as section
21 31710.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents contained in section 2 of the Violent Crime Control
24 and Law Enforcement Act of 1994 (108 Stat. 1796) is
25 amended by striking the item relating to sections 31707
26 and 31708 and inserting the following:

“Sec. 31707. Training and technical assistance.
 “Sec. 31708. Research, statistics, and evaluation.
 “Sec. 31709. Authorization of appropriations.
 “Sec. 31710. Definitions.”.

1 **PART 2—HIGH INTENSITY INTERSTATE GANG**

2 **ACTIVITY AREAS**

3 **SEC. 2521. HIGH INTENSITY INTERSTATE GANG ACTIVITY**
 4 **AREAS.**

5 (a) DEFINITIONS.—In this section:

6 (1) GOVERNOR.—The term “Governor” means
 7 a Governor of a State or the Mayor of the District
 8 of Columbia.

9 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
 10 ITY AREA.—The term “high intensity interstate
 11 gang activity area” means an area within a State
 12 that is designated as a high intensity interstate gang
 13 activity area under subsection (b)(1).

14 (3) STATE.—The term “State” means a State
 15 of the United States or the District of Columbia.

16 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
 17 AREAS.—

18 (1) DESIGNATION.—The Attorney General,
 19 upon consultation with the Secretary of the Treas-
 20 ury and the Governors of appropriate States, may
 21 designate as a high intensity interstate gang activity
 22 area a specified area that is located—

23 (A) within a State; or

1 (B) in more than 1 State.

2 (2) ASSISTANCE.—In order to provide Federal
3 assistance to a high intensity interstate gang activity
4 area, the Attorney General may—

5 (A) facilitate the establishment of a re-
6 gional task force, consisting of Federal, State,
7 and local law enforcement authorities, for the
8 coordinated investigation, disruption, apprehen-
9 sion, and prosecution of criminal activities of
10 gangs and gang members in the high intensity
11 interstate gang activity area; and

12 (B) direct the detailing from any Federal
13 department or agency (subject to the approval
14 of the head of that department or agency, in
15 the case of a department or agency other than
16 the Department of Justice) of personnel to the
17 high intensity interstate gang activity area.

18 (3) CRITERIA FOR DESIGNATION.—In consider-
19 ing an area (within a State or within more than 1
20 State) for designation as a high intensity interstate
21 gang activity area, the Attorney General shall
22 consider—

23 (A) the extent to which gangs from the
24 area are involved in interstate or international
25 criminal activity;

1 (B) the extent to which the area is affected
2 by the criminal activity of gang members who—

3 (i) are located in, or have relocated
4 from, other States; or

5 (ii) are located in, or have immigrated
6 (legally or illegally) from, foreign countries;

7 (C) the extent to which the area is affected
8 by the criminal activity of gangs that originated
9 in other States or foreign countries;

10 (D) the extent to which State and local law
11 enforcement agencies have committed resources
12 to respond to the problem of criminal gang ac-
13 tivity in the area, as an indication of their de-
14 termination to respond aggressively to the prob-
15 lem;

16 (E) the extent to which a significant in-
17 crease in the allocation of Federal resources
18 would enhance local response to gang-related
19 criminal activities in the area; and

20 (F) any other criteria that the Attorney
21 General considers to be appropriate.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated \$100,000,000 for each of fiscal years

1 2000 through 2003, to be used in accordance with
2 paragraph (2).

3 (2) USE OF FUNDS.—Of the amounts author-
4 ized to be appropriated under paragraph (1)—

5 (A) 60 percent shall be used to carry out
6 subsection (b)(2); and

7 (B) 40 percent shall be used to make
8 grants for community-based programs to pro-
9 vide crime prevention and intervention services
10 that are designed for gang members and at-risk
11 youth in areas designated pursuant to this sec-
12 tion as high intensity interstate gang activity
13 areas.

14 (3) REQUIREMENT.—

15 (A) IN GENERAL.—The Attorney General
16 shall ensure that not less than 10 percent of
17 the amounts authorized under paragraph (1)
18 are used to assist rural States affected as de-
19 scribed in subparagraphs (B) and (C) of sub-
20 section (b)(3).

21 (B) DEFINITION OF RURAL STATE.—In
22 this paragraph, the term “rural State” has the
23 meaning given the term in section 1501(b) of
24 title I of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3796bb(b)).

1 **TITLE III—COMBATING**
2 **VIOLENCE ON THE STREETS**
3 **Subtitle A—More Police Officers on**
4 **the Beat**

5 **SEC. 3101. MORE POLICE OFFICERS ON THE BEAT.**

6 Section 1001(a)(11)(A) of title I of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3793(a)(11)(A)) is amended—

9 (1) in clause (v), by striking “and” at the end;

10 (2) in clause (vi), by striking the period at the
11 end and inserting a semicolon; and

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

13 “(vii) \$1,240,000,000 for fiscal year 2001; and

14 “(viii) \$1,240,000,000 for fiscal year 2002.”.

15 **SEC. 3102. GRANTS FOR EQUIPMENT, TECHNOLOGY, AND**
16 **SUPPORT SYSTEMS.**

17 Section 1701 of title I of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is
19 amended by striking subsection (b)(2)(A) and inserting
20 the following:

21 “(A) may not exceed 20 percent of the
22 funds available for grants pursuant to this sub-
23 section in any fiscal year.”.

1 **SEC. 3103. NATIONAL COMMUNITY POLICE.**

2 Part Q of title I of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is
4 amended by adding at the end the following:

5 **“SEC. 1710. NATIONAL POLICE TELECOMMUNICATIONS.**

6 “(a) FINDINGS.—Congress finds that—

7 “(1) police departments and sheriffs confirm
8 that the 911 system is overloaded and that a large
9 percentage of those calls are nonemergency calls;

10 “(2) many communities have seen increases in
11 their 911 call volumes of between 40 percent and 50
12 percent annually;

13 “(3) police officers are forced to spend too
14 much time responding to nonemergency situations,
15 which eliminates time for proactive community polic-
16 ing; and

17 “(4) efforts to limit the use of 911 by using
18 general telephone numbers and educating the public
19 to reference a general number in the telephone book
20 have been ineffective.

21 “(b) PURPOSE.—The purposes of this section are—

22 “(1) to encourage the Federal Communications
23 Commission to reserve the 311 nonemergency num-
24 ber on a national basis for use by public safety agen-
25 cies in responding to nonemergency police telephone
26 calls; and

1 “(2) to establish a Federal assistance program
2 to assist States and localities in establishing 311
3 nonemergency systems and to educate citizens in the
4 use of 911 and 311.

5 “(c) **AUTHORITY TO MAKE 311 NONEMERGENCY**
6 **GRANTS.**—The Attorney General, acting through the Di-
7 rector of the Office of Community Oriented Policing Serv-
8 ices, may make grants to States, units of local govern-
9 ments, Indian tribal governments, other public and private
10 entities, and multijurisdictional or regional consortia, to
11 encourage the use of and to implement 311 nonemergency
12 telecommunication systems for public safety.

13 “(d) **GENERAL REGULATORY AUTHORITY.**—The At-
14 torney General may promulgate regulations and guidelines
15 to carry out this section.

16 “(e) **AUTHORIZATION OF APPROPRIATIONS.**—There
17 are authorized to be appropriated from the Violent Crime
18 Reduction Trust Fund to carry out this section—

19 “(1) such sums as may be necessary for each
20 of fiscal years 2000 and 2001; and

21 “(2) \$10,000,000 in each of fiscal years 2002
22 and 2003.”.

23 **SEC. 3104. TECHNICAL AMENDMENT.**

24 Section 1001(a)(11)(B) of the Omnibus Crime Con-
25 trol and Safe Streets Act of 1968 (42 U.S.C.

1 3793(a)(11)(B)) is amended by striking “150,000” each
2 place it appears and inserting “100,000”.

3 **Subtitle B—Violent Offender Incar-**
4 **ceration and Truth-in-Sentenc-**
5 **ing Grants**

6 **SEC. 3201. FORMULA ALLOCATIONS.**

7 Section 20106 of the Violent Crime Control and Law
8 Enforcement Act of 1994 (42 U.S.C. 13706) is
9 amended—

10 (1) in subsection (a)(1), by striking subpara-
11 graph (B) and inserting the following:

12 “(B) FORMULA ALLOCATION.—The
13 amount remaining after application of subpara-
14 graph (A) shall be allocated as follows:

15 “(i) 0.75 percent shall be allocated to
16 each State that meets the requirements of
17 section 20103(b), except that the United
18 States Virgin Islands, American Samoa,
19 Guam, and the Commonwealth of the
20 Northern Mariana Islands, if eligible under
21 section 20103(b), shall each be allocated
22 0.05 percent.

23 “(ii) The amount remaining after ap-
24 plication of clause (i) shall be allocated to
25 each State that meets the requirements of

1 section 20103(b), in the ratio that the
2 number of part 1 violent crimes reported
3 by such State to the Federal Bureau of In-
4 vestigation for the 3 years preceding the
5 year in which the determination is made,
6 bears to the average annual number of
7 part 1 violent crimes reported by all States
8 that meet the requirements of section
9 20103(b) to the Federal Bureau of Inves-
10 tigation for the 3 years preceding the year
11 in which the determination is made.”; and

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

14 “(b) ALLOCATION OF TRUTH-IN-SENTENCING
15 GRANTS UNDER SECTION 20104.—The amounts available
16 for grants under section 20104 shall be allocated as fol-
17 lows:

18 “(1) FORMULA ALLOCATION.—0.75 percent
19 shall be allocated to each State that meets the re-
20 quirements of section 20104, except that the United
21 States Virgin Islands, American Samoa, Guam, and
22 the Commonwealth of the Northern Mariana Is-
23 lands, if eligible under section 20104, shall each be
24 allocated 0.05 percent.

1 “(2) **ADDITIONAL ALLOCATION.**—The amount
2 remaining after application of paragraph (1) shall be
3 allocated to each State that meets the requirements
4 of section 20104, in the ratio that the number of
5 part 1 violent crimes reported by such State to the
6 Federal Bureau of Investigation for the 3 years pre-
7 ceding the year in which the determination is made,
8 bears to the average annual number of part 1 violent
9 crimes reported by all States that meet the require-
10 ments of section 20103(b) to the Federal Bureau of
11 Investigation for the 3 years preceding the year in
12 which the determination is made.”.

13 **SEC. 3202. EXTENSION OF VIOLENT OFFENDER INCARCER-**
14 **ATION AND TRUTH-IN-SENTENCING GRANTS.**

15 (a) **VIOLENT OFFENDER INCARCERATION GRANTS.**—
16 Section 20108(a) of the Violent Crime Control and Law
17 Enforcement Act of 1994 (42 U.S.C. 13708(a)) is
18 amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (D), by striking
21 “and” at the end;

22 (B) in subparagraph (E), by striking the
23 period at the end and inserting a semicolon;
24 and

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

1 “(F) \$2,750,000,000 for fiscal year 2001;

2 and

3 “(G) \$2,750,000,000 for fiscal year

4 2002.”; and

5 (2) in paragraph (2)(A), by striking “fiscal
6 year,” and all that follows before the period and in-
7 serting the following: “fiscal year distribute 45 per-
8 cent for incarceration grants under section 20103,
9 45 percent for incentive grants under section 20104,
10 and 10 percent for violent juvenile offender incarcer-
11 ation grants under section 1301 of the Safe Schools,
12 Safe Streets, and Secure Borders Act of 1999”.

13 (b) TRUTH IN SENTENCING GRANTS.—Section
14 20102(a) of the Violent Crime Control and Law Enforce-
15 ment Act of 1994 (42 U.S.C. 13702(a)) is amended—

16 (1) in paragraph (2), by striking “and” at the
17 end;

18 (2) in paragraph (3), by striking the period at
19 the end and inserting “; and”; and

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

21 “(4) for hiring professional staff to supervise
22 violent offenders following release from custody and
23 officers of the court to speed the prosecution of vio-
24 lent offenders.”.

1 **SEC. 3203. ELIGIBILITY OF QUALIFYING INDETERMINATE**
 2 **SENTENCING STATES FOR TRUTH-IN-SEN-**
 3 **TENCING INCENTIVE GRANTS.**

4 Section 20102(a)(3) of the Violent Crime Control and
 5 Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3))
 6 is amended by striking “on April 26, 1996” and inserting
 7 “on or after April 26, 1996”.

8 **Subtitle C—Domestic Violence**

9 **SEC. 3301. EXTENSION OF VIOLENCE AGAINST WOMEN ACT.**

10 (a) GRANTS TO COMBAT VIOLENT CRIMES AGAINST
 11 WOMEN.—Section 1001(a)(18) of title I of the Omnibus
 12 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 13 3793(a)(18)) is amended—

14 (1) in subparagraph (E), by striking “and” at
 15 the end;

16 (2) in subparagraph (F), by inserting “and” at
 17 the end; and

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

19 “(G) \$174,000,000 for fiscal year 2001; and

20 “(H) \$174,000,000 for fiscal year 2002.”.

21 (b) EDUCATION AND PREVENTION GRANTS TO RE-
 22 DUCE SEXUAL ASSAULTS AGAINST WOMEN.—

23 (1) IN GENERAL.—Section 40151 of the Violent
 24 Crime Control and Law Enforcement Act of 1994
 25 (108 Stat. 1920) is amended by striking “Health

1 and Human Services” and inserting “Health Serv-
2 ice”.

3 (2) AMENDMENT.—Section 1910A(c) of the
4 Public Health Service Act (42 U.S.C. 300w–10(c))
5 is amended—

6 (A) in paragraph (4), by striking “and” at
7 the end; and

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

9 “(6) \$45,000,000 for fiscal year 2001; and

10 “(7) \$45,000,000 for fiscal year 2002.”.

11 (c) GRANT FOR NATIONAL DOMESTIC VIOLENCE
12 HOTLINE.—Section 316(f) of the Family Violence Preven-
13 tion and Services Act (42 U.S.C. 10416(f)) is amended—

14 (1) in subparagraph (E), by striking “and” at
15 the end;

16 (2) in subparagraph (F), by adding “and” at
17 the end; and

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

19 “(G) \$500,000 for fiscal year 2001; and

20 “(H) \$500,000 for fiscal year 2002.”.

21 (d) GRANTS FOR BATTERED WOMEN’S SHELTERS.—
22 Section 310(a) of the Family Violence Prevention and
23 Services Act (42 U.S.C. 10409(a)) is amended—

24 (1) in paragraph (4), by striking “and” at the
25 end;

1 (2) in paragraph (5), by adding “and” at the
2 end; and

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

4 “(6) \$72,500,000 for fiscal year 2001; and

5 “(7) \$72,500,000 for fiscal year 2002.”.

6 (e) VICTIMS OF CHILD ABUSE PROGRAMS.—Section
7 218(a) of the Victims of Child Abuse Act of 1990 (42
8 U.S.C. 13014(a)) is amended—

9 (1) in paragraph (4), by striking “and” at the
10 end;

11 (2) in paragraph (5), by adding “and” at the
12 end; and

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

14 “(6) \$10,000,000 for fiscal year 2001; and

15 “(7) \$10,000,000 for fiscal year 2002.”.

16 **SEC. 3302. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE**
17 **ENFORCEMENT ASSISTANCE.**

18 Section 1501(b) of title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b))
20 is amended—

21 (1) by striking “or a State” and inserting “, a
22 State”; and

23 (2) by striking “through fiscal year 1997” and
24 inserting “, or a State that has a population density
25 of more than 60 persons per square mile (as deter-

1 mined by the Bureau of the Census of the Depart-
2 ment of Commerce)”.

3 **SEC. 3303. PUNISHMENT OF ATTEMPTS TO COMMIT INTER-**
4 **STATE DOMESTIC VIOLENCE OFFENSE.**

5 Section 2261(a) of title 18, United States Code, is
6 amended—

7 (1) in paragraph (1), by inserting “or attempts
8 to do so,” after “thereby causes bodily injury to
9 such spouse or intimate partner,”; and

10 (2) in paragraph (2), by inserting “or attempts
11 to do so,” after “thereby causes bodily injury to the
12 person’s spouse or intimate partner,”.

13 **SEC. 3304. EXPANSION OF INTERSTATE DOMESTIC VIO-**
14 **LENCE OFFENSE TO COVER INTIMIDATION.**

15 Section 2261A of title 18, United States Code, is
16 amended by striking “injure or harass” and inserting “in-
17 jure, harass, or intimidate”.

18 **SEC. 3305. PUNISHMENT OF INTERSTATE TRAVEL WITH IN-**
19 **TENT TO KILL SPOUSE.**

20 (a) Sections 2261(b)(3) and 2262(b)(3) of title 18,
21 United States Code, are each amended by inserting “(as
22 defined in section 2119(2) of this title)” after “serious
23 bodily injury”.

1 (b) Section 2261A of title 18, United States Code,
 2 is amended by striking “section 1365(g)(3)” and inserting
 3 “section 2119(2)”;

4 (c)(1) Section 2261 of title 18, United States Code,
 5 is amended—

6 (A) in subsection (a)(1), by striking “with the
 7 intent to injure, harass, or intimidate” and inserting
 8 “with the intent to kill, injure, harass, or intimi-
 9 date”; and

10 (B) in subsection (a) (1) and (2), by inserting
 11 “or death” after “and thereby causes bodily injury”.

12 (2) Section 2262 of title 18, United States Code, is
 13 amended—

14 (A) in subsection (a)(1), by inserting “or
 15 death” after “bodily injury”; and

16 (B) in subsection (a)(2), by striking “commits
 17 an act that injures” and inserting “commits an act
 18 that causes bodily injury or death to”.

19 **Subtitle D—Assistance to Local** 20 **Law Enforcement**

21 **SEC. 3401. EXTENSION OF LAW ENFORCEMENT FAMILY** 22 **SUPPORT FUNDING.**

23 Section 1001(a)(21) of title I of the Omnibus Crime
 24 Control and Safe Streets Act of 1968 (42 U.S.C.
 25 3793(a)(21)) is amended—

1 (1) by redesignating paragraphs (1) through
2 (5) as subparagraphs (A) through (E), respectively;

3 (2) in subparagraph (D), as redesignated, by
4 striking “and” at the end;

5 (3) in subparagraph (E), as redesignated, by
6 striking the period at the end and inserting a semi-
7 colon; and

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

9 “(F) \$7,500,000 for fiscal year 2001; and

10 “(G) \$7,500,000 for fiscal year 2002.”.

11 **SEC. 3402. EXTENSION OF RURAL DRUG ENFORCEMENT**
12 **AND TRAINING FUNDING.**

13 (a) OMNIBUS CRIME CONTROL AND SAFE STREETS
14 ACT OF 1968.—Section 1001(a)(9) of title I of the Omni-
15 bus Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3793(a)(9)) is amended—

17 (1) in subparagraph (D), by striking “and” at
18 the end;

19 (2) in subparagraph (E), by striking the period
20 at the end and inserting a semicolon; and

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

22 “(F) \$66,000,000 for fiscal year 2001; and

23 “(G) \$66,000,000 for fiscal year 2002.”.

24 (b) VIOLENT CRIME CONTROL AND LAW ENFORCE-
25 MENT ACT OF 1994.—Section 18103(b) of the Violent

1 Crime Control and Law Enforcement Act of 1994 (42
2 U.S.C. 14082(b)) is amended—

3 (1) in paragraph (4), by striking “and” at the
4 end;

5 (2) in paragraph (5), by striking the period at
6 the end and inserting a semicolon; and

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

8 “(6) \$1,000,000 for fiscal year 2001; and

9 “(7) \$1,000,000 for fiscal year 2002.”.

10 **SEC. 3403. EXTENSION OF DNA IDENTIFICATION GRANTS**

11 **FUNDING.**

12 Section 1001(a) of title I of the Omnibus Crime Con-
13 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a))
14 is amended by redesignating paragraphs (16) through
15 (22) as paragraphs (12) through (17), respectively.

16 **SEC. 3404. EXTENSION OF BYRNE GRANT FUNDING.**

17 Section 210101 of the Violent Crime Control and
18 Law Enforcement Act of 1994 (Public Law 103–322; 108
19 Stat. 2061) is amended—

20 (1) by striking “through 2000” and inserting
21 “through 2002”;

22 (2) in paragraph (5), by striking “and” at the
23 end;

24 (3) in paragraph (6), by striking the period at
25 the end and inserting a semicolon; and

1 (4) by adding at the end the following:

2 “(7) \$200,000,000 for fiscal year 2001; and

3 “(8) \$200,000,000 for fiscal year 2002.”.

4 **SEC. 3405. EXTENSION OF TECHNICAL AUTOMATION GRANT**
5 **FUNDING.**

6 Section 210501(c) of the Violent Crime Control and
7 Law Enforcement Act of 1994 (42 U.S.C. 14151(c)) is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (D), by striking
11 “and” at the end;

12 (B) in subparagraph (E), by striking the
13 period at the end and inserting a semicolon;
14 and

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

16 “(F) for fiscal year 2001, \$24,000,000;
17 and

18 “(G) for fiscal year 2002, \$24,000,000;”;
19 and

20 (2) in paragraph (2)—

21 (A) in subparagraph (D), by striking
22 “and” at the end;

23 (B) in subparagraph (E), by striking
24 “and” at the end; and

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

1 “(F) for fiscal year 2001, \$6,000,000; and
2 “(G) for fiscal year 2002, \$6,000,000;
3 and”.

4 **SEC. 3406. EXTENSION OF GRANTS FOR STATE COURT**
5 **PROSECUTORS.**

6 Section 21602 of the Violent Crime Control and Law
7 Enforcement Act of 1994 (42 U.S.C. 14161) is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “other criminal justice par-
11 ticipants” and inserting “other criminal justice
12 participants, in both the adult and juvenile sys-
13 tems,”;

14 (B) by striking “this Act” and all that fol-
15 lows before the period at the end of the section
16 and inserting “this Act, the Safe Schools, Safe
17 Streets, and Secure Borders Act of 1999, and
18 amendments thereto”;

19 (2) by redesignating subsection (d) as sub-
20 section (e);

21 (3) by inserting after subsection (c) the follow-
22 ing:

23 “(d) Not less than 20 percent of the total amount
24 appropriated to carry out this subtitle in each of fiscal
25 years 2001 and 2002 shall be made available for providing

1 increased resources to State juvenile courts systems, juve-
 2 nile prosecutors, juvenile public defenders, and other juve-
 3 nile court system participants.”;

4 (4) in subsection (e)—

5 (A) in paragraph (4), by striking “and” at
 6 the end;

7 (B) in paragraph (5), by striking the
 8 comma at the end and inserting a semicolon;
 9 and

10 (C) by inserting immediately after para-
 11 graph (5) the following:

12 “(6) \$250,000,000 for fiscal year 2001; and

13 “(7) \$250,000,000 for fiscal year 2002.”.

14 **Subtitle E—Protecting Federal,**
 15 **State, and Local Law Enforce-**
 16 **ment Officers and the Judiciary**

17 **SEC. 3501. EXPANSION OF PROTECTION OF FEDERAL OFFI-**
 18 **CERS AND EMPLOYEES FROM MURDER DUE**
 19 **TO THEIR STATUS.**

20 Section 1114 of title 18, United States Code, is
 21 amended—

22 (1) by inserting “or because of the status of the
 23 victim as such an officer or employee,” after “on ac-
 24 count of the performance of official duties,”; and

1 (2) by inserting “or, if the person assisting is
2 an officer or employee of a State or local govern-
3 ment, because of the status of the victim as such an
4 officer or employee,” after “on account of that as-
5 sistance,”.

6 **SEC. 3502. ASSAULTING, RESISTING, OR IMPEDING CER-**
7 **TAIN OFFICERS OR EMPLOYEES.**

8 Section 111 of title 18, United States Code, is
9 amended—

10 (1) in subsection (a), by striking “three” and
11 inserting “12”; and

12 (2) in subsection (b), by striking “ten” and in-
13 serting “20”.

14 **SEC. 3503. INFLUENCING, IMPEDING, OR RETALIATING**
15 **AGAINST A FEDERAL OFFICIAL BY THREAT-**
16 **ENING A FAMILY MEMBER.**

17 Section 115(b)(4) of title 18, United States Code, is
18 amended—

19 (1) by striking “five” and inserting “10”; and

20 (2) by striking “three” and inserting “6”.

21 **SEC. 3504. MAILING THREATENING COMMUNICATIONS.**

22 Section 876 of title 18, United States Code, is
23 amended—

1 (1) by designating the first 4 undesignated
2 paragraphs as subsections (a) through (d), respec-
3 tively;

4 (2) in subsection (c), as so designated, by add-
5 ing at the end the following: “If such a communica-
6 tion is addressed to a United States judge, a Fed-
7 eral law enforcement officer, or an official who is
8 covered by section 1114, the individual shall be fined
9 under this title, imprisoned not more than 10 years,
10 or both.”; and

11 (3) in subsection (d), as so designated, by add-
12 ing at the end the following: “If such a communica-
13 tion is addressed to a United States judge, a Fed-
14 eral law enforcement officer, or an official who is
15 covered by section 1114, the individual shall be fined
16 under this title, imprisoned not more than 10 years,
17 or both.”.

18 **SEC. 3505. AMENDMENT OF THE SENTENCING GUIDELINES**
19 **FOR ASSAULTS AND THREATS AGAINST FED-**
20 **ERAL JUDGES AND CERTAIN OTHER FED-**
21 **ERAL OFFICIALS AND EMPLOYEES.**

22 (a) IN GENERAL.—Pursuant to its authority under
23 section 994 of title 28, United States Code, the United
24 States Sentencing Commission shall review and amend the
25 Federal sentencing guidelines and the policy statements

1 of the commission, if appropriate, to provide an appro-
2 priate sentencing enhancement for offenses involving in-
3 fluencing, assaulting, resisting, impeding, retaliating
4 against, or threatening a Federal judge, magistrate judge,
5 or any other official described in section 111 or 115 of
6 title 18, United States Code.

7 (b) FACTORS FOR CONSIDERATION.—In carrying out
8 this section, the United States Sentencing Commission
9 shall consider, with respect to each offense described in
10 subsection (a)—

11 (1) any expression of congressional intent re-
12 garding the appropriate penalties for the offense;

13 (2) the range of conduct covered by the offense;

14 (3) the existing sentences for the offense;

15 (4) the extent to which sentencing enhance-
16 ments within the Federal sentencing guidelines and
17 the court's authority to impose a sentence in excess
18 of the applicable guideline range are adequate to en-
19 sure punishment at or near the maximum penalty
20 for the most egregious conduct covered by the of-
21 fense;

22 (5) the extent to which Federal sentencing
23 guideline sentences for the offense have been con-
24 strained by statutory maximum penalties;

1 (6) the extent to which Federal sentencing
2 guidelines for the offense adequately achieve the
3 purposes of sentencing as set forth in section
4 3553(a)(2) of title 18, United States Code;

5 (7) the relationship of Federal sentencing
6 guidelines for the offense to the Federal sentencing
7 guidelines for other offenses of comparable serious-
8 ness; and

9 (8) any other factors that the Commission con-
10 siders to be appropriate.

11 **SEC. 3506. EXTENSION OF BULLETPROOF VEST PARTNER-**
12 **SHIP GRANT ACT.**

13 Section 1001(a) of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is
15 amended—

16 (1) by redesignating paragraph (23), as added
17 by the Bulletproof Vest Partnership Grant Act of
18 1998 (42 U.S.C. 3711 note), as paragraph (18); and

19 (2) in paragraph (18), as so redesignated, by
20 striking “fiscal years 1999 through 2001” and in-
21 serting “fiscal years 1999 through 2004”.

22 **SEC. 3507. KILLING PERSONS AIDING FEDERAL INVESTIGA-**
23 **TIONS OR STATE CORRECTIONAL OFFICERS.**

24 Section 1121(a)(1) of title 18, United States Code,
25 is amended in the matter preceding subparagraph (A), by

1 inserting “, State, or joint Federal-State” after “a Fed-
2 eral”.

3 **SEC. 3508. KILLING STATE CORRECTIONAL OFFICERS.**

4 Section 1121(b)(3) of title 18, United States Code,
5 is amended—

6 (1) in subparagraph (A), by striking “or” at
7 the end;

8 (2) in subparagraph (B), by striking the period
9 at the end and inserting “; or”; and

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

11 “(C) the incarcerated person is incarcer-
12 ated pending an initial appearance, arraign-
13 ment, trial, or appeal for an offense against the
14 United States.”.

15 **SEC. 3509. ESTABLISHMENT OF PROTECTIVE FUNCTION**
16 **PRIVILEGE.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The physical safety of the Nation’s top
20 elected officials is a public good of transcendent im-
21 portance.

22 (2) By virtue of the critical importance of the
23 Office of the President, the President and those in
24 direct line of the Presidency are subject to unique
25 and mortal jeopardy—jeopardy that in turn threat-

1 ens profound disruption to our system of representa-
2 tive government and to the security and future of
3 the Nation.

4 (3) The physical safety of visiting heads of for-
5 eign states and foreign governments is also a matter
6 of paramount importance. The assassination of such
7 a person while on American soil could have calami-
8 tous consequences for our foreign relations and na-
9 tional security.

10 (4) Given these grave concerns, Congress has
11 provided for the Secret Service to protect the Presi-
12 dent and those in direct line of the Presidency, and
13 has directed that these officials may not waive such
14 protection. Congress has also provided for the Secret
15 Service to protect visiting heads of foreign states
16 and foreign governments.

17 (5) The protective strategy of the Secret Serv-
18 ice depends critically on the ability of its personnel
19 to maintain close and unremitting physical proximity
20 to the protectee.

21 (6) Secret Service personnel must remain at the
22 side of the protectee on occasions of confidential
23 conversations and, as a result, may overhear top se-
24 cret discussions, diplomatic exchanges, sensitive con-
25 versations, and matters of personal privacy.

1 (7) The necessary level of proximity can be
2 maintained only in an atmosphere of complete trust
3 and confidence between the protectee and his or her
4 protectors.

5 (8) If a protectee has reason to doubt the con-
6 fidentiality of actions or conversations taken in sight
7 or hearing of Secret Service personnel, the protectee
8 may seek to push the protective envelope away or
9 undermine it to the point at which it could no longer
10 be fully effective.

11 (9) The possibility that Secret Service personnel
12 might be compelled to testify against their protectees
13 could induce foreign nations to refuse Secret Service
14 protection in future state visits, making it impossible
15 for the Secret Service to fulfill its important statu-
16 tory mission of protecting the life and safety of for-
17 eign dignitaries.

18 (10) A privilege protecting information acquired
19 by Secret Service personnel while performing their
20 protective function in physical proximity to a
21 protectee will preserve the security of the protectee
22 by lessening the incentive of the protectee to dis-
23 tance Secret Service personnel in situations in which
24 there is some risk to the safety of the protectee.

1 (11) Recognition of a protective function privi-
2 lege for the President and those in direct line of the
3 Presidency, and for visiting heads of foreign states
4 and foreign governments, will promote sufficiently
5 important interests to outweigh the need for pro-
6 bative evidence.

7 (12) Because Secret Service personnel retain
8 law enforcement responsibility even while engaged in
9 their protective function, the privilege must be sub-
10 ject to a crime/treason exception.

11 (b) PURPOSES.—The purposes of this Act are—

12 (1) to facilitate the relationship of trust and
13 confidence between Secret Service personnel and cer-
14 tain protected officials that is essential to the ability
15 of the Secret Service to protect these officials, and
16 the Nation, from the risk of assassination; and

17 (2) to ensure that Secret Service personnel are
18 not precluded from testifying in a criminal investiga-
19 tion or prosecution about unlawful activity commit-
20 ted within their view or hearing.

21 (c) ADMISSIBILITY OF INFORMATION ACQUIRED BY
22 SECRET SERVICE PERSONNEL WHILE PERFORMING
23 THEIR PROTECTIVE FUNCTION.—

1 (1) PROTECTIVE FUNCTION PRIVILEGE.—Chap-
2 ter 203 of title 18, United States Code, is amended
3 by inserting after section 3056 the following:

4 **“§ 3056A. Testimony by Secret Service personnel; pro-**
5 **tective function privilege**

6 “(a) DEFINITIONS.—In this section:

7 “(1) PROTECTEE.—The term ‘protectee’
8 means—

9 “(A) the President;

10 “(B) the Vice President (or other officer
11 next in the order of succession to the Office of
12 President);

13 “(C) the President-elect;

14 “(D) the Vice President-elect; and

15 “(E) visiting heads of foreign states or for-
16 eign governments who, at the time and place
17 concerned, are being provided protection by the
18 United States Secret Service.

19 “(2) SECRET SERVICE PERSONNEL.—The term
20 ‘Secret Service personnel’ means any officer or agent
21 of the United States Secret Service.

22 “(b) GENERAL RULE OF PRIVILEGE.—Subject to
23 subsection (c), testimony by Secret Service personnel or
24 former Secret Service personnel regarding information af-
25 fecting a protectee that was acquired during the perform-

1 ance of a protective function in physical proximity to the
2 protectee shall not be received in evidence or otherwise dis-
3 closed in any trial, hearing, or other proceeding in or be-
4 fore any court, grand jury, department, officer, agency,
5 regulatory body, or other authority of the United States,
6 a State, or a political subdivision thereof.

7 “(c) EXCEPTIONS.—There is no privilege under this
8 section—

9 “(1) with respect to information that, at the
10 time the information was acquired by Secret Service
11 personnel, was sufficient to provide reasonable
12 grounds to believe that a crime had been, was being,
13 or would be committed; or

14 “(2) if the privilege is waived by the protectee
15 or the legal representative of a protectee or deceased
16 protectee.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENT.—The analysis for chapter 203 of title 18,
19 United States Code, is amended by inserting after
20 the item relating to section 3056 the following:

“3056A. Testimony by Secret Service personnel; protective function privilege.”.

21 (3) APPLICATION.—This Act and the amend-
22 ments made by this Act shall apply to any proceed-
23 ing commenced on or after the date of enactment of
24 this Act.

1 **Subtitle F—Extension of Violent**
2 **Crime Reduction Trust Fund**

3 **SEC. 3601. EXTENSION OF VIOLENT CRIME REDUCTION**
4 **TRUST FUND.**

5 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
6 MENT ACT OF 1994.—Section 310001(b) of the Violent
7 Crime Control and Law Enforcement Act of 1994 (42
8 U.S.C. 14211(b)) is amended—

9 (1) in paragraph (5), by striking “and” at the
10 end;

11 (2) in paragraph (6), by striking the period at
12 the end and inserting a semicolon; and

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

14 “(7) for fiscal year 2001, \$6,500,000,000; and

15 “(8) for fiscal year 2002, \$6,500,000,000.”.

16 (b) REDUCTION IN DISCRETIONARY SPENDING LIM-
17 ITS.—Beginning on the date of enactment of this Act, the
18 discretionary spending limits set forth in section 601(a)(1)
19 of the Congressional Budget Act of 1974 (2 U.S.C.
20 665(a)(2)) (as adjusted in conformance with section 251
21 of the Balanced Budget and Emergency Deficit Control
22 Act of 1985, and in the Senate, with section 301 of House
23 Concurrent Resolution 178 (104th Congress)) for fiscal
24 years 2001 through 2002 are reduced as follows:

1 (1) For fiscal year 2001, for the discretionary
2 category: \$6,500,000,000 in new budget authority
3 and \$6,225,000,000 in outlays.

4 (2) For fiscal year 2002, for the discretionary
5 category: \$6,500,000,000 in new budget authority
6 and \$6,225,000,000 in outlays.

7 **Subtitle G—Punishing Hate Crimes**
8 **and Protecting Civil Rights**

9 **SEC. 3701. PUNISHING HATE CRIMES.**

10 (a) **SHORT TITLE.**—This subtitle may be cited as the
11 “Hate Crimes Prevention Act of 1999”.

12 (b) **FINDINGS.**—Congress finds that—

13 (1) the incidence of violence motivated by the
14 actual or perceived race, color, national origin, reli-
15 gion, sexual orientation, gender, or disability of the
16 victim poses a serious national problem;

17 (2) such violence disrupts the tranquility and
18 safety of communities and is deeply divisive;

19 (3) existing Federal law is inadequate at ad-
20 dressing this problem;

21 (4) such violence affects interstate commerce in
22 many ways, including—

23 (A) by impeding the movement of members
24 of targeted groups and forcing such members to

1 move across State lines to escape the incidence
2 or risk of such violence; and

3 (B) by preventing members of targeted
4 groups from purchasing goods and services, ob-
5 taining or sustaining employment or participat-
6 ing in other commercial activity;

7 (5) perpetrators cross State lines to commit
8 such violence;

9 (6) instrumentalities of interstate commerce are
10 used to facilitate the commission of such violence;

11 (7) such violence is committed using articles
12 that have traveled in interstate commerce;

13 (8) violence motivated by bias that is a relic of
14 slavery can constitute badges and incidents of slav-
15 ery;

16 (9) although many local jurisdictions have at-
17 tempted to respond to the challenges posed by such
18 violence, the problem is sufficiently serious, wide-
19 spread, and interstate in scope to warrant Federal
20 intervention to assist such jurisdictions; and

21 (10) many States have no laws addressing vio-
22 lence based on the actual or perceived race, color,
23 national origin, religion, sexual orientation, gender,
24 or disability, of the victim, while other States have
25 laws that provide only limited protection.

1 (c) DEFINITION OF HATE CRIME.—In this Act, the
2 term “hate crime” has the same meaning as in section
3 280003(a) of the Violent Crime Control and Law Enforce-
4 ment Act of 1994 (28 U.S.C. 994 note).

5 (d) PROHIBITION OF CERTAIN ACTS OF VIO-
6 LENCE.—Section 245 of title 18, United States Code, is
7 amended—

8 (1) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively; and

10 (2) by inserting after subsection (b) the follow-
11 ing:

12 “(c)(1) Whoever, whether or not acting under color
13 of law, willfully causes bodily injury to any person or,
14 through the use of fire, a firearm, or an explosive device,
15 attempts to cause bodily injury to any person, because of
16 the actual or perceived race, color, religion, or national
17 origin of any person—

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

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

24 “(i) death results from the acts committed
25 in violation of this paragraph; or

1 “(ii) the acts committed in violation of this
2 paragraph include kidnapping or an attempt to
3 kidnap, aggravated sexual abuse or an attempt
4 to commit aggravated sexual abuse, or an at-
5 tempt to kill.

6 “(2)(A) Whoever, whether or not acting under color
7 of law, in any circumstances described in subparagraph
8 (B), willfully causes bodily injury to any person or,
9 through the use of fire, a firearm, or an explosive device,
10 attempts to cause bodily injury to any person, because of
11 the actual or perceived religion, gender, sexual orientation,
12 or disability of any person—

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

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

19 “(I) death results from the acts committed
20 in violation of this paragraph; or

21 “(II) the acts committed in violation of
22 this paragraph include kidnapping or an at-
23 tempt to kidnap, aggravated sexual abuse or an
24 attempt to commit aggravated sexual abuse, or
25 an attempt to kill.

1 “(B) For purposes of subparagraph (A), the cir-
2 cumstances described in this subparagraph are that—

3 “(i) in connection with the offense, the defend-
4 ant or the victim travels in interstate or foreign
5 commerce, uses a facility or instrumentality of inter-
6 state or foreign commerce, or engages in any activity
7 affecting interstate or foreign commerce; or

8 “(ii) the offense is in or affects interstate or
9 foreign commerce.”.

10 (e) DUTIES OF FEDERAL SENTENCING COMMIS-
11 SION.—

12 (1) AMENDMENT OF FEDERAL SENTENCING
13 GUIDELINES.—Pursuant to its authority under sec-
14 tion 994 of title 28, United States Code, the United
15 States Sentencing Commission shall study the issue
16 of adult recruitment of juveniles to commit hate
17 crimes and shall, if appropriate, amend the Federal
18 sentencing guidelines to provide sentencing enhance-
19 ments (in addition to the sentencing enhancement
20 provided for the use of a minor during the commis-
21 sion of an offense) for adult defendants who recruit
22 juveniles to assist in the commission of hate crimes.

23 (2) CONSISTENCY WITH OTHER GUIDELINES.—
24 In carrying out this section, the United States Sen-
25 tencing Commission shall—

1 (A) ensure that there is reasonable consist-
2 ency with other Federal sentencing guidelines;
3 and

4 (B) avoid duplicative punishments for sub-
5 stantially the same offense.

6 (f) GRANT PROGRAM.—

7 (1) AUTHORITY TO MAKE GRANTS.—The Ad-
8 ministrator of the Office of Juvenile Justice and De-
9 linquency Prevention of the Department of Justice
10 shall make grants, in accordance with such regula-
11 tions as the Attorney General may prescribe, to
12 State and local programs designed to combat hate
13 crimes committed by juveniles.

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

17 (g) AUTHORIZATION FOR ADDITIONAL PERSONNEL
18 TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.—

19 There are authorized to be appropriated to the Depart-
20 ment of the Treasury and the Department of Justice, in-
21 cluding the Community Relations Service, for fiscal years
22 2000, 2001, and 2002 such sums as are necessary to in-
23 crease the number of personnel to prevent and respond
24 to alleged violations of section 245 of title 18, United

1 States Code (as amended by subsection (d) of this sec-
2 tion).

3 (h) SEVERABILITY.—If any provision of this section,
4 an amendment made by this section, or the application
5 of such provision or amendment to any person or cir-
6 cumstance is held to be unconstitutional, the remainder
7 of this section, the amendments made by this section, and
8 the application of the provisions of such to any person or
9 circumstance shall not be affected thereby.

10 **SEC. 3702. ATTEMPTED DEPRIVATION OF CIVIL RIGHTS**
11 **UNDER COLOR OF LAW.**

12 Section 242 of title 18, United States Code, is
13 amended by inserting “or attempts to willfully subject”
14 after “willfully subjects”.

15 **SEC. 3703. HATE CRIMES STATISTICS ACT.**

16 Subsection (b) of the first section of the Hate Crimes
17 Statistics Act (28 U.S.C. 534 note) is amended by adding
18 at the end the following:

19 “(6) In acquiring data under this section, the Attor-
20 ney General shall, beginning for calendar year 1999, in-
21 clude data regarding the age of offenders who have com-
22 mitted crimes covered by this section.”.

1 **SEC. 3704. IMPROVEMENT OF HATE CRIMES SENTENCING**
2 **PROCEDURE.**

3 Section 280003(b) of the Violent Crime Control and
4 Law Enforcement Act of 1994 (28 U.S.C. 994 note) is
5 amended by striking “the finder of fact at trial” and in-
6 serting “the court at sentencing”.

7 **SEC. 3705. PROTECTING CITIZENS AGAINST SEARCHES BY**
8 **BOUNTY HUNTERS.**

9 (a) **SHORT TITLE.**—This section may be cited as the
10 “Privacy Protection Against Bounty Hunters Act of
11 1999”.

12 (b) **FINDINGS.**—Congress finds that—

13 (1) the use of bail enforcement officers, also
14 known as bounty hunters, to return fugitives to cus-
15 tody has grown in recent years, increasing to 24,000
16 arrests made by bail enforcement officers in the
17 United States in 1994;

18 (2) unlike law enforcement officers, bail en-
19 forcement officers, as private actors, are not subject
20 to the prohibition against unreasonable searches and
21 seizures in the fourth amendment to the Constitu-
22 tion of the United States;

23 (3) Federal law, under the 1872 Supreme
24 Court decision of *Taylor v. Taintor*, 83 U.S. 366,
25 provides that bail enforcement officers may break

1 and enter a private dwelling in pursuit of a fugitive;
2 and

3 (4) in the course of their duties, bail enforce-
4 ment officers often move in and affect interstate
5 commerce.

6 (c) PROHIBITION AND PENALTIES.—

7 (1) IN GENERAL.—Chapter 35 of title 18,
8 United States Code, is amended by inserting after
9 section 753 the following:

10 **“§ 754. Searches by bounty hunters**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term “bail enforcement officer”—

13 “(A) means any person whose services are
14 engaged to obtain the recovery of any fugitive
15 from justice who has been released on bail; and

16 “(B) does not include any law enforcement
17 officer acting under color of law or any person
18 engaged in the performance of official duties as
19 a member of the Armed Forces on active duty
20 (as defined in section 101(d)(1) of title 10);
21 and

22 “(2) the term “law enforcement officer” means
23 a public officer or employee authorized under appli-
24 cable Federal or State law to conduct or engage in
25 the prevention, investigation, prosecution, or adju-

1 dication of criminal offenses, including any public of-
 2 ficer or employee engaged in corrections, parole, or
 3 probation functions, or the recovery of any fugitive
 4 from justice.

5 “(b) BOUNTY HUNTERS ENTERING OR SEARCHING
 6 PRIVATE DWELLING.—Whoever, being a bail enforcement
 7 officer, enters or searches any private dwelling in pursuit
 8 of a fugitive without being accompanied by a law enforce-
 9 ment officer shall be fined not more than \$1,000, impris-
 10 oned not more than 1 year, or both.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
 12 MENT.—The analysis for chapter 35 of title 18,
 13 United States Code, is amended by inserting after
 14 the item relating to section 753 the following:

“754. Searches by bounty hunters.”.

15 **SEC. 3706. BOUNTY HUNTER ACCOUNTABILITY AND QUAL-**
 16 **ITY ASSURANCE.**

17 (a) SHORT TITLE.—This section may be cited as the
 18 “Bounty Hunter Accountability and Quality Assistance
 19 Act of 1999”.

20 (b) FINDINGS.—Congress finds that—

21 (1) bounty hunters, also known as bail enforce-
 22 ment officers or recovery agents, provide law en-
 23 forcement officers and the courts with valuable as-
 24 sistance in recovering fugitives from justice;

1 (2) regardless of the differences in their duties,
2 skills, and responsibilities, the public has had dif-
3 ficulty in discerning the difference between law en-
4 forcement officers and bounty hunters;

5 (3) the availability of bail as an alternative to
6 the pretrial detention or unsecured release of crimi-
7 nal defendants is important to the effective function-
8 ing of the criminal justice system;

9 (4) the safe and timely return to custody of fu-
10 gitives who violate bail contracts is an important
11 matter of public safety, as is the return of any other
12 fugitive from justice;

13 (5) bail bond agents are widely regulated by the
14 States, whereas bounty hunters are largely unregu-
15 lated;

16 (6) the public safety requires the employment of
17 qualified, well-trained bounty hunters; and

18 (7) in the course of their duties, bounty hunters
19 often move in and affect interstate commerce.

20 (c) DEFINITIONS.—In this section—

21 (1) the term “bail bond agent” means any re-
22 tail seller of a bond to secure the release of a crimi-
23 nal defendant pending judicial proceedings, unless
24 such person also is self-employed to obtain the recov-

1 ery of any fugitive from justice who has been re-
2 leased on bail;

3 (2) the term “bounty hunter”—

4 (A) means any person whose services are
5 engaged, either as an independent contractor or
6 as an employee of a bounty hunter employer, to
7 obtain the recovery of any fugitive from justice
8 who has been released on bail; and

9 (B) does not include any—

10 (i) law enforcement officer acting
11 under color of law;

12 (ii) attorney, accountant, or other pro-
13 fessional licensed under applicable State
14 law;

15 (iii) employee whose duties are pri-
16 marily internal audit or credit functions;

17 (iv) person while engaged in the per-
18 formance of official duties as a member of
19 the Armed Forces on active duty (as de-
20 fined in section 101(d)(1) of title 10,
21 United States Code); or

22 (v) bail bond agent;

23 (3) the term “bounty hunter employer”—

24 (A) means any person that—

1 (i) employs 1 or more bounty hunters;

2 or

3 (ii) provides, as an independent con-
4 tractor, for consideration, the services of 1
5 or more bounty hunters (which may in-
6 clude the services of that person); and

7 (B) does not include any bail bond agent;

8 and

9 (4) the term “law enforcement officer” means
10 a public officer or employee authorized under appli-
11 cable Federal or State law to conduct or engage in
12 the prevention, investigation, prosecution, or adju-
13 dication of criminal offenses, including any public of-
14 ficer or employee engaged in corrections, parole, or
15 probation functions, or the recovery of any fugitive
16 from justice.

17 (d) MODEL GUIDELINES.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Attorney
20 General shall develop model guidelines for the State
21 control and regulation of persons employed or apply-
22 ing for employment as bounty hunters. In developing
23 such guidelines, the Attorney General shall consult
24 with organizations representing—

1 (A) State and local law enforcement offi-
2 cers;

3 (B) State and local prosecutors;

4 (C) the criminal defense bar;

5 (D) bail bond agents;

6 (E) bounty hunters; and

7 (F) corporate sureties.

8 (2) RECOMMENDATIONS.—The guidelines devel-
9 oped under paragraph (1) shall include recommenda-
10 tions of the Attorney General regarding whether—

11 (A) a person seeking employment as a
12 bounty hunter should—

13 (i) be required to submit to a finger-
14 print-based criminal background check
15 prior to entering into the performance of
16 duties pursuant to employment as a boun-
17 ty hunter; or

18 (ii) not be allowed to obtain such em-
19 ployment if that person has been convicted
20 of a felony offense under Federal or State
21 law;

22 (B) bounty hunters and bounty hunter em-
23 ployers should be required to obtain adequate
24 liability insurance for actions taken in the

1 course of performing duties pursuant to em-
2 ployment as a bounty hunter; and

3 (C) State laws should provide—

4 (i) for the prohibition on bounty hunt-
5 ers entering any private dwelling, unless
6 the bounty hunter first knocks on the front
7 door and announces the presence of 1 or
8 more bounty hunters; and

9 (ii) the official recognition of bounty
10 hunters from other States.

11 (3) EFFECT ON BAIL.—The guidelines pub-
12 lished under paragraph (1) shall include an analysis
13 of the estimated effect, if any, of the adoption of the
14 guidelines by the States on—

15 (A) the cost and availability of bail; and

16 (B) the bail bond agent industry.

17 (4) NO REGULATORY AUTHORITY.—Nothing in
18 this subsection may be construed to authorize the
19 promulgation of any Federal regulation relating to
20 bounty hunters, bounty hunter employers, or bail
21 bond agents.

22 (5) PUBLICATION OF GUIDELINES.—The Attor-
23 ney General shall publish model guidelines developed
24 pursuant to paragraph (1) in the Federal Register.

1 **Subtitle H—Deterring Cargo Theft**

2 **SEC. 3801. PUNISHMENT OF CARGO THEFT.**

3 (a) IN GENERAL.—Section 659 of title 18, United
4 States Code, is amended—

5 (1) by striking “with intent to convert to his
6 own use” each place that term appears;

7 (2) in the first undesignated paragraph—

8 (A) by inserting “trailer,” after
9 “motortruck,”;

10 (B) by inserting “air cargo container,”
11 after “aircraft,”; and

12 (C) by inserting “, or from any intermodal
13 container, trailer, container freight station,
14 warehouse, or freight consolidation facility,”
15 after “air navigation facility”;

16 (3) in the fifth undesignated paragraph, by
17 striking “one year” and inserting “3 years”;

18 (4) in the penultimate undesignated paragraph,
19 by inserting after the first sentence the following:

20 “For purposes of this section, goods and chattel
21 shall be construed to be moving as an interstate or
22 foreign shipment at all points between the point of
23 origin and the final destination (as evidenced by the
24 waybill or other shipping document of the shipment),

1 regardless of any temporary stop while awaiting
2 transshipment or otherwise.”; and

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

4 “‘It shall be an affirmative defense (on which the de-
5 fendant bears the burden of persuasion by a preponder-
6 ance of the evidence) to an offense under this section that
7 the defendant bought, received, or possessed the goods,
8 chattels, money, or baggage at issue with the sole intent
9 to report the matter to an appropriate law enforcement
10 officer or to the owner of the goods, chattels, money, or
11 baggage.’”.

12 (b) FEDERAL SENTENCING GUIDELINES.—Pursuant
13 to section 994 of title 28, United States Code, the United
14 States Sentencing Commission shall review the Federal
15 sentencing guidelines under section 659 of title 18, United
16 States Code, as amended by this section and, upon com-
17 pletion of the review, promulgate amendments to the Fed-
18 eral Sentencing Guidelines to provide appropriate en-
19 hancement of the applicable guidelines.

20 **SEC. 3802. REPORTS TO CONGRESS ON CARGO THEFT.**

21 The Attorney General shall annually submit to Con-
22 gress a report, which shall include an evaluation of law
23 enforcement activities relating to the investigation and
24 prosecution of offenses under section 659 of title 18,
25 United States Code, as amended by this section.

1 **SEC. 3803. ESTABLISHMENT OF ADVISORY COMMITTEE ON**
2 **CARGO THEFT.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established a Com-
5 mittee to be known as the Advisory Committee on
6 Cargo Theft (in this section referred to as the
7 “Committee”).

8 (2) MEMBERSHIP.—

9 (A) COMPOSITION.—The Committee shall
10 be composed of 6 members, who shall be ap-
11 pointed by the President, of whom—

12 (i) 1 shall be an officer or employee of
13 the Department of Justice;

14 (ii) 1 shall be an officer or employee
15 of the Department of Transportation;

16 (iii) 1 shall be an officer or employee
17 of the Department of the Treasury; and

18 (iv) 3 shall be individuals from the
19 private sector who are experts in cargo se-
20 curity.

21 (B) DATE.—The appointments of the ini-
22 tial members of the Committee shall be made
23 not later than 30 days after the date of enact-
24 ment of this Act.

25 (3) PERIOD OF APPOINTMENT; VACANCIES.—

26 Each member of the Committee shall be appointed

1 for the life of the Committee. Any vacancy in the
2 Committee shall not affect its powers, but shall be
3 filled in the same manner as the original appoint-
4 ment.

5 (4) INITIAL MEETING.—Not later than 15 days
6 after the date on which all initial members of the
7 Committee have been appointed, the Committee shall
8 hold its first meeting.

9 (5) MEETINGS.—The Committee shall meet,
10 not less frequently than quarterly, at the call of the
11 Chairperson.

12 (6) QUORUM.—A majority of the members of
13 the Committee shall constitute a quorum, but a less-
14 er number of members may hold hearings.

15 (7) CHAIRPERSON.—The President shall select
16 1 member of the Committee to serve as the Chair-
17 person of the Committee.

18 (b) DUTIES.—

19 (1) STUDY.—The Committee shall conduct a
20 thorough study of, and develop recommendations
21 with respect to, all matters relating to—

22 (A) the establishment of a national com-
23 puter database for the collection and dissemina-
24 tion of information relating to violations of sec-

1 tion 659 of title 18, United States Code (as
2 added by section 3801(a) of this title); and

3 (B) the establishment of an office within
4 the Federal Government to promote cargo secu-
5 rity and to increase coordination between the
6 Federal Government and the private sector with
7 respect to cargo security.

8 (2) REPORT.—Not later than 1 year after the
9 date of enactment of this Act, the Committee shall
10 submit to the President and to Congress a report,
11 which shall contain a detailed statement of results of
12 the study and the recommendations of the Commit-
13 tee under paragraph (1).

14 (c) POWERS.—

15 (1) HEARINGS.—The Committee may hold such
16 hearings, sit and act at such times and places, take
17 such testimony, and receive such evidence as the
18 Committee considers advisable to carry out the pur-
19 poses of this section.

20 (2) INFORMATION FROM FEDERAL AGENCIES.—
21 The Committee may secure directly from any Fed-
22 eral department or agency such information as the
23 Committee considers necessary to carry out the pro-
24 visions of this section. Upon request of the Chair-
25 person of the Committee, the head of such depart-

1 ment or agency shall furnish such information to the
2 Committee.

3 (3) POSTAL SERVICES.—The Committee may
4 use the United States mails in the same manner and
5 under the same conditions as other departments and
6 agencies of the Federal Government.

7 (4) GIFTS.—The Committee may accept, use,
8 and dispose of gifts or donations of services or prop-
9 erty.

10 (d) PERSONNEL MATTERS.—

11 (1) COMPENSATION OF MEMBERS.—

12 (A) NON-FEDERAL MEMBERS.—Each
13 member of the Committee who is not an officer
14 or employee of the Federal Government shall be
15 compensated at a rate equal to the daily equiva-
16 lent of the annual rate of basic pay prescribed
17 for level IV of the Executive Schedule under
18 section 5315 of title 5, United States Code, for
19 each day (including travel time) during which
20 such member is engaged in the performance of
21 the duties of the Committee.

22 (B) FEDERAL MEMBERS.—Each member
23 of the Committee who is an officer or employee
24 of the United States shall serve without com-
25 pensation in addition to that received for their

1 service as an officer or employee of the United
2 States.

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

10 (3) STAFF.—

11 (A) IN GENERAL.—The Chairperson of the
12 Committee may, without regard to the civil
13 service laws and regulations, appoint and termi-
14 nate an executive director and such other addi-
15 tional personnel as may be necessary to enable
16 the Committee to perform its duties. The em-
17 ployment of an executive director shall be sub-
18 ject to confirmation by the Committee.

19 (B) COMPENSATION.—The Chairperson of
20 the Committee may fix the compensation of the
21 executive director and other personnel without
22 regard to the provisions of chapter 51 and sub-
23 chapter III of chapter 53 of title 5, United
24 States Code, relating to classification of posi-
25 tions and General Schedule pay rates, except

1 that the rate of pay for the executive director
2 and other personnel may not exceed the rate
3 payable for level V of the Executive Schedule
4 under section 5316 of such title.

5 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
6 Any Federal Government employee may be detailed
7 to the Committee without reimbursement, and such
8 detail shall be without interruption or loss of civil
9 service status or privilege.

10 (5) PROCUREMENT OF TEMPORARY AND INTER-
11 MITTENT SERVICES.—The Chairperson of the Com-
12 mittee may procure temporary and intermittent serv-
13 ices under section 3109(b) of title 5, United States
14 Code, at rates for individuals which do not exceed
15 the daily equivalent of the annual rate of basic pay
16 prescribed for level V of the Executive Schedule
17 under section 5316 of such title.

18 (e) TERMINATION.—The Committee shall terminate
19 90 days after the date on which the Committee submits
20 the report under subsection (b)(2).

21 (f) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There are authorized to be
23 appropriated such sums as may be necessary to the
24 Committee to carry out the purposes of this section.

1 (2) AVAILABILITY.—Any sums appropriated
2 under the authorization contained in this section
3 shall remain available, without fiscal year limitation,
4 until expended.

5 **SEC. 3804. ADDITION OF ATTEMPTED THEFT AND COUN-**
6 **TERFEITING OFFENSES TO ELIMINATE GAPS**
7 **AND INCONSISTENCIES IN COVERAGE.**

8 (a) IN GENERAL.—

9 (1) EMBEZZLEMENT AGAINST ESTATE.—Sec-
10 tion 153(a) of title 18, United States Code, is
11 amended by inserting “, or attempts so to appro-
12 priate, embezzle, spend, or transfer,” before “any
13 property”.

14 (2) PUBLIC MONEY.—Section 641 of title 18,
15 United States Code, is amended by striking “or” at
16 the end of the first paragraph and by inserting after
17 such paragraph the following:

18 “Whoever attempts to commit an offense described in the
19 preceding paragraph; or”.

20 (3) THEFT BY BANK EXAMINER.—Section 655
21 of title 18, United States Code, is amended by in-
22 serting “or attempts to steal or so take,” after “un-
23 lawfully takes,”.

24 (4) THEFT, EMBEZZLEMENT, OR
25 MISAPPLICATION BY BANK OFFICER OR EM-

1 PLOYEE.—Sections 656 and 657 of title 18, United
2 States Code, are each amended—

3 (A) by inserting “, or attempts to embez-
4 zle, abstract, purloin, or willfully misapply,”
5 after “willfully misapplies”; and

6 (B) by inserting “or attempted to be em-
7 bezzled, abstracted, purloined, or misapplied”
8 after “misapplied”.

9 (5) PROPERTY MORTGAGED OR PLEDGED TO
10 FARM CREDIT AGENCIES.—Section 658 of title 18,
11 United States Code, is amended by inserting “or at-
12 tempts so to remove, dispose of, or convert,” before
13 “any property”.

14 (6) INTERSTATE OR FOREIGN SHIPMENTS.—
15 Section 659 of title 18, United States Code, is
16 amended—

17 (A) in the first and third paragraphs, by
18 inserting “or attempts to embezzle, steal, or so
19 take or carry away,” after “carries away,”; and

20 (B) in the fourth paragraph by inserting
21 “or attempts to embezzle, steal, or so take,” be-
22 fore “from any railroad car”.

23 (7) WITHIN SPECIAL MARITIME AND TERRI-
24 TORIAL JURISDICTION.—Section 661 of title 18,
25 United States Code, is amended—

1 (A) by inserting “or attempts so to take
2 and carry away,” before “any personal prop-
3 erty”; and

4 (B) by inserting “or attempted to be
5 taken” after “taken” each place it appears.

6 (8) THEFT OR EMBEZZLEMENT FROM EM-
7 PLOYEE BENEFIT PLANS.—Section 664 of title 18,
8 United States Code, is amended by inserting “or at-
9 tempts to embezzle, steal, or so abstract or convert,”
10 before “any of the moneys”.

11 (9) THEFT OR EMBEZZLEMENT FROM EMPLOY-
12 MENT AND TRAINING FUNDS.—Section 665(a) of
13 title 18, United States Code, is amended—

14 (A) by inserting “, or attempts to embez-
15 zle, so misapply, steal, or obtain by fraud,” be-
16 fore “any of the moneys”; and

17 (B) by inserting “or attempted to be em-
18 bezzled, misapplied, stolen, or obtained by
19 fraud” after “obtained by fraud”.

20 (10) THEFT OR BRIBERY CONCERNING PRO-
21 GRAMS RECEIVING FEDERAL FUNDS.—Section
22 666(a)(1)(A) of title 18, United States Code, is
23 amended by inserting “or attempts to embezzle,
24 steal, obtain by fraud, or so convert or misapply,”
25 before “property”.

1 (11) FALSE PRETENSES ON HIGH SEAS.—Sec-
2 tion 1025 of title 18, United States Code, is
3 amended—

4 (A) by inserting “or attempts to obtain”
5 after “obtains”; and

6 (B) by inserting “or attempted to be ob-
7 tained” after “obtained”.

8 (12) EMBEZZLEMENT AND THEFT FROM IN-
9 DIAN TRIBAL ORGANIZATIONS.—Section 1163 of title
10 18, United States Code, is amended by inserting
11 “attempts so to embezzle, steal, convert, or mis-
12 apply,” after “willfully misapplies,”.

13 (13) THEFT FROM GROUP ESTABLISHMENTS ON
14 INDIAN LANDS.—Section 1167 (a) and (b) of title
15 18, United States Code, are each amended by insert-
16 ing “or attempts so to abstract, purloin, misapply,
17 or take and carry away,” before “any money”.

18 (14) THEFT BY OFFICERS AND EMPLOYEES OF
19 GAMING ESTABLISHMENTS ON INDIAN LANDS.—Sec-
20 tion 1168 (a) and (b) of title 18, United States
21 Code, are each amended by inserting “or attempts
22 so to embezzle, abstract, purloin, misapply, or take
23 and carry away,” before “any moneys,”.

24 (15) THEFT OF PROPERTY USED BY THE POST-
25 AL SERVICE.—Section 1707 of title 18, United

1 States Code, is amended by inserting “, or attempts
2 to steal, purloin, or embezzle,” before “any prop-
3 erty” and by inserting “or attempts to appropriate”
4 after “appropriates”.

5 (16) THEFT IN RECEIPT OF STOLEN MAIL MAT-
6 TER.—Section 1708 of title 18, United States Code,
7 is amended in the second paragraph by inserting “or
8 attempts to steal, take, or abstract,” after “ab-
9 stracts,” and by inserting “, or attempts so to ob-
10 tain,” after “obtains”.

11 (17) THEFT OF MAIL MATTER BY OFFICER OR
12 EMPLOYEE.—Section 1709 of title 18, United States
13 Code, is amended—

14 (A) by inserting “or attempts to embezzle”
15 after “embezzles”; and

16 (B) by inserting “, or attempts to steal,
17 abstract, or remove,” after “removes”.

18 (18) MISAPPROPRIATION OF POSTAL FUNDS.—
19 Section 1711 of title 18, United States Code, is
20 amended by inserting “or attempts to loan, use,
21 pledge, hypothecate, or convert to his own use,”
22 after “use”.

23 (19) BANK ROBBERY AND INCIDENTAL
24 CRIMES.—Section 2113(b) of title 18, United States
25 Code, is amended by inserting “or attempts so to

1 take and carry away,” before “any property” each
2 place it appears.

3 (b) SECURITIES CRIMES.—

4 (1) POSSESSION OF TOOLS.—Section 477 of
5 title 18, United States Code, is amended by insert-
6 ing “, or attempts so to sell, give, or deliver,” before
7 “any such imprint”.

8 (2) UTTERING COUNTERFEIT FOREIGN OBLIGA-
9 TIONS OR SECURITIES.—Section 479 of title 18,
10 United States Code, is amended by inserting “or at-
11 tempts to utter or pass,” after “passes,”.

12 (3) MINOR COINS.—Section 490 of title 18,
13 United States Code, is amended by inserting “at-
14 tempts to pass, utter, or sell,” before “or possesses”.

15 (4) SECURITIES OF STATES AND PRIVATE ENTI-
16 TIES.—Section 513(a) of title 18, United States
17 Code, is amended by inserting “or attempts to
18 utter,” after “utters”.

19 **SEC. 3805. CLARIFICATION OF SCIENTER REQUIREMENT**
20 **FOR RECEIVING PROPERTY STOLEN FROM**
21 **AN INDIAN TRIBAL ORGANIZATION.**

22 Section 1163 of title 18, United States Code, is
23 amended in the second paragraph by striking “so”.

1 **SEC. 3806. LARCENY INVOLVING POST OFFICE BOXES AND**
2 **POSTAL STAMP VENDING MACHINES.**

3 Section 2115 of title 18, United States Code, is
4 amended—

5 (1) by striking “or” before “any building”;

6 (2) by inserting “or any post office box or post-
7 al stamp vending machine for the sale of stamps
8 owned by the Postal Service,” after “used in whole
9 or in part as a post office,”; and

10 (3) by inserting “or in such box or machine,”
11 after “so used”.

12 **SEC. 3807. EXPANSION OF FEDERAL THEFT OFFENSES TO**
13 **COVER THEFT OF VESSELS.**

14 (a) VESSEL DEFINED.—Section 2311 of title 18,
15 United States Code, is amended by adding at the end the
16 following:

17 “‘Vessel’ means any watercraft or other contrivance
18 used or designed for transportation or navigation on,
19 under, or immediately above, water.”.

20 (b) TRANSPORTATION OF STOLEN VEHICLES; SALE
21 OR RECEIPT OF STOLEN VEHICLES.—Sections 2312 and
22 2313 of title 18, United States Code, are each amended
23 by striking “motor vehicle or aircraft” and inserting
24 “motor vehicle, vessel, or aircraft”.

1 **Subtitle I—Improvements to**
2 **Federal Criminal Law**

3 **PART 1—SENTENCING IMPROVEMENTS**

4 **SEC. 3911. APPLICATION OF SENTENCING GUIDELINES TO**
5 **ALL PERTINENT STATUTES.**

6 Section 994(a) of title 28, United States Code, is
7 amended by striking “consistent with all pertinent provi-
8 sions of this title and title 18, United States Code,” and
9 inserting “consistent with all pertinent provisions of any
10 Federal statute”.

11 **SEC. 3912. DOUBLING MAXIMUM PENALTY FOR VOLUNTARY**
12 **MANSLAUGHTER.**

13 Section 1112(b) of title 18, United States Code, is
14 amended by striking “ten years” and inserting “20
15 years”.

16 **SEC. 3913. AUTHORIZATION OF IMPOSITION OF BOTH A**
17 **FINE AND IMPRISONMENT RATHER THAN**
18 **ONLY EITHER PENALTY IN CERTAIN OF-**
19 **FENSES.**

20 (a) **POWER OF COURT.**—Section 401 of title 18,
21 United States Code, is amended by inserting “or both,”
22 after “fine or imprisonment,”.

23 (b) **DESTRUCTION OF LETTER BOXES OR MAIL.**—
24 Section 1705 of title 18, United States Code, is amended
25 by inserting “, or both” after “years”.

1 **SEC. 3914. ADDITION OF SUPERVISED RELEASE VIOLATION**
2 **AS PREDICATES FOR CERTAIN OFFENSES.**

3 (a) IN GENERAL.—Sections 1512(a)(1)(C),
4 1512(b)(3), 1512(c)(2), 1513(a)(1)(B), and 1513(b)(2)
5 are each amended by striking “violation of conditions of
6 probation, parole or release pending judicial proceedings”
7 and inserting “violation of conditions of probation, super-
8 vised release, parole, or release pending judicial proceed-
9 ings”.

10 (b) RELEASE OR DETENTION OF DEFENDANT PEND-
11 ING TRIAL.—Section 3142 of title 18, United States Code,
12 is amended—

13 (1) in subsection (d)(1)(A)(iii), by inserting “,
14 supervised release,” after “probation”; and

15 (2) in subsection (g)(3)(B), by inserting “or su-
16 pervised release” after “probation”.

17 **SEC. 3915. AUTHORITY OF COURT TO IMPOSE A SENTENCE**
18 **OF PROBATION OR SUPERVISED RELEASE**
19 **WHEN REDUCING A SENTENCE OF IMPRISON-**
20 **MENT IN CERTAIN CASES.**

21 Section 3582(c)(1)(A) of title 18, United States
22 Code, is amended by inserting “(and may impose a sen-
23 tence of probation or supervised release with or without
24 conditions)” after “may reduce the term of imprison-
25 ment”.

1 **SEC. 3916. INCREASED PENALTY FOR RACKETEERING AC-**
2 **TIVITY.**

3 Section 1959(a)(5) of title 18, United States Code,
4 is amended by substituting “twenty” for “ten”.

5 **PART 2—ADDITIONAL IMPROVEMENTS TO**
6 **FEDERAL CRIMINAL LAW**

7 **SEC. 3921. VIOLENCE DIRECTED AT DWELLINGS IN INDIAN**
8 **COUNTRY.**

9 Section 1153(a) of title 18, United States Code, is
10 amended by inserting “or 1363” after “section 661”.

11 **SEC. 3922. CORRECTIONS TO AMBER HAGERMAN CHILD**
12 **PROTECTION ACT.**

13 (a) **AGGRAVATED SEXUAL ABUSE.**—Section 2241(c)
14 of title 18, United States Code, is amended by striking
15 “younger than that person” and inserting “younger than
16 the person so engaging”.

17 (b) **SEXUAL ABUSE OF A MINOR OR WARD.**—Section
18 2243(a) of title 18, United States Code, is amended—

19 (1) by striking “Whoever” and inserting “Ex-
20 cept as provided in section 2241(c) of this title, who-
21 ever”; and

22 (2) by striking “crosses a State line with intent
23 to engage in a sexual act with a person who has not
24 attained the age of 12 years, or”.

25 (c) **DEFINITIONS.**—Section 2246 of title 18, United
26 States Code, is amended—

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

3 (2) in paragraph (5), by striking the period and
4 inserting “; and”; and

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

6 “(6) the term ‘State’ means a State of the
7 United States, the District of Columbia, and any
8 commonwealth, possession, or territory of the United
9 States.”.

10 **SEC. 3923. ELIMINATION OF “BODILY HARM” ELEMENT IN**
11 **ASSAULT WITH A DANGEROUS WEAPON OF-**
12 **FENSE.**

13 Section 113(a)(3) of title 18, United States Code, is
14 amended by striking “with intent to do bodily harm, and”.

15 **SEC. 3924. APPEALS FROM CERTAIN DISMISSALS.**

16 Section 3731 of title 18, United States Code, is
17 amended by inserting “or any part thereof” after “as to
18 any one or more counts”.

19 **SEC. 3925. AUTHORITY FOR INJUNCTION AGAINST DIS-**
20 **POSAL OF ILL-GOTTEN GAINS FROM VIOLA-**
21 **TIONS OF FRAUD STATUTES.**

22 Section 1345(a)(2) of title 18, United States Code,
23 is amended by inserting “violation of this chapter or sec-
24 tion 287, 371 (insofar as such violation involves a conspir-

1 acy to defraud the United States or any agency thereof),
2 or 1001 of this title or of a” after “as a result of a”.

3 **SEC. 3926. EXPANSION OF INTERSTATE TRAVEL FRAUD**
4 **STATUTE TO COVER INTERSTATE TRAVEL BY**
5 **PERPETRATOR.**

6 Section 2314 of title 18, United States Code, is
7 amended in the second undesignated paragraph—

8 (1) by inserting “travels in,” before “transports
9 or causes to be transported, or induce any person or
10 persons to travel in”; and

11 (2) by inserting a comma after “transports”.

12 **SEC. 3927. CLARIFICATION OF SCOPE OF UNAUTHORIZED**
13 **SELLING OF MILITARY MEDALS OR DECORA-**
14 **TIONS.**

15 Section 704(b)(2) of title 18, United States Code, is
16 amended by striking “with respect to a Congressional
17 Medal of Honor”.

18 **SEC. 3928. AMENDMENT TO SECTION 669 TO CONFORM TO**
19 **PUBLIC LAW 104-294.**

20 Section 669 of title 18, United States Code, is
21 amended by striking “\$100” and inserting “\$1,000”.

22 **SEC. 3929. EXPANSION OF JURISDICTION OVER CHILD BUY-**
23 **ING AND SELLING OFFENSES.**

24 Section 2251A(c)(3) of title 18, United States Code,
25 is amended by striking “in any territory or possession of

1 the United States” and inserting “in the special maritime
 2 and territorial jurisdiction of the United States or in any
 3 commonwealth, territory, or possession of the United
 4 States”.

5 **SEC. 3930. ASSAULT AS A RICO PREDICATE.**

6 Section 1961(1)(A) of title 18, United States Code,
 7 is amended by adding after “extortion,” “assault”.

8 **SEC. 3931. LIMITS ON DISCLOSURE OF WIRETAP ORDERS.**

9 Section 2518(9) of title 18, United States Code, is
 10 amended by inserting “aggrieved” before the word
 11 “party” wherever it appears.

12 **SEC. 3932. SAFE AND SOBER STREETS.**

13 (a) **SHORT TITLE.**—This section may be cited as the
 14 “Safe and Sober Streets Act of 1999”.

15 (b) **NATIONAL STANDARD TO PROHIBIT OPERATION**
 16 **OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.**—

17 (1) **IN GENERAL.**—Subchapter I of chapter 1 of
 18 title 23, United States Code, is amended by adding
 19 at the end the following:

20 **“§ 165. National standard to prohibit operation of**
 21 **motor vehicles by intoxicated individuals**

22 **“(a) WITHHOLDING OF APPORTIONMENTS FOR NON-**
 23 **COMPLIANCE.**—

24 **“(1) FISCAL YEAR 2003.**—The Secretary shall
 25 withhold 5 percent of the amount required to be ap-

1 portioned to any State under each of paragraphs
2 (1), (3), and (4) of section 104(b) on October 1,
3 2002, if the State does not meet the requirements
4 of paragraph (3) on that date.

5 “(2) SUBSEQUENT FISCAL YEARS.—The Sec-
6 retary shall withhold 10 percent (including any
7 amounts withheld under paragraph (1)) of the
8 amount required to be apportioned to any State
9 under each of paragraphs (1), (3), and (4) of section
10 104(b) on October 1, 2003, and on October 1 of
11 each fiscal year thereafter, if the State does not
12 meet the requirements of paragraph (3) on that
13 date.

14 “(3) REQUIREMENTS.—A State meets the re-
15 quirements of this paragraph if the State has en-
16 acted and is enforcing a law providing that an indi-
17 vidual who has an alcohol concentration of 0.08 per-
18 cent or greater while operating a motor vehicle in
19 the State is guilty of the offense of driving while in-
20 toxicated (or an equivalent offense that carries the
21 greatest penalty under the law of the State for oper-
22 ating a motor vehicle after having consumed alco-
23 hol).

24 “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
25 ANCE AND NONCOMPLIANCE.—

1 “(1) PERIOD OF AVAILABILITY OF WITHHELD
2 FUNDS.—

3 “(A) FUNDS WITHHELD ON OR BEFORE
4 SEPTEMBER 30, 2004.—Any funds withheld
5 under subsection (a) from apportionment to any
6 State on or before September 30, 2004, shall
7 remain available until the end of the third fiscal
8 year following the fiscal year for which the
9 funds are authorized to be appropriated.

10 “(B) FUNDS WITHHELD AFTER SEPTEMBER
11 BER 30, 2004.—No funds withheld under this
12 section from apportionment to any State after
13 September 30, 2004, shall be available for ap-
14 portionment to the State.

15 “(2) APPORTIONMENT OF WITHHELD FUNDS
16 AFTER COMPLIANCE.—If, before the last day of the
17 period for which funds withheld under subsection (a)
18 from apportionment are to remain available for ap-
19 portionment to a State under paragraph (1)(A), the
20 State meets the requirements of subsection (a)(3),
21 the Secretary shall, on the first day on which the
22 State meets the requirements, apportion to the State
23 the funds withheld under subsection (a) that remain
24 available for apportionment to the State.

1 “(3) PERIOD OF AVAILABILITY OF SUBSE-
2 QUENTLY APPORTIONED FUNDS.—

3 “(A) IN GENERAL.—Any funds appor-
4 tioned under paragraph (2) shall remain avail-
5 able for expenditure until the end of the third
6 fiscal year following the fiscal year in which the
7 funds are so apportioned.

8 “(B) TREATMENT OF CERTAIN FUNDS.—
9 Sums not obligated at the end of the period re-
10 ferred to in subparagraph (A) shall lapse.

11 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
12 end of the period for which funds withheld under
13 subsection (a) from apportionment are available for
14 apportionment to a State under paragraph (1)(A),
15 the State does not meet the requirements of sub-
16 section (a)(3), the funds shall lapse.”.

17 (2) CONFORMING AMENDMENT.—The analysis
18 for subchapter I of chapter 1 of title 23, United
19 States Code, is amended by adding at the end the
20 following:

“165. National standard to prohibit operation of motor vehicles by intoxicated
individuals.”.

21 **SEC. 3933. TECHNICAL AMENDMENTS RELATING TO CRIMI-**
22 **NAL LAW AND PROCEDURE.**

23 (a) MISSING AND INCORRECT WORDS.—

1 (1) CORRECTION OF GARBLED SENTENCE.—
2 Section 510(e) of title 18, United States Code, is
3 amended by striking “fine of under this title” and
4 inserting “fine under this title”.

5 (2) INSERTION OF MISSING WORDS.—Section
6 981(d) of title 18, United States Code, is amended
7 by striking “proceeds from the sale of this section”
8 and inserting “proceeds from the sale of such prop-
9 erty under this section”.

10 (3) CORRECTION OF INCORRECT WORD.—Sec-
11 tions 1425 through 1427, 1541 through 1544, and
12 1546(a) of title 18, United States Code, are each
13 amended by striking “to facility” and inserting “to
14 facilitate”.

15 (4) CORRECTING ERRONEOUS AMENDATORY
16 LANGUAGE ON EXECUTED AMENDMENT.—

17 (A) IN GENERAL.—Section 60003(a)(13)
18 of the Violent Crime Control and Law Enforce-
19 ment Act of 1994 is amended by striking
20 “\$1,000,000 or imprisonment” and inserting
21 “\$1,000,000 and imprisonment”.

22 (B) EFFECTIVE DATE.—The amendment
23 made by subparagraph (A) shall apply as if
24 that subsection had been enacted on the date of
25 enactment of the Violent Crime Control and

1 Law Enforcement Act of 1994 (18 Stat. 1796
2 et seq.).

3 (5) INSERTION OF MISSING WORD.—Section
4 3286 of title 18, United States Code, is amended by
5 inserting “section” before “2332b”.

6 (6) CORRECTION OF REFERENCE TO SHORT
7 TITLE OF LAW.—Section 2332d(a) of title 18,
8 United States Code, is amended by inserting “of
9 1979” after “Export Administration Act”.

10 (7) ELIMINATION OF TYPO.—Section 1992(b)
11 of title 18, United States Code, is amended by strik-
12 ing “term or years” and inserting “term of years”.

13 (8) SPELLING CORRECTION.—Section 2339A(a)
14 of title 18, United States Code, is amended by strik-
15 ing “or an escape” and inserting “of an escape”.

16 (9) SECTION 3553.—Section 3553(e) of title 18,
17 United States Code, is amended by inserting “a” be-
18 fore “minimum”.

19 (10) MISPLACED WORDS IN STATEMENT OF
20 PENALTY.—Section 2251(d) of title 18, United
21 States Code, is amended by striking “or imprisoned
22 not less than 10 years nor more than 20 years, and
23 both” and inserting “and imprisoned not less than
24 10 nor more than 20 years”.

1 (b) MARGINS, PUNCTUATION, AND SIMILAR ER-
2 RORS.—

3 (1) MARGIN ERROR.—Section 1030(c)(2) of
4 title 18, United States Code, is amended so that the
5 margins of subparagraph (B) and each of its clauses
6 are indented appropriately.

7 (2) CORRECTING CAPITALIZATION IN LAN-
8 GUAGE TO BE STRICKEN.—

9 (A) IN GENERAL.—The amendment to sec-
10 tion 11716(g)(2) of title 18, United States
11 Code, contained in section 607(g)(2) of the
12 Economic Espionage Act of 1996 (110 Stat.
13 3511) shall be deemed to strike “State, terri-
14 tory, or the District of Columbia” and insert
15 “State”.

16 (B) EFFECTIVE DATE.—Subparagraph (A)
17 shall apply as if enacted on the date of enact-
18 ment of the Economic Espionage Act of 1996.

19 (3) CORRECTING PARAGRAPHING.—The mate-
20 rial added to section 521(a) of title 18, United
21 States Code, by section 607(q) of the Economic Es-
22 pionage Act of 1996 (110 Stat. 3513) is amended
23 to appear as a paragraph, indented appropriately.

24 (4) SUBSECTION PLACEMENT CORRECTION.—
25 Section 1513 of title 18, United States Code, is

1 amended by transferring subsection (d) so that it
2 appears following subsection (c).

3 (5) INSERTION OF PARENTHETICAL DESCRIP-
4 TIONS.—Section 2332b(g)(5) of title 18, United
5 States Code, is amended—

6 (A) by inserting “(relating to certain
7 killings in Federal facilities)” after “930(c)”;

8 (B) by inserting “(relating to wrecking
9 trains)” after “1992”; and

10 (C) by inserting “(relating to use of chemi-
11 cal weapons)” after “2332c”.

12 (6) CORRECTION TO ALLOW FOR INSERTION OF
13 NEW SUBPARAGRAPH.—Section 1956(c)(7) of title
14 18, United States Code, is amended—

15 (A) by striking “or” at the end of subpara-
16 graph (D);

17 (B) by striking the period at the end of
18 subparagraph (E) and inserting “; or”; and

19 (C) in subparagraph (F), by striking
20 “Any” and inserting “any”.

21 (7) REDESIGNATION OF DUPLICATE PARA-
22 GRAPH.—Section 982(a) of title 18, United States
23 Code, is amended by redesignating the second para-
24 graph designated as paragraph (6) as paragraph (7).

1 (8) CORRECTION OF CONFUSING SUBDIVISION
2 DESIGNATION.—Section 1716 of title 18, United
3 States Code, is amended—

4 (A) by redesignating subsection (j) as sub-
5 section (k);

6 (B) in the first undesignated paragraph,
7 by inserting “(j)(1)” before “Whoever”; and

8 (C) in the undesignated paragraph follow-
9 ing subsection (j)(1)—

10 (i) by striking “not more than
11 \$10,000” and inserting “under this title”;
12 and

13 (ii) by inserting “(2)” at the begin-
14 ning of that paragraph; and

15 (D) by inserting “(3)” at the beginning of
16 the undesignated paragraph following sub-
17 section (j)(2), as so designated.

18 (9) PUNCTUATION CORRECTION IN SECTION
19 1091.—Section 1091(b)(1) of title 18, United States
20 Code, is amended by striking “subsection (a)(1),”
21 and inserting “subsection (a)(1)”.

22 (10) PUNCTUATION CORRECTION IN SECTION
23 2311.—Section 2311 of title 18, United States Code,
24 is amended by striking the period after “carcasses

1 thereof” the second place that term appears and in-
2 serting a semicolon.

3 (11) SYNTAX CORRECTION.—Section 115(b)(2)
4 of title 18, United States Code, is amended by strik-
5 ing “, attempted kidnapping, or conspiracy to kid-
6 nap of a person” and inserting “or attempted kid-
7 napping of, or a conspiracy to kidnap a person”.

8 (c) ELIMINATION OF REDUNDANCIES.—

9 (1) ELIMINATION OF REDUNDANT PROVI-
10 SION.—Section 2516(1) of title 18, United States
11 Code, is amended—

12 (A) by striking the first paragraph (p);

13 and

14 (B) by inserting “or” at the end of para-
15 graph (o).

16 (2) ELIMINATION OF DUPLICATIVE AMEND-
17 MENTS.—Paragraphs (1), (2), and (4) of section
18 610(b), paragraph (2) of section 601(d), paragraphs
19 (2) and (6) of section 601(f), paragraphs (1) and
20 (2)(A) of section 601(j), subsection (k) of section
21 601, subsection (d) of section 602, paragraph (4) of
22 section 604(b), and subsection (r) of section 605 of
23 the Economic Espionage Act of 1996 are each re-
24 pealed.

1 (3) ELIMINATION OF EXTRA COMMA.—Section
2 1956(e)(7)(D) of title 18, United States Code, is
3 amended—

4 (A) by striking “Code,,” and inserting
5 “Code,;” and

6 (B) by striking “services),,” and inserting
7 “(services),”.

8 (4) REPEAL OF SECTION GRANTING DUPLICA-
9 TIVE AUTHORITY.—

10 (A) Section 3503 of title 18, United States
11 Code, is repealed.

12 (B) The analysis for chapter 223 of title
13 18, United States Code, is amended by striking
14 the item relating to section 3503.

15 (5) ELIMINATION OF OUTMODED REFERENCE
16 TO PAROLE.—Section 929(b) of title 18, United
17 States Code, is amended by striking the last sen-
18 tence.

19 (d) CORRECTION OF OUTMODED FINE AMOUNTS.—

20 (1) IN TITLE 18, UNITED STATES CODE.—

21 (A) IN SECTION 665.—Section 665(c) of
22 title 18, United States Code, is amended by
23 striking “a fine of not more than \$5,000” and
24 inserting “a fine under this title”.

1 (B) IN SECTIONS 1924, 2075, 211B, AND
2 2236.—

3 (i) Section 1924(a) of title 18, United
4 States Code, is amended by striking “not
5 more than \$1,000,” and inserting “under
6 this title”.

7 (ii) Sections 2075, 2113(b), and 2236
8 of title 18, United States Code, are each
9 amended by striking “not more than
10 \$1,000” and inserting “under this title”.

11 (C) IN SECTION 372 AND 752.—Sections
12 372 and 752(a) of title 18, United States Code,
13 are each amended by striking “not more than
14 \$5,000” and inserting “under this title”.

15 (2) IN THE CONTROLLED SUBSTANCES ACT.—

16 (A) IN SECTION 401.—Section 401(e) of
17 the Controlled Substances Act (21 U.S.C.
18 841(e)) is amended—

19 (i) in paragraph (1), by striking “and
20 shall be fined not more than \$10,000” and
21 inserting “or fined under title 18, United
22 States Code, or both”; and

23 (ii) in paragraph (2), by striking “and
24 shall be fined not more than \$20,000” and

1 inserting “or fined under title 18, United
2 States Code, or both”.

3 (B) IN SECTION 402.—Section 402(c)(2) of
4 the Controlled Substances Act (21 U.S.C.
5 842(c)) is amended—

6 (i) in subparagraph (A), by striking
7 “of not more than \$25,000” and inserting
8 “under title 18, United States Code”; and

9 (ii) in subparagraph (B), by striking
10 “of \$50,000” and inserting “under title
11 18, United States Code”.

12 (C) IN SECTION 403.—Section 403(d) of
13 the Controlled Substances Act (21 U.S.C.
14 843(d)) is amended—

15 (i) by striking “of not more than
16 \$30,000” each place that term appears
17 and inserting “under title 18, United
18 States Code”; and

19 (ii) by striking “of not more than
20 \$60,000” each place that term appears
21 and inserting “under title 18, United
22 States Code”.

23 (e) CROSS REFERENCE CORRECTIONS.—

24 (1) CROSS REFERENCE CORRECTION OCCA-
25 SIONED BY ENACTMENT OF INTERVENING LAW.—

1 (A) SECTION 3583.—Section 3583(d) of
2 title 18, United States Code, is amended by
3 striking “section 3563(b)(1) through (b)(10)
4 and (b)(12) through (b)(20)” and inserting
5 “paragraphs (1) through (9) and (11) through
6 (19) of section 3563(b)”.

7 (B) SECTION 3563.—Section 3563(a)(2) of
8 title 18, United States Code, is amended by
9 striking the item relating to section 3503.

10 (5) ELIMINATION OF OUTMODED REFERENCE
11 TO PAROLE.—Section 929(b) of title 18, United
12 States Code, is amended by striking the last sen-
13 tence.

14 (d) CORRECTION OF OUTMODED FINE AMOUNTS.—

15 (1) IN TITLE 18, UNITED STATES CODE.—

16 (A) IN SECTION 665.—Section 665(c) of
17 title 18, United States Code, is amended by
18 striking “a fine of not more than \$5,000” and
19 inserting “a fine under this title”.

20 (B) IN SECTIONS 1924, 2075, 211B, AND
21 2236.—

22 (i) Section 1924(a) of title 18, United
23 States Code, is amended by striking “not
24 more than \$1,000,” and inserting “under
25 this title”.

1 (ii) Sections 2075, 2113(b), and 2236
2 of title 18, United States Code, are each
3 amended by striking “not more than
4 \$1,000” and inserting “under this title”.

5 (C) IN SECTION 372 AND 752.—Sections
6 372 and 752(a) of title 18, United States Code,
7 are each amended by striking “not more than
8 \$5,000” and inserting “under this title”.

9 (2) IN THE CONTROLLED SUBSTANCES ACT.—

10 (A) IN SECTION 401.—Section 401(e) of
11 the Controlled Substances Act (21 U.S.C.
12 841(e)) is amended—

13 (i) in paragraph (1), by striking “and
14 shall be fined not more than \$10,000” and
15 inserting “or fined under title 18, United
16 States Code, or both”; and

17 (ii) in paragraph (2), by striking “and
18 shall be fined not more than \$20,000” and
19 inserting “or fined under title 18, United
20 States Code, or both”.

21 (B) IN SECTION 402.—Section 402(c)(2) of
22 the Controlled Substances Act (21 U.S.C.
23 842(c)) is amended—

1 (i) in subparagraph (A), by striking
2 “of not more than \$25,000” and inserting
3 “under title 18, United States Code”; and

4 (ii) in subparagraph (B), by striking
5 “of \$50,000” and inserting “under title
6 18, United States Code”.

7 (C) IN SECTION 403.—Section 403(d) of
8 the Controlled Substances Act (21 U.S.C.
9 843(d)) is amended—

10 (i) by striking “of not more than
11 \$30,000” each place that term appears
12 and inserting “under title 18, United
13 States Code”; and

14 (ii) by striking “of not more than
15 \$60,000” each place that term appears
16 and inserting “under title 18, United
17 States Code”.

18 (e) CROSS REFERENCE CORRECTIONS.—

19 (1) CROSS REFERENCE CORRECTION OCCA-
20 SIONED BY ENACTMENT OF INTERVENING LAW.—

21 (A) SECTION 3583.—Section 3583(d) of
22 title 18, United States Code, is amended by
23 striking “section 3563(b)(1) through (b)(10)
24 and (b)(12) through (b)(20)” and inserting

1 “paragraphs (1) through (9) and (11) through
2 (19) of section 3563(b)”.

3 (B) SECTION 3563.—Section 3563(a)(2) of
4 title 18, United States Code, is amended by
5 striking “(b)(3), or (b)(13)” and inserting “or
6 (b)(12)”.

7 (2) SECTION 3664.—Section 3664(o)(1)(C) of
8 title 18, United States Code, is amended by striking
9 “section 3664(d)(3)” and inserting “subsection
10 (d)(5)”.

11 (3) CHAPTER 228.—Section 3592(e)(1) of title
12 18, United States Code, is amended by striking
13 “section 36” and inserting “section 37”.

14 (4) CORRECTING ERRONEOUS CROSS REF-
15 ERENCE IN CONTROLLED SUBSTANCES ACT.—Sec-
16 tion 511(a)(10) of the Controlled Substances Act
17 (21 U.S.C. 881(a)(10)) is amended by striking
18 “1882 of the Mail Order Drug Paraphernalia Con-
19 trol Act” and inserting “422”.

20 (5) CORRECTION TO REFLECT CROSS REF-
21 ERENCE CHANGE MADE BY OTHER LAW.—Effective
22 on the date of its enactment, section 601(c)(3) of
23 the Economic Espionage Act of 1996 (110 Stat.
24 3499) is amended by striking “247(d)” and insert-
25 ing “247(e)”.

1 (6) TYPOGRAPHICAL AND TYPEFACE ERROR IN
2 TABLE OF CONTENTS.—The item relating to chapter
3 123 in the analysis at the beginning of part I of title
4 18, United States Code, is amended—

5 (A) by striking “2271” and inserting
6 “2721”; and

7 (B) so that the item appears in bold face
8 type.

9 (7) CORRECTION OCCASIONED BY ENACTMENT
10 OF INTERVENING LAW.—Section 3563(a) of title 18,
11 United States Code, is amended by striking “para-
12 graph (4)” each place it appears and inserting
13 “paragraph (5)”.

14 (8) SECTION 3565.—Section 3565(b)(3) of title
15 18, United States Code, is amended by striking
16 “3563(a)(4)” and inserting “3563(a)(5)”.

17 (9) SECTION 4104.—Section 4104(d) of title 18,
18 United States Code, is amended by striking “section
19 3653 of this title and rule 32(f) of” and inserting
20 “section 3565 of this title and the applicable provi-
21 sions of”.

22 (10) ERROR IN AMENDATORY LANGUAGE.—Ef-
23 fective on the date of its enactment, section 583 of
24 the Foreign Operations, Export Financing, and Re-
25 lated Programs Appropriations Act, 1998 (111 Stat.

1 2346) is amended by striking “Section 2401” and
2 inserting “Section 2441”.

3 (11) ERROR IN CROSS REFERENCE TO COURT
4 RULES.—The first sentence of section 3593(c) of
5 title 18, United States Code, is amended by striking
6 “rule 32(c)” and inserting “rule 32”.

7 (12) CORRECTION OF ERRONEOUS CITE IN
8 AMENDATORY LANGUAGE.—Effective on the date of
9 the enactment of section 102 of the Economic Espio-
10 nage Act of 1996 (110 Stat. 3491), such section is
11 amended by striking “Section 2516(1)(c)” and in-
12 serting “Section 2516(1)(a)”.

13 (13) SECTION 1836.—Section 1836(a) of title
14 18, United States Code, is amended by striking
15 “this section” and inserting “this chapter”.

16 (14) CORRECTION OF ERRONEOUS CITE IN
17 CHAPTER 119.—Section 2510(10) of title 18, United
18 States Code, is amended by striking “shall have”
19 and all that follows through “United States Code;”
20 and inserting “has the meaning given that term in
21 section 3 of the Communications Act of 1934 (47
22 U.S.C. 153);”.

23 (f) CHAPTER ANALYSIS CORRECTIONS.—

24 (1) CONFORMING SECTION HEADING.—The
25 item relating to section 1837 in the analysis for

1 chapter 90 of title 18, United States Code, is
2 amended by striking “Conduct” and inserting “Ap-
3 plicability to conduct”.

4 (2) CONFORMING HEADING TO TABLE OF SEC-
5 TIONS ENTRY.—The heading of section 1920 of title
6 18, United States Code, is amended by striking
7 “employee’s” and inserting “employees’”.

8 **TITLE IV—PREVENTING**
9 **JUVENILE CRIME**

10 **Subtitle A—Grants to Youth**
11 **Organizations**

12 **SEC. 4001. GRANT PROGRAM.**

13 The Attorney General may make grants to States, In-
14 dian tribes, and national or statewide nonprofit organiza-
15 tions in crime prone areas, such as Boys and Girls Clubs,
16 Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers
17 and Big Sisters, and Kids ’N Kops programs, for the pur-
18 pose of—

19 (1) providing constructive activities to youth
20 during after school hours, weekends, and school va-
21 cations;

22 (2) providing supervised activities in safe envi-
23 ronments to youth in crime prone areas;

24 (3) providing antidrug education to prevent
25 drug abuse among youth;

1 (4) supporting police officer training and sala-
2 ries and educational materials to expand D.A.R.E.
3 America's middle school campaign; or

4 (5) providing constructive activities to youth in
5 a safe environment through parks and other public
6 recreation areas.

7 **SEC. 4002. GRANTS TO NATIONAL ORGANIZATIONS.**

8 (a) APPLICATIONS.—

9 (1) ELIGIBILITY.—In order to be eligible to re-
10 ceive a grant under this section, the chief operating
11 officer of a national or statewide community-based
12 organization shall submit an application to the At-
13 torney General in such form and containing such in-
14 formation as the Attorney General may reasonably
15 require.

16 (2) APPLICATION REQUIREMENTS.—Each appli-
17 cation submitted in accordance with paragraph (1)
18 shall include—

19 (A) a request for a grant to be used for
20 the purposes described in this subtitle;

21 (B) a description of the communities to be
22 served by the grant, including the nature of ju-
23 venile crime, violence, and drug use in the com-
24 munities;

1 (C) written assurances that Federal funds
2 received under this subtitle will be used to sup-
3 plement and not supplant, non-Federal funds
4 that would otherwise be available for activities
5 funded under this subtitle;

6 (D) written assurances that all activities
7 will be supervised by an appropriate number of
8 responsible adults;

9 (E) a plan for assuring that program ac-
10 tivities will take place in a secure environment
11 that is free of crime and drugs; and

12 (F) any additional statistical or financial
13 information that the Attorney General may rea-
14 sonably require.

15 (b) GRANT AWARDS.—In awarding grants under this
16 section, the Attorney General shall consider—

17 (1) the ability of the applicant to provide the
18 stated services;

19 (2) the history and establishment of the appli-
20 cant in providing youth activities on a national or
21 statewide basis; and

22 (3) the extent to which the organizations shall
23 achieve an equitable geographic distribution of the
24 grant awards.

1 **SEC. 4003. GRANTS TO STATES.**

2 (a) APPLICATIONS.—

3 (1) IN GENERAL.—The Attorney General may
4 make grants under this section to States for dis-
5 tribution to units of local government and commu-
6 nity-based organizations for the purposes set forth
7 in section 4001.

8 (2) GRANTS.—To request a grant under this
9 section, the chief executive of a State shall submit
10 an application to the Attorney General in such form
11 and containing such information as the Attorney
12 General may reasonably require.

13 (3) APPLICATION REQUIREMENTS.—Each appli-
14 cation submitted in accordance with paragraph (2)
15 shall include—

16 (A) a request for a grant to be used for
17 the purposes described in this subtitle;

18 (B) a description of the communities to be
19 served by the grant, including the nature of ju-
20 venile crime, violence, and drug use in the com-
21 munity;

22 (C) written assurances that Federal funds
23 received under this subtitle will be used to sup-
24 plement and not supplant, non-Federal funds
25 that would otherwise be available for activities
26 funded under this subtitle;

1 (D) written assurances that all activities
2 will be supervised by an appropriate number of
3 responsible adults; and

4 (E) a plan for assuring that program ac-
5 tivities will take place in a secure environment
6 that is free of crime and drugs.

7 (b) GRANT AWARDS.—In awarding grants under this
8 section, the State shall consider—

9 (1) the ability of the applicant to provide the
10 stated services;

11 (2) the history and establishment of the appli-
12 cant in the community to be served;

13 (3) the level of juvenile crime, violence, and
14 drug use in the community;

15 (4) the extent to which structured extra-
16 curricular activities for youth are otherwise unavail-
17 able in the community;

18 (5) the need in the community for secure envi-
19 ronments for youth to avoid criminal victimization
20 and exposure to crime and illegal drugs;

21 (6) to the extent practicable, achievement of an
22 equitable geographic distribution of the grant
23 awards; and

24 (7) whether the applicant has an established
25 record of providing extracurricular activities that are

1 generally not otherwise available to youth in the
2 community.

3 (c) ALLOCATION.—

4 (1) STATE ALLOCATIONS.—The Attorney Gen-
5 eral shall allot not less than 0.75 percent of the total
6 amount made available each fiscal year to carry out
7 this section to each State that has applied for a
8 grant under this section.

9 (2) INDIAN TRIBES.—The Attorney General
10 shall allot not less than 0.75 percent of the total
11 amount made available each fiscal year to carry out
12 this section to Indian tribes, in accordance with the
13 criteria set forth in subsections (a) and (b).

14 (3) REMAINING AMOUNTS.—Of the amount re-
15 maining after the allocations under paragraphs (1)
16 and (2), the Attorney General shall allocate to each
17 State an amount that bears the same ratio to the
18 total amount of remaining funds as the population
19 of the State bears to the total population of all
20 States.

21 **SEC. 4004. ALLOCATION; GRANT LIMITATION.**

22 (a) ALLOCATION.—Of amounts made available to
23 carry out this subtitle—

24 (1) 20 percent shall be for grants to national or
25 statewide organizations under section 4002; and

1 (2) 80 percent shall be for grants to States
2 under section 403.

3 (b) GRANT LIMITATION.—Not more than 3 percent
4 of the funds made available to the Attorney General or
5 a grant recipient under this subtitle may be used for ad-
6 ministrative purposes.

7 **SEC. 4005. REPORT AND EVALUATION.**

8 (a) REPORT TO THE ATTORNEY GENERAL.—Not
9 later than October 1, 2000 and October 1 of each year
10 thereafter, each grant recipient under this subtitle shall
11 submit to the Attorney General a report that describes,
12 for the year to which the report relates—

13 (1) the activities provided;

14 (2) the number of youth participating;

15 (3) the extent to which the grant enabled the
16 provision of activities to youth that would not other-
17 wise be available; and

18 (4) any other information that the Attorney
19 General requires for evaluating the effectiveness of
20 the program.

21 (b) EVALUATION AND REPORT TO CONGRESS.—Not
22 later than March 1, 2001, and March 1 of each year there-
23 after, the Attorney General shall submit to Congress an
24 evaluation and report that contains a detailed statement
25 regarding grant awards, activities of grant recipients, a

1 compilation of statistical information submitted by grant
2 recipients under this subtitle, and an evaluation of pro-
3 grams established by grant recipients under this subtitle.

4 (c) CRITERIA.—In assessing the effectiveness of the
5 programs established and operated by grant recipients
6 pursuant to this subtitle, the Attorney General shall
7 consider—

8 (1) the number of youth served by the grant re-
9 cipient;

10 (2) the percentage of youth participating in the
11 program charged with acts of delinquency or crime
12 compared to youth in the community at large;

13 (3) the percentage of youth participating in the
14 program that uses drugs compared to youth in the
15 community at large;

16 (4) the percentage of youth participating in the
17 program that are victimized by acts of crime or de-
18 linquency compared to youth in the community at
19 large; and

20 (5) the truancy rates of youth participating in
21 the program compared to youth in the community at
22 large.

23 (d) DOCUMENTS AND INFORMATION.—Each grant
24 recipient under this subtitle shall provide the Attorney
25 General with all documents and information that the At-

1 torney General determines to be necessary to conduct an
2 evaluation of the effectiveness of programs funded under
3 this subtitle.

4 **SEC. 4006. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to carry out this subtitle from the Violent Crime
7 Reduction Trust Fund—

8 (1) such sums as may be necessary for each of
9 fiscal years 2000 and 2001; and

10 (2) \$125,000,000 for each of fiscal years 2002
11 and 2003.

12 (b) CONTINUED AVAILABILITY.—Amounts made
13 available under this subtitle shall remain available until
14 expended.

15 **SEC. 4007. GRANTS TO PUBLIC AND PRIVATE AGENCIES.**

16 Title II of the Juvenile Justice and Delinquency Pre-
17 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
18 amended—

19 (1) by striking the first part designated as part
20 I;

21 (2) by redesignating the second part designated
22 as part I as part M; and

23 (3) by inserting after part H the following:

1 **“PART I—AFTER SCHOOL CRIME PREVENTION**
2 **“SEC. 291. GRANTS TO PUBLIC AND PRIVATE AGENCIES**
3 **FOR EFFECTIVE AFTER SCHOOL CRIME PRE-**
4 **VENTION PROGRAMS.**

5 “(a) IN GENERAL.—Subject to the availability of ap-
6 propriations, the Administrator shall make grants in ac-
7 cordance with this section to public and private agencies
8 to fund effective after school juvenile crime prevention
9 programs.

10 “(b) MATCHING REQUIREMENT.—The Administrator
11 may not make a grant to a public or private agency under
12 this section unless that agency agrees that, with respect
13 to the costs to be incurred by the agency in carrying out
14 the program for which the grant is to be awarded, the
15 agency will make available non-Federal contributions in
16 an amount that is not less than a specific percentage of
17 Federal funds provided under the grant, as determined by
18 the Administrator.

19 “(c) PRIORITY.—In making grants under this sec-
20 tion, the Administrator shall give priority to funding pro-
21 grams that—

22 “(1) are targeted to high crime neighborhoods
23 or at-risk juveniles;

24 “(2) operate during the period immediately fol-
25 lowing normal school hours;

1 “(3) provide educational or recreational activi-
 2 ties designed to encourage law-abiding conduct, re-
 3 duce the incidence of criminal activity, and teach ju-
 4 veniles alternatives to crime; and

5 “(4) coordinate with State or local juvenile
 6 crime control and juvenile offender accountability
 7 programs.

8 “(d) FUNDING.—There are authorized to be appro-
 9 priated for grants under this section \$250,000,000 for
 10 each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

11 **Subtitle B—“Say No to Drugs”**
 12 **Community Centers**

13 **SEC. 4201. SHORT TITLE; DEFINITIONS.**

14 (a) SHORT TITLE.—This subtitle may be cited as the
 15 “Say No to Drugs Community Centers Act of 1999”.

16 (b) DEFINITIONS.—In this subtitle—

17 (1) COMMUNITY-BASED ORGANIZATION.—The
 18 term “community-based organization” means a pri-
 19 vate, locally initiated organization that—

20 (A) is a nonprofit organization, as that
 21 term is defined in section 103(23) of the Juve-
 22 nile Justice and Delinquency Prevention Act of
 23 1974 (42 U.S.C. 5603(23)); and

1 (B) involves the participation, as appro-
2 priate, of members of the community and com-
3 munity institutions, including—

4 (i) business and civic leaders actively
5 involved in providing employment and busi-
6 ness development opportunities in the com-
7 munity;

8 (ii) educators;

9 (iii) religious organizations (which
10 shall not provide any sectarian instruction
11 or sectarian worship in connection with
12 program activities funded under this sub-
13 title);

14 (iv) law enforcement agencies; and

15 (v) other interested parties.

16 (2) ELIGIBLE COMMUNITY.—The term “eligible
17 community” means a community—

18 (A) identified by an eligible recipient for
19 assistance under this subtitle; and

20 (B) an area that meets such criteria as the
21 Attorney General may, by regulation, establish,
22 including criteria relating to poverty, juvenile
23 delinquency, and crime.

1 (3) ELIGIBLE RECIPIENT.—The term “eligible
2 recipient” means a community-based organization or
3 public school that has—

4 (A) been approved for eligibility by the At-
5 torney General, upon application submitted to
6 the Attorney General in accordance with section
7 412(b); and

8 (B) demonstrated that the projects and ac-
9 tivities it seeks to support in an eligible commu-
10 nity involve the participation, when feasible and
11 appropriate, of—

12 (i) parents, family members, and
13 other members of the eligible community;

14 (ii) civic and religious organizations
15 serving the eligible community;

16 (iii) school officials and teachers em-
17 ployed at schools located in the eligible
18 community;

19 (iv) public housing resident organiza-
20 tions in the eligible community; and

21 (v) public and private nonprofit orga-
22 nizations and organizations serving youth
23 that provide education, child protective
24 services, or other human services to low in-
25 come, at-risk youth and their families.

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

7 (5) **PUBLIC SCHOOL.**—The term “public
8 school” means a public elementary school, as defined
9 in section 1201(i) of the Higher Education Act of
10 1965 (20 U.S.C. 1141(i)), and a public secondary
11 school, as defined in section 1201(d) of that Act (42
12 U.S.C. 1141(d)).

13 **SEC. 4202. GRANT REQUIREMENTS.**

14 (a) **IN GENERAL.**—The Attorney General may make
15 grants to eligible recipients, which grants may be used to
16 provide to youth living in eligible communities during after
17 school hours or summer vacations, the following services:

18 (1) Rigorous drug prevention education.

19 (2) Drug counseling and treatment.

20 (3) Academic tutoring and mentoring.

21 (4) Activities promoting interaction between
22 youth and law enforcement officials.

23 (5) Vaccinations and other basic preventive
24 health care.

25 (6) Sexual abstinence education.

1 (7) Other activities and instruction to reduce
2 youth violence and substance abuse.

3 (b) LOCATION AND USE OF AMOUNTS.—An eligible
4 recipient that receives a grant under this subtitle—

5 (1) shall ensure that the stated program is car-
6 ried out—

7 (A) when appropriate, in the facilities of a
8 public school during nonschool hours; or

9 (B) in another appropriate local facility
10 that is—

11 (i) in a location easily accessible to
12 youth in the community; and

13 (ii) in compliance with all applicable
14 State and local ordinances;

15 (2) shall use the grant amounts to provide to
16 youth in the eligible community services and activi-
17 ties that include extracurricular and academic pro-
18 grams that are offered—

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

21 (B) as daily full day programs (to the ex-
22 tent available resources permit) or as part day
23 programs, during the summer months;

1 (3) shall use not more than 5 percent of the
2 amounts to pay for the administrative costs of the
3 program;

4 (4) shall not use such amounts to provide sec-
5 tarian worship or sectarian instruction; and

6 (5) may not use the amounts for the general
7 operating costs of public schools.

8 (c) APPLICATIONS.—

9 (1) IN GENERAL.—Each application to become
10 an eligible recipient shall be submitted to the Attor-
11 ney General at such time, in such manner, and ac-
12 companied by such information, as the Attorney
13 General may reasonably require.

14 (2) CONTENTS OF APPLICATION.—Each appli-
15 cation submitted pursuant to paragraph (1) shall—

16 (A) describe the activities and services to
17 be provided through the program for which the
18 grant is sought;

19 (B) contain a comprehensive plan for the
20 program that is designed to achieve identifiable
21 goals for youth in the eligible community;

22 (C) describe in detail the drug education
23 and drug prevention programs that will be im-
24 plemented;

1 (D) specify measurable goals and outcomes
2 for the program that will include—

3 (i) reducing the percentage of youth
4 in the eligible community that enter the ju-
5 venile justice system or become addicted to
6 drugs;

7 (ii) increasing the graduation rates,
8 school attendance, and academic success of
9 youth in the eligible community; and

10 (iii) improving the skills of program
11 participants;

12 (E) contain an assurance that the appli-
13 cant will use grant amounts received under this
14 subtitle to provide youth in the eligible commu-
15 nity with activities and services consistent with
16 subsection (g);

17 (F) demonstrate the manner in which the
18 applicant will make use of the resources, exper-
19 tise, and commitment of private entities in car-
20 rying out the program for which the grant is
21 sought;

22 (G) include an estimate of the number of
23 youth in the eligible community expected to be
24 served under the program;

1 (H) include a description of charitable pri-
2 vate resources, and all other resources, that will
3 be made available to achieve the goals of the
4 program;

5 (I) contain an assurance that the applicant
6 will comply with any evaluation under section
7 522, any research effort authorized under Fed-
8 eral law, and any investigation by the Attorney
9 General;

10 (J) contain an assurance that the appli-
11 cant will prepare and submit to the Attorney
12 General an annual report regarding any pro-
13 gram conducted under this subtitle;

14 (K) contain an assurance that the program
15 for which the grant is sought will, to the maxi-
16 mum extent practicable, incorporate services
17 that are provided solely through non-Federal
18 private or nonprofit sources; and

19 (L) contain an assurance that the appli-
20 cant will maintain separate accounting records
21 for the program for which the grant is sought.

22 (3) PRIORITY.—In determining eligibility under
23 this section, the Attorney General shall give priority
24 to applicants that submit applications that dem-

1 onstrate the greatest local support for the programs
2 they seek to support.

3 (d) PAYMENTS; FEDERAL SHARE; NON-FEDERAL
4 SHARE.—

5 (1) PAYMENTS.—The Attorney General shall,
6 subject to the availability of appropriations, provide
7 to each eligible recipient the Federal share of the
8 costs of developing and carrying out programs de-
9 scribed in this section.

10 (2) FEDERAL SHARE.—The Federal share of
11 the cost of a program under this subtitle shall be not
12 more than—

13 (A) 75 percent of the total cost of the pro-
14 gram for each of the first 2 years of the dura-
15 tion of a grant;

16 (B) 70 percent of the total cost of the pro-
17 gram for the third year of the duration of a
18 grant; and

19 (C) 60 percent of the total cost of the pro-
20 gram for each year thereafter.

21 (3) NON-FEDERAL SHARE.—

22 (A) IN GENERAL.—The non-Federal share
23 of the cost of a program under this subtitle
24 may be in cash or in kind, fairly evaluated, in-
25 cluding plant, equipment, and services. Federal

1 funds made available for the activity of any
2 agency of an Indian tribal government or the
3 Bureau of Indian Affairs on any Indian lands
4 may be used to provide the non-Federal share
5 of the costs of programs or projects funded
6 under this subtitle.

7 (B) SPECIAL RULE.—Not less than 15 per-
8 cent of the non-Federal share of the costs of a
9 program under this subtitle shall be provided
10 from private or nonprofit sources.

11 (e) PROGRAM AUTHORITY.—

12 (1) IN GENERAL.—

13 (A) ALLOCATIONS FOR STATES AND IN-
14 DIAN TRIBES.—

15 (i) IN GENERAL.—In any fiscal year
16 in which the total amount made available
17 to carry out this subtitle is equal to or
18 greater than \$20,000,000, from the
19 amount made available to carry out this
20 subtitle, the Attorney General shall allocate
21 not less than 0.75 percent for grants under
22 subparagraph (B) to eligible recipients in
23 each State.

24 (ii) INDIAN TRIBES.—The Attorney
25 General shall allocate 0.75 percent of

1 amounts made available under this subtitle
2 for grants to Indian tribes.

3 (B) GRANTS TO COMMUNITY-BASED ORGA-
4 NIZATIONS AND PUBLIC SCHOOLS FROM ALLO-
5 CATIONS.—For each fiscal year described in
6 subparagraph (A), the Attorney General may
7 award grants from the appropriate State or In-
8 dian tribe allocation determined under subpara-
9 graph (A) on a competitive basis to eligible re-
10 recipients to pay for the Federal share of assist-
11 ing eligible communities to develop and carry
12 out programs in accordance with this subtitle.

13 (C) REALLOCATION.—If, at the end of a
14 fiscal year described in subparagraph (A), the
15 Attorney General determines that amounts allo-
16 cated for a particular State or Indian tribe
17 under subparagraph (B) remain unobligated,
18 the Attorney General shall use such amounts to
19 award grants to eligible recipients in another
20 State or Indian tribe to pay for the Federal
21 share of assisting eligible communities to de-
22 velop and carry out programs in accordance
23 with this subtitle. In awarding such grants, the
24 Attorney General shall consider the need to

1 maintain geographic diversity among eligible re-
2 cipients.

3 (D) AVAILABILITY OF AMOUNTS.—

4 Amounts made available under this paragraph
5 shall remain available until expended.

6 (2) OTHER FISCAL YEARS.—In any fiscal year
7 in which the amount made available to carry out this
8 subtitle is equal to or less than \$20,000,000, the At-
9 torney General may award grants on a competitive
10 basis to eligible recipients to pay for the Federal
11 share of assisting eligible communities to develop
12 and carry out programs in accordance with this sub-
13 title.

14 (3) ADMINISTRATIVE COSTS.—The Attorney
15 General may use not more than 3 percent of the
16 amounts made available to carry out this subtitle in
17 any fiscal year for administrative costs, including
18 training and technical assistance.

19 **SEC. 4203. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this subtitle from the Violent Crime Reduction Trust
22 Fund—

23 (1) for fiscal year 2001, \$125,000,000; and

24 (2) for fiscal year 2002, \$125,000,000.

1 **Subtitle C—Missing and Exploited**
2 **Children**

3 **SEC. 4301. AMENDMENTS TO THE MISSING CHILDREN’S AS-**
4 **SISTANCE ACT.**

5 Section 404 of the Missing Children’s Assistance Act
6 (42 U.S.C. 5773) is amended—

7 (1) in subsection (b)(2)(A), by inserting “for-
8 eign governments,” after “State and local govern-
9 ments”; and

10 (2) in subsection (b)(2)(D)—

11 (A) by inserting “foreign governments,”
12 after “State and local governments”; and

13 (B) by striking “; and” at the end and in-
14 serting a period;

15 (3) in subsection (b)(3), by striking “(3) peri-
16 odically” and inserting the following:

17 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-
18 trator, either by making grants to or entering into con-
19 tracts with public agencies or nonprofit private agencies,
20 shall—

21 “(1) periodically”; and

22 (4) in subsection (b), by redesignating para-
23 graph (4) as paragraph (2).

1 **Subtitle D—Reauthorization of In-**
2 **centive Grants for Local Delin-**
3 **quency Prevention Programs**

4 **SEC. 4401. INCENTIVE GRANTS FOR LOCAL DELINQUENCY**
5 **PREVENTION PROGRAMS.**

6 Section 506 of the Juvenile Justice and Delinquency
7 Prevention Act of 1974 (42 U.S.C. 5785) is amended to
8 read as follows:

9 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated to carry out
11 this title such sums as may be necessary for each of fiscal
12 years 2000, 2001, 2002, 2003, and 2004.”

13 **SEC. 4402. RESEARCH, EVALUATION, AND TRAINING.**

14 Title V of the Juvenile Justice and Delinquency Pre-
15 vention Act of 1974 (42 U.S.C. 5781 et seq.) is amended
16 by adding at the end the following:

17 **“SEC. 507. RESEARCH, EVALUATION, AND TRAINING.**

18 “Of the amounts made available by appropriations
19 pursuant to section 506—

20 “(1) 2 percent shall be used by the Adminis-
21 trator for providing training and technical assistance
22 under this title; and

23 “(2) 10 percent shall be used by the Adminis-
24 trator for research, statistics, and evaluation activi-

1 ties carried out in conjunction with the grant pro-
2 grams under this title.”.

3 **Subtitle E—Reauthorization of the**
4 **Runaway and Homeless Youth Act**

5 **SEC. 4501. RUNAWAY AND HOMELESS YOUTH ACT.**

6 Section 372(a) of the Juvenile Justice and Delin-
7 quency Prevention Act of 1974 (42 U.S.C. 5714b(a)) is
8 amended by striking “unit of general local government”
9 and inserting “unit of local government”.

10 **SEC. 4502. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) TECHNICAL AMENDMENTS.—

12 (1) ERROR RESULTING FROM REDESIGNA-
13 TION.—

14 (A) IN GENERAL.—Section 3(i) of the Pub-
15 lic Law 102–586 (106 Stat. 5026) is amended
16 by striking “Section 366” and inserting “Sec-
17 tion 385”.

18 (B) EFFECTIVE DATE.—The amendment
19 made by clause (i) shall take effect as if in-
20 cluded in the amendments made by Public Law
21 102–586.

22 (2) ERROR RESULTING FROM REFERENCES TO
23 NONEXISTENT PROVISIONS OF LAW.—

24 (A) IN GENERAL.—Section 40155 of the
25 Violent Crime Control and Law Enforcement

1 Act of 1994 (Public Law 103–322; 108 Stat.
2 1922) is amended by striking “is amended—”
3 and all that follows through “after section 315”
4 and inserting the following: “is amended by
5 adding at the end”.

6 (B) EFFECTIVE DATE.—The amendment
7 made by subparagraph (A) shall take effect as
8 if included in the amendments made by the Vio-
9 lent Crime Control and Law Enforcement Act
10 of 1994 (Public Law 103–322; 108 Stat. 1796
11 et seq.).

12 (b) REAUTHORIZATIONS.—

13 (1) IN GENERAL.—Section 385 of the Juvenile
14 Justice and Delinquency Prevention Act of 1974 (42
15 U.S.C. 5751) (as amended by section 3(i) of Public
16 Law 102–586 (106 Stat. 5026) (as amended by sub-
17 section (a)(1)(A) of this subsection)) is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (1), by striking
20 “1993 and such sums as may be necessary
21 for fiscal years 1994, 1995, and 1996”
22 and inserting “2000 and such sums as
23 may be necessary for each of fiscal years
24 2001, 2002, 2003, and 2004”; and

1 (ii) in paragraph (3), by striking sub-
2 paragraphs (A) through (D) and inserting
3 the following:

4 “(A) for fiscal year 2000, not less than
5 \$1,055,406;

6 “(B) for fiscal year 2001, not less than
7 \$1,108,177;

8 “(C) for fiscal year 2002, not less than
9 \$1,163,585; and

10 “(D) for fiscal year 2003, not less than
11 \$1,163,585.”;

12 (B) in subsection (b), by striking “1993
13 and such sums as may be necessary for fiscal
14 years 1994, 1995, and 1996” and inserting
15 “2000 and such sums as may be necessary for
16 each of fiscal years 2001, 2002, 2003, and
17 2004”; and

18 (C) in subsection (c), by striking “1993,
19 1994, 1995, and 1996” and inserting “2000,
20 2001, 2002, 2003, and 2004”.

21 (2) ADDITIONAL REAUTHORIZATION.—Section
22 316 of part A of the Runaway and Homeless Youth
23 Act (42 U.S.C. 5712d) (as added by section 40155
24 of the Violent Crime Control and Law Enforcement

1 Act of 1994 (as amended by paragraph (1)(B) of
2 this subsection)) is—

3 (A) redesignated as section 315 of part A
4 of the Runaway and Homeless Youth Act; and
5 (B) amended by striking subsection (c)
6 and inserting the following:

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary for each of fiscal years
10 2000, 2001, 2002, 2003, and 2004.”.

11 **Subtitle F—Authorization of Anti-**
12 **Drug Abuse Programs**

13 **SEC. 4601. DRUG EDUCATION AND PREVENTION RELATING**
14 **TO YOUTH GANGS.**

15 Section 3505 of the Anti-Drug Abuse Act of 1988
16 (42 U.S.C. 11805) is amended to read as follows:

17 **“SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.**

18 “There is authorized to be appropriated to carry out
19 this chapter such sums as may be necessary for each of
20 fiscal years 2000, 2001, 2002, 2003, and 2004.”.

21 **SEC. 4602. DRUG EDUCATION AND PREVENTION PROGRAM**
22 **FOR RUNAWAY AND HOMELESS YOUTH.**

23 Section 3513 of the Anti-Drug Abuse Act of 1988
24 (42 U.S.C. 11823) is amended to read as follows:

1 **“SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out
3 this chapter such sums as may be necessary for each of
4 fiscal years 2000, 2001, 2002, 2003, and 2004.”.

5 **Subtitle G—JUMP Ahead**

6 **SEC. 4701. SHORT TITLE.**

7 This subtitle may be cited as the “JUMP Ahead Act
8 of 1999”.

9 **SEC. 4702. FINDINGS.**

10 Congress finds that—

11 (1) millions of young people in America live in
12 areas in which drug use and violent and property
13 crimes are pervasive;

14 (2) unfortunately, many of these same young
15 people come from single parent homes, or from envi-
16 ronments in which there is no responsible, caring
17 adult supervision;

18 (3) all children and adolescents need caring
19 adults in their lives, and mentoring is an effective
20 way to fill this special need for at-risk children;

21 (4) the special bond of commitment fostered by
22 the mutual respect inherent in effective mentoring
23 can be the tie that binds a young person to a better
24 future;

25 (5) through a mentoring relationship, adult vol-
26 unteers and participating youth make a significant

1 commitment of time and energy to develop relation-
2 ships devoted to personal, academic, or career devel-
3 opment and social, artistic, or athletic growth;

4 (6) rigorous independent studies have confirmed
5 that effective mentoring programs can significantly
6 reduce and prevent the use of alcohol and drugs by
7 young people, improve school attendance and per-
8 formance, improve peer and family and peer rela-
9 tionships, and reduce violent behavior;

10 (7) since the inception of the Federal JUMP
11 program, dozens of innovative, effective mentoring
12 programs have received funding grants;

13 (8) unfortunately, despite the recent growth in
14 public and private mentoring initiatives, it is re-
15 ported that between 5,000,000 and 15,000,000 addi-
16 tional children in the United States could benefit
17 from being matched with a mentor; and

18 (9) although great strides have been made in
19 reaching at-risk youth since the inception of the
20 JUMP program, millions of vulnerable American
21 children are not being reached, and without an in-
22 creased commitment to connect these young people
23 to responsible adult role models, our country risks
24 losing an entire generation to drugs, crime, and un-
25 productive lives.

1 **SEC. 4703. JUVENILE MENTORING GRANTS.**

2 (a) IN GENERAL.—Section 288B of the Juvenile Jus-
3 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
4 5667e-2) is amended—

5 (1) by inserting “(a) IN GENERAL.—” before
6 “The Administrator shall”;

7 (2) by striking paragraph (2) and inserting the
8 following:

9 “(2) are intended to achieve 1 or more of the
10 following goals:

11 “(A) Discourage at-risk youth from—

12 “(i) using illegal drugs and alcohol;

13 “(ii) engaging in violence;

14 “(iii) using guns and other dangerous
15 weapons;

16 “(iv) engaging in other criminal and
17 antisocial behavior; and

18 “(v) becoming involved in gangs.

19 “(B) Promote personal and social respon-
20 sibility among at-risk youth.

21 “(C) Increase at-risk youth’s participation
22 in, and enhance the ability of those youth to
23 benefit from, elementary and secondary edu-
24 cation.

25 “(D) Encourage at-risk youth participation
26 in community service and community activities.

1 “(E) Provide general guidance to at-risk
2 youth.”; and

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

4 “(b) AMOUNT AND DURATION.—Each grant under
5 this part shall be awarded in an amount not to exceed
6 a total of \$200,000 over a period of not more than 3 years.

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated \$50,000,000 for each of
9 fiscal years 2000, 2001, 2002, and 2003 to carry out this
10 part.”.

11 **SEC. 4704. IMPLEMENTATION AND EVALUATION GRANTS.**

12 (a) IN GENERAL.—The Administrator of the Office
13 of Juvenile Justice and Delinquency Prevention of the De-
14 partment of Justice may make grants to national organi-
15 zations or agencies serving youth, in order to enable those
16 organizations or agencies—

17 (1) to conduct a multisite demonstration
18 project, involving between 5 and 10 project sites,
19 that—

20 (A) provides an opportunity to compare
21 various mentoring models for the purpose of
22 evaluating the effectiveness and efficiency of
23 those models;

24 (B) allows for innovative programs de-
25 signed under the oversight of a national organi-

1 zation or agency serving youth, which programs
2 may include—

3 (i) technical assistance;

4 (ii) training; and

5 (iii) research and evaluation; and

6 (C) disseminates the results of such dem-
7 onstration project to allow for the determina-
8 tion of the best practices for various mentoring
9 programs;

10 (2) to develop and evaluate screening standards
11 for mentoring programs; and

12 (3) to develop and evaluate volunteer recruit-
13 ment techniques and activities for mentoring pro-
14 grams.

15 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
16 authorized to be appropriated \$5,000,000 for each of fis-
17 cal years 2000, 2001, 2002, and 2003 to carry out this
18 section.

19 **SEC. 4705. EVALUATIONS; REPORTS.**

20 (a) **EVALUATIONS.**—

21 (1) **IN GENERAL.**—The Attorney General shall
22 enter into a contract with an evaluating organization
23 that has demonstrated experience in conducting eval-
24 uations, for the conduct of an ongoing rigorous eval-
25 uation of the programs and activities assisted under

1 this Act or under section 228B of the Juvenile Jus-
2 tice and Delinquency Prevention Act of 1974 (42
3 U.S.C. 5667e-2) (as amended by this title).

4 (2) CRITERIA.—The Attorney General shall es-
5 tablish a minimum criteria for evaluating the pro-
6 grams and activities assisted under this Act or
7 under section 228B of the Juvenile Justice and De-
8 linquency Prevention Act of 1974 (42 U.S.C. 5667e-
9 2) (as amended by this title), which shall provide for
10 a description of the implementation of the program
11 or activity, and the effect of the program or activity
12 on participants, schools, communities, and youth
13 served by the program or activity.

14 (3) MENTORING PROGRAM OF THE YEAR.—The
15 Attorney General shall, on an annual basis, based on
16 the most recent evaluation under this subsection and
17 such other criteria as the Attorney General shall es-
18 tablish by regulation—

19 (A) designate 1 program or activity as-
20 sisted under this Act as the “Juvenile Mentor-
21 ing Program of the Year”; and

22 (B) publish notice of such designation in
23 the Federal Register.

24 (b) REPORTS.—

1 (1) GRANT RECIPIENTS.—Each entity receiving
2 a grant under this Act or under section 228B of the
3 Juvenile Justice and Delinquency Prevention Act of
4 1974 (42 U.S.C. 5667e-2) (as amended by this
5 title) shall submit to the evaluating organization en-
6 tering into the contract under subsection (a)(1), an
7 annual report regarding any program or activity as-
8 sisted under this Act or under section 228B of the
9 Juvenile Justice and Delinquency Prevention Act of
10 1974 (42 U.S.C. 5667e-2) (as amended by this
11 title). Each report under this paragraph shall be
12 submitted at such time, in such a manner, and shall
13 be accompanied by such information, as the evaluat-
14 ing organization may reasonably require.

15 (2) COMPTROLLER GENERAL.—Not later than
16 4 years after the date of enactment of this Act, the
17 Attorney General shall submit to Congress a report
18 evaluating the effectiveness of grants awarded under
19 this Act and under section 228B of the Juvenile
20 Justice and Delinquency Prevention Act of 1974 (42
21 U.S.C. 5667e-2) (as amended by this title), in—

22 (A) reducing juvenile delinquency and gang
23 participation;

24 (B) reducing the school dropout rate; and

1 (C) improving academic performance of ju-
2 veniles.

3 **Subtitle H—Truancy Prevention**

4 **SEC. 4801. SHORT TITLE.**

5 This subtitle may be cited as the “Truancy Preven-
6 tion and Juvenile Crime Reduction Act of 1999”.

7 **SEC. 4802. FINDINGS.**

8 Congress makes the following findings:

9 (1) Truancy is often the first sign of trouble—
10 the first indicator that a young person is giving up
11 and losing his or her way.

12 (2) Many students who become truant eventu-
13 ally drop out of school, and high school drop outs
14 are two and a half times more likely to be on welfare
15 than high school graduates, twice as likely to be un-
16 employed, or if employed, earn lower salaries.

17 (3) Truancy is the top-ranking characteristic of
18 criminals—more common than such factors as com-
19 ing from single-parent families and being abused as
20 children.

21 (4) High rates of truancy are linked to high
22 daytime burglary rates and high vandalism.

23 (5) As much as 44 percent of violent juvenile
24 crime takes place during school hours.

1 (6) As many as 75 percent of children ages 13
2 to 16 who are arrested and prosecuted for crimes
3 are truants.

4 (7) Some cities report as many as 70 percent
5 of daily student absences are unexcused, and the
6 total number of absences in a single city can reach
7 4,000 per day.

8 (8) Society pays a significant social and eco-
9 nomic cost due to truancy: only 34 percent of in-
10 mates have completed high school education; 17 per-
11 cent of youth under age 18 entering adult prisons
12 have not completed grade school (8th grade or less),
13 25 percent completed 10th grade, and 2 percent
14 completed high school.

15 (9) Truants and later high school drop outs
16 cost the Nation \$240,000,000,000 in lost earnings
17 and foregone taxes over their lifetimes, and the cost
18 of crime control is staggering.

19 (10) In many instances, parents are unaware a
20 child is truant.

21 (11) Effective truancy prevention, early inter-
22 vention, and accountability programs can improve
23 school attendance and reduce daytime crime rates.

24 (12) There is a lack of targeted funding for ef-
25 fective truancy prevention programs in current law.

1 **SEC. 4803. GRANTS.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
4 ble partnership” means a partnership between 1 or
5 more qualified units of local government and 1 or
6 more local educational agencies.

7 (2) LOCAL EDUCATIONAL AGENCY.—The term
8 “local educational agency” has the meaning given
9 the term in section 14101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 8801).

11 (3) QUALIFIED UNIT OF LOCAL GOVERN-
12 MENT.—The term “qualified unit of local govern-
13 ment” means a unit of local government that has in
14 effect, as of the date on which the eligible partner-
15 ship submits an application for a grant under this
16 section, a statute or regulation that meets the re-
17 quirements of section 223(a)(14) of the Juvenile
18 Justice and Delinquency and Prevention Act of 1974
19 (42 U.S.C. 5633(a)(14)).

20 (4) UNIT OF LOCAL GOVERNMENT.—The term
21 “unit of local government” means any city, county,
22 township, town, borough, parish, village, or other
23 general purpose political subdivision of a State, or
24 any Indian tribe.

25 (b) GRANT AUTHORITY.—The Attorney General, in
26 consultation with the Secretary of Education, shall make

1 grants in accordance with this section on a competitive
2 basis to eligible partnerships to reduce truancy and the
3 incidence of daytime juvenile crime.

4 (c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

5 (1) MAXIMUM AMOUNT.—The total amount
6 awarded to an eligible partnership under this section
7 in any fiscal year shall not exceed \$100,000.

8 (2) ALLOCATION.—Not less than 25 percent of
9 each grant awarded to an eligible partnership under
10 this section shall be allocated for use by the local
11 educational agency or agencies participating in the
12 partnership.

13 (3) RENEWAL.—A grant awarded under this
14 section for a fiscal year may be renewed for an addi-
15 tional period of not more than 2 fiscal years.

16 (d) USE OF FUNDS.—

17 (1) IN GENERAL.—Grant amounts made avail-
18 able under this section may be used by an eligible
19 partnership to comprehensively address truancy
20 through the use of—

21 (A) parental involvement in prevention ac-
22 tivities, including meaningful incentives for pa-
23 rental responsibility;

1 (B) sanctions, including community serv-
2 ice, or drivers' license suspension for students
3 who are habitually truant;

4 (C) parental accountability, including fines,
5 teacher-aid duty, or community service;

6 (D) in-school truancy prevention programs,
7 including alternative education and in-school
8 suspension;

9 (E) involvement of the local law enforce-
10 ment, social services, judicial, business, and re-
11 ligious communities, and nonprofit organiza-
12 tions;

13 (F) technology, including automated tele-
14 phone notice to parents and computerized at-
15 tendance system; or

16 (G) elimination of 40-day count and other
17 unintended incentives to allow students to be
18 truant after a certain time of school year.

19 (2) MODEL PROGRAMS.—In carrying out this
20 section, the Attorney General may give priority to
21 funding the following programs and programs that
22 attempt to replicate one or more of the following
23 model programs:

24 (A) The Truancy Intervention Project of
25 the Fulton County, Georgia, Juvenile Court.

1 (B) The TABS (Truancy Abatement and
2 Burglary Suppression) program of Milwaukee,
3 Wisconsin.

4 (C) The Roswell Daytime Curfew Program
5 of Roswell, New Mexico.

6 (D) The Stop, Cite and Return Program of
7 Rohnert Park, California.

8 (E) The Stay in School Program of New
9 Haven, Connecticut.

10 (F) The Atlantic County Project Helping
11 Hand of Atlantic County, New Jersey.

12 (G) The THRIVE (Truancy Habits Re-
13 duced Increasing Valuable Education) initiative
14 of Oklahoma City, Oklahoma.

15 (H) The Norfolk, Virginia project using
16 computer software and data collection.

17 (I) The Community Service Early Inter-
18 vention Program of Marion, Ohio.

19 (J) The Truancy Reduction Program of
20 Bakersfield, California.

21 (K) The Grade Court program of Farm-
22 ington, New Mexico.

23 (L) Any other model program that the At-
24 torney General determines to be appropriate.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section,
3 \$25,000,000 for each of fiscal years 2000, 2001, and
4 2002.

5 **Subtitle I—Juvenile Crime Control**
6 **and Delinquency Prevention Act**

7 **SEC. 4901. SHORT TITLE.**

8 This subtitle may be cited as the “Juvenile Crime
9 Control and Delinquency Prevention Act of 1999”.

10 **SEC. 4902. FINDINGS.**

11 Section 101 of the Juvenile Justice and Delinquency
12 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
13 read as follows:

14 **“SEC. 101. FINDINGS.**

15 “(a) Congress finds that the juvenile crime problem
16 should be addressed through a 2-track common sense ap-
17 proach that addresses the needs of individual juveniles and
18 society at large by promoting—

19 “(1) quality prevention programs that—

20 “(A) work with juveniles, their families,
21 local public agencies, and community-based or-
22 ganizations, and take into consideration such
23 factors as whether juveniles have ever been the
24 victims of family violence (including child abuse
25 and neglect); and

1 “(B) are designed to reduce risks and de-
2 velop competencies in at-risk juveniles that will
3 prevent, and reduce the rate of, violent delin-
4 quent behavior; and

5 “(2) programs that assist in holding juveniles
6 accountable for their actions, including a system of
7 graduated sanctions to respond to each delinquent
8 act, requiring juveniles to make restitution, or per-
9 form community service, for the damage caused by
10 their delinquent acts, and methods for increasing
11 victim satisfaction with respect to the penalties im-
12 posed on juveniles for their acts.

13 “(b) Congress must act now to reform this program
14 by focusing on juvenile delinquency prevention programs,
15 as well as programs that hold juveniles accountable for
16 their acts.”.

17 **SEC. 4903. PURPOSE.**

18 Section 102 of the Juvenile Justice and Delinquency
19 Prevention Act of 1974 (42 U.S.C. 5602) is amended to
20 read as follows:

21 **“SEC. 102. PURPOSES.**

22 “The purposes of this title are—

23 “(1) to support State and local programs that
24 prevent juvenile involvement in delinquent behavior;

1 “(2) to assist State and local governments in
2 promoting public safety by encouraging accountabil-
3 ity for acts of juvenile delinquency; and

4 “(3) to assist State and local governments in
5 addressing juvenile crime through the provision of
6 technical assistance, research, training, evaluation,
7 and the dissemination of information on effective
8 programs for combating juvenile delinquency.”.

9 **SEC. 4904. DEFINITIONS.**

10 Section 103 of the Juvenile Justice and Delinquency
11 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

12 (1) in paragraph (3), by striking “to help pre-
13 vent juvenile delinquency” and inserting “designed
14 to reduce known risk factors for juvenile delinquent
15 behavior, provide activities that build on protective
16 factors for, and develop competencies in, juveniles to
17 prevent, and reduce the rate of, delinquent juvenile
18 behavior”,

19 (2) in paragraph (4), by inserting “title I of”
20 before “the Omnibus” each place it appears,

21 (3) in paragraph (7), by striking “the Trust
22 Territory of the Pacific Islands,”,

23 (4) in paragraph (9), by striking “justice” and
24 inserting “crime control”,

1 (5) in paragraph (12)(B), by striking “, of any
2 nonoffender,”,

3 (6) in paragraph (13)(B), by striking “, any
4 nonoffender,”,

5 (7) in paragraph (14), by inserting “drug traf-
6 ficking,” after “assault,”,

7 (8) in paragraph (16)—

8 (A) in subparagraph (A), by adding “and”
9 at the end, and

10 (B) by striking subparagraph (C),

11 (9) by striking paragraph (17),

12 (10) in paragraph (22)—

13 (A) by redesignating subparagraphs (i),

14 (ii), and (iii) as subparagraphs (A), (B), and

15 (C), respectively, and

16 (B) by striking “and” at the end,

17 (11) in paragraph (23), by striking the period
18 at the end and inserting a semicolon,

19 (12) by redesignating paragraphs (18), (19),

20 (20), (21), (22), and (23) as paragraphs (17)

21 through (22), respectively, and

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

23 “(23) the term ‘boot camp’ means a residential
24 facility (excluding a private residence) at which there
25 are provided—

1 “(A) a highly regimented schedule of dis-
2 cipline, physical training, work, drill, and cere-
3 mony characteristic of military basic training.

4 “(B) regular, remedial, special, and voca-
5 tional education; and

6 “(C) counseling and treatment for sub-
7 stance abuse and other health and mental
8 health problems;

9 “(24) the term ‘graduated sanctions’ means an
10 accountability-based, graduated series of sanctions
11 (including incentives and services) applicable to juve-
12 niles within the juvenile justice system to hold such
13 juveniles accountable for their actions and to protect
14 communities from the effects of juvenile delinquency
15 by providing appropriate sanctions for every act for
16 which a juvenile is adjudicated delinquent, by induc-
17 ing their law-abiding behavior, and by preventing
18 their subsequent involvement with the juvenile jus-
19 tice system;

20 “(25) the term ‘violent crime’ means—

21 “(A) murder or nonnegligent man-
22 slaughter, forcible rape, or robbery, or

23 “(B) aggravated assault committed with
24 the use of a firearm;

1 “(26) the term ‘co-located facilities’ means fa-
2 cilities that are located in the same building, or are
3 part of a related complex of buildings located on the
4 same grounds; and

5 “(27) the term ‘related complex of buildings’
6 means 2 or more buildings that share—

7 “(A) physical features, such as walls and
8 fences, or services beyond mechanical services
9 (heating, air conditioning, water and sewer); or

10 “(B) the specialized services that are al-
11 lowable under section 31.303(e)(3)(i)(C)(3) of
12 title 28 of the Code of Federal Regulations, as
13 in effect on December 10, 1996.”.

14 **SEC. 4905. NAME OF OFFICE.**

15 Title II of the Juvenile Justice and Delinquency Pre-
16 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
17 amended—

18 (1) in part A, by striking the part heading and
19 inserting the following:

20 “PART A—OFFICE OF JUVENILE CRIME CONTROL AND
21 DELINQUENCY PREVENTION”;

22 (2) in section 201(a), by striking “Justice and
23 Delinquency Prevention” and inserting “Crime Con-
24 trol and Delinquency Prevention”; and

1 (3) in section 299A(c)(2) by striking “Justice
2 and Delinquency Prevention” and inserting “Crime
3 Control and Delinquency Prevention”.

4 **SEC. 4906. CONCENTRATION OF FEDERAL EFFORT.**

5 Section 204 of the Juvenile Justice and Delinquency
6 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

7 (1) in subsection (a)(1), by striking the last
8 sentence;

9 (2) in subsection (b)—

10 (A) in paragraph (3), by striking “and of
11 the prospective” and all that follows through
12 “administered”;

13 (B) by striking paragraph (5); and

14 (C) by redesignating paragraphs (6) and
15 (7) as paragraphs (5) and (6), respectively;

16 (3) in subsection (c), by striking “and reports”
17 and all that follows through “this part”, and insert-
18 ing “as may be appropriate to prevent the duplica-
19 tion of efforts, and to coordinate activities, related to
20 the prevention of juvenile delinquency”;

21 (4) by striking subsection (i); and

22 (5) by redesignating subsection (h) as sub-
23 section (f).

1 **SEC. 4907. ALLOCATION.**

2 Section 222 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5632) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) by striking “amount, up to
8 \$400,000,” and inserting “amount up
9 to \$400,000”;

10 (II) by inserting a comma after
11 “1992” the first place it appears;

12 (III) by striking “the Trust Ter-
13 ritory of the Pacific Islands,”; and

14 (IV) by striking “amount, up to
15 \$100,000,” and inserting “amount up
16 to \$100,000”;

17 (ii) in subparagraph (B)—

18 (I) by striking “(other than part
19 D)”;

20 (II) by striking “or such greater
21 amount, up to \$600,000” and all that
22 follows through “section 299(a) (1)
23 and (3)”;

24 (III) by striking “the Trust Ter-
25 ritory of the Pacific Islands,”;

1 (IV) by striking “amount, up to
2 \$100,000,” and inserting “amount up
3 to \$100,000”; and

4 (V) by inserting a comma after
5 “1992”;

6 (B) in paragraph (3) by striking “allot”
7 and inserting “allocate”; and

8 (2) in subsection (b) by striking “the Trust
9 Territory of the Pacific Islands,”.

10 **SEC. 4908. STATE PLANS.**

11 Section 223 of the Juvenile Justice and Delinquency
12 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

13 (1) in subsection (a)—

14 (A) in the second sentence, by striking
15 “challenge” and all that follows through “part
16 E”, and inserting “, projects, and activities”;

17 (B) in paragraph (3)—

18 (i) by striking “, which—” and insert-
19 ing “that—”;

20 (ii) in subparagraph (A)—

21 (I) by striking “not less” and all
22 that follows through “33”, and insert-
23 ing “the attorney general of the State
24 or such other State official who has
25 primary responsibility for overseeing

1 the enforcement of State criminal
2 laws, and”;

3 (II) by inserting “, in consulta-
4 tion with the attorney general of the
5 State or such other State official who
6 has primary responsibility for over-
7 seeing the enforcement of State crimi-
8 nal laws” after “State”;

9 (III) in clause (i), by striking “or
10 the administration of juvenile justice”
11 and inserting “, the administration of
12 juvenile justice, or the reduction of ju-
13 venile delinquency”;

14 (IV) in clause (ii), by striking
15 “include—” and all that follows
16 through the semicolon at the end of
17 subclause (VIII), and inserting the
18 following:

19 “represent a multidisciplinary approach to
20 addressing juvenile delinquency and may
21 include—

22 “(I) individuals who represent
23 units of general local government, law
24 enforcement and juvenile justice agen-
25 cies, public agencies concerned with

1 the prevention and treatment of juve-
2 nile delinquency and with the adju-
3 dication of juveniles, representatives
4 of juveniles, or nonprofit private orga-
5 nizations, particularly such organiza-
6 tions that serve juveniles; and

7 “(II) such other individuals as
8 the chief executive officer considers to
9 be appropriate; and”;

10 (V) by striking clauses (iv) and
11 (v);

12 (iii) in subparagraph (C), by striking
13 “justice” and inserting “crime control”;

14 (iv) in subparagraph (D)—

15 (I) in clause (i), by inserting
16 “and” at the end; and

17 (II) in clause (ii), by striking
18 “paragraphs” and all that follows
19 through “part E”, and inserting
20 “paragraphs (11), (12), and (13)”;
21 and

22 (v) in subparagraph (E), by striking
23 “title—” and all that follows through
24 “(ii)” and inserting “title,”;

25 (C) in paragraph (5)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “, other than” and
3 inserting “reduced by the percentage (if
4 any) specified by the State under the au-
5 thority of paragraph (25) and excluding”
6 after “section 222”; and

7 (ii) in subparagraph (C), by striking
8 “paragraphs (12)(A), (13), and (14)” and
9 inserting “paragraphs (11), (12), and
10 (13)”;

11 (D) by striking paragraph (6);

12 (E) in paragraph (7), by inserting “, in-
13 cluding in rural areas” before the semicolon at
14 the end;

15 (F) in paragraph (8)—

16 (i) in subparagraph (A)—

17 (I) by striking “for (i)” and all
18 that follows through “relevant juris-
19 diction”, and inserting “for an analy-
20 sis of juvenile delinquency problems
21 in, and the juvenile delinquency con-
22 trol and delinquency prevention needs
23 (including educational needs) of, the
24 State”;

1 (II) by striking “justice” the sec-
2 ond place it appears and inserting
3 “crime control”; and

4 (III) by striking “of the jurisdic-
5 tion; (ii)” and all that follows through
6 the semicolon at the end, and insert-
7 ing “of the State; and”;

8 (ii) by striking subparagraph (B) and
9 inserting the following:

10 “(B) contain—

11 “(i) a plan for providing needed gen-
12 der-specific services for the prevention and
13 treatment of juvenile delinquency;

14 “(ii) a plan for providing needed serv-
15 ices for the prevention and treatment of ju-
16 venile delinquency in rural areas; and

17 “(iii) a plan for providing needed
18 mental health services to juveniles in the
19 juvenile justice system;”;

20 (iii) by striking subparagraphs (C)
21 and (D);

22 (G) by striking paragraph (9) and insert-
23 ing the following:

24 “(9) provide for the coordination and maximum
25 utilization of existing juvenile delinquency programs,

1 programs operated by public and private agencies
2 and organizations, and other related programs (such
3 as education, special education, recreation, health,
4 and welfare programs) in the State;”;

5 (H) in paragraph (10)—

6 (i) in subparagraph (A), by striking “,
7 specifically” and inserting “including”; and

8 (ii) by striking subparagraph (B) and
9 inserting the following:

10 “(B) programs that assist in holding juve-
11 niles accountable for their actions, including the
12 use of graduated sanctions and of neighborhood
13 courts or panels that increase victim satisfac-
14 tion and require juveniles to make restitution
15 for the damage caused by their delinquent be-
16 havior;”;

17 (iii) in subparagraph (C), by striking
18 “juvenile justice” and inserting “juvenile
19 crime control”;

20 (iv) by striking subparagraph (D) and
21 inserting the following:

22 “(D) programs that provide treatment to
23 juvenile offenders who are victims of child
24 abuse or neglect, and to their families, in order
25 to reduce the likelihood that such juvenile of-

1 fenders will commit subsequent violations of
2 law;”;

3 (v) in subparagraph (E)—

4 (I) by redesignating clause (ii) as
5 clause (iii); and

6 (II) by striking “juveniles, pro-
7 vided” and all that follows through
8 “provides; and”, and inserting the fol-
9 lowing:

10 “juveniles—

11 “(i) to encourage juveniles to remain
12 in elementary and secondary schools or in
13 alternative learning situations;

14 “(ii) to provide services to assist juve-
15 niles in making the transition to the world
16 of work and self-sufficiency; and”;

17 (vi) by striking subparagraph (F) and
18 inserting the following:

19 “(F) expanding the use of probation
20 officers—

21 “(i) particularly for the purpose of
22 permitting nonviolent juvenile offenders
23 (including status offenders) to remain at
24 home with their families as an alternative
25 to incarceration or institutionalization; and

1 “(ii) to ensure that juveniles follow
2 the terms of their probation;”;

3 (vii) by striking subparagraph (G)
4 and inserting the following:

5 “(G) one-on-one mentoring programs that
6 are designed to link at-risk juveniles and juve-
7 nile offenders, particularly juveniles residing in
8 high-crime areas and juveniles experiencing
9 educational failure, with responsible adults
10 (such as law enforcement officers, adults work-
11 ing with local businesses, and adults working
12 with community-based organizations and agen-
13 cies) who are properly screened and trained;”;

14 (viii) in subparagraph (H) by striking
15 “handicapped youth” and inserting “juve-
16 niles with disabilities”;

17 (ix) by striking subparagraph (K) and
18 inserting the following:

19 “(K) boot camps for juvenile offenders;”;

20 (x) by striking subparagraph (L) and
21 inserting the following:

22 “(L) community-based programs and serv-
23 ices to work with juveniles, their parents, and
24 other family members during and after incar-

1 ceration in order to strengthen families so that
2 such juveniles may be retained in their homes;”;

3 (xi) by striking subparagraph (M) and
4 inserting the following:

5 “(M) other activities (such as court-ap-
6 pointed advocates) that the State determines
7 will hold juveniles accountable for their acts
8 and decrease juvenile involvement in delinquent
9 activities;”;

10 (xii) in subparagraph (O)—

11 (I) in striking “cultural” and in-
12 sserting “other”; and

13 (II) by striking the period at the
14 end and inserting a semicolon; and

15 (xiii) by adding at the end the follow-
16 ing:

17 “(P) programs that utilize multidisci-
18 plinary interagency case management and infor-
19 mation sharing, that enable the juvenile justice
20 and law enforcement agencies, schools, and so-
21 cial service agencies to make more informed de-
22 cisions regarding early identification, control,
23 supervision, and treatment of juveniles who re-
24 peatedly commit violent or serious delinquent
25 acts; and

1 “(Q) programs designed to prevent and re-
2 duce hate crimes committed by juveniles.”;

3 (I) by striking paragraph (12) and insert-
4 ing the following:

5 “(12) shall, in accordance with rules issued by
6 the Administrator, provide that—

7 “(A) juveniles who are charged with or
8 who have committed an offense that would not
9 be criminal if committed by an adult,
10 excluding—

11 “(i) juveniles who are charged with or
12 who have committed a violation of section
13 922(x)(2) of title 18, United States Code,
14 or of a similar State law;

15 “(ii) juveniles who are charged with or
16 who have committed a violation of a valid
17 court order; and

18 “(iii) juveniles who are held in accord-
19 ance with the Interstate Compact on Juve-
20 niles, as enacted by the State;

21 shall not be placed in secure detention facilities
22 or secure correctional facilities; and

23 “(B) juveniles—

24 “(i) who are not charged with any of-
25 fense; and

1 “(ii) who are—
2 “(I) aliens; or
3 “(II) alleged to be dependent, ne-
4 glected, or abused;
5 shall not be placed in secure detention facilities
6 or secure correctional facilities;”;

7 (J) by striking paragraph (13) and insert-
8 ing the following:

9 “(13) provide that—

10 “(A) juveniles alleged to be or found to be
11 delinquent, and juveniles within the purview of
12 paragraph (11), will not be detained or confined
13 in any institution in which they have prohibited
14 physical contact or sustained oral communica-
15 tion (as defined in subparagraphs (D) and (E))
16 with adults incarcerated because such adults
17 have been convicted of a crime or are awaiting
18 trial on criminal charges;

19 “(B) to the extent practicable, violent juve-
20 niles shall be kept separate from nonviolent ju-
21 veniles;

22 “(C) there is in effect in the State a policy
23 that requires individuals who work with both
24 such juveniles and such adults in colocated fa-

1 ilities have been trained and certified to work
2 with juveniles;

3 “(D) the term ‘prohibited physical
4 contact’—

5 “(i) means—

6 “(I) any physical contact between
7 a juvenile and an adult inmate; and

8 “(II) proximity that provides an
9 opportunity for physical contact be-
10 tween a juvenile and an adult inmate;
11 and

12 “(ii) does not include supervised prox-
13 imity between a juvenile and an adult in-
14 mate that is brief and incidental or acci-
15 dental; and

16 “(E) the term ‘sustained oral communica-
17 tion’ means the imparting or interchange of
18 speech by or between an adult inmate and a ju-
19 venile; and

20 “(ii) does not include—

21 “(I) communication that is acci-
22 dental or incidental; or

23 “(II) sounds or noises that can-
24 not reasonably be considered to be
25 speech;”;

1 (K) by striking paragraph (14) and insert-
2 ing the following:

3 “(14) provide that no juvenile will be detained
4 or confined in any jail or lockup for adults except—

5 “(A) juveniles who are accused of nonsta-
6 tus offenses and who are detained in such jail
7 or lockup for a period not to exceed 6 hours—

8 “(i) for processing or release;

9 “(ii) while awaiting transfer to a juve-
10 nile facility; or

11 “(iii) in which period such juveniles
12 make a court appearance;

13 “(B) juveniles who are accused of nonsta-
14 tus offenses, who are awaiting an initial court
15 appearance that will occur within 48 hours
16 after being taken into custody (excluding Satur-
17 days, Sundays, and legal holidays), and who are
18 detained or confined in a jail or lockup—

19 “(i) in which—

20 “(I) such juveniles do not have
21 prohibited physical contact or sus-
22 tained oral communication (as defined
23 in subparagraphs (D) and (E) of
24 paragraph (13)) with adults incarcer-
25 ated because such adults have been

1 convicted of a crime or are awaiting
2 trial on criminal charges;

3 “(II) to the extent practicable,
4 violent juveniles shall be kept separate
5 from nonviolent juveniles; and

6 “(III) there is in effect in the
7 State a policy that requires individ-
8 uals who work with both such juve-
9 niles and such adults in co-located fa-
10 cilities have been trained and certified
11 to work with juveniles; and

12 “(ii) that—

13 “(I) is located outside a metro-
14 politan statistical area (as defined by
15 the Director of the Office of Manage-
16 ment and Budget) and has no existing
17 acceptable alternative placement avail-
18 able; or

19 “(II) is located where conditions
20 of distance to be traveled or the lack
21 of highway, road, or transportation do
22 not allow for court appearances within
23 48 hours after being taken into cus-
24 tody (excluding Saturdays, Sundays,
25 and legal holidays) so that a brief (not

1 to exceed an additional 48 hours)
2 delay is excusable; or

3 “(IV) is located where conditions
4 of safety exist (such as severe adverse,
5 life-threatening weather conditions
6 that do not allow for reasonably safe
7 travel), in which case the time for an
8 appearance may be delayed until 24
9 hours after the time that such condi-
10 tions allow for reasonable safe trav-
11 el;”;

12 (L) in paragraph (15)—

13 (i) by striking “paragraph (12)(A),
14 paragraph (13), and paragraph (14)” and
15 inserting “paragraphs (11), (12), and
16 (13)”; and

17 (ii) by striking “paragraph (12)(A)
18 and paragraph (13)” and inserting “para-
19 graphs (11) and (12)”;

20 (M) in paragraph (16) by striking “men-
21 tally, emotionally, or physically handicapping
22 conditions” and inserting “disability”;

23 (N) by striking paragraph (19) and insert-
24 ing the following:

25 “(19) provide assurances that—

1 “(A) any assistance provided under this
2 Act will not cause the displacement (including
3 a partial displacement, such as a reduction in
4 the hours of nonovertime work, wages, or em-
5 ployment benefits) of any currently employed
6 employee;

7 “(B) activities assisted under this Act will
8 not impair an existing collective bargaining re-
9 lationship, contract for services, or collective
10 bargaining agreement; and

11 “(C) no such activity that would be incon-
12 sistent with the terms of a collective bargaining
13 agreement shall be undertaken without the
14 written concurrence of the labor organization
15 involved;”;

16 (O) by striking paragraph (23) and insert-
17 ing the following:

18 “(23) address juvenile delinquency prevention
19 efforts and system improvement efforts designed to
20 reduce, without establishing or requiring numerical
21 standards or quotas, the disproportionate number of
22 juvenile members of minority groups, who come into
23 contact with the juvenile justice system;”;

24 (P) by striking paragraph (24) and insert-
25 ing the following:

1 “(24) provide that if a juvenile is taken into
2 custody for violating a valid court order issued for
3 committing a status offense—

4 “(A) an appropriate public agency shall be
5 promptly notified that such juvenile is held in
6 custody for violating such order;

7 “(B) not later than 24 hours after the ju-
8 venile is taken into custody and during which
9 the juvenile is so held, an authorized represent-
10 ative of such agency shall interview, in person,
11 such juvenile; and

12 “(C) not later than 48 hours after the ju-
13 venile is taken into custody and during which
14 the juvenile is so held—

15 “(i) such representative shall submit
16 an assessment to the court that issued
17 such order, regarding the immediate needs
18 of such juvenile; and

19 “(ii) such court shall conduct a hear-
20 ing to determine—

21 “(I) whether there is reasonable
22 cause to believe that such juvenile vio-
23 lated such order; and

1 “(II) the appropriate placement
2 of such juvenile pending disposition of
3 the violation alleged;”;

4 (Q) in paragraph (25) by striking the pe-
5 riod at the end and inserting a semicolon;

6 (R) by redesignating paragraphs (7)
7 through (25) as paragraphs (6) through (24),
8 respectively; and

9 (S) by adding at the end the following:

10 “(25) specify a percentage (if any), not to ex-
11 ceed 5 percent, of funds received by the State under
12 section 222 (other than funds made available to the
13 state advisory group under section 222(d)) that the
14 State will reserve for expenditure by the State to
15 provide incentive grants to units of general local gov-
16 ernment that reduce the caseload of probation offi-
17 cers within such units.”; and

18 (2) by striking subsection (c) and inserting the
19 following:

20 “(c) If a State fails to comply with any applicable
21 requirement of paragraph (11), (12), (13), or (22) of sub-
22 section (a) in any fiscal year beginning after September
23 30, 1999, then the amount allocated to such State for the
24 subsequent fiscal year shall be reduced by not to exceed
25 12.5 percent for each such paragraph with respect to

1 which the failure occurs, unless the Administrator deter-
2 mines that the State—

3 “(1) has achieved substantial compliance with
4 such applicable requirements with respect to which
5 the State was not in compliance; and

6 “(2) has made, through appropriate executive
7 or legislative action, an unequivocal commitment to
8 achieving full compliance with such applicable re-
9 quirements within a reasonable time.”; and

10 (3) in subsection (d)—

11 (A) by striking “allotment” and inserting
12 “allocation”; and

13 (B) by striking “subsection (a) (12)(A),
14 (13), (14) and (23)” each place it appears and
15 inserting “paragraphs (11), (12), (13), and
16 (22) of subsection (a)”.

17 **SEC. 4909. JUVENILE DELINQUENCY PREVENTION BLOCK**
18 **GRANT PROGRAM.**

19 Title II of the Juvenile Justice and Delinquency Pre-
20 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
21 by inserting after part I, as added by section 4007 of this
22 title, the following:

1 **“PART J—JUVENILE DELINQUENCY PREVENTION**
2 **BLOCK GRANT PROGRAM**

3 **“SEC. 292. AUTHORITY TO MAKE GRANTS.**

4 “The Administrator may make grants to eligible
5 States, from funds allocated under section 292A, for the
6 purpose of providing financial assistance to eligible entities
7 to carry out projects designed to prevent juvenile delin-
8 quency, including—

9 “(1) projects that assist in holding juveniles ac-
10 countable for their actions, including the use of
11 neighborhood courts or panels that increase victim
12 satisfaction and require juveniles to make restitu-
13 tion, or perform community service, for the damage
14 caused by their delinquent acts;

15 “(2) projects that provide treatment to juvenile
16 offenders who are victims of child abuse or neglect,
17 and to their families, in order to reduce the likeli-
18 hood that such juvenile offenders will commit subse-
19 quent violations of law;

20 “(3) educational projects or supportive services
21 for delinquent or other juveniles—

22 “(A) to encourage juveniles to remain in
23 elementary and secondary schools or in alter-
24 native learning situations in educational set-
25 tings;

1 “(B) to provide services to assist juveniles
2 in making the transition to the world of work
3 and self-sufficiency;

4 “(C) to assist in identifying learning dif-
5 ficulties (including learning disabilities);

6 “(D) to prevent unwarranted and arbitrary
7 suspensions and expulsions;

8 “(E) to encourage new approaches and
9 techniques with respect to the prevention of
10 school violence and vandalism;

11 “(F) which assist law enforcement person-
12 nel and juvenile justice personnel to more effec-
13 tively recognize and provide for learning-dis-
14 abled and other disabled juveniles; or

15 “(G) which develop locally coordinated
16 policies and programs among education, juve-
17 nile justice, and social service agencies;

18 “(4) projects which expand the use of probation
19 officers—

20 “(A) particularly for the purpose of per-
21 mitting nonviolent juvenile offenders (including
22 status offenders) to remain at home with their
23 families as an alternative to incarceration or in-
24 stitutionalization; and

1 “(B) to ensure that juveniles follow the
2 terms of their probation;

3 “(5) one-on-one mentoring projects that are de-
4 signed to link at-risk juveniles and juvenile offenders
5 who did not commit serious crime, particularly juve-
6 niles residing in high-crime areas and juveniles expe-
7 riencing educational failure, with responsible adults
8 (such as law enforcement officers, adults working
9 with local businesses, and adults working for com-
10 munity-based organizations and agencies) who are
11 properly screened and trained;

12 “(6) community-based projects and services (in-
13 cluding literacy and social service programs) which
14 work with juvenile offenders, including those from
15 families with limited English-speaking proficiency,
16 their parents, their siblings, and other family mem-
17 bers during and after incarceration of the juvenile
18 offenders, in order to strengthen families, to allow
19 juvenile offenders to be retained in their homes, and
20 to prevent the involvement of other juvenile family
21 members in delinquent activities;

22 “(7) projects designed to provide for the treat-
23 ment of juveniles for dependence on or abuse of al-
24 cohol, drugs, or other harmful substances;

1 “(8) projects which leverage funds to provide
2 scholarships for postsecondary education and train-
3 ing for low-income juveniles who reside in neighbor-
4 hoods with high rates of poverty, violence, and drug-
5 related crimes;

6 “(9) projects which provide for an initial intake
7 screening of each juvenile taken into custody—

8 “(A) to determine the likelihood that such
9 juvenile will commit a subsequent offense; and

10 “(B) to provide appropriate interventions,
11 including mental health services and substance
12 abuse treatment, to prevent such juvenile from
13 committing subsequent offenses;

14 “(10) projects (including school- or community-
15 based projects) that are designed to prevent, and re-
16 duce the rate of, the participation of juveniles in
17 gangs that commit crimes (particularly violent
18 crimes), that unlawfully use firearms and other
19 weapons, or that unlawfully traffic in drugs and that
20 involve, to the extent practicable, families and other
21 community members (including law enforcement per-
22 sonnel and members of the business community) in
23 the activities conducted under such projects;

24 “(11) comprehensive juvenile justice and delin-
25 quency prevention projects that meet the needs of

1 juveniles through the collaboration of the many local
2 service systems juveniles encounter, including
3 schools, courts, law enforcement agencies, child pro-
4 tection agencies, mental health agencies, welfare
5 services, health care agencies, and private nonprofit
6 agencies offering services to juveniles;

7 “(12) to develop, implement, and support, in
8 conjunction with public and private agencies, organi-
9 zations, and businesses, projects for the employment
10 of juveniles and referral to job training programs
11 (including referral to Federal job training pro-
12 grams);

13 “(13) delinquency prevention activities which
14 involve youth clubs, sports, recreation and parks,
15 peer counseling and teaching, the arts, leadership
16 development, community service, volunteer service,
17 before- and after-school programs, violence preven-
18 tion activities, mediation skills training, camping,
19 environmental education, ethnic or cultural enrich-
20 ment, tutoring, and academic enrichment;

21 “(14) family strengthening activities, such as
22 mutual support groups for parents and their chil-
23 dren;

1 “(15) programs that encourage social com-
2 petencies, problem-solving skills, and communication
3 skills, youth leadership, and civic involvement;

4 “(16) programs that focus on the needs of
5 young girls at-risk of delinquency or status offenses;
6 and

7 “(17) other activities that are likely to prevent
8 juvenile delinquency.

9 **“SEC. 292A. ALLOCATION.**

10 “Funds appropriated to carry out this part shall be
11 allocated among eligible States as follows:

12 “(1) 0.75 percent shall be allocated to each
13 State.

14 “(2) Of the total amount remaining after the
15 allocation under paragraph (1), there shall be allo-
16 cated to each State as follows:

17 “(A) 50 percent of such amount shall be
18 allocated proportionately based on the popu-
19 lation that is less than 18 years of age in the
20 eligible States.

21 “(B) 50 percent of such amount shall be
22 allocated proportionately based on the annual
23 average number of arrests for serious crimes
24 committed in the eligible States by juveniles
25 during the then most recently completed period

1 of 3 consecutive calendar years for which suffi-
2 cient information is available to the Adminis-
3 trator.

4 **“SEC. 292B. ELIGIBILITY OF STATES.**

5 “(a) APPLICATION.—To be eligible to receive a grant
6 under section 292, a State shall submit to the Adminis-
7 trator an application that contains the following:

8 “(1) An assurance that the State will use—

9 “(A) not more than 5 percent of such
10 grant, in the aggregate, for—

11 “(i) the costs incurred by the State to
12 carry out this part; and

13 “(ii) to evaluate, and provide technical
14 assistance relating to, projects and activi-
15 ties carried out with funds provided under
16 this part; and

17 “(B) the remainder of such grant to make
18 grants under section 292C.

19 “(2) An assurance that, and a detailed descrip-
20 tion of how, such grant will support, and not sup-
21 plant State and local efforts to prevent juvenile de-
22 linquency.

23 “(3) An assurance that such application was
24 prepared after consultation with and participation by
25 community-based organizations, and organizations in

1 the local juvenile justice system, that carry out pro-
2 grams, projects, or activities to prevent juvenile de-
3 linquency.

4 “(4) An assurance that each eligible entity de-
5 scribed in section 292C(a) that receives an initial
6 grant under section 292 to carry out a project or ac-
7 tivity shall also receive an assurance from the State
8 that such entity will receive from the State, for the
9 subsequent fiscal year to carry out such project or
10 activity, a grant under such section in an amount
11 that is proportional, based on such initial grant and
12 on the amount of the grant received under section
13 292 by the State for such subsequent fiscal year, but
14 that does not exceed the amount specified for such
15 subsequent fiscal year in such application as ap-
16 proved by the State.

17 “(5) Such other information and assurances as
18 the Administrator may reasonably require by rule.

19 “(b) APPROVAL OF APPLICATIONS.—

20 “(1) APPROVAL REQUIRED.—Subject to para-
21 graph (2), the Administrator shall approve an appli-
22 cation, and amendments to such application submit-
23 ted in subsequent fiscal years, that satisfy the re-
24 quirements of subsection (a).

1 “(2) LIMITATION.—The Administrator may not
2 approve such application (including amendments to
3 such application) for a fiscal year unless—

4 “(A)(i) the State submitted a plan under
5 section 223 for such fiscal year; and

6 “(ii) such plan is approved by the Adminis-
7 trator for such fiscal year; or

8 “(B) the Administrator waives the applica-
9 tion of subparagraph (A) to such State for such
10 fiscal year, after finding good cause for such a
11 waiver.

12 **“SEC. 292C. GRANTS FOR LOCAL PROJECTS.**

13 “(a) SELECTION FROM AMONG APPLICATIONS.—

14 “(1) IN GENERAL.—Using a grant received
15 under section 292, a State may make grants to eligi-
16 ble entities whose applications are received by the
17 State in accordance with subsection (b) to carry out
18 projects and activities described in section 292.

19 “(2) For purposes of making grants under this
20 section, the State shall give special consideration to
21 eligible entities that—

22 “(A) propose to carry out such projects in
23 geographical areas in which there is—

24 “(i) a disproportionately high level of
25 serious crime committed by juveniles; or

1 “(ii) a recent rapid increase in the
2 number of nonstatus offenses committed
3 by juveniles;

4 “(B)(i) agreed to carry out such projects
5 or activities that are multidisciplinary and in-
6 volve 2 or more eligible entities; or

7 “(ii) represent communities that have a
8 comprehensive plan designed to identify at-risk
9 juveniles and to prevent or reduce the rate of
10 juvenile delinquency, and that involve other en-
11 tities operated by individuals who have a dem-
12 onstrated history of involvement in activities de-
13 signed to prevent juvenile delinquency; and

14 “(C) the amount of resources (in cash or
15 in kind) such entities will provide to carry out
16 such projects and activities.

17 “(b) RECEIPT OF APPLICATIONS.—

18 “(1) IN GENERAL.—Subject to paragraph (2), a
19 unit of general local government shall submit to the
20 State simultaneously all applications that are—

21 “(A) timely received by such unit from eli-
22 gible entities; and

23 “(B) determined by such unit to be con-
24 sistent with a current plan formulated by such
25 unit for the purpose of preventing, and reduc-

1 ing the rate of, juvenile delinquency in the geo-
2 graphical area under the jurisdiction of such
3 unit.

4 “(2) DIRECT SUBMISSION TO STATE.—If an ap-
5 plication submitted to such unit by an eligible entity
6 satisfies the requirements specified in subparagraphs
7 (A) and (B) of paragraph (1), such entity may sub-
8 mit such application directly to the State.

9 **“SEC. 292D. ELIGIBILITY OF ENTITIES.**

10 “(a) ELIGIBILITY.—Subject to subsections (b) and
11 except as provided in subsection (c), to be eligible to re-
12 ceive a grant under section 292C, a community-based or-
13 ganization, local juvenile justice system officials (including
14 prosecutors, police officers, judges, probation officers, pa-
15 role officers, and public defenders), local education author-
16 ity (as defined in section 14101 of the Elementary and
17 Secondary Education Act of 1965 and including a school
18 within such authority), nonprofit private organization,
19 unit of general local government, or social service provider,
20 and or other entity with a demonstrated history of involve-
21 ment in the prevention of juvenile delinquency, shall sub-
22 mit to a unit of general local government an application
23 that contains the following:

24 “(1) An assurance that such applicant will use
25 such grant, and each such grant received for the

1 subsequent fiscal year, to carry out throughout a 2-
2 year period a project or activity described in reason-
3 able detail, and of a kind described in 1 or more
4 of paragraphs (1) through (14) of section 292 as
5 specified in, such application.

6 “(2) A statement of the particular goals such
7 project or activity is designed to achieve, and the
8 methods such entity will use to achieve, and assess
9 the achievement of, each of such goals.

10 “(3) A statement identifying the research (if
11 any) such entity relied on in preparing such applica-
12 tion.

13 “(b) REVIEW AND SUBMISSION OF APPLICATIONS.—
14 Except as provided in subsection (c), an entity shall not
15 be eligible to receive a grant under section 292C unless—

16 “(1) such entity submits to a unit of general
17 local government an application that—

18 “(A) satisfies the requirements specified in
19 subsection (a); and

20 “(B) describes a project or activity to be
21 carried out in the geographical area under the
22 jurisdiction of such unit; and

23 “(2) such unit determines that such project or
24 activity is consistent with a current plan formulated
25 by such unit for the purpose of preventing, and re-

1 ducing the rate of, juvenile delinquency in the geo-
2 graphical area under the jurisdiction of such unit.

3 “(c) LIMITATION.—If an entity that receives a grant
4 under section 292C to carry out a project or activity for
5 a 2-year period, and receives technical assistance from the
6 State or the Administrator after requesting such technical
7 assistance (if any), fails to demonstrate, before the expira-
8 tion of such 2-year period, that such project or such activ-
9 ity has achieved substantial success in achieving the goals
10 specified in the application submitted by such entity to
11 receive such grants, then such entity shall not be eligible
12 to receive any subsequent grant under such section to con-
13 tinue to carry out such project or activity.”.

14 **SEC. 4910. RESEARCH; EVALUATION; TECHNICAL ASSIST-**
15 **ANCE; TRAINING.**

16 Title II of the Juvenile Justice and Delinquency Pre-
17 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
18 by inserting after part J, as added by section 4909 of this
19 title, the following:

20 **“PART K—RESEARCH; EVALUATION; TECHNICAL**
21 **ASSISTANCE; TRAINING**

22 **“SEC. 293. RESEARCH AND EVALUATION; STATISTICAL**
23 **ANALYSES; INFORMATION DISSEMINATION.**

24 “(a) RESEARCH AND EVALUATION.—(1) The Admin-
25 istrator may—

1 “(A) plan and identify, after consultation with
2 the Director of the National Institute of Justice, the
3 purposes and goals of all agreements carried out
4 with funds provided under this subsection; and

5 “(B) make agreements with the National Insti-
6 tute of Justice or, subject to the approval of the As-
7 sistant Attorney General for the Office of Justice
8 Programs, with another Federal agency authorized
9 by law to conduct research or evaluation in juvenile
10 justice matters, for the purpose of providing re-
11 search and evaluation relating to—

12 “(i) the prevention, reduction, and control
13 of juvenile delinquency and serious crime com-
14 mitted by juveniles;

15 “(ii) the link between juvenile delinquency
16 and the incarceration of members of the fami-
17 lies of juveniles;

18 “(iii) successful efforts to prevent first-
19 time minor offenders from committing subse-
20 quent involvement in serious crime;

21 “(iv) successful efforts to prevent recidi-
22 vism;

23 “(v) the juvenile justice system;

24 “(vi) juvenile violence; and

1 “(vii) other purposes consistent with the
2 purposes of this title and title I.

3 “(2) The Administrator shall ensure that an equi-
4 table amount of funds available to carry out paragraph
5 (1)(B) is used for research and evaluation relating to the
6 prevention of juvenile delinquency.

7 “(b) STATISTICAL ANALYSES.—The Administrator
8 may—

9 “(1) plan and identify, after consultation with
10 the Director of the Bureau of Justice Statistics, the
11 purposes and goals of all agreements carried out
12 with funds provided under this subsection; and

13 “(2) make agreements with the Bureau of Jus-
14 tice Statistics, or subject to the approval of the As-
15 sistant Attorney General for the Office of Justice
16 Programs, with another Federal agency authorized
17 by law to undertake statistical work in juvenile jus-
18 tice matters, for the purpose of providing for the col-
19 lection, analysis, and dissemination of statistical
20 data and information relating to juvenile delinquency
21 and serious crimes committed by juveniles, to the ju-
22 venile justice system, to juvenile violence, and to
23 other purposes consistent with the purposes of this
24 title and title I.

1 “(c) COMPETITIVE SELECTION PROCESS.—The Ad-
2 ministrators shall use a competitive process, established by
3 rule by the Administrator, to carry out subsections (a) and
4 (b).

5 “(d) IMPLEMENTATION OF AGREEMENTS.—A Fed-
6 eral agency that makes an agreement under subsections
7 (a)(1)(B) and (b)(2) with the Administrator may carry out
8 such agreement directly or by making grants to or con-
9 tracts with public and private agencies, institutions, and
10 organizations.

11 “(e) INFORMATION DISSEMINATION.—The Adminis-
12 trator may—

13 “(1) review reports and data relating to the ju-
14 venile justice system in the United States and in for-
15 eign nations (as appropriate), collect data and infor-
16 mation from studies and research into all aspects of
17 juvenile delinquency (including the causes, preven-
18 tion, and treatment of juvenile delinquency) and se-
19 rious crimes committed by juveniles;

20 “(2) establish and operate, directly or by con-
21 tract, a clearinghouse and information center for the
22 preparation, publication, and dissemination of infor-
23 mation relating to juvenile delinquency, including
24 State and local prevention and treatment programs,

1 plans, resources, and training and technical assist-
2 ance programs; and

3 “(3) make grants and contracts with public and
4 private agencies, institutions, and organizations, for
5 the purpose of disseminating information to rep-
6 resentatives and personnel of public and private
7 agencies, including practitioners in juvenile justice,
8 law enforcement, the courts, corrections, schools,
9 and related services, in the establishment, implemen-
10 tation, and operation of projects and activities for
11 which financial assistance is provided under this
12 title.

13 **“SEC. 293A. TRAINING AND TECHNICAL ASSISTANCE.**

14 “(a) TRAINING.—The Administrator may—

15 “(1) develop and carry out projects for the pur-
16 pose of training representatives and personnel of
17 public and private agencies, including practitioners
18 in juvenile justice, law enforcement, courts, correc-
19 tions, schools, and related services, to carry out the
20 purposes specified in section 102; and

21 “(2) make grants to and contracts with public
22 and private agencies, institutions, and organizations
23 for the purpose of training representatives and per-
24 sonnel of public and private agencies, including prac-
25 titioners in juvenile justice, law enforcement, courts,

1 corrections, schools, and related services, to carry
2 out the purposes specified in section 102.

3 “(b) TECHNICAL ASSISTANCE.—The Administrator
4 may—

5 “(1) develop and implement projects for the
6 purpose of providing technical assistance to rep-
7 resentatives and personnel of public and private
8 agencies and organizations, including practitioners
9 in juvenile justice, law enforcement, courts, correc-
10 tions, schools, and related services, in the establish-
11 ment, implementation, and operation of programs,
12 projects, and activities for which financial assistance
13 is provided under this title; and

14 “(2) make grants to and contracts with public
15 and private agencies, institutions, and organizations,
16 for the purpose of providing technical assistance to
17 representatives and personnel of public and private
18 agencies, including practitioners in juvenile justice,
19 law enforcement, courts, corrections, schools, and re-
20 lated services, in the establishment, implementation,
21 and operation of programs, projects, and activities
22 for which financial assistance is provided under this
23 title.”.

1 **SEC. 4911. DEMONSTRATION PROJECTS.**

2 Title II of the Juvenile Justice and Delinquency Pre-
3 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
4 by inserting after part K, as added by section 4910 of
5 this title, the following:

6 **“PART L—DEVELOPING, TESTING, AND DEM-**
7 **ONSTRATING PROMISING NEW INITIATIVES**
8 **AND PROGRAMS**

9 **“SEC. 294. GRANTS AND PROJECTS.**

10 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
11 trator may make grants to and contracts with States,
12 units of general local government, Indian tribal govern-
13 ments, public and private agencies, organizations, and in-
14 dividuals, or combinations thereof, to carry out projects
15 for the development, testing, and demonstration of promis-
16 ing initiatives and programs for the prevention, control,
17 or reduction of juvenile delinquency. The Administrator
18 shall ensure that, to the extent reasonable and practicable,
19 such grants are made to achieve an equitable geographical
20 distribution of such projects throughout the United
21 States.

22 “(b) **USE OF GRANTS.**—A grant made under sub-
23 section (a) may be used to pay all or part of the cost of
24 the project for which such grant is made.

1 **“SEC. 294A. GRANTS FOR TECHNICAL ASSISTANCE.**

2 “The Administrator may make grants to and con-
3 tracts with public and private agencies, organizations, and
4 individuals to provide technical assistance to States, units
5 of general local government, Indian tribal governments,
6 local private entities or agencies, or any combination
7 thereof, to carry out the projects for which grants are
8 made under section 261.

9 **“SEC. 294B. ELIGIBILITY.**

10 “To be eligible to receive a grant made under this
11 part, a public or private agency, Indian tribal government,
12 organization, institution, individual, or combination there-
13 of shall submit an application to the Administrator at such
14 time, in such form, and containing such information as
15 the Administrator may reasonable require by rule.

16 **“SEC. 294C. REPORTS.**

17 “Recipients of grants made under this part shall sub-
18 mit to the Administrator such reports as may be reason-
19 ably requested by the Administrator to describe progress
20 achieved in carrying the projects for which such grants
21 are made.”.

22 **SEC. 4912. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 299 of the Juvenile Justice and Delinquency
24 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

25 (1) by striking subsection (e); and

1 (2) by striking subsections (a) and (b), and in-
2 serting the following:

3 “(a) AUTHORIZATION OF APPROPRIATIONS FOR
4 TITLE II.—

5 “(1) IN GENERAL.—There are authorized to be
6 appropriated to carry out this title such sums as
7 may be appropriate for fiscal years 2000, 2001, and
8 2002.

9 “(2) ALLOCATION.—Of the amount made avail-
10 able for each fiscal year to carry out this title not
11 more than 5 percent shall be available to carry out
12 part A.

13 **SEC. 4913. ADMINISTRATIVE AUTHORITY.**

14 Section 299A(d) of the Juvenile Justice and Delin-
15 quency Prevention Act of 1974 (42 U.S.C. 5672) is
16 amended by striking “as are consistent with the purpose
17 of this Act” and inserting “only to the extent necessary
18 to ensure that there is compliance with the specific re-
19 quirements of this title or to respond to requests for clari-
20 fication and guidance relating to such compliance”.

21 **SEC. 4914. USE OF FUNDS.**

22 Section 299C of the Juvenile Justice and Delin-
23 quency Prevention Act of 1974 (42 U.S.C. 5674) is
24 amended—

25 (1) in subsection (a)—

1 (A) by striking “may be used for”;

2 (B) in paragraph (1), by inserting “may be
3 used for” after “(1)”; and

4 (C) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) may not be used for the cost of construc-
7 tion of any short- or long-term facilities for adult or
8 juvenile offenders, except not more than 15 percent
9 of the funds received under this title by a State for
10 a fiscal year may be used for the purpose of renovat-
11 ing or replacing juvenile facilities.”;

12 (2) by striking subsection (b); and

13 (3) by redesignating subsection (c) as sub-
14 section (b).

15 **SEC. 4915. LIMITATION ON USE OF FUNDS.**

16 Part M of title II of the Juvenile Justice and Delin-
17 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
18 as redesignated by section 4007 of this title, is amended
19 by adding at the end the following:

20 **“SEC. 299F. LIMITATION ON USE OF FUNDS.**

21 “None of the funds made available to carry out this
22 title may be used to advocate for, or support, the unse-
23 cured release of juveniles who are charged with a violent
24 crime.”.

1 **SEC. 4916. RULES OF CONSTRUCTION.**

2 Part M of title II of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
4 as amended by section 4915 of this title, is amended by
5 adding at the end the following:

6 **“SEC. 299G. RULES OF CONSTRUCTION.**

7 “Nothing in this title or title I may be construed—

8 “(1) to prevent financial assistance from being
9 awarded through grants under this title to any oth-
10 erwise eligible organization; or

11 “(2) to modify or affect any Federal or State
12 law relating to collective bargaining rights of em-
13 ployees.”.

14 **SEC. 4917. LEASING SURPLUS FEDERAL PROPERTY.**

15 Part M of title II of the Juvenile Justice and Delin-
16 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
17 as amended by section 4916 of this title, is amended by
18 adding at the end the following:

19 **“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

20 “The Administrator may receive surplus Federal
21 property (including facilities) and may lease such property
22 to States and units of general local government for use
23 in or as facilities for juvenile offenders, or for use in or
24 as facilities for delinquency prevention and treatment ac-
25 tivities.”.

1 **SEC. 4918. ISSUANCE OF RULES.**

2 Part M of title II of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
4 as amended by section 4917 of this title, is amended by
5 adding at the end the following:

6 **“SEC. 299I. ISSUANCE OF RULES.**

7 “The Administrator shall issue rules to carry out this
8 title, including rules that establish procedures and meth-
9 ods for making grants and contracts, and distributing
10 funds available, to carry out this title.”.

11 **SEC. 4919. TECHNICAL AND CONFORMING AMENDMENTS.**

12 (a) TECHNICAL AMENDMENTS.—The Juvenile Jus-
13 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
14 5601 et seq.) is amended—

15 (1) in section 202(b), by striking “prescribed
16 for GS–18 of the General Schedule by section 5332”
17 and inserting “payable under section 5376”;

18 (2) in section 221(b)(2), by striking the last
19 sentence; and

20 (3) in section 299D, by striking subsection (d).

21 (b) CONFORMING AMENDMENTS.—

22 (1) TITLE 5.—Section 5315 of title 5, United
23 States Code, is amended by striking “Office of Juve-
24 nile Justice and Delinquency Prevention” and in-
25 serting “Office of Juvenile Crime Control and Delin-
26 quency Prevention”.

1 (2) TITLE 18.—Section 4351(b) of title 18,
2 United States Code, is amended by striking “Office
3 of Juvenile Justice and Delinquency Prevention”
4 and inserting “Office of Juvenile Crime Control and
5 Delinquency Prevention”.

6 (3) TITLE 39.—Subsections (a)(1) and (c) of
7 section 3220 of title 39, United States Code, is
8 amended by striking “Office of Juvenile Justice and
9 Delinquency Prevention” each place it appears and
10 inserting “Office of Juvenile Crime Control and De-
11 linquency Prevention”.

12 (4) SOCIAL SECURITY ACT.—Section 463(f) of
13 the Social Security Act (42 U.S.C. 663(f)) is amend-
14 ed by striking “Office of Juvenile Justice and Delin-
15 quency Prevention” and inserting “Office of Juve-
16 nile Crime Control and Delinquency Prevention”.

17 (5) OMNIBUS CRIME CONTROL AND SAFE
18 STREETS ACT OF 1968.—Sections 801(a), 804, 805,
19 and 813 of title I of the Omnibus Crime Control and
20 Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782,
21 3785, 3786, 3789i) are each amended by striking
22 “Office of Juvenile Justice and Delinquency Preven-
23 tion” each place it appears and inserting “Office of
24 Juvenile Crime Control and Delinquency Preven-
25 tion”.

1 (6) VICTIMS OF CHILD ABUSE ACT OF 1990.—
2 The Victims of Child Abuse Act of 1990 (42 U.S.C.
3 13001 et seq.) is amended—

4 (A) in section 214(b)(1), by striking “262,
5 293, and 296 of subpart II of title II” and in-
6 serting “299B and 299E”;

7 (B) in section 214A(e)(1), by striking
8 “262, 293, and 296 of subpart II of title II”
9 and inserting “299B and 299E”;

10 (C) in sections 217 and 222, by striking
11 “Office of Juvenile Justice and Delinquency
12 Prevention” each place it appears and inserting
13 “Office of Juvenile Crime Control and Delin-
14 quency Prevention”; and

15 (D) in section 223(e), by striking “section
16 262, 293, and 296” and inserting “sections
17 262, 299B, and 299E”.

18 (7) MISSING CHILDREN’S ASSISTANCE.—The
19 Missing Children’s Assistance Act (42 U.S.C. 5771
20 et seq.) is amended—

21 (A) in section 403(2), by striking “Justice
22 and Delinquency Prevention” and inserting
23 “Crime Control and Delinquency Prevention”;
24 and

1 (B) in subsections (a)(5)(E) and (b)(1)(B)
2 of section 404, by striking “section 313” and
3 inserting “section 331”.

4 (8) CRIME CONTROL ACT OF 1990.—The Crime
5 Control Act of 1990 (42 U.S.C. 13001 et seq.) is
6 amended—

7 (A) in section 217(c)(1), by striking “sec-
8 tions 262, 293, and 296 of subpart II of title
9 II” and inserting “sections 299B and 299E”;
10 and

11 (B) in section 223(c), by striking “section
12 262, 293, and 296 of title II” and inserting
13 “sections 299B and 299E”.

14 **SEC. 4920. REFERENCES.**

15 In any Federal law (excluding this Act and the Acts
16 amended by this Act), Executive order, rule, regulation,
17 order, delegation of authority, grant, contract, suit, or
18 document—

19 (1) a reference to the Office of Juvenile Justice
20 and Delinquency Prevention shall be deemed to in-
21 clude a reference to the Office of Juvenile Crime
22 Control and Delinquency Prevention, and

23 (2) a reference to the National Institute for Ju-
24 venile Justice and Delinquency Prevention shall be

1 deemed to include a reference to Office of Juvenile
2 Crime Control and Delinquency Prevention.

3 **TITLE V—DRUG TESTING AND**
4 **INTERVENTION**

5 **Subtitle A—Protecting Children**
6 **From Dangerous Drugs**

7 **PART 1—TARGETING SERIOUS DRUG CRIMES**

8 **SEC. 5001. INCREASED PENALTIES FOR USING MINORS TO**
9 **DISTRIBUTE DRUGS.**

10 Section 420 of the Controlled Substances Act (21
11 U.S.C. 861) is amended—

12 (1) in subsection (b), by striking “one year”
13 and inserting “three years”;

14 (2) in subsection (c), by striking “one year”
15 and inserting “five years”; and

16 (3) by striking subsection (e) and inserting the
17 following:

18 “(e) PROBATION PROHIBITED.—In the case of any
19 sentence imposed under this section, probation shall not
20 be granted.”.

21 **SEC. 5002. INCREASED PENALTIES FOR DISTRIBUTING**
22 **DRUGS TO MINORS.**

23 Section 418 of the Controlled Substances Act (21
24 U.S.C. 859) is amended—

1 (1) in subsection (a), by striking “one year”
2 and inserting “three years”;

3 (2) in subsection (b), by striking “one year”
4 and inserting “five years”; and

5 (3) in subsections (a) and (b), by striking
6 “under twenty-one” each place it appears and in-
7 serting “under eighteen”.

8 **SEC. 5003. INCREASED PENALTY FOR DRUG TRAFFICKING**
9 **IN OR NEAR A SCHOOL OR OTHER PRO-**
10 **TECTED LOCATION.**

11 Section 419 of the Controlled Substances Act (21
12 U.S.C. 860) is amended—

13 (1) in subsection (a), by striking “one year”
14 and inserting “3 years”; and

15 (2) in subsection (b), by striking “three years”
16 each place it appears and inserting “5 years”.

17 **SEC. 5004. INCREASED PENALTIES FOR USING FEDERAL**
18 **PROPERTY TO GROW OR MANUFACTURE**
19 **CONTROLLED SUBSTANCES.**

20 (a) IN GENERAL.—Section 401(b)(5) of the Con-
21 trolled Substances Act (21 U.S.C. 841(b)(5)) is amended
22 to read as follows:

23 “(5) Any person who violates subsection (a) of
24 this section by cultivating or manufacturing a con-
25 trolled substance on any property in whole or in part

1 owned by or leased to the United States or any de-
2 partment or agency thereof shall be subject to twice
3 the maximum punishment otherwise authorized for
4 the offense.”.

5 (b) SENTENCING ENHANCEMENT.—

6 (1) IN GENERAL.—Pursuant to its authority
7 under section 994(p) of title 28, United States Code,
8 the United States Sentencing Commission shall
9 amend the Federal sentencing guidelines to provide
10 an appropriate sentencing enhancement for any of-
11 fense under section 401(b)(5) of the Controlled Sub-
12 stances Act (21 U.S.C. 841(b)(5)) that occurs on
13 Federal property.

14 (2) CONSISTENCY.—In carrying out this sec-
15 tion, the United States Sentencing Commission
16 shall—

17 (A) ensure that there is reasonable consist-
18 ency with other Federal sentencing guidelines;
19 and

20 (B) avoid duplicative punishment for sub-
21 stantially the same offense.

1 **SEC. 5005. CLARIFICATION OF LENGTH OF SUPERVISED RE-**
2 **LEASE TERMS IN CONTROLLED SUBSTANCE**
3 **CASES.**

4 Subparagraphs (A) through (D) of section 401(b)(1)
5 of the Controlled Substances Act (21 U.S.C. 841(b)(1))
6 are each amended by striking “Any sentence” and insert-
7 ing “Notwithstanding section 3583 of title 18, any sen-
8 tence”.

9 **SEC. 5006. SUPERVISED RELEASE PERIOD AFTER CONVICT-**
10 **TION FOR CONTINUING CRIMINAL ENTER-**
11 **PRISE.**

12 Section 848(a) of title 21, United States Code, is
13 amended by adding to the end of the following: “Any sen-
14 tence under this paragraph shall, in the absence of such
15 a prior conviction, impose a term of supervised release of
16 not less than 10 years in addition to such term of impris-
17 onment and shall, if there was such a prior conviction,
18 impose a term of supervised release of not less than 15
19 years in addition to such term of imprisonment.”

20 **PART 2—COMPREHENSIVE DRUG EDUCATION**

21 **SEC. 5111. EXTENSION OF SAFE AND DRUG-FREE SCHOOLS**
22 **AND COMMUNITIES PROGRAM.**

23 Title IV of the Elementary and Secondary Education
24 Act (20 U.S.C. 7104) is amended to read as follows:

1 ment the juveniles reside in facilities made available by
2 the programs.

3 “(b) AVAILABILITY OF SERVICES FOR EACH PARTIC-
4 IPANT.—A funding agreement for an award under sub-
5 section (a) for an applicant is that, in the program oper-
6 ated pursuant to such subsection—

7 “(1) treatment services will be available
8 through the applicant, either directly or through
9 agreements with other public or nonprofit private
10 entities; and

11 “(2) the services will be made available to each
12 person admitted to the program.

13 “(c) INDIVIDUALIZED PLAN OF SERVICES.—A fund-
14 ing agreement for an award under subsection (a) for an
15 applicant is that—

16 “(1) in providing authorized services for an eli-
17 gible person pursuant to such subsection, the appli-
18 cant will, in consultation with the juvenile and, if ap-
19 propriate the parent or guardian of the juvenile, pre-
20 pare an individualized plan for the provision to the
21 juvenile or young adult of the services; and

22 “(2) treatment services under the plan will
23 include—

1 “(A) individual, group, and family counsel-
2 ing, as appropriate, regarding substance abuse;
3 and

4 “(B) followup services to assist the juvenile
5 or young adult in preventing a relapse into such
6 abuse.

7 “(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants
8 under subsection (a) may be used to provide an eligible
9 juvenile, the following services:

10 “(1) HOSPITAL REFERRALS.—Referrals for nec-
11 essary hospital services.

12 “(2) HIV AND AIDS COUNSELING.—Counseling
13 on the human immunodeficiency virus and on ac-
14 quired immune deficiency syndrome.

15 “(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE
16 COUNSELING.—Counseling on domestic violence and
17 sexual abuse.

18 “(4) PREPARATION FOR REENTRY INTO SOCI-
19 ETY.—Planning for and counseling to assist reentry
20 into society, both before and after discharge, includ-
21 ing referrals to any public or nonprofit private enti-
22 ties in the community involved that provide services
23 appropriate for the juvenile.

24 “(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF
25 AWARD.—

1 “(1) CERTIFICATION BY RELEVANT STATE
2 AGENCY.—With respect to the principal agency of a
3 State or Indian tribe that administers programs re-
4 lating to substance abuse, the Director may award
5 a grant to, or enter into a cooperative agreement or
6 contract with, an applicant only if the agency or In-
7 dian tribe has certified to the Director that—

8 “(A) the applicant has the capacity to
9 carry out a program described in subsection (a);

10 “(B) the plans of the applicant for such a
11 program are consistent with the policies of such
12 agency regarding the treatment of substance
13 abuse; and

14 “(C) the applicant, or any entity through
15 which the applicant will provide authorized
16 services, meets all applicable State licensure or
17 certification requirements regarding the provi-
18 sion of the services involved.

19 “(2) STATUS AS MEDICAID PROVIDER.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graphs (B) and (C), the Director may make a
22 grant, or enter into a cooperative agreement or
23 contract, under subsection (a) only if, in the
24 case of any authorized service that is available
25 pursuant to the State plan approved under title

1 XIX of the Social Security Act (42 U.S.C. 1396
2 et seq.) for the State involved—

3 “(i) the applicant for the grant, coop-
4 erative agreement, or contract will provide
5 the service directly, and the applicant has
6 entered into a participation agreement
7 under the State plan and is qualified to re-
8 ceive payments under such plan; or

9 “(ii) the applicant will enter into an
10 agreement with a public or nonprofit pri-
11 vate entity under which the entity will pro-
12 vide the service, and the entity has entered
13 into such a participation agreement plan
14 and is qualified to receive such payments.

15 “(B) SERVICES.—

16 “(i) IN GENERAL.—In the case of an
17 entity making an agreement pursuant to
18 subparagraph (A)(ii) regarding the provi-
19 sion of services, the requirement estab-
20 lished in such subparagraph regarding a
21 participation agreement shall be waived by
22 the Director if the entity does not, in pro-
23 viding health care services, impose a
24 charge or accept reimbursement available
25 from any third party payor, including re-

1 imbursement under any insurance policy or
2 under any Federal or State health benefits
3 plan.

4 “(ii) VOLUNTARY DONATIONS.—A de-
5 termination by the Director of whether an
6 entity referred to in clause (i) meets the
7 criteria for a waiver under such clause
8 shall be made without regard to whether
9 the entity accepts voluntary donations re-
10 garding the provision of services to the
11 public.

12 “(C) MENTAL DISEASES.—

13 “(i) IN GENERAL.—With respect to
14 any authorized service that is available
15 pursuant to the State plan described in
16 subparagraph (A), the requirements estab-
17 lished in such subparagraph shall not
18 apply to the provision of any such service
19 by an institution for mental diseases to an
20 individual who has attained 21 years of
21 age and who has not attained 65 years of
22 age.

23 “(ii) DEFINITION OF INSTITUTION
24 FOR MENTAL DISEASES.—In this subpara-
25 graph, the term ‘institution for mental dis-

1 eases' has the same meaning as in section
2 1905(i) of the Social Security Act (42
3 U.S.C. 1396d(i)).

4 “(f) REQUIREMENTS FOR MATCHING FUNDS.—

5 “(1) IN GENERAL.—With respect to the costs of
6 the program to be carried out by an applicant pursu-
7 ant to subsection (a), a funding agreement for an
8 award under such subsection is that the applicant
9 will make available (directly or through donations
10 from public or private entities) non-Federal con-
11 tributions toward such costs in an amount that—

12 “(A) for the first fiscal year for which the
13 applicant receives payments under an award
14 under such subsection, is not less than \$1 for
15 each \$9 of Federal funds provided in the
16 award;

17 “(B) for any second such fiscal year, is not
18 less than \$1 for each \$9 of Federal funds pro-
19 vided in the award; and

20 “(C) for any subsequent such fiscal year, is
21 not less than \$1 for each \$3 of Federal funds
22 provided in the award.

23 “(2) DETERMINATION OF AMOUNT CONTRIB-
24 UTED.—Non-Federal contributions required in para-
25 graph (1) may be in cash or in kind, fairly evalu-

1 ated, including plant, equipment, or services.
2 Amounts provided by the Federal Government, or
3 services assisted or subsidized to any significant ex-
4 tent by the Federal Government, may not be in-
5 cluded in determining the amount of such non-Fed-
6 eral contributions.

7 “(g) OUTREACH.—A funding agreement for an award
8 under subsection (a) for an applicant is that the applicant
9 will provide outreach services in the community involved
10 to identify juveniles who are engaging in substance abuse
11 and to encourage the juveniles to undergo treatment for
12 such abuse.

13 “(h) ACCESSIBILITY OF PROGRAM.—A funding
14 agreement for an award under subsection (a) for an appli-
15 cant is that the program operated pursuant to such sub-
16 section will be operated at a location that is accessible to
17 low income juveniles.

18 “(i) CONTINUING EDUCATION.—A funding agree-
19 ment for an award under subsection (a) is that the appli-
20 cant involved will provide for continuing education in
21 treatment services for the individuals who will provide
22 treatment in the program to be operated by the applicant
23 pursuant to such subsection.

24 “(j) IMPOSITION OF CHARGES.—A funding agree-
25 ment for an award under subsection (a) for an applicant

1 is that, if a charge is imposed for the provision of author-
2 ized services to or on behalf of an eligible juvenile, such
3 charge—

4 “(1) will be made according to a schedule of
5 charges that is made available to the public;

6 “(2) will be adjusted to reflect the economic
7 condition of the juvenile involved; and

8 “(3) will not be imposed on any such juvenile
9 whose family has an income of less than 185 percent
10 of the official poverty line, as established by the Di-
11 rector of the Office for Management and Budget
12 and revised by the Secretary in accordance with sec-
13 tion 673(2) of the Omnibus Budget Reconciliation
14 Act of 1981 (42 U.S.C. 9902(2)).

15 “(k) REPORTS TO DIRECTOR.—A funding agreement
16 for an award under subsection (a) is that the applicant
17 involved will submit to the Director a report—

18 “(1) describing the utilization and costs of serv-
19 ices provided under the award;

20 “(2) specifying the number of juveniles served,
21 and the type and costs of services provided; and

22 “(3) providing such other information as the
23 Director determines to be appropriate.

24 “(l) REQUIREMENT OF APPLICATION.—The Director
25 may make an award under subsection (a) only if an appli-

1 cation for the award is submitted to the Director contain-
2 ing such agreements, and the application is in such form,
3 is made in such manner, and contains such other agree-
4 ments and such assurances and information as the Direc-
5 tor determines to be necessary to carry out this section.

6 “(m) **EQUITABLE ALLOCATION OF AWARDS.**—In
7 making awards under subsection (a), the Director shall
8 ensure that the awards are equitably allocated among the
9 principal geographic regions of the United States, as well
10 as among Indian tribes, subject to the availability of quali-
11 fied applicants for the awards.

12 “(n) **DURATION OF AWARD.**—

13 “(1) **IN GENERAL.**—The period during which
14 payments are made to an entity from an award
15 under this section may not exceed 5 years.

16 “(2) **APPROVAL OF DIRECTOR.**—The provision
17 of payments described in paragraph (1) shall be sub-
18 ject to—

19 “(A) annual approval by the Director of
20 the payments; and

21 “(B) the availability of appropriations for
22 the fiscal year at issue to make the payments.

23 “(3) **NO LIMITATION.**—This subsection may not
24 be construed to establish a limitation on the number

1 of awards that may be made to an entity under this
2 section.

3 “(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—

4 The Director shall, directly or through contract, provide
5 for the conduct of evaluations of programs carried out
6 pursuant to subsection (a). The Director shall disseminate
7 to the States the findings made as a result of the evalua-
8 tions.

9 “(p) REPORTS TO CONGRESS.—

10 “(1) INITIAL REPORT.—Not later than October
11 1, 2000, the Director shall submit to the Committee
12 on the Judiciary of the House of Representatives,
13 and to the Committee on the Judiciary of the Sen-
14 ate, a report describing programs carried out pursu-
15 ant to this section.

16 “(2) PERIODIC REPORTS.—

17 “(A) IN GENERAL.—Not less than bienni-
18 ally after the date described in paragraph (1),
19 the Director shall prepare a report describing
20 programs carried out pursuant to this section
21 during the preceding 2-year period, and shall
22 submit the report to the Administrator for in-
23 clusion in the biennial report under section
24 501(k).

1 “(B) SUMMARY.—Each report under this
2 subsection shall include a summary of any eval-
3 uations conducted under subsection (m) during
4 the period with respect to which the report is
5 prepared.

6 “(q) DEFINITIONS.—In this section:

7 “(1) AUTHORIZED SERVICES.—The term ‘au-
8 thorized services’ means treatment services and sup-
9 plemental services.

10 “(2) JUVENILE.—The term ‘juvenile’ means
11 anyone 18 years of age or younger at the time that
12 of admission to a program operated pursuant to sub-
13 section (a).

14 “(3) ELIGIBLE JUVENILE.—The term ‘eligible
15 juvenile’ means a juvenile who has been admitted to
16 a program operated pursuant to subsection (a).

17 “(4) FUNDING AGREEMENT UNDER SUB-
18 SECTION (A).—The term ‘funding agreement under
19 subsection (a)’, with respect to an award under sub-
20 section (a), means that the Director may make the
21 award only if the applicant makes the agreement in-
22 volved.

23 “(5) TREATMENT SERVICES.—The term ‘treat-
24 ment services’ means treatment for substance abuse,

1 including the counseling and services described in
2 subsection (c)(2).

3 “(6) SUPPLEMENTAL SERVICES.—The term
4 ‘supplemental services’ means the services described
5 in subsection (d).

6 “(r) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—For the purpose of carry-
8 ing out this section and section 576 there is author-
9 ized to be appropriated such sums as may be nec-
10 essary for fiscal years 2000 and 2001. There is au-
11 thorized to be appropriated from the Violent Crime
12 Reduction Trust Fund \$300,000,000 in each of fis-
13 cal years 2002 and 2003.

14 “(2) TRANSFER.—For the purpose described in
15 paragraph (1), in addition to the amounts author-
16 ized in such paragraph to be appropriated for a fis-
17 cal year, there is authorized to be appropriated for
18 the fiscal year from the special forfeiture fund of the
19 Director of the Office of National Drug Control Pol-
20 icy such sums as may be necessary.

21 “(3) RULE OF CONSTRUCTION.—The amounts
22 authorized in this subsection to be appropriated are
23 in addition to any other amounts that are authorized
24 to be appropriated and are available for the purpose
25 described in paragraph (1).

1 **“SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVE-**
2 **NILES.**

3 “(a) GRANTS.—The Secretary of Health and Human
4 Services, acting through the Director of the Center for
5 Substance Abuse Treatment, shall make grants to estab-
6 lish projects for the outpatient treatment of substance
7 abuse among juveniles.

8 “(b) PREVENTION.—Entities receiving grants under
9 this section shall engage in activities to prevent substance
10 abuse among juveniles.

11 “(c) EVALUATION.—The Secretary of Health and
12 Human Services shall evaluate projects carried out under
13 subsection (a) and shall disseminate to appropriate public
14 and private entities information on effective projects.”.

15 **PART 4—RESCHEDULING DANGEROUS DRUGS**

16 **SEC. 5131. RESCHEDULING OF “CLUB” DRUGS.**

17 Notwithstanding section 201 or subsection (a) or (b)
18 of section 202 of the Controlled Substances Act (21
19 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of
20 controlled substances, the Attorney General shall, by order
21 add ketamine hydrochloride to schedule III of such Act.

22 **SEC. 5132. ATTORNEY GENERAL AUTHORITY TO RESCHED-**
23 **ULE CERTAIN DRUGS POSING IMMINENT**
24 **DANGER TO PUBLIC SAFETY.**

25 Section 201(h) of the Controlled Substances Act (21
26 U.S.C. 811)(h) is amended—

1 (1) in paragraph (1), by striking “if the sub-
2 stance is not listed in any other schedule in section
3 812 of this title or” and by inserting “or the re-
4 scheduling of a previously scheduled substance”
5 after “the scheduling of a substance”; and

6 (2) in paragraph (2), by inserting “or resched-
7 uling” after “scheduling” each place it appears.

8 **Subtitle B—Drug Courts**

9 **SEC. 5201. REAUTHORIZATION OF DRUG COURTS PRO-** 10 **GRAM.**

11 (a) Section 114(b)(1)(A) of title I of Public Law
12 104–134 is repealed.

13 (b) Section 1001(a)(20) of title I of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
15 3793(a)(20)) is amended—

16 (1) in subparagraph (E), by striking “and” at
17 the end;

18 (2) in subparagraph (F), by striking the period
19 at the end and inserting a semicolon; and

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

21 “(G) \$400,000,000 for fiscal year 2001; and

22 “(H) \$400,000,000 for fiscal year 2002.”.

1 **SEC. 5202. JUVENILE DRUG COURTS.**

2 Title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
4 amended—

5 (1) by redesignating part Z as part AA;

6 (2) by redesignating section 2601 as 2701; and

7 (3) by inserting after part Y the following:

8 **“PART Z—JUVENILE DRUG COURTS**

9 **“SEC. 2601. GRANT AUTHORITY.**

10 “(a) APPROPRIATE DRUG COURT PROGRAMS.—The
11 Attorney General may make grants to States, State
12 courts, local courts, units of local government, and Indian
13 tribes to establish programs that—

14 “(1) involve continuous early judicial super-
15 vision over juvenile offenders, other than violent ju-
16 venile offenders with substance abuse, or substance
17 abuse-related problems; and

18 “(2) integrate administration of other sanctions
19 and services, including—

20 “(A) mandatory periodic testing for the
21 use of controlled substances or other addictive
22 substances during any period of supervised re-
23 lease or probation for each participant;

24 “(B) substance abuse treatment for each
25 participant;

1 “(C) diversion, probation, or other super-
2 vised release involving the possibility of prosecu-
3 tion, confinement, or incarceration based on
4 noncompliance with program requirements or
5 failure to show satisfactory progress;

6 “(D) programmatic, offender management,
7 and aftercare services such as relapse preven-
8 tion, health care, education, vocational training,
9 job placement, housing placement, and child
10 care or other family support service for each
11 participant who requires such services;

12 “(E) payment by the offender of treatment
13 costs, to the extent practicable, such as costs
14 for urinalysis or counseling; or

15 “(F) payment by the offender of restitu-
16 tion, to the extent practicable, to either a victim
17 of the offense at issue or to a restitution or
18 similar victim support fund.

19 “(b) CONTINUED AVAILABILITY OF GRANT
20 FUNDS.—Amounts made available under this part shall
21 remain available until expended.

1 **“SEC. 2602. PROHIBITION OF PARTICIPATION BY VIOLENT**
2 **OFFENDERS.**

3 “The Attorney General shall issue regulations and
4 guidelines to ensure that the programs authorized in this
5 part do not permit participation by violent offenders.

6 **“SEC. 2603. DEFINITION.**

7 “In this part, the term ‘violent offender’ means an
8 individual charged with an offense during the course of
9 which—

10 “(1) the individual carried, possessed, or used a
11 firearm or dangerous weapon;

12 “(2) the death of or serious bodily injury of an-
13 other person occurred as a direct result of the com-
14 mission of such offense; or

15 “(3) the individual used force against the per-
16 son of another.

17 **“SEC. 2604. ADMINISTRATION.**

18 “(a) REGULATORY AUTHORITY.—The Attorney Gen-
19 eral shall issue any regulations and guidelines necessary
20 to carry out this part.

21 “(b) APPLICATIONS.—In addition to any other re-
22 quirements that may be specified by the Attorney General,
23 an application for a grant under this part shall—

24 “(1) include a long term strategy and detailed
25 implementation plan;

1 “(2) explain the inability of the applicant to
2 fund the program adequately without Federal assist-
3 ance;

4 “(3) certify that the Federal support provided
5 will be used to supplement, and not supplant, State,
6 tribal, or local sources of funding that would other-
7 wise be available;

8 “(4) identify related governmental or commu-
9 nity initiatives that complement or will be coordi-
10 nated with the proposal;

11 “(5) certify that there has been appropriate
12 consultation with all affected agencies and that there
13 will be appropriate coordination with all affected
14 agencies in the implementation of the program;

15 “(6) certify that participating offenders will be
16 supervised by one or more designated judges with re-
17 sponsibility for the drug court program;

18 “(7) specify plans for obtaining necessary sup-
19 port and continuing the proposed program following
20 the conclusion of Federal support; and

21 “(8) describe the methodology that will be used
22 in evaluating the program.

23 **“SEC. 2605. APPLICATIONS.**

24 “To request funds under this part, the chief executive
25 or the chief justice of a State, or the chief executive or

1 chief judge of a unit of local government or Indian tribe
2 shall submit an application to the Attorney General in
3 such form and containing such information as the Attor-
4 ney General may reasonably require.

5 **“SEC. 2606. FEDERAL SHARE.**

6 “(a) IN GENERAL.—The Federal share of a grant
7 made under this part may not exceed 75 percent of the
8 total costs of the program described in the application sub-
9 mitted under section 2605 for the fiscal year for which
10 the program receives assistance under this part.

11 “(b) WAIVER.—The Attorney General may waive, in
12 whole or in part, the requirement of a matching contribu-
13 tion under subsection (a).

14 “(c) IN-KIND CONTRIBUTIONS.—In-kind contribu-
15 tions may constitute a portion of the non-Federal share
16 of a grant under this part.

17 **“SEC. 2607. DISTRIBUTION OF FUNDS.**

18 “(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney
19 General shall ensure that, to the extent practicable, an eq-
20 uitable geographic distribution of grant awards is made.

21 “(b) INDIAN TRIBES.—The Attorney General shall
22 allocate 0.75 percent of amounts made available under
23 this subtitle for grants to Indian tribes.

1 **“SEC. 2608. REPORT.**

2 “A State, Indian tribe, or unit of local government
3 that receives funds under this part during a fiscal year
4 shall submit to the Attorney General, in March of the year
5 following receipt of a grant under this part, a report re-
6 garding the effectiveness of programs established pursu-
7 ant to this part.

8 **“SEC. 2609. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
9 **UATION.**

10 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The
11 Attorney General may provide technical assistance and
12 training in furtherance of the purposes of this part.

13 “(b) EVALUATIONS.—In addition to any evaluation
14 requirements that may be prescribed for grantees, the At-
15 torney General may carry out or make arrangements for
16 evaluations of programs that receive support under this
17 part.

18 “(c) ADMINISTRATION.—The technical assistance,
19 training, and evaluations authorized by this section may
20 be carried out directly by the Attorney General, in collabo-
21 ration with the Secretary of Health and Human Services,
22 or through grants, contracts, or other cooperative arrange-
23 ments with other entities.

24 **“SEC. 2610. UNAWARDED FUNDS.**

25 “The Attorney General may reallocate any grant
26 funds that are not awarded for juvenile drug courts under

1 this part for use for other juvenile delinquency and crime
2 prevention initiatives.

3 **“SEC. 2611. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this part from the Violent Crime Reduction Trust Fund—

6 “(1) such sums as may be necessary for each
7 of fiscal years 2000 and 2001;

8 “(2) \$50,000,000 for fiscal year 2002; and

9 “(3) \$50,000,000 for fiscal year 2003.”.

10 **Subtitle C—Development of Medi-**
11 **cines for the Treatment of Drug**
12 **Addiction**

13 **PART 1—PHARMACOTHERAPY RESEARCH**

14 **SEC. 5301. REAUTHORIZATION FOR MEDICATION DEVELOP-**
15 **MENT PROGRAM.**

16 Section 464P(e) of the Public Health Service Act (42
17 U.S.C. 285o-4(e)) is amended to read as follows:

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 such sums as may be necessary for each of fiscal years
21 2000 through 2004 of which the following amount may
22 be appropriated from the Violent Crime Reduction Trust
23 Fund—

24 “(1) \$100,000,000 for fiscal year 2001; and

25 “(2) \$100,000,000 for fiscal year 2002.”.

1 **PART 2—PATENT PROTECTIONS FOR**
2 **PHARMACOTHERAPIES**

3 **SEC. 5302. RECOMMENDATION FOR INVESTIGATION OF**
4 **DRUGS.**

5 Section 525(a) of the Federal Food, Drug and Cos-
6 metic Act (21 U.S.C. 360aa(a)) is amended—

7 (1) by striking “States” each place it appears
8 and inserting “States, or for treatment of an addic-
9 tion to illegal drugs”; and

10 (2) by striking “such disease or condition” each
11 place it appears and inserting “such disease, condi-
12 tion, or treatment of such addiction”.

13 **SEC. 5303. DESIGNATION OF DRUGS.**

14 Section 526(a) of the Federal, Food, Drug, and Cos-
15 metic Act (21 U.S.C. 360bb(a)) is amended—

16 (1) in paragraph (1)—

17 (A) by inserting before the period in the
18 first sentence the following: “or for treatment
19 of an addiction to illegal drugs”;

20 (B) in the third sentence, by striking “rare
21 disease or condition” and inserting “rare dis-
22 ease or condition, or for treatment of an addic-
23 tion to illegal drugs,”; and

24 (C) by striking “such disease or condition”
25 each place it appears and inserting “such dis-

1 ease, condition, or treatment of such addic-
2 tion”; and

3 (2) in paragraph (2)—

4 (A) by striking “(2) For” and inserting
5 “(2)(A) For”;

6 (B) by striking “(A) affects” and inserting
7 “(i) affects”;

8 (C) by striking “(B) affects” and inserting
9 “(ii) affects”; and

10 (D) by adding at the end the following:

11 “(B) TREATMENT OF AN ADDICTION TO ILLEGAL
12 DRUGS.—The term ‘treatment of an addiction to illegal
13 drugs’ means any pharmacological agent or medication
14 that—

15 “(i) reduces the craving for an illegal drug for
16 an individual who—

17 “(I) habitually uses the illegal drug in a
18 manner that endangers the public health, safe-
19 ty, or welfare; or

20 “(II) is so addicted to the use of the illegal
21 drug that the individual is not able to control
22 the addiction through the exercise of self-con-
23 trol;

1 “(ii) blocks the behavioral and physiological ef-
2 fects of an illegal drug for an individual described in
3 clause (i);

4 “(iii) safely serves as a replacement therapy for
5 the treatment of drug abuse for an individual de-
6 scribed in clause (i);

7 “(iv) moderates or eliminates the process of
8 withdrawal for an individual described in clause (i);

9 “(v) blocks or reverses the toxic effect of an il-
10 legal drug on an individual described in clause (i);
11 or

12 “(vi) prevents, where possible, the initiation of
13 drug abuse in individuals at high risk.

14 “(C) **ILLEGAL DRUG.**—The term ‘illegal drug’ means
15 a controlled substance identified under schedules I, II, III,
16 IV, and V in section 202(c) of the Controlled Substance
17 Act (21 U.S.C. 812(e)).”.

18 **SEC. 5304. PROTECTION FOR DRUGS.**

19 Section 527 of the Federal Food, Drug and Cosmetic
20 Act (21 U.S.C. 360cc) is amended—

21 (1) by striking “rare disease or condition” each
22 place it appears and inserting “rare disease or con-
23 dition or for treatment of an addiction to illegal
24 drugs”;

1 (2) by striking “such disease or condition” each
2 place it appears and inserting “such disease, condi-
3 tion, or treatment of the addiction”; and

4 (3) in subsection (b)(1), by striking “the dis-
5 ease or condition” and inserting “the disease, condi-
6 tion, or addiction”.

7 **SEC. 5305. OPEN PROTOCOLS FOR INVESTIGATIONS OF**
8 **DRUGS.**

9 Section 528 of the Federal Food, Drug and Cosmetic
10 Act (21 U.S.C. 360dd) is amended—

11 (1) by striking “rare disease or condition” and
12 inserting “rare disease or condition or for treatment
13 of an addiction to illegal drugs”; and

14 (2) by striking “the disease or condition” each
15 place it appears and inserting “the disease, condi-
16 tion, or addiction”.

17 **PART 3—ENCOURAGING PRIVATE SECTOR**
18 **DEVELOPMENT OF PHARMACOTHERAPIES**

19 **SEC. 5306. DEVELOPMENT, MANUFACTURE, AND PROCURE-**
20 **MENT OF DRUGS FOR THE TREATMENT OF**
21 **ADDICTION TO ILLEGAL DRUGS.**

22 Chapter V of the Federal Food, Drug and Cosmetic
23 Act (21 U.S.C. 351 et seq.) is amended by adding at the
24 end the following:

1 **“Subchapter D—Drugs for Cocaine and**
2 **Heroin Addictions**

3 **“SEC. 551. CRITERIA FOR AN ACCEPTABLE DRUG TREAT-**
4 **MENT FOR COCAINE AND HEROIN ADDIC-**
5 **TIONS.**

6 “(a) IN GENERAL.—Subject to subsections (b) and
7 (c), the Secretary shall, through the Institute of Medicine
8 of the National Academy of Sciences, establish criteria for
9 an acceptable drug for the treatment of an addiction to
10 cocaine and for an acceptable drug for the treatment of
11 an addiction to heroin. The criteria shall be used by the
12 Secretary in making a contract, or entering into a licens-
13 ing agreement, under section 552.

14 “(b) REQUIREMENTS.—The criteria established
15 under subsection (a) for a drug shall include
16 requirements—

17 “(1) that the application to use the drug for the
18 treatment of addiction to cocaine or heroin was filed
19 and approved by the Secretary under this Act after
20 the date of enactment of this section;

21 “(2) that a performance based test on the
22 drug—

23 “(A) has been conducted through the use
24 of a randomly selected test group that received
25 the drug as a treatment and a randomly se-

1 lected control group that received a placebo;
2 and

3 “(B) has compared the long term dif-
4 ferences in the addiction levels of control group
5 participants and test group participants;

6 “(3) that the performance based test conducted
7 under paragraph (2) demonstrates that the drug is
8 effective through evidence that—

9 “(A) a significant number of the partici-
10 pants in the test who have an addiction to co-
11 caine or heroin are willing to take the drug for
12 the addiction;

13 “(B) a significant number of the partici-
14 pants in the test who have an addiction to co-
15 caine or heroin and who were provided the drug
16 for the addiction during the test are willing to
17 continue taking the drug as long as necessary
18 for the treatment of the addiction; and

19 “(C) a significant number of the partici-
20 pants in the test who were provided the drug
21 for the period of time required for the treat-
22 ment of the addiction refrained from the use of
23 cocaine or heroin for a period of 3 years after
24 the date of the initial administration of the
25 drug on the participants; and

1 “(4) that the drug shall have a reasonable cost
2 of production.

3 “(c) REVIEW AND PUBLICATION OF CRITERIA.—The
4 criteria established under subsection (a) shall, prior to the
5 publication and application of such criteria, be submitted
6 for review to the Committee on the Judiciary and the
7 Committee on Economic and Educational Opportunities of
8 the House of Representatives, and the Committee on the
9 Judiciary and the Committee on Labor and Human Re-
10 sources of the Senate. Not later than 90 days after notify-
11 ing each of the committees, the Secretary shall publish the
12 criteria in the Federal Register.

13 **“SEC. 552. PURCHASE OF PATENT RIGHTS FOR DRUG DE-**
14 **VELOPMENT.**

15 “(a) APPLICATION.—

16 “(1) IN GENERAL.—The patent owner of a drug
17 to treat an addiction to cocaine or heroin, may sub-
18 mit an application to the Secretary—

19 “(A) to enter into a contract with the Sec-
20 retary to sell to the Secretary the patent rights
21 of the owner relating to the drug; or

22 “(B) in the case in which the drug is ap-
23 proved by the Secretary for more than 1 indica-
24 tion, to enter into an exclusive licensing agree-
25 ment with the Secretary for the manufacture

1 and distribution of the drug to treat an addic-
2 tion to cocaine or heroin.

3 “(2) REQUIREMENTS.—An application de-
4 scribed in paragraph (1) shall be submitted at such
5 time and in such manner, and accompanied by such
6 information, as the Secretary may require.

7 “(b) CONTRACT AND LICENSING AGREEMENTS.—

8 “(1) REQUIREMENTS.—The Secretary may
9 enter into a contract or a licensing agreement with
10 a patent owner who has submitted an application in
11 accordance with (a) if the drug covered under the
12 contract or licensing agreement meets the criteria
13 established by the Secretary under section 551(a).

14 “(2) SPECIAL RULE.—The Secretary may enter
15 into—

16 “(A) not more than 1 contract or exclusive
17 licensing agreement relating to a drug for the
18 treatment of an addiction to cocaine; and

19 “(B) not more than 1 contract or licensing
20 agreement relating to a drug for the treatment
21 of an addiction to heroin.

22 “(3) COVERAGE.—A contract or licensing
23 agreement described in subparagraph (A) or (B) of
24 paragraph (2) shall cover not more than 1 drug.

1 “(4) PURCHASE AMOUNT.—Subject to amounts
2 provided in advance in appropriations Acts—

3 “(A) the amount to be paid to a patent
4 owner who has entered into a contract or licens-
5 ing agreement under this subsection relating to
6 a drug to treat an addiction to cocaine shall not
7 exceed \$100,000,000; and

8 “(B) the amount to be paid to a patent
9 owner who has entered into a contract or licens-
10 ing agreement under this subsection relating to
11 a drug to treat an addiction to heroin shall not
12 exceed \$50,000,000.

13 “(c) TRANSFER OF RIGHTS UNDER CONTRACTS AND
14 LICENSING AGREEMENT.—

15 “(1) CONTRACTS.—A contract under subsection
16 (b)(1) to purchase the patent rights relating to a
17 drug to treat cocaine or heroin addiction shall trans-
18 fer to the Secretary—

19 “(A) the exclusive right to make, use, or
20 sell the patented drug within the United States
21 for the term of the patent;

22 “(B) any foreign patent rights held by the
23 patent owner;

24 “(C) any patent rights relating to the proc-
25 ess of manufacturing the drug; and

1 “(D) any trade secret or confidential busi-
2 ness information relating to the development of
3 the drug, process for manufacturing the drug,
4 and therapeutic effects of the drug.

5 “(2) LICENSING AGREEMENTS.—A licensing
6 agreement under subsection (b)(1) to purchase an
7 exclusive license relating to manufacture and dis-
8 tribution of a drug to treat an addiction to cocaine
9 or heroin shall transfer to the Secretary—

10 “(A) the exclusive right to make, use, or
11 sell the patented drug for the purpose of treat-
12 ing an addiction to cocaine or heroin within the
13 United States for the term of the patent;

14 “(B) the right to use any patented proc-
15 esses relating to manufacturing the drug; and

16 “(C) any trade secret or confidential busi-
17 ness information relating to the development of
18 the drug, process for manufacturing the drug,
19 and therapeutic effects of the drug relating to
20 use of the drug to treat an addiction to cocaine
21 or heroin.

22 **“SEC. 553. PLAN FOR MANUFACTURE AND DEVELOPMENT.**

23 “(a) IN GENERAL.—Not later than 90 days after the
24 date on which the Secretary purchases the patent rights
25 of a patent owner, or enters into a licensing agreement

1 with a patent owner, relating to a drug under section 551,
2 the Secretary shall develop a plan for the manufacture and
3 distribution of the drug.

4 “(b) PLAN REQUIREMENTS.—The plan shall set
5 forth—

6 “(1) procedures for the Secretary to enter into
7 licensing agreements with private entities for the
8 manufacture and the distribution of the drug;

9 “(2) procedures for making the drug available
10 to nonprofit entities and private entities to use in
11 the treatment of a cocaine or heroin addiction;

12 “(3) a system to establish the sale price for the
13 drug; and

14 “(4) policies and procedures with respect to the
15 use of Federal funds by State and local governments
16 or nonprofit entities to purchase the drug from the
17 Secretary.

18 “(c) APPLICABILITY OF PROCUREMENT AND LICENS-
19 ING LAWS.—The procurement and licensing laws of the
20 United States shall be applicable to procurements and li-
21 censes covered under the plan described in subsection (a).

22 “(d) REVIEW OF PLAN.—

23 “(1) IN GENERAL.—Upon completion of the
24 plan under subsection (a), the Secretary shall notify
25 the Committee on the Judiciary and the Committee

1 on Economic and Educational Opportunities of the
2 House of Representatives, and the Committee on the
3 Judiciary and the Committee on Labor and Human
4 Resources of the Senate, of the development of the
5 plan and publish the plan in the Federal Register.
6 The Secretary shall provide an opportunity for pub-
7 lic comment on the plan for a period of not more
8 than 30 days after the date of the publication of the
9 plan in the Federal Register.

10 “(2) FINAL PLAN.—Not later than 60 days
11 after the date of the expiration of the comment pe-
12 riod described in paragraph (1), the Secretary shall
13 publish in the Federal Register a final plan. The im-
14 plementation of the plan shall begin on the date of
15 the final publication of the plan.

16 “(e) CONSTRUCTION.—The development, publication,
17 or implementation of the plan, or any other agency action
18 with respect to the plan, shall not be considered agency
19 action subject to judicial review.

20 “(f) REGULATIONS.—The Secretary may promulgate
21 regulations to carry out this section.

22 **“SEC. 554. AUTHORIZATION OF APPROPRIATIONS.**

23 “There is authorized to be appropriated to carry out
24 this subchapter, such sums as may be necessary in each
25 of fiscal years 2000 and 2001.”.

1 **Subtitle E—National Drug Control**
2 **Policy**

3 **SEC. 5401. STUDY ON EFFECTS OF CALIFORNIA AND ARI-**
4 **ZONA DRUG INITIATIVES.**

5 (a) DEFINITION.—In this section, the term “con-
6 trolled substance” has the same meaning as in section 102
7 of the Controlled Substances Act (21 U.S.C. 802).

8 (b) STUDY.—The Director of National Drug Control
9 Policy, in consultation with the Attorney General and the
10 Secretary of Health and Human Services, shall conduct

11 a study on the effect of the 1996 voter referenda in Cali-
12 fornia and Arizona concerning the medicinal use of mari-
13 juana and other controlled substances, respectively, on—

14 (1) marijuana usage in Arizona and California;

15 (2) usage of other controlled substances in Ari-
16 zona and California;

17 (3) perceptions of youth of the dangerousness
18 of marijuana and other controlled substances in Ari-
19 zona and California;

20 (4) emergency room admissions for drug abuse
21 in Arizona and California;

22 (5) seizures of controlled substances in Arizona
23 and California;

24 (6) arrest rates for use of controlled substances
25 in Arizona and California;

1 (7) arrest rates for trafficking of controlled
2 substances in Arizona and California;

3 (8) conviction rates in cases concerning use of
4 controlled substances in Arizona and California; and

5 (9) conviction rates in jury trials concerning use
6 of controlled substances in Arizona and California.

7 (c) REPORT.—Not later than January 1, 2000, the
8 Director of National Drug Policy, in consultation with the
9 Attorney General and the Secretary of Health and Human
10 Services, shall—

11 (1) issue a report on the results of the study
12 under subsection (b); and

13 (2) submit a copy of the report to the Commit-
14 tees on the Judiciary of the House of Representa-
15 tives and the Senate.

16 (d) AUTHORIZATIONS.—There are authorized to be
17 appropriated to carry out this section such sums as may
18 be necessary for each of fiscal years 2000 and 2001.

19 **Subtitle F—Improving Effective-**
20 **ness of Youth Crime and Drug**
21 **Prevention Efforts**

22 **SEC. 5501. COMPREHENSIVE STUDY BY NATIONAL ACAD-**
23 **EMY OF SCIENCES.**

24 (a) IN GENERAL.—The Attorney General shall enter
25 into a contract with a public or nonprofit private entity,

1 subject to subsection (b), for the purpose of conducting
2 a study or studies—

3 (1) to evaluate the effectiveness of federally
4 funded programs for preventing youth violence and
5 youth substance abuse;

6 (2) to evaluate the effectiveness of federally
7 funded grant programs for preventing criminal vic-
8 timization of juveniles;

9 (3) to identify specific Federal programs and
10 programs that receive Federal funds that contribute
11 to reductions in youth violence, youth substance
12 abuse, and risk factors among youth that lead to
13 violent behavior and substance abuse;

14 (4) to identify specific programs that have not
15 achieved their intended results; and

16 (5) to make specific recommendations on pro-
17 grams that—

18 (A) should receive continued or increased
19 funding because of their proven success; or

20 (B) should have their funding terminated
21 or reduced because of their lack of effectiveness.

22 (b) NATIONAL ACADEMY OF SCIENCES.—The Attor-
23 ney General shall request the National Academy of
24 Sciences to enter into the contract under subsection (a)
25 to conduct the study or studies described in subsection (a).

1 If the Academy declines to conduct the study, the Attorney
2 General shall carry out such subsection through other
3 public or nonprofit private entities.

4 (c) ASSISTANCE.—In conducting the study under
5 subsection (a) the contracting party may obtain analytic
6 assistance, data, and other relevant materials from the
7 Department of Justice and any other appropriate Federal
8 agency.

9 (d) REPORTING REQUIREMENTS.—

10 (1) IN GENERAL.—Not later than January 1,
11 2000, the Attorney General shall submit a report de-
12 scribing the findings made as a result of the study
13 required by subsection (a) to the Committee on the
14 Judiciary and the Committee on Economic and Edu-
15 cational Opportunity of the House of Representa-
16 tives and the Committee on the Judiciary and the
17 Committee on Labor and Human Resources of the
18 Senate.

19 (2) CONTENTS.—The report required by this
20 subsection shall contain specific recommendations
21 concerning funding levels for the programs evalu-
22 ated. Reports on the effectiveness of such programs
23 and recommendations on funding shall be provided
24 to the appropriate subcommittees of the Committee

1 on Appropriations of the House of Representatives
2 and the Committee on Appropriations of the Senate.

3 (e) FUNDING.—There are authorized to be appro-
4 priated to carry out the study under subsection (a)
5 \$1,000,000,000.

6 **SEC. 5502. EVALUATION OF CRIME PREVENTION PRO-**
7 **GRAMS.**

8 The Attorney General, with respect to the programs
9 in titles II, III, and IV of this Act shall provide, directly
10 or through grants and contracts, for the comprehensive
11 and thorough evaluation of the effectiveness of each pro-
12 gram established by this Act and the amendments made
13 by this Act.

14 **SEC. 5503. EVALUATION AND RESEARCH CRITERIA.**

15 (a) INDEPENDENT EVALUATIONS AND RESEARCH.—
16 Evaluations and research studies conducted pursuant to
17 this subtitle shall be independent in nature, and shall em-
18 ploy rigorous and scientifically recognized standards and
19 methodologies.

20 (b) CONTENT OF EVALUATIONS.—Evaluations con-
21 ducted pursuant to this title may include comparison be-
22 tween youth participating in the programs and the com-
23 munity at large of rates of—

1 (1) delinquency, youth crime, youth gang activ-
2 ity, youth substance abuse, and other high risk fac-
3 tors;

4 (2) risk factors in young people that contribute
5 to juvenile violence, including academic failure, ex-
6 cessive school absenteeism, and dropping out of
7 school;

8 (3) risk factors in the community, schools, and
9 family environments that contribute to youth vio-
10 lence; and

11 (4) criminal victimizations of youth.

12 **SEC. 5504. COMPLIANCE WITH EVALUATION MANDATE.**

13 The Attorney General may require the recipients of
14 Federal assistance for programs under this Act to collect,
15 maintain, and report information considered to be relevant
16 to any evaluation conducted pursuant to section 5502, and
17 to conduct and participate in specified evaluation and as-
18 sessment activities and functions.

19 **SEC. 5505. RESERVATION OF AMOUNTS FOR EVALUATION**
20 **AND RESEARCH.**

21 (a) IN GENERAL.—The Attorney General, with re-
22 spect to titles II, III, and IV shall reserve not less than
23 2 percent, and not more than 4 percent, of the amounts
24 made available pursuant to such titles and the amend-

1 ments made by such titles in each fiscal year to carry out
 2 the evaluation and research required by this title.

3 (b) ASSISTANCE TO GRANTEES AND EVALUATED
 4 PROGRAMS.—To facilitate the conduct and defray the
 5 costs of crime prevention program evaluation and re-
 6 search, the Attorney General shall use amounts reserved
 7 under this section to provide compliance assistance to
 8 grantees under this Act who are selected to participate in
 9 evaluations pursuant to section 5502.

10 **SEC. 5506. SENSE OF SENATE REGARDING FUNDING FOR**
 11 **PROGRAMS DETERMINED TO BE INEFFEC-**
 12 **TIVE.**

13 It is the sense of the Senate that programs identified
 14 in the study performed pursuant to section 5501 as being
 15 ineffective in addressing juvenile crime and substance
 16 abuse should not receive Federal funding in any fiscal year
 17 following the issuance of such study.

18 **TITLE VI—ENHANCEMENT OF**
 19 **RIGHTS AND PROTECTIONS**
 20 **FOR VICTIMS OF CRIME**

21 **Subtitle A—Crime Victims**
 22 **Assistance**

23 **SEC. 6001. DEFINITIONS.**

24 In this subtitle:

1 (1) ATTORNEY GENERAL.—The term “Attorney
2 General” means the Attorney General of the United
3 States.

4 (2) BODILY INJURY.—The term “bodily injury”
5 has the meaning given that term in section 1365(g)
6 of title 18, United States Code.

7 (3) FAMILY MEMBER.—The term “family mem-
8 ber” means, with respect to a victim, the spouse,
9 parent, brother or sister, or child of the victim, any
10 person to whom the victim stands in loco parentis,
11 or any other person living in the household of the
12 victim and related to the victim by blood or mar-
13 riage.

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

18 (5) JUDICIAL CONFERENCE.—The term “Judi-
19 cial Conference” means the Judicial Conference of
20 the United States established under section 331 of
21 title 28, United States Code.

22 (6) LAW ENFORCEMENT OFFICER.—The term
23 “law enforcement officer” means an individual au-
24 thorized by law to engage in or supervise the preven-
25 tion, detection, investigation, or prosecution of any

1 violation of law, and includes corrections, probation,
2 parole, and judicial officers.

3 (7) OFFICE OF VICTIMS OF CRIME.—The term
4 “Office of Victims of Crime” means the Office of
5 Victims of Crime of the Department of Justice.

6 (8) STATE.—The term “State” means each of
7 the several States of the United States, the District
8 of Columbia, the Commonwealth of Puerto Rico, the
9 Virgin Islands, Guam, American Samoa, and the
10 Commonwealth of the Northern Mariana Islands.

11 (9) UNIT OF LOCAL GOVERNMENT.—The term
12 “unit of local government” means any—

13 (A) city, county, township, town, borough,
14 parish, village, or other general purpose politi-
15 cal subdivision of a State; or

16 (B) Indian tribe.

17 (10) VICTIM.—The term “victim”—

18 (A) means an individual harmed as a re-
19 sult of a commission of an offense involving
20 death or bodily injury to any person, a threat
21 of death or bodily injury to any person, a sexual
22 assault, or an attempted sexual assault; or a
23 natural person harmed by any fraud or mis-
24 representation relating to a sale or other con-

1 tract for any item, benefit, product, or service;
2 and

3 (B) includes—

4 (i) in the case of a victim who is less
5 than 18 years of age or incompetent, the
6 parent or legal guardian of the victim;

7 (ii) in the case of a victim who is de-
8 ceased or incapacitated, 1 or more family
9 members designated by the court; and

10 (iii) any other person appointed by
11 the court to represent the victim, except
12 that in no event shall a defendant be ap-
13 pointed as the representative or guardian
14 of the victim.

15 (11) QUALIFIED PRIVATE ENTITY.—The term
16 “qualified private entity” means a private entity
17 that meets such requirements as the Attorney Gen-
18 eral may establish.

1 **PART 1—PROTECTION OF CRIME VICTIMS’**2 **RIGHTS**3 **Subpart A—Amendments to Title 18, United States**4 **Code**5 **SEC. 6111. RIGHT TO BE NOTIFIED OF DETENTION HEAR-**6 **ING AND RIGHT TO BE HEARD ON THE ISSUE**7 **OF DETENTION.**

8 Section 3142 of title 18, United States Code, is
9 amended by adding at the end the following:

10 “(k) NOTIFICATION OF RIGHT TO BE HEARD.—

11 “(1) IN GENERAL.—In any case involving a de-
12 fendant who is arrested for an offense involving
13 death or bodily injury to any person, a threat of
14 death or bodily injury to any person, or a sexual as-
15 sault, or an attempted sexual assault, in which a de-
16 tention hearing is scheduled pursuant to subsection
17 (f)—

18 “(A) the Government shall make a reason-
19 able effort to notify the victim of the hearing,
20 and of the right of the victim to be heard on
21 the issue of detention; and

22 “(B) at the hearing under subsection (f),
23 the court shall inquire of the Government as to
24 whether the efforts at notification of the victim
25 under subparagraph (A) were successful and, if
26 so, whether the victim wishes to be heard on

1 the issue of detention and, if so, shall afford
2 the victim such an opportunity.

3 “(2) LIMITATION.—Upon motion of either
4 party that identification of the defendant by the vic-
5 tim is a fact in dispute, and that no means of ver-
6 ification has been attempted, the Court shall use ap-
7 propriate measures to protect the integrity of the
8 identification process.

9 “(3) ADDRESS.—With respect to any case de-
10 scribed in paragraph (1), the victim shall notify the
11 appropriate authority of an address to which notifi-
12 cation under this subsection may be sent.”.

13 **SEC. 6112. RIGHT TO A SPEEDY TRIAL AND PROMPT DIS-**
14 **POSITION FREE FROM UNREASONABLE**
15 **DELAY.**

16 Section 3161(h)(8)(B) of title 18, United States
17 Code, is amended by adding at the end the following:

18 “(v) The interests of the victim (or the family
19 of a victim who is deceased or incapacitated) in the
20 prompt and appropriate disposition of the case, free
21 from unreasonable delay.”.

22 **SEC. 6113. ENHANCED RIGHT TO ORDER OF RESTITUTION.**

23 Section 3664(d)(2)(A)(iv) of title 18, United States
24 Code, is amended by inserting “, and the right of the vic-
25 tim (or the family of a victim who is deceased or incapaci-

1 tated) to attend the sentencing hearing and to make a
 2 statement to the court at the sentencing hearing” before
 3 the semicolon.

4 **SEC. 6114. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE**
 5 **OR RELEASE FROM PRISON.**

6 Section 503(c)(5)(B) of the Victims’ Rights and Res-
 7 titution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is
 8 amended by inserting after “offender” the following: “, in-
 9 cluding escape, work release, furlough, or any other form
 10 of release from a psychiatric institution or other facility
 11 that provides mental health services to offenders”.

12 **Subpart B—Amendments to Federal Rules of**
 13 **Criminal Procedure**

14 **SEC. 6121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT**
 15 **AND TO BE HEARD ON MERITS OF THE PLEA**
 16 **AGREEMENT.**

17 (a) IN GENERAL.—Rule 11 of the Federal Rules of
 18 Criminal Procedure is amended by adding at the end the
 19 following:

20 “(i) RIGHTS OF VICTIMS.—

21 “(1) IN GENERAL.—In any case involving a de-
 22 fendant who is arrested for an offense involving
 23 death or bodily injury to any person, a threat of
 24 death or bodily injury to any person, a sexual as-
 25 sault, or an attempted sexual assault—

1 “(A) the Government, prior to a hearing at
2 which a plea of guilty or nolo contendere is en-
3 tered, shall make a reasonable effort to notify
4 the victim of—

5 “(i) the date and time of the hearing;
6 and

7 “(ii) the right of the victim to attend
8 the hearing and to address the court; and

9 “(B) if the victim attends a hearing de-
10 scribed in subparagraph (A), the court, before
11 accepting a plea of guilty or nolo contendere,
12 shall afford the victim an opportunity to be
13 heard on the proposed plea agreement.

14 “(2) ADDRESS.—With respect to any case de-
15 scribed in paragraph (1), the victim shall notify the
16 appropriate authority of an address to which notifi-
17 cation under this subsection may be sent.

18 “(3) MASS VICTIM CASES.—In any case involv-
19 ing more than 15 victims, the court, after consulta-
20 tion with the Government and the victims, may ap-
21 point a number of victims to serve as representatives
22 of the victims’ interests.”.

23 (b) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall become effective as provided in
3 paragraph (3).

4 (2) ACTION BY JUDICIAL CONFERENCE.—

5 (A) RECOMMENDATIONS.—Not later than
6 180 days after the date of enactment of this
7 Act, the Judicial Conference shall submit to
8 Congress a report containing recommendations
9 for amending the Federal Rules of Criminal
10 Procedure to provide enhanced opportunities for
11 victims of offenses involving death or bodily in-
12 jury to any person, the threat of death or bodily
13 injury to any person, a sexual assault, or an at-
14 tempted sexual assault, to be heard on the issue
15 of whether or not the court should accept a plea
16 of guilty or nolo contendere.

17 (B) INAPPLICABILITY OF OTHER LAW.—

18 Chapter 131 of title 28, United States Code,
19 does not apply to any recommendation made by
20 the Judicial Conference under this paragraph.

21 (3) CONGRESSIONAL ACTION.—Except as other-
22 wise provided by law, if the Judicial Conference—

23 (A) submits a report in accordance with
24 paragraph (2) containing recommendations de-
25 scribed in that paragraph, and those rec-

1 ommendations are the same as the amendment
2 made by subsection (a), then the amendment
3 made by subsection (a) shall become effective
4 30 days after the date on which the rec-
5 ommendations are submitted to Congress under
6 paragraph (2);

7 (B) submits a report in accordance with
8 paragraph (2) containing recommendations de-
9 scribed in that paragraph, and those rec-
10 ommendations are different in any respect from
11 the amendment made by subsection (a), the rec-
12 ommendations made pursuant to paragraph (2)
13 shall become effective 180 days after the date
14 on which the recommendations are submitted to
15 Congress under paragraph (2), unless an Act of
16 Congress is passed overturning the rec-
17 ommendations; and

18 (C) fails to comply with paragraph (2), the
19 amendment made by subsection (a) shall be-
20 come effective 360 days after the date of enact-
21 ment of this Act.

22 (4) APPLICATION.—Any amendment made pur-
23 suant to this section (including any amendment
24 made pursuant to the recommendations of the
25 United States Sentencing Commission under para-

1 graph (2)) shall apply in any proceeding commenced
2 on or after the effective date of the amendment.

3 **SEC. 6122. ENHANCED RIGHTS OF NOTIFICATION AND AL-**
4 **LOCUTION AT SENTENCING.**

5 (a) IN GENERAL.—Rule 32 of the Federal Rules of
6 Criminal Procedure is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (4), by striking subpara-
9 graph (D) and inserting the following:

10 “(D) a victim impact statement, identify-
11 ing, to the maximum extent practicable—

12 “(i) each victim of the offense (except
13 that such identification shall not include
14 information relating to any telephone num-
15 ber, place of employment, or residential ad-
16 dress of any victim);

17 “(ii) an itemized account of any eco-
18 nomic loss suffered by each victim as a re-
19 sult of the offense;

20 “(iii) any physical injury suffered by
21 each victim as a result of the offense,
22 along with its seriousness and permanence;

23 “(iv) a description of any change in
24 the personal welfare or familial relation-

1 ships of each victim as a result of the of-
2 fense; and

3 “(v) a description of the impact of the
4 offense upon each victim and the rec-
5 ommendation of each victim regarding an
6 appropriate sanction for the defendant;”;
7 and

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

9 “(7) VICTIM IMPACT STATEMENTS.—

10 “(A) IN GENERAL.—Any probation officer
11 preparing a presentence report shall—

12 “(i) make a reasonable effort to notify
13 each victim of the offense that such a re-
14 port is being prepared and the purpose of
15 such report; and

16 “(ii) provide the victim with an oppor-
17 tunity to submit an oral or written state-
18 ment, or a statement on audio or videotape
19 outlining the impact of the offense upon
20 the victim.

21 “(B) USE OF STATEMENTS.—Any written
22 statement submitted by a victim under subpara-
23 graph (A) shall be attached to the presentence
24 report and shall be provided to the sentencing
25 court and to the parties.”;

1 (2) in subsection (c)(1), by adding at the end
2 the following: “Before sentencing in any case in
3 which a defendant has been charged with or found
4 guilty of an offense involving death or bodily injury
5 to any person, a threat of death or bodily injury to
6 any person, a sexual assault, or an attempted sexual
7 assault, the Government shall make a reasonable ef-
8 fort to notify the victim of the time and place of sen-
9 tencing and of his right to attend and to be heard.”;
10 and

11 (3) in subsection (f), by inserting “the right to
12 notification and to submit a statement under sub-
13 division (b)(7), the right to notification and to be
14 heard under subdivision (c)(1), and” before “the
15 right of allocution”.

16 (b) EFFECTIVE DATE.—

17 (1) IN GENERAL.—The amendments made by
18 subsection (a) shall become effective as provided in
19 paragraph (3).

20 (2) ACTION BY JUDICIAL CONFERENCE.—

21 (A) RECOMMENDATIONS.—Not later than
22 180 days after the date of enactment of this
23 Act, the Judicial Conference shall submit to
24 Congress a report containing recommendations
25 for amending the Federal Rules of Criminal

1 Procedure to provide enhanced opportunities for
2 victims of offenses involving death or bodily in-
3 jury to any person, a threat of death or bodily
4 injury to any person, a sexual assault, or an at-
5 tempted sexual assault, to participate during
6 the presentencing phase of the criminal process.

7 (B) INAPPLICABILITY OF OTHER LAW.—
8 Chapter 131 of title 28, United States Code,
9 does not apply to any recommendation made by
10 the Judicial Conference under this paragraph.

11 (3) CONGRESSIONAL ACTION.—Except as other-
12 wise provided by law, if the Judicial Conference—

13 (A) submits a report in accordance with
14 paragraph (2) containing recommendations de-
15 scribed in that paragraph, and those rec-
16 ommendations are the same as the amendments
17 made by subsection (a), then the amendments
18 made by subsection (a) shall become effective
19 30 days after the date on which the rec-
20 ommendations are submitted to Congress under
21 paragraph (2);

22 (B) submits a report in accordance with
23 paragraph (2) containing recommendations de-
24 scribed in that paragraph, and those rec-
25 ommendations are different in any respect from

1 the amendments made by subsection (a), the
2 recommendations made pursuant to paragraph
3 (2) shall become effective 180 days after the
4 date on which the recommendations are submit-
5 ted to Congress under paragraph (2), unless an
6 Act of Congress is passed overturning the rec-
7 ommendations; and

8 (C) fails to comply with paragraph (2), the
9 amendments made by subsection (a) shall be-
10 come effective 360 days after the date of enact-
11 ment of this Act.

12 (4) APPLICATION.—Any amendment made pur-
13 suant to this section (including any amendment
14 made pursuant to the recommendations of the
15 United States Sentencing Commission under para-
16 graph (2)) shall apply in any proceeding commenced
17 on or after the effective date of the amendment.

18 **SEC. 6123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT**

19 **A PROBATION REVOCATION HEARING.**

20 (a) IN GENERAL.—Rule 32.1 of the Federal Rules
21 of Criminal Procedure is amended by adding at the end
22 the following:

23 “(d) RIGHTS OF VICTIMS.—

24 “(1) IN GENERAL.—At any hearing pursuant to
25 subsection (a)(2) involving 1 or more persons who

1 have been convicted of an offense involving death or
2 bodily injury to any person, a threat of death or
3 bodily injury to any person, a sexual assault, or an
4 attempted sexual assault, the government shall make
5 reasonable efforts to notify the victim of the offense
6 (and the victim of any new charges giving rise to the
7 hearings), of—

8 “(A) the date and time of the hearing; and

9 “(B) the right of the victim to attend the
10 hearing and to address the court regarding
11 whether the terms or conditions of probation or
12 supervised release should be modified.

13 “(2) DUTIES OF COURT AT HEARING.—At any
14 hearing described in paragraph (1) at which a victim
15 is present, the court shall—

16 “(A) address each victim personally; and

17 “(B) afford the victim an opportunity to be
18 heard on the proposed terms or conditions of
19 probation or supervised release.

20 “(3) ADDRESS.—In any case described in para-
21 graph (1), the victim shall notify the appropriate au-
22 thority of an address to which notification under this
23 paragraph may be sent.”.

24 (b) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall become effective as provided in
3 paragraph (3).

4 (2) ACTION BY JUDICIAL CONFERENCE.—

5 (A) RECOMMENDATIONS.—Not later than
6 180 days after the date of enactment of this
7 Act, the Judicial Conference shall submit to
8 Congress a report containing recommendations
9 for amending the Federal Rules of Criminal
10 Procedure to ensure that reasonable efforts are
11 made to notify victims of offenses involving
12 death or bodily injury to any person, a threat
13 of death or bodily injury to any person, a sexual
14 assault, or an attempted sexual assault, of any
15 revocation hearing held pursuant to rule
16 32.1(a)(2) of the Federal Rules of Criminal
17 Procedure.

18 (B) INAPPLICABILITY OF OTHER LAW.—
19 Chapter 131 of title 28, United States Code,
20 does not apply to any recommendation made by
21 the Judicial Conference under this paragraph.

22 (3) CONGRESSIONAL ACTION.—Except as other-
23 wise provided by law, if the Judicial Conference—

24 (A) submits a report in accordance with
25 paragraph (2) containing recommendations de-

1 scribed in that paragraph, and those rec-
2 ommendations are the same as the amendment
3 made by subsection (a), then the amendment
4 made by subsection (a) shall become effective
5 30 days after the date on which the rec-
6 ommendations are submitted to Congress under
7 paragraph (2);

8 (B) submits a report in accordance with
9 paragraph (2) containing recommendations de-
10 scribed in that paragraph, and those rec-
11 ommendations are different in any respect from
12 the amendment made by subsection (a), the rec-
13 ommendations made pursuant to paragraph (2)
14 shall become effective 180 days after the date
15 on which the recommendations are submitted to
16 Congress under paragraph (2), unless an Act of
17 Congress is passed overturning the rec-
18 ommendations; and

19 (C) fails to comply with paragraph (2), the
20 amendment made by subsection (a) shall be-
21 come effective 360 days after the date of enact-
22 ment of this Act.

23 (4) APPLICATION.—Any amendment made pur-
24 suant to this section (including any amendment
25 made pursuant to the recommendations of the

1 United States Sentencing Commission under para-
2 graph (2)) shall apply in any proceeding commenced
3 on or after the effective date of the amendment.

4 **Subpart C—Amendment to Federal Rules of**

5 **Evidence**

6 **SEC. 6131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.**

7 (a) IN GENERAL.—Rule 615 of the Federal Rules of
8 Evidence is amended—

9 (1) by striking “At the request” and inserting
10 the following:

11 “(a) IN GENERAL.—Except as provided in subsection
12 (b), at the request”;

13 (2) by striking “This rule” and inserting the
14 following:

15 “(b) EXCEPTIONS.—Subsection (a)”;

16 (3) by striking “exclusion of (1) a party” and
17 inserting the following: “exclusion of—

18 “(1) a party”;

19 (4) by striking “person, or (2) an officer” and
20 inserting the following: “person;

21 “(2) an officer”;

22 (5) by striking “attorney, or (3) a person” and
23 inserting the following: “attorney;

24 “(3) a person”;

1 (6) by striking the period at the end and insert-
2 ing “; or”; and

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

4 “(4) a person who is a victim of an offense in-
5 volving death or bodily injury to any person, a threat
6 of death or bodily injury to any person, a sexual as-
7 sault, or an attempted sexual assault, for which a
8 defendant is being tried in a criminal trial, unless
9 the court concludes that—

10 “(A) the testimony of the person will be
11 materially affected by hearing the testimony of
12 other witnesses, and the material effect of hear-
13 ing the testimony of other witnesses on the tes-
14 timony of that person will result in unfair prej-
15 udice to any party; or

16 “(B) due to the large number of victims or
17 family members of victims who may be called as
18 witnesses, permitting attendance in the court-
19 room itself when testimony is being heard is not
20 feasible.

21 “(c) DISCRETION OF COURT; EFFECT ON OTHER
22 LAW.—Nothing in subsection (b)(4) shall be construed—

23 “(1) to limit the ability of a court to exclude a
24 witness, if the court determines that such action is

1 necessary to maintain order during a court proceed-
2 ing; or

3 “(2) to limit or otherwise affect the ability of
4 a witness to be present during court proceedings
5 pursuant to section 3510 of title 18, United States
6 Code.”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
9 subsection (a) shall become effective as provided in
10 paragraph (3).

11 (2) ACTION BY JUDICIAL CONFERENCE.—

12 (A) RECOMMENDATIONS.—Not later than
13 180 days after the date of enactment of this
14 Act, the Judicial Conference shall submit to
15 Congress a report containing recommendations
16 for amending the Federal Rules of Criminal
17 Procedure so that reasonable efforts are made
18 to notify victims of offenses involving death or
19 bodily injury to any person, a threat of death
20 or bodily injury to any person, a sexual assault,
21 or an attempted sexual assault, to attend judi-
22 cial proceedings, even if they may testify as a
23 witness at the proceeding.

24 (B) INAPPLICABILITY OF OTHER LAW.—

25 Chapter 131 of title 28, United States Code,

1 does not apply to any recommendation made by
2 the Judicial Conference under this paragraph.

3 (3) CONGRESSIONAL ACTION.—Except as other-
4 wise provided by law, if the Judicial Conference—

5 (A) submits a report in accordance with
6 paragraph (2) containing recommendations de-
7 scribed in that paragraph, and those rec-
8 ommendations are the same as the amendments
9 made by subsection (a), then the amendments
10 made by subsection (a) shall become effective
11 30 days after the date on which the rec-
12 ommendations are submitted to Congress under
13 paragraph (2);

14 (B) submits a report in accordance with
15 paragraph (2) containing recommendations de-
16 scribed in that paragraph, and those rec-
17 ommendations are different in any respect from
18 the amendments made by subsection (a), the
19 recommendations made pursuant to paragraph
20 (2) shall become effective 180 days after the
21 date on which the recommendations are submit-
22 ted to Congress under paragraph (2), unless an
23 Act of Congress is passed overturning the rec-
24 ommendations; and

1 (C) fails to comply with paragraph (2), the
2 amendments made by subsection (a) shall be-
3 come effective 360 days after the date of enact-
4 ment of this Act.

5 (4) APPLICATION.—Any amendment made pur-
6 suant to this section (including any amendment
7 made pursuant to the recommendations of the
8 United States Sentencing Commission under para-
9 graph (2)) shall apply in any proceeding commenced
10 on or after the effective date of the amendment.

11 **Subpart D—Exceptions**

12 **SEC. 6141. EXCEPTIONS.**

13 The rights promulgated by subparts A, B, and C
14 shall not apply to any case in which the court reasonably
15 believes that—

16 (1) the defendant has cooperated with the gov-
17 ernment in other proceedings against the victim or
18 persons acting in concert with the victim; or

19 (2) available evidence raises a significant expec-
20 tation of physical violence or other retaliation by the
21 victim against the defendant.

22 **Subpart E—Remedies for Noncompliance**

23 **SEC. 6151. REMEDIES FOR NONCOMPLIANCE.**

24 (a) GENERAL LIMITATION.—Any failure to comply
25 with any amendment made by this part shall not give rise

1 to a claim for damages, or any other action against the
2 United States, or any employee of the United States, any
3 court official or officer of the court, or an entity contract-
4 ing with the United States, or any action seeking a rehear-
5 ing or other reconsideration of action taken in connection
6 with a defendant.

7 (b) REGULATIONS TO ENSURE COMPLIANCE.—

8 (1) IN GENERAL.—Notwithstanding subsection
9 (a), not later than 1 year after the date of enact-
10 ment of this Act, the Attorney General and the
11 Chairman of the United States Parole Commission
12 shall promulgate regulations to implement and en-
13 force the amendments made by this title.

14 (2) CONTENTS.—The regulations promulgated
15 under paragraph (1) shall—

16 (A) contain disciplinary sanctions, includ-
17 ing suspension or termination from employ-
18 ment, for employees of the Department of Jus-
19 tice (including employees of the United States
20 Parole Commission) who willfully or repeatedly
21 violate the amendments made by this title, or
22 willfully or repeatedly refuse or fail to comply
23 with provisions of Federal law pertaining to the
24 treatment of victims of crime;

1 (B) include an administrative procedure
2 through which parties can file formal com-
3 plaints with the Department of Justice alleging
4 violations of the amendments made by this title;

5 (C) provide that a complainant is prohib-
6 ited from recovering monetary damages against
7 the United States, or any employee of the
8 United States, either in his official or personal
9 capacity; and

10 (D) provide that the Attorney General, or
11 the designee of the Attorney General, shall be
12 the final arbiter of the complaint, and there
13 shall be no judicial review of the final decision
14 of the Attorney General by a complainant.

15 **Subpart F—Victims of Fraud**

16 **SEC. 6161. REGULATIONS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Attorney General shall promulgate regula-
19 tions to implement and enforce this part and the amend-
20 ments made by this part with respect to natural persons
21 against whom a defendant has been charged with commit-
22 ting fraud.

1 **PART 2—ASSISTANCE TO VICTIMS OF FEDERAL,**
2 **STATE, AND LOCAL CRIME**

3 **SEC. 6201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.**

4 There are authorized to be appropriated such sums
5 as may be necessary to enable the Attorney General to—

6 (1) hire 50 full-time or full-time equivalent em-
7 ployees to serve as victim-witness advocates to pro-
8 vide assistance to victims of any criminal offense in-
9 vestigated by any department or agency of the Fed-
10 eral Government; and

11 (2) provide grants through the Office of Victims
12 of Crime to qualified private entities to fund 50 vic-
13 tim-witness advocate positions within those organiza-
14 tions.

15 **SEC. 6202. INCREASED TRAINING FOR STATE AND LOCAL**
16 **LAW ENFORCEMENT, STATE COURT PERSON-**
17 **NEL, AND OFFICERS OF THE COURT TO RE-**
18 **SPOND EFFECTIVELY TO THE NEEDS OF VIC-**
19 **TIMS OF CRIME.**

20 Notwithstanding any other provision of law, amounts
21 collected pursuant to sections 3729 through 3731 of title
22 31, United States Code (commonly known as the “False
23 Claims Act”), may be used by the Office of Victims of
24 Crime to make grants to States, units of local government,
25 and qualified private entities, to provide training and in-
26 formation to prosecutors, judges, law enforcement officers,

1 probation officers, and other officers and employees of
 2 Federal and State courts to assist them in responding ef-
 3 fectively to the needs of victims of crime.

4 **SEC. 6203. INCREASED RESOURCES FOR STATE AND LOCAL**
 5 **LAW ENFORCEMENT AGENCIES, COURTS,**
 6 **AND PROSECUTORS' OFFICES TO DEVELOP**
 7 **STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
 8 **VICTIMS OF CRIME OF IMPORTANT DATES**
 9 **AND DEVELOPMENTS.**

10 (a) IN GENERAL.—Subtitle A of title XXIII of the
 11 Violent Crime Control and Law Enforcement Act of 1994
 12 (Public Law 103–322; 108 Stat. 2077) is amended by
 13 adding at the end the following:

14 **“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
 15 **VICTIMS OF CRIME OF IMPORTANT DATES**
 16 **AND DEVELOPMENTS.**

17 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
 18 are authorized to be appropriated to the Office of Victims
 19 of Crime of the Department of Justice such sums as may
 20 be necessary for grants to State and local prosecutors’ of-
 21 fices, State courts, county jails, State correctional institu-
 22 tions, and qualified private entities, to develop and imple-
 23 ment state-of-the-art systems for notifying victims of
 24 crime of important dates and developments relating to the
 25 criminal proceedings at issue.

1 “(b) FALSE CLAIMS ACT.—Notwithstanding any
2 other provision of law, amounts collected pursuant to sec-
3 tions 3729 through 3731 of title 31, United States Code
4 (commonly known as the ‘False Claims Act’), may be used
5 for grants under this section.”.

6 (b) VIOLENT CRIME REDUCTION TRUST FUND.—
7 Section 310004(d) of the Violent Crime Control and Law
8 Enforcement Act of 1994 (42 U.S.C. 14214(d)) is
9 amended—

10 (1) in the first paragraph designated as para-
11 graph (15) (relating to the definition of the term
12 “Federal law enforcement program”), by striking
13 “and” at the end;

14 (2) in the first paragraph designated as para-
15 graph (16) (relating to the definition of the term
16 “Federal law enforcement program”), by striking
17 the period at the end and inserting “; and”; and

18 (3) by inserting after the first paragraph des-
19 ignated as paragraph (16) (relating to the definition
20 of the term “Federal law enforcement program”) the
21 following:

22 “(17) section 230103.”.

23 **SEC. 6204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**
24 **PROGRAMS FOR CRIME VICTIMS.**

25 (a) DEFINITIONS.—In this section:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the Office of Victims of Crime.

3 (2) OFFICE.—The term “Office” means the Of-
4 fice of Victims of Crime.

5 (3) QUALIFIED PRIVATE ENTITY.—The term
6 “qualified private entity” means a private entity
7 that meets such requirements as the Attorney Gen-
8 eral, acting through the Director, may establish.

9 (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-
10 ERNMENT.—The term “qualified unit of State or
11 local government” means a unit or a State or local
12 government that meets such requirements as the At-
13 torney General, acting through the Director, may es-
14 tablish.

15 (5) VOICE CENTERS.—The term “VOICE Cen-
16 ters” means the Victim Ombudsman Information
17 Centers established under the program under sub-
18 section (b).

19 (b) PILOT PROGRAMS.—

20 (1) IN GENERAL.—Not later than 12 months
21 after the date of enactment of this Act, the Attorney
22 General, acting through the Director, shall establish
23 and carry out a program to provide for pilot pro-
24 grams to establish and operate Victim Ombudsman
25 Information Centers in each of the following States:

1 (A) Massachusetts.

2 (B) South Dakota.

3 (C) Tennessee.

4 (D) Vermont.

5 (E) Washington.

6 (F) Wisconsin.

7 (2) AGREEMENTS.—

8 (A) IN GENERAL.—The Attorney General,
9 acting through the Director, shall enter into an
10 agreement with a qualified private entity or
11 unit of State or local government to conduct a
12 pilot program referred to in paragraph (1).
13 Under the agreement, the Attorney General,
14 acting through the Director, shall provide for a
15 grant to assist the qualified private entity or
16 unit of State or local government in carrying
17 out the pilot program.

18 (B) CONTENTS OF AGREEMENT.—The
19 agreement referred to in subparagraph (A)
20 shall specify that—

21 (i) the VOICE Center shall be estab-
22 lished in accordance with this section; and

23 (ii) except with respect to meeting ap-
24 plicable requirements of this section con-
25 cerning carrying out the duties of a

1 VOICE Center under this section (includ-
2 ing the applicable reporting duties under
3 subsection (c) and the terms of the agree-
4 ment) each VOICE Center shall operate
5 independently of the Office; and

6 (C) NO AUTHORITY OVER DAILY OPER-
7 ATIONS.—The Office shall have no supervisory
8 or decisionmaking authority over the day-to-day
9 operations of a VOICE Center.

10 (c) OBJECTIVES.—

11 (1) MISSION.—The mission of each VOICE
12 Center established under a pilot program under this
13 section shall be to assist a victim of a Federal or
14 State crime to ensure that the victim—

15 (A) is fully apprised of the rights of that
16 victim under applicable Federal or State law;
17 and

18 (B) participates in the criminal justice
19 process to the fullest extent of the law.

20 (2) DUTIES.—The duties of a VOICE Center
21 shall include—

22 (A) providing information to victims of
23 Federal or State crime regarding the right of
24 those victims to participate in the criminal jus-
25 tice process (including information concerning

1 any right that exists under applicable Federal
2 or State law);

3 (B) identifying and responding to situa-
4 tions in which the rights of victims of crime
5 under applicable Federal or State law may have
6 been violated;

7 (C) attempting to facilitate compliance
8 with Federal or State law referred to in sub-
9 paragraph (B);

10 (D) educating police, prosecutors, Federal
11 and State judges, officers of the court, and em-
12 ployees of jails and prisons concerning the
13 rights of victims under applicable Federal or
14 State law; and

15 (E) taking measures that are necessary to
16 ensure that victims of crime are treated with
17 fairness, dignity, and compassion throughout
18 the criminal justice process.

19 (d) OVERSIGHT.—

20 (1) TECHNICAL ASSISTANCE.—The Office may
21 provide technical assistance to each VOICE Center.

22 (2) ANNUAL REPORT.—Each qualified private
23 entity or qualified unit of State or local government
24 that carries out a pilot program to establish and op-
25 erate a VOICE Center under this section shall pre-

1 pare and submit to the Director, not later than 1
2 year after the VOICE Center is established, and an-
3 nually thereafter, a report that—

4 (A) describes in detail the activities of the
5 VOICE Center during the preceding year; and

6 (B) outlines a strategic plan for the year
7 following the year covered under subparagraph
8 (A).

9 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

10 (1) GAO STUDY.—Not later than 2 years after
11 the date on which each VOICE Center established
12 under a pilot program under this section is fully
13 operational, the Comptroller General of the United
14 States shall conduct a review of each pilot program
15 carried out under this section to determine the effec-
16 tiveness of the VOICE Center that is the subject of
17 the pilot program in carrying out the mission and
18 duties described in subsection (c).

19 (2) OTHER STUDIES.—Not later than 2 years
20 after the date on which each VOICE Center estab-
21 lished under a pilot program under this section is
22 fully operational, the Attorney General, acting
23 through the Director, shall enter into an agreement
24 with 1 or more private entities that meet such re-
25 quirements the Attorney General, acting through the

1 Director, may establish, to study the effectiveness of
2 each VOICE Center established by a pilot program
3 under this section in carrying out the mission and
4 duties described in subsection (c).

5 (f) TERMINATION DATE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), a pilot program established under this
8 section shall terminate on the date that is 4 years
9 after the date of enactment of this Act.

10 (2) RENEWAL.—If the Attorney General deter-
11 mines that any of the pilot programs established
12 under this section should be renewed for an addi-
13 tional period, the Attorney General may renew that
14 pilot program for a period not to exceed 2 years.

15 (g) FUNDING.—Notwithstanding any other provision
16 of law, an aggregate amount not to exceed \$5,000,000 of
17 the amounts collected pursuant to sections 3729 through
18 3731 of title 31, United States Code (commonly known
19 as the “False Claims Act”), may be used by the Director
20 to make grants under subsection (b).

21 **SEC. 6205. AMENDMENTS TO VICTIMS OF CRIME ACT OF**

22 **1984.**

23 (a) CRIME VICTIMS FUND.—Section 1402 of the Vic-
24 tims of Crime Act of 1984 (42 U.S.C. 10601) is
25 amended—

1 (1) in subsection (b)—

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

4 (B) in paragraph (4), by striking the pe-
5 riod at the end and inserting “; and”; and

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

7 “(5) any gifts, bequests, and donations from
8 private entities or individuals.”; and

9 (2) in subsection (d)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) All unobligated balances transferred to the
13 judicial branch for administrative costs to carry out
14 functions under sections 3611 and 3612 of title 18,
15 United States Code, shall be returned to the Crime
16 Victims Fund and may be used by the Director to
17 improve services for crime victims in the Federal
18 criminal justice system.”; and

19 (B) in paragraph (4), by adding at the end
20 the following:

21 “(C) States that receive supplemental funding
22 to respond to incidents or terrorism or mass violence
23 under this section shall be required to return to the
24 Crime Victims Fund for deposit in the reserve fund,

1 amounts subrogated to the State as a result of
2 third-party payments to victims.”.

3 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
4 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is
5 amended—

6 (1) in subsection (a)—

7 (A) in each of paragraphs (1) and (2), by
8 striking “40” and inserting “60”; and

9 (B) in paragraph (3), by inserting “and
10 evaluation” after “administration”; and

11 (2) in subsection (b)(7), by inserting “because
12 the identity of the offender was not determined be-
13 yond a reasonable doubt in a criminal trial, because
14 criminal charges were not brought against the of-
15 fender, or” after “deny compensation to any victim”.

16 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the
17 Victims of Crime Act of 1984 (42 U.S.C. 10603) is
18 amended—

19 (1) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by inserting “or enter into cooper-
22 ative agreements” after “make grants”;

23 (ii) by striking subparagraph (A) and
24 inserting the following:

1 “(A) for demonstration projects, evalua-
2 tion, training, and technical assistance services
3 to eligible organizations;”;

4 (iii) in subparagraph (B), by striking
5 the period at the end and inserting “;
6 and”; and

7 (iv) by adding at the end the follow-
8 ing:

9 “(C) training and technical assistance that
10 address the significance of and effective delivery
11 strategies for providing long-term psychological
12 care.”; and

13 (B) in paragraph (3)—

14 (i) in subparagraph (C), by striking
15 “and” at the end;

16 (ii) in subparagraph (D), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iii) by adding at the end the follow-
20 ing:

21 “(E) use funds made available to the Di-
22 rector under this subsection—

23 “(i) for fellowships and clinical intern-
24 ships; and

1 “(ii) to carry out programs of training
2 and special workshops for the presentation
3 and dissemination of information resulting
4 from demonstrations, surveys, and special
5 projects.”; and

6 (2) in subsection (d)—

7 (A) by striking paragraph (1) and insert-
8 ing the following:

9 “(1) the term ‘State’ includes—

10 “(A) the District of Columbia, the Com-
11 monwealth of Puerto Rico, the United States
12 Virgin Islands, and any other territory or pos-
13 session of the United States; and

14 “(B) for purposes of a subgrant under
15 subsection (a)(1) or a grant or cooperative
16 agreement under subsection (c)(1), the United
17 States Virgin Islands and any agency of the
18 government of the District of Columbia or the
19 Federal Government performing law enforce-
20 ment functions in and on behalf of the District
21 of Columbia.”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (C), by striking
24 “and” at the end;

1 (ii) in subparagraph (B), by striking
2 the semicolon and inserting “; and”; and

3 (iii) by adding at the end the follow-
4 ing:

5 “(E) public awareness and education and
6 crime prevention activities that promote, and
7 are conducted in conjunction with, the provision
8 of victim assistance; and

9 “(F) for purposes of an award under sub-
10 section (c)(1)(A), preparation, publication, and
11 distribution of informational materials and re-
12 sources for victims of crime and crime victims
13 organizations.”;

14 (C) by striking paragraph (4) and insert-
15 ing the following:

16 “(4) the term ‘crisis intervention services’
17 means counseling and emotional support including
18 mental health counseling, provided as a result of cri-
19 sis situations for individuals, couples, or family
20 members following and related to the occurrence of
21 crime;”;

22 (D) in paragraph (5), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (E) by adding at the end the following:

1 “(6) for purposes of an award under subsection
2 (c)(1), the term ‘eligible organization’ includes
3 any—

4 “(A) national or State organization with a
5 commitment to developing, implementing, evalu-
6 ating, or enforcing victims’ rights and the deliv-
7 ery of services;

8 “(B) State agency or unit of local govern-
9 ment;

10 “(C) tribal organization;

11 “(D) organization—

12 “(i) described in section 501(c) of the
13 Internal Revenue Code of 1986; and

14 “(ii) exempt from taxation under sec-
15 tion 501(a) of such Code; or

16 “(E) other entity that the Director deter-
17 mines to be appropriate.”.

18 (d) COMPENSATION AND ASSISTANCE TO VICTIMS OF
19 TERRORISM OF MASS VIOLENCE.—Section 1404B of the
20 Victims of Crime Act of 1984 (42 U.S.C. 10603b) is
21 amended—

22 (1) in subsection (a), by striking “1404(a)” and
23 inserting “1402(d)(4)(B)”; and

24 (2) in subsection (b), by striking
25 “1404(d)(4)(B)” and inserting “1402(d)(4)(B)”.

1 **SEC. 6206. SERVICES FOR VICTIMS OF CRIME AND DOMES-**
2 **TIC VIOLENCE.**

3 Section 504 of Public Law 104–134 (110 Stat. 1321–
4 132) shall not be construed to prohibit a recipient (as that
5 term is used in that section) from using funds derived
6 from a source other than the Legal Services Corporation
7 to provide related legal assistance to any person with
8 whom an alien (as that term is used in subsection (a)(11)
9 of that section) has a relationship covered by the domestic
10 violence laws of the State in which the alien resides or
11 in which an incidence of violence occurred.

12 **SEC. 6207. PILOT PROGRAM TO STUDY EFFECTIVENESS OF**
13 **RESTORATIVE JUSTICE APPROACH ON BE-**
14 **HALF OF VICTIMS OF CRIME.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, amounts collected pursuant to sections 3729
17 through 3731 of title 31, United States Code (commonly
18 known as the “False Claims Act”), may be used by the
19 Office of Victims of Crime to make grants to States, units
20 of local government, and qualified private entities for the
21 establishment of pilot programs that implement balanced
22 and restorative justice models.

23 (b) DEFINITION OF BALANCED AND RESTORATIVE
24 JUSTICE MODEL.—In this section, the term “balanced
25 and restorative justice model” means an approach to
26 criminal justice that promotes the maximum degree of in-

1 involvement by a victim, offender, and the community served
2 by a criminal justice system by allowing the criminal jus-
3 tice system and related criminal justice agencies to im-
4 prove the capacity of the system and agencies to—

5 (1) protect the community served by the system
6 and agencies; and

7 (2) ensure accountability of the offender and
8 the system.

9 **Subtitle B—Victims of Juvenile** 10 **Crimes**

11 **SEC. 6301. VICTIMS OF JUVENILE CRIMES.**

12 (a) IN GENERAL.—The Attorney General shall estab-
13 lish guidelines for State programs receiving grants under
14 part 3 of subtitle D of title I of this Act for the establish-
15 ment of juvenile gun courts to require, as appropriate
16 under applicable State or local laws or rules, that—

17 (1) prior to disposition of adjudicated juvenile
18 delinquents, that victims, or in appropriate cases
19 their official representatives, shall be provided the
20 opportunity to make a statement to the court in per-
21 son or to present any information in relation to the
22 disposition;

23 (2) victims of the juvenile adjudicated delin-
24 quent be given notice of the disposition; and

1 (3) restitution to victims may be ordered as
2 part of the disposition of adjudicated juvenile
3 delinquents.

4 (b) DEFINITION OF VICTIM.—In this section, the
5 term “victim” means any individual against whom a crime
6 of violence has been committed that has as an element
7 the use, attempted use, or threatened use of physical force
8 against the person or property of another or by its nature
9 involves a substantial risk that physical force against the
10 person or property of another may be used in the course
11 of committing the offense.

12 (c) NO CAUSE OF ACTION CREATED.—Nothing in
13 this section shall be construed to create a cause of action
14 against any State or any agency or employee thereof.

15 (d) COMPLIANCE.—

16 (1) COMPLIANCE.—Not later than 3 years after
17 the date of enactment of this Act, each State shall
18 implement this section, except that the Attorney
19 General may grant an additional 2 years to a State
20 if the Attorney General determines that the State is
21 making good faith efforts to implement this section.

22 (2) INELIGIBILITY FOR AMOUNTS.—

23 (A) IN GENERAL.—Beginning on the expi-
24 ration of the period described in paragraph (1)
25 (or such extended period as the Attorney Gen-

1 eral may provide with respect to a State under
 2 that paragraph), during each fiscal year that
 3 any State fails to comply with this section, that
 4 State shall receive not more than 90 percent of
 5 the amount that the State would otherwise re-
 6 ceive under subtitle C of this title.

7 (B) REALLOCATION OF AMOUNTS.—In
 8 each fiscal year, any amounts that are not allo-
 9 cated to States described in subparagraph (A)
 10 shall be allocated to otherwise eligible States
 11 that are in compliance with this section on a
 12 pro rata basis.

13 **TITLE VII—COMBATING MONEY** 14 **LAUNDERING**

15 **SEC. 7001. SHORT TITLE.**

16 This title may be cited as the “Money Laundering
 17 Enforcement Act of 1999”.

18 **SEC. 7002. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

19 (a) CIVIL FORFEITURE FOR MONEY TRANSMITTING
 20 VIOLATION.—Section 981(a)(1)(A) of title 18, United
 21 States Code, is amended by striking “or 1957” and insert-
 22 ing “, 1957, or 1960”.

23 (b) SCIENTER REQUIREMENT FOR SECTION 1960
 24 VIOLATION.—Section 1960 of title 18, United States
 25 Code, is amended by adding at the end the following:

1 “(c) SCIENTER REQUIREMENT.—For the purposes of
2 proving a violation of this section involving an illegal
3 money transmitting business—

4 “(1) it shall be sufficient for the Government to
5 prove that the defendant knew that the money trans-
6 mitting business lacked a license required by State
7 law; and

8 “(2) it shall not be necessary to show that the
9 defendant knew that the operation of such a busi-
10 ness without the required license was an offense
11 punishable as a felony or misdemeanor under State
12 law.”.

13 **SEC. 7003. RESTRAINT OF ASSETS OF PERSONS ARRESTED**
14 **ABROAD.**

15 Section 981(b) of title 18, United States Code, is
16 amended by adding at the end the following:

17 “(3) RESTRAINT OF ASSETS.—

18 “(A) IN GENERAL.—If any person is arrested
19 or charged in a foreign country in connection with
20 an offense that would give rise to the forfeiture of
21 property in the United States under this section or
22 under the Controlled Substances Act (21 U.S.C. 801
23 et seq.), the Attorney General may apply to any
24 Federal judge or magistrate judge in the district in
25 which the property is located for an ex parte order

1 restraining the property subject to forfeiture for not
 2 more than 30 days, except that the time may be ex-
 3 tended for good cause shown at a hearing conducted
 4 in the manner provided in Rule 43(e) of the Federal
 5 Rules of Civil Procedure.

6 “(B) APPLICATION.—An application for a re-
 7 straining order under subparagraph (A) shall—

8 “(i) set forth the nature and circumstances
 9 of the foreign charges and the basis for belief
 10 that the person arrested or charged has prop-
 11 erty in the United States that would be subject
 12 to forfeiture; and

13 “(ii) contain a statement that the restrain-
 14 ing order is needed to preserve the availability
 15 of property for such time as is necessary to re-
 16 ceive evidence from the foreign country or else-
 17 where in support of probable cause for the sei-
 18 zure of the property under this subsection.”.

19 **SEC. 7004. ACCESS TO RECORDS IN BANK SECRECY JURIS-**
 20 **DICTIONS.**

21 Section 986 of title 18, United States Code, is
 22 amended by adding at the end the following:

23 “(d) ACCESS TO RECORDS LOCATED ABROAD.—

24 “(1) IN GENERAL.—In any civil forfeiture case,
 25 or in any ancillary proceeding in any criminal for-

1 feiture case governed by section 413(n) of the Con-
2 trolled Substances Act (21 U.S.C. 853(n)), the re-
3 fusal of the claimant to provide financial records lo-
4 cated in a foreign country in response to a discovery
5 request or take the action necessary otherwise to
6 make the records available, shall result in the dis-
7 missal of the claim with prejudice, if—

8 “(A) the financial records may be
9 material—

10 “(i) to any claim or to the ability of
11 the government to respond to such claim;
12 or

13 “(ii) in a civil forfeiture case, to the
14 ability of the government to establish the
15 forfeitability of the property; and

16 “(B) it is within the capacity of the claim-
17 ant to waive his or her rights under such se-
18 crecy laws, or to obtain the financial records
19 himself or herself, so that the financial records
20 may be made available.

21 “(2) PRIVILEGE.—Nothing in this subsection
22 shall be construed to affect the rights of a claimant
23 to refuse production of any records on the basis of
24 any privilege guaranteed by the Constitution of the

1 United States or any other provision of Federal
2 law.”.

3 **SEC. 7005. CIVIL MONEY LAUNDERING JURISDICTION OVER**
4 **FOREIGN PERSONS.**

5 Section 1956(b) of title 18, United States Code, is
6 amended—

7 (1) by redesignating paragraphs (1) and (2) as
8 subparagraphs (A) and (B), respectively, and indent-
9 ing each subparagraph appropriately;

10 (2) by striking “(b) Whoever” and inserting the
11 following:

12 “(b) CIVIL PENALTIES.—

13 “(1) IN GENERAL.—Whoever”; and

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

15 “(2) JURISDICTION.—For purposes of adju-
16 dicating an action filed or enforcing a penalty or-
17 dered under this section, the district courts of the
18 United States shall have jurisdiction over any for-
19 eign person, including any financial institution au-
20 thorized under the laws of a foreign country, that
21 commits an offense under subsection (a) involving a
22 financial transaction that occurs in whole or in part
23 in the United States, if service of process upon such
24 foreign person is made in accordance with the Fed-

1 eral Rules of Civil Procedure or the laws of the for-
 2 eign country in which the foreign person is found.

3 “(3) SATISFACTION OF JUDGMENT.—In any ac-
 4 tion described in paragraph (2), the court may issue
 5 a pretrial restraining order or take any other action
 6 necessary to ensure that any bank account or other
 7 property held by the defendant in the United States
 8 is available to satisfy a judgment under this sec-
 9 tion.”.

10 **SEC. 7006. PUNISHMENT OF LAUNDERING MONEY**
 11 **THROUGH FOREIGN BANKS.**

12 Section 1956(c)(6) of title 18, United States Code,
 13 is amended to read as follows:

14 “(6) the term ‘financial institution’ includes—

15 “(A) any financial institution described in
 16 section 5312(a)(2) of title 31, or the regula-
 17 tions promulgated thereunder; and

18 “(B) any foreign bank, as defined in sec-
 19 tion 1(b)(7) of the International Banking Act of
 20 1978 (12 U.S.C. 3101(7));”.

21 **SEC. 7007. ADDITION OF SERIOUS FOREIGN CRIMES TO**
 22 **LIST OF MONEY LAUNDERING PREDICATES.**

23 (a) IN GENERAL.—Section 1956(c)(7) of title 18,
 24 United States Code, is amended—

25 (1) in subparagraph (B)—

1 (A) by striking clause (ii) and inserting the
2 following:

3 “(ii) any act or acts constituting a
4 crime of violence;”; and

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

6 “(iv) fraud, or any scheme to defraud,
7 committed against a foreign government or
8 foreign governmental entity;

9 “(v) bribery of a public official, or the
10 misappropriation, theft, or embezzlement
11 of public funds by or for the benefit of a
12 public official;

13 “(vi) smuggling or export control vio-
14 lations involving munitions listed in the
15 United States Munitions List or tech-
16 nologies with military applications as de-
17 fined in the Commerce Control List of the
18 Export Administration Regulations; or

19 “(vii) an offense with respect to which
20 the United States would be obligated by a
21 multilateral treaty either to extradite the
22 alleged offender or to submit the case for
23 prosecution, if the offender were found
24 within the territory of the United States;”;

25 (2) in subparagraph (D)—

1 (A) by inserting “section 541 (relating to
2 goods falsely classified),” before “section 542”;

3 (B) by inserting “section 922(l) (relating
4 to the unlawful importation of firearms), sec-
5 tion 924(m) (relating to firearms trafficking),”
6 before “section 956”;

7 (C) by inserting “section 1030 (relating to
8 computer fraud and abuse),” before “1032”;
9 and

10 (D) by inserting “any felony violation of
11 the Foreign Agents Registration Act of 1938
12 (22 U.S.C. 611 et seq.),” before “or any felony
13 violation of the Foreign Corrupt Practices Act”;
14 and

15 (3) in subparagraph (E), by inserting “the
16 Clean Air Act (42 U.S.C. 6901 et seq.),” after “the
17 Safe Drinking Water Act (42 U.S.C. 300f et seq.),”.

18 **SEC. 7008. CRIMINAL FORFEITURE FOR MONEY LAUNDER-**
19 **ING CONSPIRACIES.**

20 Section 982(a)(1) of title 18, United States Code, is
21 amended by inserting “or a conspiracy to commit any such
22 offense,” after “of this title,”.

1 **SEC. 7009. FUNGIBLE PROPERTY IN FOREIGN BANK AC-**
2 **COUNTS.**

3 Section 984(d) of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(3) In this subsection, the term ‘financial institu-
6 tion’ includes a foreign bank, as defined in section 1(b)(7)
7 of the International Banking Act of 1978 (12 U.S.C.
8 3101(7)).”.

9 **SEC. 7010. SUBPOENAS FOR BANK RECORDS.**

10 Section 986(a) of title 18, United States Code, is
11 amended—

12 (1) by striking “section 1956, 1957, or 1960 of
13 this title, section 5322 or 5324 of title 31, United
14 States Code” and inserting “section 981 of this
15 title”;

16 (2) by inserting “before or” before “after”; and

17 (3) by striking the last sentence.

18 **SEC. 7011. FUGITIVE DISENTITLEMENT.**

19 (a) IN GENERAL.—Chapter 163 of title 28, United
20 States Code, is amended by adding at the end the follow-
21 ing:

22 **“§ 2466. Fugitive disentitlement**

23 “Any person who, in order to avoid criminal prosecu-
24 tion, purposely leaves the jurisdiction of the United States,
25 declines to enter or reenter the United States to submit
26 to the jurisdiction of the United States, or otherwise

1 evades the jurisdiction of a court of the United States in
 2 which a criminal case is pending against the person, may
 3 not use the resources of the courts of the United States
 4 in furtherance of a claim in any related civil forfeiture ac-
 5 tion or a claim in any third-party proceeding in any relat-
 6 ed criminal forfeiture action.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
 8 chapter 163 of title 28, United States Code, is amended
 9 by adding at the end the following:

“2466. Fugitive disentitlement.”.

10 **SEC. 7012. ADMISSIBILITY OF FOREIGN BUSINESS**
 11 **RECORDS.**

12 (a) IN GENERAL.—Chapter 163 of title 28, United
 13 States Code, is amended by adding at the end the follow-
 14 ing:

15 **“§ 2467. Foreign records**

16 “(a) DEFINITIONS.—In this section—

17 “(1) the term ‘business’ includes business, insti-
 18 tution, association, profession, occupation, and call-
 19 ing of every kind whether or not conducted for prof-
 20 it;

21 “(2) the term ‘foreign certification’ means a
 22 written declaration made and signed in a foreign
 23 country by the custodian of a record of regularly
 24 conducted activity or another qualified person, that

1 if falsely made, would subject the maker to criminal
2 penalty under the law of that country;

3 “(3) the term ‘foreign record of regularly con-
4 ducted activity’ means a memorandum, report,
5 record, or data compilation, in any form, of acts,
6 events, conditions, opinions, or diagnoses, main-
7 tained in a foreign country; and

8 “(4) the term ‘official request’ means a letter
9 rogatory, a request under an agreement, treaty or
10 convention, or any other request for information or
11 evidence made by a court of the United States or an
12 authority of the United States having law enforce-
13 ment responsibility, to a court or other authority of
14 a foreign country.

15 “(b) ADMISSIBILITY.—In a civil proceeding in a court
16 of the United States, including a civil forfeiture proceeding
17 and a proceeding in the United States Claims Court and
18 the United States Tax Court, unless the source of infor-
19 mation or the method or circumstances of preparation in-
20 dicate lack of trustworthiness, a foreign record of regu-
21 larly conducted activity (or a duplicate of such record),
22 obtained pursuant to an official request, shall not be ex-
23 cluded as evidence by the hearsay rule if a foreign certifi-
24 cation, also obtained pursuant to the same official request

1 or subsequent official request that adequately identifies
2 such foreign record, attests that—

3 “(1) the foreign record was made, at or near
4 the time of the occurrence of the matters set forth,
5 by (or from information transmitted by) a person
6 with knowledge of those matters;

7 “(2) the foreign record was kept in the course
8 of a regularly conducted business activity;

9 “(3) the business activity made such a record
10 as a regular practice; and

11 “(4) if the foreign record is not the original, the
12 record is a duplicate of the original.

13 “(c) FOREIGN CERTIFICATION.—A foreign certifi-
14 cation under this section shall authenticate a record or
15 duplicate described in subsection (b).

16 “(d) NOTICE.—

17 “(1) IN GENERAL.—As soon as practicable
18 after a responsive pleading has been filed, a party
19 intending to offer in evidence under this section a
20 foreign record of regularly conducted activity shall
21 provide written notice of that intention to each other
22 party.

23 “(2) OPPOSITION.—A motion opposing admis-
24 sion in evidence of a record under paragraph (1)
25 shall be made by the opposing party and determined

1 by the court before trial. Failure by a party to file
2 such motion before trial shall constitute a waiver of
3 objection to such record, except that the court for
4 cause shown may grant relief from the waiver.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
6 chapter 163 of title 28, United States Code, is amended
7 by adding at the end the following:

“2467. Foreign records.”.

8 **SEC. 7013. CHARGING MONEY LAUNDERING AS A COURSE**
9 **OF CONDUCT.**

10 Section 1956(h) of title 18, United States Code, is
11 amended—

12 (1) by striking “(h) Any person” and inserting
13 the following:

14 “(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

15 “(1) CONSPIRACY.—Any person”; and

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

17 “(2) MULTIPLE VIOLATIONS.—Any person who
18 commits multiple violations of this section or section
19 1957 that are part of the same scheme or continuing
20 course of conduct may be charged, at the election of
21 the Government, in a single count in an indictment
22 or information.”.

23 **SEC. 7014. VENUE IN MONEY LAUNDERING CASES.**

24 Section 1956 of title 18, United States Code, is
25 amended by adding at the end the following:

1 “(i) VENUE.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), a prosecution for an offense under this
4 section or section 1957 may be brought in any dis-
5 trict in which the financial or monetary transaction
6 is conducted, or in which a prosecution for the un-
7 derlying specified unlawful activity could be brought,
8 if the defendant participates in the transfer of the
9 proceeds of the specified unlawful activity from that
10 district to the district where the financial or mone-
11 tary transaction is conducted.

12 “(2) EXCEPTION.—A prosecution for an at-
13 tempt or conspiracy offense under this section or
14 section 1957 may be brought in the district in which
15 venue would lie for the completed offense under
16 paragraph (1), or in any other district in which an
17 act in furtherance of the attempt or conspiracy took
18 place.”.

19 **SEC. 7015. TECHNICAL AMENDMENT TO RESTORE WIRETAP**
20 **AUTHORITY FOR CERTAIN MONEY LAUNDER-**
21 **ING OFFENSES.**

22 Section 2516(1)(g) of title 18, United States Code,
23 is amended by striking “of title 31, United States Code
24 (dealing with the reporting of currency transactions)” and

1 inserting “or 5324 of title 31 (dealing with the reporting
2 and illegal structuring of currency transactions)”.

3 **SEC. 7016. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-**
4 **MONEY LAUNDERING ORDERS.**

5 (a) REPORTING VIOLATIONS.—Section 5324(a) of
6 title 31, United States Code, is amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “, or the reporting requirements imposed
9 by an order issued pursuant to section 5326” after
10 “any such section”; and

11 (2) in each of paragraphs (1) and (2), by in-
12 serting “, or a report required under any order
13 issued pursuant to section 5326” before the semi-
14 colon.

15 (b) PENALTIES.—Sections 5321(a)(1), 5322(a), and
16 5322(b) of title 31, United States Code, are each amended
17 by inserting “or order issued” after “or a regulation pre-
18 scribed” each place that term appears.

19 **SEC. 7017. ENCOURAGING FINANCIAL INSTITUTIONS TO NO-**
20 **TIFY LAW ENFORCEMENT AUTHORITIES OF**
21 **SUSPICIOUS FINANCIAL TRANSACTIONS.**

22 (a) IN GENERAL.—Section 2702(b)(6) of title 18,
23 United States Code, is amended—

24 (1) by inserting “or supervisory agency” after
25 “a law enforcement agency”;

1 (2) in subparagraph (A), by striking “; and”
2 and inserting “and appear to pertain to the commis-
3 sion of the crime; or”; and

4 (3) in subparagraph (B), by striking “appear to
5 pertain to the commission of the crime.” and insert-
6 ing “appear to reveal a suspicious transaction rel-
7 evant to a possible violation of law or regulation.”

8 (b) DEFINITIONS.—Section 2711 of title 18, United
9 States Code, is amended—

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

12 (2) in paragraph (2), by striking the period at
13 the end and inserting “; and”; and

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

15 “(3) the terms ‘suspicious transaction’ and ‘rel-
16 evant to a possible violation of the law or regulation’
17 shall be interpreted in the same manner as those
18 terms have been interpreted for purposes of section
19 5318(g) of title 31; and

20 “(4) the term ‘supervisory agency’ has the
21 meaning given the term in section 1101(7) of the
22 Right to Financial Privacy Act of 1978.”.

1 **SEC. 7018. COVERAGE OF FOREIGN BANK BRANCHES IN**
2 **THE TERRITORIES.**

3 Section 20(9) of title 18, United States Code, is
4 amended by inserting before the period the following: “,
5 except that for purposes of this section the definition of
6 the term ‘State’ in such Act shall be deemed to include
7 a commonwealth, territory, or possession of the United
8 States”.

9 **SEC. 7019. CONFORMING STATUTE OF LIMITATIONS**
10 **AMENDMENT FOR CERTAIN BANK FRAUD OF-**
11 **FENSES.**

12 Section 3293 of title 18, United States Code, is
13 amended—

14 (1) by inserting “225,” after “215,”; and

15 (2) by inserting “1032,” before “1033”.

16 **SEC. 7020. JURISDICTION OVER CERTAIN FINANCIAL**
17 **CRIMES COMMITTED ABROAD.**

18 Section 1029 of title 18, United States Code, is
19 amended by adding at the end the following:

20 “(h) **JURISDICTION OVER CERTAIN FINANCIAL**
21 **CRIMES COMMITTED ABROAD.**—Any person who, outside
22 the jurisdiction of the United States, engages in any act
23 that, if committed within the jurisdiction of the United
24 States, would constitute an offense under subsection (a)
25 or (b), shall be subject to the same penalties as if that

1 offense had been committed in the United States, if the
2 act—

3 “(1) involves an access device issued, owned,
4 managed, or controlled by a financial institution, ac-
5 count issuer, credit card system member, or other
6 entity within the jurisdiction of the United States;
7 and

8 “(2) causes, or if completed would have caused,
9 a transfer of funds from or a loss to an entity listed
10 in paragraph (1).”

11 **TITLE VIII—COMBATING**
12 **INTERNATIONAL CRIME**
13 **Subtitle A—Investigating and Pun-**
14 **ishing Violent Crimes Against**
15 **United States Nationals Abroad**

16 **SEC. 8001. MURDER AND EXTORTION AGAINST UNITED**
17 **STATES NATIONALS ABROAD IN FURTHER-**
18 **ANCE OF ORGANIZED CRIME.**

19 Section 2332 of title 18, United States Code, is
20 amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e);

23 (2) by inserting after subsection (c) the follow-
24 ing:

1 “(d) EXTORTION OF UNITED STATES NATIONALS
2 ABROAD.—Whoever commits or attempts to commit extor-
3 tion against a national of the United States, while the na-
4 tional is outside the United States, shall be fined under
5 this title, imprisoned not more than 20 years, or both.”;

6 (3) in subsection (e), as redesignated, by insert-
7 ing “, or was intended to further the objectives of
8 an organized criminal group. A certification under
9 this paragraph shall not be subject to judicial re-
10 view” before the period at the end; and

11 (4) by adding at the end the following:

12 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed as indicating an intent on the part
14 of Congress—

15 “(1) to interfere with the exercise of criminal
16 jurisdiction by the nation or nations in which the
17 criminal act occurred; or

18 “(2) to mandate that each potential violation
19 should be the subject of investigation or prosecution
20 by the United States.

21 “(g) DEFINITIONS.—In this section—

22 “(1) the term ‘extortion’ means the obtaining of
23 property worth \$100,000 or more from another by
24 threatening or placing another person in fear that
25 any person will be subjected to bodily injury or kid-

1 napping or that any property will be damaged or de-
 2 stroyed; and

3 “(2) the term ‘organized criminal group’ means
 4 a group that has a hierarchical structure or is a con-
 5 tinuing enterprise, and that is engaged in or has as
 6 a purpose the commission of an act or acts that
 7 would constitute racketeering activity (as defined in
 8 section 1961) if committed within the United
 9 States.”.

10 **SEC. 8002. MURDER OR SERIOUS ASSAULT OF A STATE OR**
 11 **LOCAL OFFICIAL ABROAD.**

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

15 **“§ 1123. Murder or serious assault of a State or local**
 16 **law enforcement, judicial, or other offi-**
 17 **cial abroad**

18 “(a) DEFINITIONS.—In this section:

19 “(1) SERIOUS BODILY INJURY.—The term ‘seri-
 20 ous bodily injury’ has the meaning given the term in
 21 section 2119.

22 “(2) STATE.—The term ‘State’ has the mean-
 23 ing given the term in section 245(d).

24 “(b) PENALTIES.—Whoever, in the circumstance de-
 25 scribed in subsection (c)—

1 “(1) kills or attempts to kill an official of a
2 State or a political subdivision thereof shall be pun-
3 ished as provided in sections 1111, 1112, and 1113;
4 or

5 “(2) assaults an official of a State or a political
6 subdivision thereof, if that assault results in serious
7 bodily injury shall be punished as provided in section
8 113.

9 “(c) CIRCUMSTANCE DESCRIBED.—The circumstance
10 described in this subsection is that the official of a State
11 or political subdivision—

12 “(1) is outside the territorial jurisdiction of the
13 United States; and

14 “(2) is engaged in, or the prohibited activity oc-
15 curs on account of the performance by that official
16 of training, technical assistance, or other assistance
17 to the United States or a foreign government in con-
18 nection with any program funded, in whole or in
19 part, by the Federal Government.

20 “(d) LIMITATIONS ON PROSECUTION.—No prosecu-
21 tion may be instituted against any person under this sec-
22 tion except upon the written approval of the Attorney Gen-
23 eral, the Deputy Attorney General, or an Assistant Attor-
24 ney General, which function of approving prosecutions

1 may not be delegated and shall not be subject to judicial
2 review.

3 “(e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion may be construed to indicate an intent on the part
5 of Congress—

6 “(1) to interfere with the exercise of criminal
7 jurisdiction by the nation or nations in which the
8 criminal act occurred; or

9 “(2) to mandate that each potential violation
10 should be the subject of investigation or prosecution
11 by the United States.”

12 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
13 The analysis for chapter 51 of title 18, United States
14 Code, is amended by adding at the end the following:

“1123. Murder or serious assault of a State or local law enforcement, judicial,
or other official abroad.”

15 **Subtitle B—Denying Safe Havens**
16 **to International Criminals**

17 **SEC. 8101. EXTRADITION FOR OFFENSES NOT COVERED BY**
18 **A LIST TREATY.**

19 Chapter 209 of title 18, United States Code, is
20 amended by adding at the end the following:

21 **“§ 3197. Extradition for offenses not covered by a list**
22 **treaty**

23 “(a) **SERIOUS OFFENSE DEFINED.**—In this section,
24 the term ‘serious offense’ means conduct that would be—

1 “(1) an offense described in any multilateral
2 treaty to which the United States is a party that ob-
3 ligates parties—

4 “(A) to extradite alleged offenders found
5 in the territory of the parties; or

6 “(B) submit the case to the competent au-
7 thorities of the parties for prosecution; or

8 “(2) conduct that, if that conduct occurred in
9 the United States, would constitute—

10 “(A) a crime of violence (as defined in sec-
11 tion 16);

12 “(B) the distribution, manufacture, impor-
13 tation or exportation of a controlled substance
14 (as defined in section 201 of the Controlled
15 Substances Act (21 U.S.C. 802);

16 “(C) bribery of a public official; misappro-
17 priation, embezzlement or theft of public funds
18 by or for the benefit of a public official;

19 “(D) obstruction of justice, including pay-
20 ment of bribes to jurors or witnesses;

21 “(E) the laundering of monetary instru-
22 ments, as described in section 1956, if the value
23 of the monetary instruments involved exceeds
24 \$100,000;

1 “(F) fraud, theft, embezzlement, or com-
2 mercial bribery if the aggregate value of prop-
3 erty that is the object of all of the offenses re-
4 lated to the conduct exceeds \$100,000;

5 “(G) counterfeiting, if the obligations, se-
6 curities or other items counterfeited, have an
7 apparent value that exceeds \$100,000;

8 “(H) a conspiracy or attempt to commit
9 any of the offenses described in any of subpara-
10 graphs (A) through (G), or aiding and abetting
11 a person who commits any such offense; or

12 “(I) a crime against children under chap-
13 ter 109A or section 2251, 2251A, 2252, or
14 2252A.

15 “(b) AUTHORIZATION OF FILING.—

16 “(1) IN GENERAL.—If a foreign government
17 makes a request for the extradition of a person who
18 is charged with or has been convicted of an offense
19 within the jurisdiction of that foreign government,
20 and an extradition treaty between the United States
21 and the foreign government is in force, but the trea-
22 ty does not provide for extradition for the offense
23 with which the person has been charged or for which
24 the person has been convicted, the Attorney General

1 may authorize the filing of a complaint for extra-
2 dition pursuant to subsections (c) and (d).

3 “(2) FILING OF COMPLAINTS.—

4 “(A) IN GENERAL.—A complaint author-
5 ized under paragraph (1) shall be filed pursu-
6 ant to section 3184.

7 “(B) PROCEDURES.—With respect to a
8 complaint filed under paragraph (1), the proce-
9 dures contained in sections 3184 and 3186 and
10 the terms of the relevant extradition treaty
11 shall apply as if the offense were a crime pro-
12 vided for by the treaty, in a manner consistent
13 with section 3184.

14 “(c) CRITERIA FOR AUTHORIZATION OF COM-
15 PLAINTS.—

16 “(1) IN GENERAL.—The Attorney General may
17 authorize the filing of a complaint under subsection
18 (b) only upon a certification—

19 “(A) by the Attorney General, that in the
20 judgment of the Attorney General—

21 “(i) the offense for which extradition
22 is sought is a serious offense; and

23 “(ii) submission of the extradition re-
24 quest would be important to the law en-

1 forcement interests of the United States or
2 otherwise in the interests of justice; and

3 “(B) by the Secretary of State, that in the
4 judgment of the Secretary of State, submission
5 of the request would be consistent with the for-
6 eign policy interests of the United States.

7 “(2) FACTORS FOR CONSIDERATION.—In mak-
8 ing any certification under paragraph (1)(B), the
9 Secretary of State may consider whether the facts
10 and circumstances of the request then known appear
11 likely to present any significant impediment to the
12 ultimate surrender of the person who is the subject
13 of the request for extradition, if that person is found
14 to be extraditable.

15 “(3) LIMITATION ON JUDICIAL REVIEW.—Any
16 decision or exercise of authority by the Attorney
17 General or the Secretary of State pursuant to this
18 subsection shall not be subject to judicial review.

19 “(d) CASES OF URGENCY.—

20 “(1) IN GENERAL.—In any case of urgency, the
21 Attorney General may, with the concurrence of the
22 Secretary of State and before any formal certifi-
23 cation under subsection (c), authorize the filing of a
24 complaint seeking the provisional arrest and deten-
25 tion of the person sought for extradition before the

1 receipt of documents or other proof in support of the
2 request for extradition.

3 “(2) APPLICABILITY OF RELEVANT TREATY.—

4 With respect to a case described in paragraph (1),
5 a provision regarding provisional arrest in the rel-
6 evant treaty shall apply.

7 “(3) FILING AND EFFECT OF FILING OF COM-
8 PLAINTS.—

9 “(A) IN GENERAL.—A complaint author-
10 ized under this subsection shall be filed in the
11 same manner as provided in section 3184.

12 “(B) ISSUANCE OF ORDERS.—Upon the fil-
13 ing of a complaint under this subsection, the
14 appropriate judicial officer may issue an order
15 for the provisional arrest and detention of the
16 person as provided in section 3184.

17 “(e) CONDITIONS OF SURRENDER; ASSURANCES.—

18 “(1) IN GENERAL.—Before issuing a warrant of
19 surrender under section 3184 or 3186, the Secretary
20 of State may—

21 “(A) impose conditions upon the surrender
22 of the person that is the subject of the warrant;
23 and

1 “(B) require those assurances of compli-
2 ance with those conditions, as are determined
3 by the Secretary to be appropriate.

4 “(2) ADDITIONAL ASSURANCES.—

5 “(A) IN GENERAL.—In addition to impos-
6 ing conditions and requiring assurances under
7 paragraph (1), the Secretary of State shall de-
8 mand, as a condition of the extradition of the
9 person in every case, an assurance described in
10 subparagraph (B) that the Secretary deter-
11 mines to be satisfactory.

12 “(B) DESCRIPTION OF ASSURANCES.—An
13 assurance described in this subparagraph is an
14 assurance that the person that is sought for ex-
15 tradition shall not be tried or punished for an
16 offense other than that for which the person
17 has been extradited, absent the consent of the
18 United States.”.

19 **SEC. 8102. EXTRADITION ABSENT A TREATY.**

20 Chapter 209 of title 18, United States Code, as
21 amended by section 8101 of this title, is amended by add-
22 ing at the end the following:

1 **“§ 3198. Extradition absent a treaty**

2 “(a) SERIOUS OFFENSE DEFINED.—In this section,
3 the term ‘serious offense’ has the meaning given that term
4 in section 3197(a).

5 “(b) AUTHORIZATION OF FILING.—

6 “(1) IN GENERAL.—If a foreign government
7 makes a request for the extradition of a person who
8 is charged with or has been convicted of an offense
9 within the jurisdiction of that foreign government,
10 and no extradition treaty is in force between the
11 United States and the foreign government, the At-
12 torney General may authorize the filing of a com-
13 plaint for extradition pursuant to subsections (c)
14 and (d).

15 “(2) FILING AND TREATMENT OF COM-
16 PLAINTS.—

17 “(A) IN GENERAL.—A complaint author-
18 ized under paragraph (1) shall be filed pursu-
19 ant to section 3184.

20 “(B) PROCEDURES.—With respect to a
21 complaint filed under paragraph (1), procedures
22 of sections 3184 and 3186 shall be followed as
23 if the offense were a ‘crime provided for by
24 such treaty’ as described in section 3184.

25 “(c) CRITERIA FOR AUTHORIZATION OF COM-
26 PLAINTS.—The Attorney General may authorize the filing

1 of a complaint described in subsection (b) only upon a
2 certification—

3 “(1) by the Attorney General, that in the judg-
4 ment of the Attorney General—

5 “(A) the offense for which extradition is
6 sought is a serious offense; and

7 “(B) submission of the extradition request
8 would be important to the law enforcement in-
9 terests of the United States or otherwise in the
10 interests of justice; and

11 “(2) by the Secretary of State, that in the judg-
12 ment of the certifying official, based on information
13 then known—

14 “(A) submission of the request would be
15 consistent with the foreign policy interests of
16 the United States;

17 “(B) the facts and circumstances of the re-
18 quest, including humanitarian considerations,
19 do not appear likely to present a significant im-
20 pediment to the ultimate surrender of the per-
21 son if found extraditable; and

22 “(C) the foreign government submitting
23 the request is not submitting the request in
24 order to try or punish the person sought for ex-
25 tradition primarily on the basis of the race, reli-

1 gion, nationality, or political opinions of that
2 person.

3 “(d) LIMITATIONS ON DELEGATION AND JUDICIAL
4 REVIEW.—

5 “(1) DELEGATION BY ATTORNEY GENERAL; JU-
6 DICIAL REVIEW.—The authorities and responsibil-
7 ities of the Attorney General under subsection (c)
8 may be delegated only to the Deputy Attorney Gen-
9 eral.

10 “(2) DELEGATION.—The authorities and re-
11 sponsibilities of the Secretary of State set forth in
12 this subsection may be delegated only to the Deputy
13 Secretary of State.

14 “(3) LIMITATION ON JUDICIAL REVIEW.—The
15 authorities and responsibilities set forth in this sub-
16 section are not subject to judicial review.

17 “(e) CASES OF URGENCY.—

18 “(1) IN GENERAL.—In any case of urgency, the
19 Attorney General may, with the concurrence of the
20 Secretary of State and before any formal certifi-
21 cation under subsection (c), authorize the filing of a
22 complaint seeking the provisional arrest and deten-
23 tion of the person sought for extradition before the
24 receipt of documents or other proof in support of the
25 request for extradition.

1 “(2) FILING OF COMPLAINTS; ORDER BY JUDI-
2 CIAL OFFICER.—

3 “(A) FILING.—A complaint filed under
4 this subsection shall be filed in the same man-
5 ner as provided in section 3184.

6 “(B) ORDERS.—Upon the filing of a com-
7 plaint under subparagraph (A), the appropriate
8 judicial officer may issue an order for the provi-
9 sional arrest and detention of the person.

10 “(C) RELEASES.—If, not later than 45
11 days after the arrest, the formal request for ex-
12 tradition and documents in support of that are
13 not received by the Department of State, the
14 appropriate judicial officer may order that a
15 person detained pursuant to this subsection be
16 released from custody.

17 “(f) HEARINGS.—

18 “(1) IN GENERAL.—Subject to subsection (h),
19 upon the filing of a complaint for extradition and re-
20 ceipt of documents or other proof in support of the
21 request of a foreign government for extradition, the
22 appropriate judicial officer shall hold a hearing to
23 determine whether the person sought for extradition
24 is extraditable.

1 “(2) CRITERIA FOR EXTRADITION.—Subject to
2 subsection (g), in a hearing conducted under para-
3 graph (1), the judicial officer shall find a person ex-
4 traditable if the officer finds—

5 “(A) probable cause to believe that the
6 person before the judicial officer is the person
7 sought in the foreign country of the requesting
8 foreign government;

9 “(B) probable cause to believe that the
10 person before the judicial officer committed the
11 offense for which that person is sought, or was
12 duly convicted of that offense in the foreign
13 country of the requesting foreign government;

14 “(C) that the conduct upon which the re-
15 quest for extradition is based, if that conduct
16 occurred within the United States, would be a
17 serious offense punishable by imprisonment for
18 more than 10 years under the laws of—

19 “(i) the United States;

20 “(ii) the majority of the States in the
21 United States; or

22 “(iii) of the State in which the fugi-
23 tive is found; and

24 “(D) no defense to extradition under sub-
25 section (f) has been established.

1 “(g) LIMITATION OF EXTRADITION.—

2 “(1) IN GENERAL.—A judicial officer shall not
3 find a person extraditable under this section if the
4 person has established that the offense for which ex-
5 tradition is sought is—

6 “(A) an offense for which the person is
7 being proceeded against, or has been tried or
8 punished, in the United States; or

9 “(B) a political offense.

10 “(2) POLITICAL OFFENSES.—For purposes of
11 this section, a political offense does not include—

12 “(A) a murder or other violent crime
13 against the person of a head of state of a for-
14 eign state, or of a member of the family of the
15 head of state;

16 “(B) an offense for which both the United
17 States and the requesting foreign government
18 have the obligation pursuant to a multilateral
19 international agreement to—

20 “(i) extradite the person sought; or

21 “(ii) submit the case to the competent
22 authorities for decision as to prosecution;
23 or

24 “(C) a conspiracy or attempt to commit
25 any of the offenses referred to in subparagraph

1 (A) or (B), or aiding or abetting a person who
2 commits or attempts to commit any such of-
3 fenses.

4 “(h) LIMITATIONS ON FACTORS FOR CONSIDERATION
5 AT HEARINGS.—

6 “(1) IN GENERAL.—At a hearing conducted
7 under subsection (a), the judicial officer conducting
8 the hearing shall not consider issues regarding—

9 “(A) humanitarian concerns;

10 “(B) the nature of the judicial system of
11 the requesting foreign government; and

12 “(C) whether the foreign government is
13 seeking extradition of a person for the purpose
14 of prosecuting or punishing the person because
15 of the race, religion, nationality or political
16 opinions of that person.

17 “(2) CONSIDERATION BY SECRETARY OF
18 STATE.—The issues referred to in paragraph (1)
19 shall be reserved for consideration exclusively by the
20 Secretary of State as described in subsection (c)(2).

21 “(3) ADDITIONAL CONSIDERATION.—Notwith-
22 standing the certification requirements described in
23 subsection (c)(2), the Secretary of State may, within
24 the sole discretion of the Secretary—

1 “(A) in addition to considering the issues
2 referred to in paragraph (1) for purposes of
3 certifying the filing of a complaint under this
4 section, consider those issues again in exercis-
5 ing authority to surrender the person sought
6 for extradition in carrying out the procedures
7 under section 3184 and 3186; and

8 “(B) impose conditions on surrender in-
9 cluding those provided in subsection (i).

10 “(i) CONDITIONS OF SURRENDER; ASSURANCES.—

11 “(1) IN GENERAL.—The Secretary of State
12 may—

13 “(A) impose conditions upon the surrender
14 of a person sought for extradition under this
15 section; and

16 “(B) require such assurances of compli-
17 ance with those conditions, as the Secretary de-
18 termines to be appropriate.

19 “(2) ADDITIONAL ASSURANCES.—In addition to
20 imposing conditions and requiring assurances under
21 paragraph (1), the Secretary shall demand, as a con-
22 dition of the extradition of the person that is sought
23 for extradition—

24 “(A) in every case, an assurance the Sec-
25 retary determines to be satisfactory that the

1 person shall not be tried or punished for an of-
2 fense other than the offense for which the per-
3 son has been extradited, absent the consent of
4 the United States; and

5 “(B) in a case in which the offense for
6 which extradition is sought is punishable by
7 death in the foreign country of the requesting
8 foreign government and is not so punishable
9 under the applicable laws in the United States,
10 an assurance the Secretary determines to be
11 satisfactory that the death penalty—

12 “(i) shall not be imposed; or

13 “(ii) if imposed, shall not be carried
14 out.”.

15 **SEC. 8103. TECHNICAL AND CONFORMING AMENDMENTS.**

16 (a) IN GENERAL.—Chapter 209 of title 18, United
17 States Code, is amended—

18 (1) in section 3181, by inserting “, other than
19 sections 3197 and 3198,” after “The provisions of
20 this chapter” each place that term appears; and

21 (2) in section 3186, by striking “or 3185” and
22 inserting “, 3185, 3197 or 3198”.

23 (b) CHAPTER ANALYSIS.—The analysis for chapter
24 209 of title 18, United States Code, is amended by adding
25 at the end the following:

“3197. Extradition for offenses not covered by a list treaty.

“3198. Extradition absent a treaty.”.

1 **SEC. 8104. TEMPORARY TRANSFER OF PERSONS IN CUS-**
 2 **TODY FOR PROSECUTION.**

3 (a) IN GENERAL.—Chapter 306 of title 18, United
 4 States Code, is amended by adding at the end the follow-
 5 ing:

6 **“§ 4116. Temporary transfer for prosecution**

7 “(a) STATE DEFINED.—In this section, the term
 8 ‘State’ includes a State of the United States, the District
 9 of Columbia, and a commonwealth, territory, or possession
 10 of the United States.

11 “(b) AUTHORITY OF ATTORNEY GENERAL WITH RE-
 12 SPECT TO TEMPORARY TRANSFERS.—

13 “(1) IN GENERAL.—Subject to subsection (d),
 14 if a person is in pretrial detention or is otherwise
 15 being held in custody in a foreign country based
 16 upon a violation of the law in that foreign country,
 17 and that person is found extraditable to the United
 18 States by the competent authorities of that foreign
 19 country while still in the pretrial detention or cus-
 20 tody, the Attorney General shall have the
 21 authority—

22 “(A) to request the temporary transfer of
 23 that person to the United States in order to

1 proceed with prosecution of that person in a
2 Federal or State criminal proceeding;

3 “(B) to maintain the custody of that per-
4 son while the person is in the United States;
5 and

6 “(C) to return that person to the foreign
7 country at the conclusion of the criminal pros-
8 ecution, including any imposition of sentence.

9 “(2) REQUIREMENTS FOR REQUESTS BY AT-
10 TORNEY GENERAL.—The Attorney General shall
11 make a request under paragraph (1) only if the At-
12 torney General determines, after consultation with
13 the Secretary of State, that the return of that per-
14 son to the foreign country in question would be con-
15 sistent with international obligations of the United
16 States.

17 “(3) LIMITATION ON JUDICIAL REVIEW.—Any
18 decision or exercise of authority by the Attorney
19 General under this subsection shall not be subject to
20 judicial review.

21 “(c) AUTHORITY OF ATTORNEY GENERAL WITH RE-
22 SPECT TO PRETRIAL DETENTIONS.—

23 “(1) IN GENERAL.—

24 “(A) AUTHORITY OF ATTORNEY GEN-
25 ERAL.—Subject to paragraph (2) and sub-

1 section (d), the Attorney General shall have the
2 authority to carry out the actions described in
3 subparagraph (B), if—

4 “(i) a person is in pretrial detention
5 or is otherwise being held in custody in the
6 United States based upon a violation of
7 Federal or State law, and that person is
8 found extraditable to a foreign country
9 while still in the pretrial detention or cus-
10 tody pursuant to section 3184, 3197, or
11 3198; and

12 “(ii) a determination is made by the
13 Secretary of State and the Attorney Gen-
14 eral that the person will be surrendered.

15 “(B) ACTIONS.—If the conditions de-
16 scribed in subparagraph (A) are met, the Attor-
17 ney General shall have the authority to—

18 “(i) temporarily transfer the person
19 described in subparagraph (A) to the for-
20 eign country of the foreign government re-
21 questing the extradition of that person in
22 order to face prosecution;

23 “(ii) transport that person from the
24 United States in custody; and

1 “(iii) return that person in custody to
2 the United States from the foreign coun-
3 try.

4 “(2) CONSENT BY STATE AUTHORITIES.—If the
5 person is being held in custody for a violation of
6 State law, the Attorney General may exercise the au-
7 thority described in paragraph (1) if the appropriate
8 State authorities give their consent to the Attorney
9 General.

10 “(3) CRITERION FOR REQUEST.—The Attorney
11 General shall make a request under paragraph (1)
12 only if the Attorney General determines, after con-
13 sultation with the Secretary of State, that the return
14 of the person sought for extradition to the foreign
15 country of the foreign government requesting the ex-
16 tradition would be consistent with United States
17 international obligations.

18 “(4) JUDICIAL REVIEW.—Any decision or exer-
19 cise of authority by the Attorney General under this
20 subsection shall not be subject to judicial review.

21 “(5) EFFECT OF TEMPORARY TRANSFER.—
22 With regard to any person in pretrial detention—

23 “(A) a temporary transfer under this sub-
24 section shall result in an interruption in the
25 pretrial detention status of that person; and

1 “(B) the right to challenge the conditions
2 of confinement pursuant to section 3142(f) does
3 not extend to the right to challenge the condi-
4 tions of confinement in a foreign country while
5 in that foreign country temporarily under this
6 subsection.

7 “(d) CONSENT BY PARTIES TO WAIVE PRIOR FIND-
8 ING OF WHETHER A PERSON IS EXTRADITABLE.—The
9 Attorney General may exercise the authority described in
10 subsections (b) and (c) absent a prior finding that the per-
11 son in custody is extraditable, if the person, any appro-
12 priate State authorities in a case under subsection (c), and
13 the requesting foreign government give their consent to
14 waive that requirement.

15 “(e) RETURN OF PERSONS.—

16 “(1) IN GENERAL.—If the temporary transfer
17 to or from the United States of a person in custody
18 for the purpose of prosecution is provided for by this
19 section, that person shall be returned to the United
20 States or to the foreign country from which the per-
21 son is transferred on completion of the proceedings
22 upon which the transfer was based.

23 “(2) STATUTORY INTERPRETATION WITH RE-
24 SPECT TO IMMIGRATION LAWS.—In no event shall
25 the return of a person under paragraph (1) require

1 extradition proceedings or proceedings under the im-
2 migration laws.

3 “(3) CERTAIN RIGHTS AND REMEDIES
4 BARRED.—Notwithstanding any other provision of
5 law, a person temporarily transferred to the United
6 States pursuant to this section shall not be entitled
7 to apply for or obtain any right or remedy under the
8 Immigration and Nationality Act (8 U.S.C. 1101 et
9 seq.), including the right to apply for or be granted
10 asylum or withholding of deportation.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The analysis for chapter 306 of title 18, United States
13 Code, is amended by adding at the end the following:

“4116. Temporary transfer for prosecution.”.

14 **SEC. 8105. TRANSFER OF FOREIGN PRISONERS TO SERVE**
15 **SENTENCES IN COUNTRY OF ORIGIN.**

16 Section 4100(b) of title 18, United States Code, is
17 amended in the third sentence by inserting “, unless other-
18 wise provided by treaty,” before “an offender”.

19 **SEC. 8106. TRANSIT OF FUGITIVES FOR PROSECUTION IN**
20 **FOREIGN COUNTRIES.**

21 (a) IN GENERAL.—Chapter 305 of title 18, United
22 States Code, is amended by adding at the end the follow-
23 ing:

1 **“§ 4087. Transit through the United States of persons**
2 **wanted in a foreign country**

3 “(a) IN GENERAL.—The Attorney General may, in
4 consultation with the Secretary of State, permit the tem-
5 porary transit through the United States of a person
6 wanted for prosecution or imposition of sentence in a for-
7 eign country.

8 “(b) LIMITATION ON JUDICIAL REVIEW.—A deter-
9 mination by the Attorney General to permit or not to per-
10 mit a temporary transit described in subsection (a) shall
11 not be subject to judicial review.

12 “(c) CUSTODY.—If the Attorney General permits a
13 temporary transit under subsection (a), Federal law en-
14 forcement personnel may hold the person subject to that
15 transit in custody during the transit of the person through
16 the United States.

17 “(d) CONDITIONS APPLICABLE TO PERSONS SUB-
18 JECT TO TEMPORARY TRANSIT.—Notwithstanding any
19 other provision of law, a person who is subject to a tem-
20 porary transit through the United States under this sec-
21 tion shall—

22 “(1) be required to have only such documents
23 as the Attorney General shall require;

24 “(2) not be considered to be admitted or pa-
25 roled into the United States; and

1 “(3) not be entitled to apply for or obtain any
2 right or remedy under the Immigration and Nation-
3 ality Act (8 U.S.C. 1101 et seq.), including the right
4 to apply for or be granted asylum or withholding of
5 deportation.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The analysis for chapter 305 of title 18, United States
8 Code, is amended by adding at the end the following:

 “4087. Transit through the United States of persons wanted in a foreign coun-
 try.”.

9 **Subtitle C—Seizing and Forfeiting**
10 **the Assets of International**
11 **Criminals**

12 **SEC. 8201. FORFEITURE OF ASSETS IN INTERNATIONAL**
13 **MONEY LAUNDERING AND DRUG CRIMES.**

14 (a) FORFEITURE OF PROCEEDS OF FOREIGN
15 CRIMES.—Section 981(a)(1)(B) of title 18, United States
16 Code, is amended by inserting “or involving any other con-
17 duct described in section 1956(c)(7)(D),” after “Con-
18 trolled Substances Act),”.

19 (b) FORFEITURE OF PROPERTY USED TO COMMIT
20 DRUG CRIMES ABROAD.—Section 981(a)(1)(B) of title
21 18, United States Code, is amended by inserting “, or any
22 property used to facilitate an offense described in subpara-
23 graph (i)” before the period at the end.

1 (c) FORFEITURE OF PROPERTY USED TO VIOLATE
2 FEDERAL EXPLOSIVES LAWS.—

3 (1) IN GENERAL.—Section 981(a)(1) of title
4 18, United States Code, is amended by adding at
5 the end the following:

6 “(I) Any conveyance, chemical, laboratory
7 equipment, or other material, article, apparatus, de-
8 vice, or thing made, possessed, fitted, used, or in-
9 tended to be used to commit a violation of sub-
10 section (a)(1), (a)(3), (b), (c), (d), (h), (i), (l), (m),
11 or (n) of section 842, or any of subsections (d)
12 through (m) of section 844, or a conspiracy to com-
13 mit any such offense, and any property traceable to
14 any such item.”.

15 (2) CONFORMING AMENDMENT.—Section
16 982(a) of title 18, United States Code, is amended
17 by adding at the end the following:

18 “(9) In imposing a sentence on a person con-
19 victed of an offense punishable for a violation of
20 chapter 40, or a conspiracy to commit such an of-
21 fense, the court shall order the person to forfeit to
22 the United States any—

23 “(A) conveyance, chemical, laboratory
24 equipment, or other material, article, apparatus,
25 device, or thing made, possessed, fitted, used,

1 or intended to be used to commit such offense;
2 and

3 “(B) property traceable to any item de-
4 scribed in subparagraph (A).”

5 **SEC. 8202. AUTHORITY TO ORDER CONVICTED CRIMINALS**
6 **TO RETURN PROPERTY LOCATED ABROAD.**

7 (a) ORDER OF FORFEITURE.—Section 413(p) of the
8 Controlled Substances Act (21 U.S.C. 853(p)) is amended
9 by adding at the end the following: “In the case of prop-
10 erty described in paragraph (3), the court may, in addi-
11 tion, order the defendant to return the property to the
12 jurisdiction of the court so that the property may be seized
13 and forfeited.”.

14 (b) PRETRIAL RESTRAINING ORDER.—Section
15 413(e) of the Controlled Substances Act (21 U.S.C.
16 853(e)) is amended by inserting after paragraph (3) the
17 following:

18 “(4)(A) Pursuant to its authority to enter a
19 pretrial restraining order under this section, includ-
20 ing its authority to restrain any property forfeitable
21 as substitute assets, the court may also order the de-
22 fendant to repatriate any property subject to forfeit-
23 ure pending trial, and to deposit that property in the
24 registry of the court, or with the United States Mar-

1 shals Service or the Secretary of the Treasury, in an
2 interest-bearing account.

3 “(B) Failure to comply with an order under
4 this subsection, or an order to repatriate property
5 under subsection (p), shall be punishable as a civil
6 or criminal contempt of court, and may also result
7 in an enhancement of the sentence for the offense
8 giving rise to the forfeiture under the obstruction of
9 justice provision of section 3C1.1 of the Federal
10 Sentencing Guidelines.”.

11 **SEC. 8203. ENFORCEMENT OF FOREIGN FORFEITURE JUDG-**
12 **MENTS.**

13 (a) IN GENERAL.—Chapter 163 of title 28, United
14 States Code, as amended by section 7012 of this Act, is
15 amended by adding at the end the following:

16 **“§ 2468. Enforcement of foreign forfeiture judgment**

17 “(a) DEFINITIONS.—In this section—

18 “(1) the term ‘foreign nation’ means a country
19 that has become a party to the United Nations Con-
20 vention Against Illicit Traffic in Narcotic Drugs and
21 Psychotropic Substances (hereafter ‘the United Na-
22 tions Convention’) or a foreign jurisdiction with
23 which the United States has a treaty or other formal
24 international agreement in effect providing for mu-
25 tual forfeiture assistance; and

1 “(2) the term ‘value based confiscation judgment’ shall mean a final order of a foreign nation
2 compelling a defendant, as a consequence of the
3 criminal conviction of the defendant for an offense
4 described in Article 3, paragraph 1, of the United
5 Nations Convention, to pay a sum of money representing the proceeds of the offense, or property the
6 value of which corresponds to those proceeds.
7

8 “(b) REVIEW BY ATTORNEY GENERAL.—

9 “(1) IN GENERAL.—A foreign nation seeking to
10 have its value based confiscation judgment registered and enforced by a United States district
11 court under this section shall first submit to the Attorney General or the designee of the Attorney General
12 a request, which shall include—
13 a request, which shall include—
14 a request, which shall include—
15 a request, which shall include—

16 “(A) a summary of the facts of the case
17 and a description of the criminal proceeding
18 that resulted in the value based confiscation
19 judgment;

20 “(B) certified copies of the judgment of
21 conviction and value based confiscation judgment;
22 judgment;

23 “(C) an affidavit or sworn declaration establishing that the defendant received notice of
24 the proceedings in sufficient time to enable the
25 the proceedings in sufficient time to enable the

1 defendant to defend against the charges and
2 that the value based confiscation judgment ren-
3 dered is in force and is not subject to appeal;

4 “(D) an affidavit or sworn declaration that
5 reasonable efforts have been undertaken to en-
6 force the value based confiscation judgment
7 against the property of the defendant, if any, in
8 the foreign country; and

9 “(E) such additional information and evi-
10 dence as may be required by the Attorney Gen-
11 eral or the designee of the Attorney General.

12 “(2) CERTIFICATION.—The Attorney General
13 or the designee of the Attorney General, in consulta-
14 tion with the Secretary of State or the designee of
15 the Secretary, shall determine whether to certify the
16 request, and such decision shall be final and not
17 subject to either judicial review or review under
18 chapter 5 of title 5, United States Code (commonly
19 known as the ‘Administrative Procedures Act’).

20 “(c) JURISDICTION AND VENUE.—

21 “(1) IN GENERAL.—If the Attorney General or
22 the designee of the Attorney General certifies a re-
23 quest under paragraph (b), the foreign nation may
24 file a civil proceeding in United States district court
25 seeking to enforce the foreign value based confisca-

1 tion judgment as if the judgment had been entered
2 by a court in the United States.

3 “(2) RULES GOVERNING PROCEEDINGS.—In a
4 civil proceeding under paragraph (1)—

5 “(A) the foreign nation shall be the plain-
6 tiff and the person against whom the value
7 based confiscation judgment was entered shall
8 be the defendant;

9 “(B) venue shall lie in the district court
10 for the District of Columbia or in any other dis-
11 trict in which the defendant or the property
12 that may be the basis for satisfaction of a judg-
13 ment under this section may be found; and

14 “(C) the district court shall have personal
15 jurisdiction over a defendant residing outside of
16 the United States if the defendant is served
17 with process in accordance with Rule 4 of the
18 Federal Rules of Civil Procedure.

19 “(d) ENTRY AND ENFORCEMENT OF JUDGMENT.—

20 “(1) IN GENERAL.—In any civil action under
21 subsection (c), the district court shall enter such or-
22 ders as may be necessary to enforce the value based
23 confiscation judgment on behalf of the foreign na-
24 tion, if the court determines that—

1 “(A) the value based confiscation judgment
2 was rendered under a system that provides im-
3 partial tribunals or procedures compatible with
4 the requirements of due process of law;

5 “(B) the foreign court had personal juris-
6 diction over the defendant;

7 “(C) the foreign court had jurisdiction over
8 the subject matter;

9 “(D) the defendant in the proceedings in
10 the foreign court received notice of the proceed-
11 ings in sufficient time to enable the defendant
12 to defend; and

13 “(E) that judgment was not obtained by
14 fraud.

15 “(2) PROCESS.—Process to enforce a judgment
16 under this section shall be in accordance with Rule
17 69(a) of the Federal Rules of Civil Procedure.

18 “(e) FINALITY OF FOREIGN FINDINGS.—Upon a
19 finding by the district court that the conditions set forth
20 in subsection (d) have been satisfied, the court shall be
21 bound by the findings of facts stated in the foreign judg-
22 ment of conviction and value based confiscation judgment.

23 “(f) CURRENCY CONVERSION.—If a value based con-
24 fiscation judgment requires the payment of a sum of
25 money, the rate of exchange in effect at time the suit to

1 enforce is filed by the foreign nation shall be used in cal-
2 culating the amount stated in the judgment submitted for
3 registration.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The analysis for chapter 163 of title 28, United States
6 Code, is amended by adding at the end the following:

“2468. Enforcement of foreign forfeiture judgment.”.

7 **SEC. 8204. CRIMINAL AND CIVIL PENALTIES UNDER THE**
8 **INTERNATIONAL EMERGENCY ECONOMIC**
9 **POWERS ACT.**

10 (a) INCREASED CIVIL PENALTY.—Section 206(a) of
11 the International Emergency Economic Powers Act (50
12 U.S.C. 1705(a)), is amended by striking “\$10,000” and
13 inserting “\$50,000”.

14 (b) INCREASED CRIMINAL FINE.—Section 206(b) of
15 the International Emergency Economic Powers Act (50
16 U.S.C. 1705(b)), is amended to read as follows:

17 “(b) Whoever willfully violates any license, order, or
18 regulation issued under this chapter shall be fined not
19 more that \$1,000,000 if an organization (as defined in
20 section 18 of title 18, United States Code), and not more
21 than \$250,000, imprisoned not more than 10 years, or
22 both, if an individual.”.

1 **SEC. 8205. ATTEMPTED VIOLATIONS OF THE TRADING WITH**
2 **THE ENEMY ACT.**

3 Section 16 of the Trading with the Enemy Act (50
4 U.S.C. App. 16) is amended—

5 (1) in subsection (a), by inserting “or attempt
6 to violate” after “violate” each place it appears; and

7 (2) in subsection (b)(1), by inserting “or at-
8 tempts to violate” after “violates”.

9 **Subtitle D—Responding to Emerg-**
10 **ing International Crime Threats**

11 **PART 1—COMPUTER AND HIGH-TECH CRIME**

12 **SEC. 8311. ENHANCED AUTHORITY TO INVESTIGATE COM-**
13 **PUTER FRAUD AND ATTACKS ON COMPUTER**
14 **SYSTEMS.**

15 Section 2516(1)(c) of title 18, United States Code,
16 is amended by inserting “, a felony violation of section
17 1030 (relating to computer fraud and attacks on computer
18 systems)” before “section 1992 (relating to wrecking
19 trains)”.

20 **SEC. 8312. LAW ENFORCEMENT ACCESS TO STORED INFOR-**
21 **MATION ON COMPUTER NETWORKS.**

22 Section 2703 of title 18, United States Code, as
23 amended by section 2404 of this Act, is amended by add-
24 ing at the end the following:

25 “(h) ACCESS TO STORED ELECTRONIC INFORMA-
26 TION.—

1 “(1) DISCLOSURE.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), a governmental entity may require
4 the disclosure by a provider of a remote com-
5 puting service of the contents of an electronic
6 record in networked electronic storage only if
7 the person who created the record is accorded
8 the same protections that would be available if
9 the record had remained in that person’s pos-
10 session.

11 “(B) NETWORKED ELECTRONIC STOR-
12 AGE.—In addition to the requirements of sub-
13 paragraph (A) and subject to paragraph (2), a
14 governmental entity may require the disclosure
15 of the contents of an electronic record in
16 networked electronic storage only—

17 “(i) pursuant to a warrant issued
18 under the Federal Rules of Criminal Pro-
19 cedure or equivalent State warrant, a copy
20 of which warrant shall be served on the
21 person who created the record prior to or
22 at the same time the warrant is served on
23 the provider of the remote computing serv-
24 ice;

1 “(ii) pursuant to a subpoena issued
2 under the Federal Rules of Criminal Pro-
3 cedure or equivalent State warrant, a copy
4 of which subpoena shall be served on the
5 person who created the record, under cir-
6 cumstances allowing that person a mean-
7 ingful opportunity to challenge the sub-
8 poena; or

9 “(iii) upon the consent of the person
10 who created the record.

11 “(2) DEFINITION.—In this subsection, an elec-
12 tronic record is in ‘networked electronic storage’ if—

13 “(A) it is not covered by subsection (a) of
14 this section;

15 “(B) the person holding the record is not
16 authorized to access the contents of such record
17 for any purposes other than in connection with
18 providing the service of storage; and

19 “(C) the person who created the record is
20 able to access and modify it remotely through
21 electronic means.”.

22 **PART 2—ENHANCING ANTITERRORISM LAWS**

23 **SEC. 8321. EXTENSION OF AUTHORITY.**

24 Section 233(d) of the Antiterrorism and Effective
25 Death Penalty Act of 1996 (110 Stat. 1245) is amended

1 by striking “1 year after the date of enactment of this
2 Act” and inserting “on October 1, 2000”.

3 **SEC. 8322. CLARIFICATION OF BIOLOGICAL WEAPONS DEFINI-**
4 **NITIONS.**

5 (a) BIOLOGICAL AGENTS; TOXINS.—Section 178 of
6 title 18, United States Code, is amended—

7 (1) in paragraph (1), by striking “means any
8 microorganism, virus, or infectious substance, or bio-
9 logical product that may be engineered as a result
10 of biotechnology or any naturally occurring or bio-
11 engineered component of any such microorganism,
12 virus, infectious substance, or biological product”
13 and inserting the following: “means any microorga-
14 nism (including, but not limited to, bacteria, viruses,
15 fungi, rickettsiae or protozoa), or infectious sub-
16 stance, or any naturally occurring, bioengineered or
17 synthesized component of any such microorganism
18 or infectious substance”;

19 (2) in paragraph (2), by striking “means the
20 toxic material of plants, animals, microorganisms, vi-
21 ruses, fungi, or infectious substances, or a recom-
22 binant molecule, whatever its origin or method of
23 production, including” and inserting the following:
24 “means the toxic material or product of plants, ani-
25 mals, microorganisms (including, but not limited to,

1 bacteria, viruses, fungi, rickettsiae or protozoa), or
2 infectious substances, or a recombinant or syn-
3 thesized molecule, whatever their origin and method
4 of production, and includes”; and

5 (3) in paragraph (4), by striking “recombinant
6 molecule, or biological product that may be engi-
7 neered as a result of biotechnology” and inserting
8 “recombinant or synthesized molecule”.

9 (b) USE OF WEAPONS OF MASS DESTRUCTION.—
10 Section 2332a of title 18, United States Code, is
11 amended—

12 (1) in subsection (a), striking “, including any
13 biological agent, toxin, or vector (as those terms are
14 defined in section 178)”; and

15 (2) in subsection (c)(2)(C), striking “disease or-
16 ganism” and inserting “any biological agent, toxin,
17 or vector (as those terms are defined in section 178
18 of this title)”.

19 **SEC. 8323. PUNISHMENT OF THREATS TO USE CHEMICAL**
20 **WEAPONS.**

21 Section 2332c(a)(1) of title 18, United States Code,
22 is amended by striking “uses, or attempts” and inserting
23 “uses, or threatens, attempts”.

1 **Subtitle E—Promoting Global Co-**
2 **operation in the Fight Against**
3 **International Crime**

4 **SEC. 8401. SHARING PROCEEDS OF JOINT FORFEITURE OP-**
5 **ERATIONS WITH COOPERATING FOREIGN**
6 **AGENCIES.**

7 (a) IN GENERAL.—Section 981(i)(1) of title 18,
8 United States Code, is amended by striking “this chapter”
9 and inserting “any provision of Federal law”.

10 (b) CONFORMING AMENDMENT.—Section 511(e)(1)
11 of the Controlled Substances Act (21 U.S.C. 881(e)(1))
12 is amended—

13 (1) in subparagraph (C), by adding “or” at the
14 end;

15 (2) in subparagraph (D), by striking “; or” and
16 inserting a period; and

17 (3) by striking subparagraph (E).

18 **SEC. 8402. STREAMLINED PROCEDURES FOR EXECUTION**
19 **OF MLAT REQUESTS.**

20 (a) IN GENERAL.—Chapter 117 of title 28, United
21 States Code, is amended by adding at the end the follow-
22 ing:

23 **“§ 1785. Assistance to foreign authorities**

24 **“(a) IN GENERAL.—**

1 “(1) PRESENTATION OF REQUESTS.—The At-
2 torney General may present a request made by a
3 foreign government for assistance with respect to a
4 foreign investigation, prosecution, or proceeding re-
5 garding a criminal matter pursuant to a treaty, con-
6 vention, or executive agreement for mutual legal as-
7 sistance between the United States and that govern-
8 ment or in accordance with section 1782, the execu-
9 tion of which requires or appears to require the use
10 of compulsory measures in more than 1 judicial dis-
11 trict, to a judge or judge magistrate of—

12 “(A) any 1 of the districts in which per-
13 sons who may be required to appear to testify
14 or produce evidence or information reside or are
15 found, or in which evidence or information to be
16 produced is located; or

17 “(B) the United States District Court for
18 the District of Columbia.

19 “(2) AUTHORITY OF COURT.—A judge or judge
20 magistrate to whom a request for assistance is pre-
21 sented under paragraph (1) shall have the authority
22 to issue those orders necessary to execute the re-
23 quest including orders appointing a person to direct
24 the taking of testimony or statements and the pro-
25 duction of evidence or information, of whatever na-

1 ture and in whatever form, in execution of the re-
2 quest.

3 “(b) AUTHORITY OF APPOINTED PERSONS.—A per-
4 son appointed under subsection (a)(2) shall have the au-
5 thority to—

6 “(1) issue orders for the taking of testimony or
7 statements and the production of evidence or infor-
8 mation, which orders may be served at any place
9 within the United States;

10 “(2) administer any necessary oath; and

11 “(3) take testimony or statements and receive
12 evidence and information.

13 “(c) PERSONS ORDERED TO APPEAR.—A person or-
14 dered pursuant to subsection (b)(1) to appear outside the
15 district in which that person resides or is found may, not
16 later than 10 days after receipt of the order—

17 “(1) file with the judge or judge magistrate who
18 authorized execution of the request a motion to ap-
19 pear in the district in which that person resides or
20 is found or in which the evidence or information is
21 located; or

22 “(2) provide written notice, requesting appear-
23 ance in the district in which the person resides or
24 is found or in which the evidence or information is
25 located, to the person issuing the order to appear,

1 who shall advise the judge or judge magistrate au-
 2 thorizing execution.

3 “(d) TRANSFER OF REQUESTS.—

4 “(1) IN GENERAL.—The judge or judge mag-
 5 istrate may transfer a request under subsection (c),
 6 or that portion requiring the appearance of that per-
 7 son, to the other district if—

8 “(A) the inconvenience to the person is
 9 substantial; and

10 “(B) the transfer is unlikely to adversely
 11 affect the effective or timely execution of the re-
 12 quest or a portion thereof.

13 “(2) EXECUTION.—Upon transfer, the judge or
 14 judge magistrate to whom the request or a portion
 15 thereof is transferred shall complete its execution in
 16 accordance with subsections (a) and (b).”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—

18 The analysis for chapter 117 of title 28, United States
 19 Code, is amended by adding at the end the following:

“1785. Assistance to foreign authorities.”.

20 **SEC. 8403. TEMPORARY TRANSFER TO FOREIGN COUNTRY**
 21 **OF INCARCERATED WITNESSES.**

22 (a) IN GENERAL.—Section 3508 of title 18, United
 23 States Code, is amended—

24 (1) by striking the section heading and insert-
 25 ing the following:

1 **“§ 3508. Temporary transfer of witnesses in custody”;**

2 (2) by striking subsections (b) and (c) and in-
3 serting the following:

4 “(b) TRANSFER AUTHORITY.—

5 “(1) IN GENERAL.—If the testimony of a per-
6 son who is serving a sentence, in pretrial detention,
7 or otherwise being held in custody in the United
8 States, is needed in a foreign criminal proceeding,
9 the Attorney General shall have the authority to—

10 “(A) temporarily transfer that person to
11 the foreign country for the purpose of giving
12 the testimony;

13 “(B) transport that person from the
14 United States in custody;

15 “(C) make appropriate arrangements for
16 custody for that person while outside the
17 United States; and

18 “(D) return that person in custody to the
19 United States from the foreign country.

20 “(2) PERSONS HELD FOR STATE LAW VIOLA-
21 TIONS.—If the person is being held in custody for a
22 violation of State law, the Attorney General may ex-
23 ercise the authority described in this subsection if
24 the appropriate State authorities give their consent.

25 “(c) RETURN OF PERSONS TRANSFERRED.—

1 “(1) IN GENERAL.—If the transfer to or from
2 the United States of a person in custody for the pur-
3 pose of giving testimony is provided for by treaty or
4 convention, by this section, or both, that person shall
5 be returned to the United States, or to the foreign
6 country from which the person is transferred.

7 “(2) LIMITATION.—In no event shall the return
8 of a person under this subsection require any re-
9 quest for extradition or extradition proceedings, or
10 require that person to be subject to deportation or
11 exclusion proceedings under the laws of the United
12 States, or the foreign country from which the person
13 is transferred.

14 “(d) APPLICABILITY OF INTERNATIONAL AGREE-
15 MENTS.—If there is an international agreement between
16 the United States and the foreign country in which a wit-
17 ness is being held in custody or to which the witness will
18 be transferred from the United States, that provides for
19 the transfer, custody, and return of those witnesses, the
20 terms and conditions of that international agreement shall
21 apply. If there is no such international agreement, the At-
22 torney General may exercise the authority described in
23 subsections (a) and (b) if both the foreign country and
24 the witness give their consent.

25 “(e) RIGHTS OF PERSONS TRANSFERRED.—

1 “(1) Notwithstanding any other provision of
2 law, a person held in custody in a foreign country
3 who is transferred to the United States pursuant to
4 this section for the purpose of giving testimony—

5 “(A) shall not by reason of that transfer,
6 during the period that person is present in the
7 United States pursuant to that transfer, be en-
8 titled to apply for or obtain any right or remedy
9 under the Immigration and Nationality Act (8
10 U.S.C. 1101 et seq.), including the right to
11 apply for or be granted asylum or withholding
12 of deportation or any right to remain in the
13 United States under any other law; and

14 “(B) may be summarily removed from the
15 United States upon order of the Attorney Gen-
16 eral.

17 “(2) RULE OF CONSTRUCTION.—Nothing in
18 this subsection may be construed to create any sub-
19 stantive or procedural right or benefit to remain in
20 the United States that is legally enforceable in a
21 court of law of the United States or of a State by
22 any party against the United States or its agencies
23 or officers.

24 “(f) CONSISTENCY WITH INTERNATIONAL OBLIGA-
25 TIONS.—The Attorney General shall not take any action

1 under this section to transfer or return a person to a for-
 2 eign country unless the Attorney General determines, after
 3 consultation with the Secretary of State, that transfer or
 4 return would be consistent with the international obliga-
 5 tions of the United States. A determination by the Attor-
 6 ney General under this subsection shall not be subject to
 7 judicial review by any court.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 9 The analysis for chapter 223 of title 18, United States
 10 Code, is amended by striking the item relating to section
 11 3508 and inserting the following:

“3508. Temporary transfer of witnesses in custody.”.

12 **SEC. 8404. DISCRETIONARY AUTHORITY TO USE FORFEIT-**
 13 **URE PROCEEDS.**

14 Section 524(c)(1) of title 28, United States Code, is
 15 amended—

16 (1) by redesignating subparagraph (I) begin-
 17 ning with “after all” as subparagraph (J);

18 (2) by in subparagraph (J), as redesignated,
 19 striking the period and inserting “, and”; and

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

21 “(K) at the discretion of the Attorney Gen-
 22 eral, payments to return forfeited property re-
 23 patriated to the United States by a foreign gov-
 24 ernment or others acting at the direction of a

1 foreign government, and interest earned on the
2 property, if—

3 “(i) a final foreign judgment entered
4 against a foreign government or those act-
5 ing at its direction, which foreign judgment
6 was based on the measures, such as sei-
7 zure and repatriation of property, that re-
8 sulted in deposit of the funds into the
9 Fund;

10 “(ii) the foreign judgment was entered
11 and presented to the Attorney General not
12 later than 5 years after the date on which
13 the property was repatriated to the United
14 States;

15 “(iii) the foreign government or those
16 acting at its direction vigorously defended
17 its actions under its own laws; and

18 “(iv) the amount of the disbursement
19 does not exceed the amount of funds de-
20 posited to the Fund, plus interest earned
21 on those funds pursuant to section
22 524(c)(5), less any awards and equitable
23 shares paid by the Fund to the foreign
24 government or those acting at its direction
25 in connection with a particular case.”.

1 **Subtitle F—Streamlining the Inves-**
2 **tigation and Prosecution of**
3 **International Crimes in United**
4 **States Courts**

5 **SEC. 8501. REIMBURSEMENT OF STATE AND LOCAL LAW**
6 **ENFORCEMENT AGENCIES IN INTER-**
7 **NATIONAL CRIME CASES.**

8 The Attorney General may obligate, as necessary ex-
9 penses, from any appropriate appropriation account avail-
10 able to the Department of Justice in fiscal year 2000 or
11 any fiscal year thereafter, the cost of reimbursement to
12 State or local law enforcement agencies for translation
13 services and related expenses, including transportation ex-
14 penses, in cases involving extradition or requests for mu-
15 tual legal assistance from foreign governments.

16 **SEC. 8502. STRENGTHEN WAR CRIMES OFFENSE.**

17 Section 2441(b) of title 18, United States Code, is
18 amended—

19 (1) by striking “that the person” and inserting
20 the following: “are that—

21 “(1) the person”;

22 (2) by striking the period at the end and insert-
23 ing a semicolon; and

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

1 “(2) the perpetrator is found in the United
2 States after the crime is committed; or

3 “(3) the crime occurs within the United
4 States”.

5 **SEC. 8503. SAFE CONDUCT FOR FOREIGN WITNESSES TES-**
6 **TIFYING IN UNITED STATES COURTS.**

7 (a) IN GENERAL.—Chapter 305 of title 18, United
8 States Code, is amended by adding at the end the follow-
9 ing:

10 **“§ 4088. Safe conduct for witnesses temporarily in the**
11 **United States**

12 “(a) DEFINITIONS.—In this section:

13 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
14 The term ‘Federal law enforcement officer’ has the
15 meaning given the term in section 115.

16 “(2) MAGISTRATE JUDGE.—The term ‘mag-
17 istrate judge’ has the meaning given the term in
18 Rule 54 of the Federal Rules of Criminal Procedure.

19 “(3) STATE.—The term ‘State’ means a State
20 of the United States, the District of Columbia, and
21 any commonwealth, territory, or possession of the
22 United States.

23 “(b) SAFE CONDUCT.—The Attorney General may
24 determine that, if a person located outside the United
25 States is requested by a magistrate judge or Federal law

1 enforcement officer to appear and provide testimony or
2 answer questions in the United States in connection with
3 any Federal or State criminal matter, the person shall not
4 be subject to service of process, or be detained or subjected
5 to any restriction of personal liberty, by reason of any acts
6 or convictions that preceded the departure of that person
7 from the foreign jurisdiction.

8 “(c) TERMS AND CONDITIONS.—

9 “(1) IN GENERAL.—The Attorney General may
10 specify in any grant of safe conduct the appropriate
11 duration and conditions of the grant.

12 “(2) TIME PERIOD.—Absent contrary direction
13 by the Attorney General, the safe conduct provided
14 for by this section shall expire not later the earlier
15 of—

16 “(A) the date on which the person leaves
17 the United States; or

18 “(B) 7 days after the earlier of—

19 “(i) the date on which the person
20 completes the testimony of that person or
21 the answers of that person to the ques-
22 tions; or

23 “(ii) the date on which the requesting
24 magistrate judge or Federal law enforce-
25 ment officer has notified either the person

1 or the appropriate authorities in the for-
2 eign jurisdiction that the presence of that
3 person in the United States is no longer
4 required.

5 “(3) IMMIGRATION STATUS AND REMOVAL.—
6 Absent contrary direction by the Attorney General,
7 persons granted safe conduct—

8 “(A) shall not be entitled to apply for or
9 obtain any light or remedy under the Immigra-
10 tion and Nationality Act, for so long as they are
11 present in the United States pursuant to those
12 grants; and

13 “(B) may be summarily removed from the
14 United States at the expiration of the safe con-
15 duct period upon order of the Attorney General,
16 and those orders shall not be subject to admin-
17 istrative or judicial review.

18 “(d) JUDICIAL REVIEW.—A determination by the At-
19 torney General to grant, deny, or condition safe conduct
20 under this section shall not be subject to judicial review.

21 “(e) TREATY PROVISIONS.—To the extent the provi-
22 sions of an applicable mutual legal assistance treaty are
23 inconsistent with this section, the treaty provisions shall
24 apply.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The analysis for chapter 305 of title 18, United States
3 Code, is amended by adding at the end the following:

“4088. Safe conduct for witnesses temporarily in the United States.”.

4 **SEC. 8504. PROHIBITING FUGITIVES FROM BENEFITING**
5 **FROM TIME SERVED ABROAD.**

6 Section 3585 of title 18, United States Code, is
7 amended by adding at the end the following:

8 “(c) EXCLUSION FOR TIME SERVED ABROAD.—Not-
9 withstanding subsection (b), a defendant shall receive no
10 credit for any time spent in official detention in a foreign
11 country if—

12 “(1) the defendant fled from, or remained out-
13 side of, the United States to avoid prosecution or
14 imprisonment;

15 “(2) the United States officially requested the
16 return of the defendant to the United States for
17 prosecution or imprisonment; and

18 “(3) the defendant is in custody in the foreign
19 country pending surrender to the United States for
20 prosecution or imprisonment.”.

21 **SEC. 8505. SUSPENSION OF STATUTE OF LIMITATIONS FOR**
22 **COLLECTION OF EVIDENCE LOCATED**
23 **ABROAD.**

24 Section 3292(b) of title 18, United States Code, is
25 amended to read as follows:

1 “(b) PERIOD OF SUSPENSION.—Except as provided
2 in subsection (c), a period of suspension under this section
3 shall begin on the date on which the official request is
4 made and end on the date on which, the foreign court or
5 authority having taken final action on the request and
6 having transmitted the decision or results to the United
7 States, the decision or results are delivered to the request-
8 ing United States authority.”.

9 **SEC. 8506. CLARIFICATION OF DISCRETIONARY NATURE OF**
10 **PAYMENTS TO INFORMANTS.**

11 Section 619(a)(2) of the Tariff Act of 1930 (19
12 U.S.C. 1619(a)(2)) is amended, in the flush matter follow-
13 ing subparagraph (B), by inserting “(or a designee of the
14 Secretary), in the sole discretion of the Secretary (or des-
15 ignee), ” after “the Secretary”.

16 **SEC. 8507. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**
17 **UNITED STATES BY PERSONS ACCOMPANY-**
18 **ING THE ARMED FORCES.**

19 (a) IN GENERAL.—Title 18, United States Code, is
20 amended by inserting after chapter 211 the following:

1 **“CHAPTER 212—CRIMINAL OFFENSES**
2 **COMMITTED OUTSIDE THE UNITED**
3 **STATES**

4 **“§ 3261. Criminal offenses committed by persons for-**
5 **merly serving with, or presently em-**
6 **ployed by or accompanying, the Armed**
7 **Forces outside the United States**

8 “(a) Whoever, while serving with, employed by, or ac-
9 companying the Armed Forces outside the United States,
10 engages in conduct which would constitute an offense pun-
11 ishable by imprisonment for more than 1 year if the con-
12 duct had been engaged in within the special maritime and
13 territorial jurisdiction of the United States, shall be guilty
14 of a like offense and subject to a like punishment.

15 “(b) Nothing contained in this chapter deprives
16 courts-martial, military commissions, provost courts, or
17 other military tribunals of concurrent jurisdiction with re-
18 spect to offenders or offenses that by statute or by the
19 law of war may be tried by courts-martial, military com-
20 missions, provost courts, or other military tribunals.

21 “(c) No prosecution may be commenced under this
22 section if a foreign government, in accordance with juris-
23 diction recognized by the United States, has prosecuted
24 or is prosecuting such person for the conduct constituting
25 such offense, except upon the approval of the Attorney

1 General of the United States or the Deputy Attorney Gen-
2 eral of the United States (or a person acting in either such
3 capacity), which function of approval may not be dele-
4 gated.

5 “(d)(1) The Secretaries of Defense and Transpor-
6 tation may designate and authorize any person serving in
7 a law enforcement position in the Department of Defense
8 and the Department of Transportation when the Coast
9 Guard is not operating as part of the Navy to arrest out-
10 side the United States any person described in subsection
11 (a) of this section who there is probable cause to believe
12 engaged in conduct which constitutes a criminal offense
13 under such section.

14 “(2) A person arrested under paragraph (1) of this
15 section shall be released to the custody of civilian law en-
16 forcement authorities of the United States for removal to
17 the United States for judicial proceedings in relation to
18 conduct referred to in such paragraph unless—

19 “(A) such person is delivered to authorities of
20 a foreign country under section 3262 of this title; or

21 “(B) charges are preferred against such person
22 under chapter 47 of title 10 for such conduct.

23 **“§ 3262. Delivery to authorities of foreign countries**

24 “(a) A person described in section 3261(a) of this
25 title may be delivered to the appropriate authorities of a

1 foreign country in which such person is alleged to have
2 engaged in conduct described in such subsection (a) of this
3 section if—

4 “(1) the appropriate authorities of that country
5 request the delivery of the person to such country
6 for trial for such conduct as an offense under the
7 laws of that country; and

8 “(2) the delivery of such person to that country
9 is authorized by a treaty or other international
10 agreement to which the United States is a party.

11 “(b) The Secretary of Defense, in consultation with
12 the Secretary of State, shall determine what officials of
13 a foreign country constitute appropriate authorities for
14 the purpose of this section.

15 **“§ 3263. Regulations**

16 “The Secretary of Defense, in consultation with the
17 Secretary of State, shall issue regulations governing the
18 apprehension, detention, and removal of persons under
19 this chapter. Such regulations shall be uniform throughout
20 the Department of Defense.

21 **“§ 3264. Definitions for chapter**

22 “In this chapter—

23 “(1) a person is ‘employed by the Armed
24 Forces outside the United States’—

1 “(A) if he or she is employed as a civilian
2 employee of a military department or of the De-
3 partment of Defense, as a Department of De-
4 fense contractor, or as an employee of a De-
5 partment of Defense contractor;

6 “(B) is present or residing outside the
7 United States in connection with such employ-
8 ment; and

9 “(C) is not a national of the host nation;
10 “(2) a person is ‘accompanying the Armed
11 Forces outside the United States’ if he or she—

12 “(A) is a dependent of a member of the
13 Armed Forces or of a civilian employee of a
14 military department or of the Department of
15 Defense;

16 “(B) is residing with the member or civil-
17 ian employee outside the United States; and

18 “(C) is not a national of the host nation.”.

19 (b) CLERICAL AMENDMENT.—The analysis for part
20 II of title 18, United States Code, is amended by inserting
21 after the item relating to chapter 211 the following:

**“212. Criminal Offenses Committed Outside the United
States 3261”.**

1 **TITLE IX—STRENGTHENING THE**
2 **AIR, LAND, AND SEA BOR-**
3 **DERS OF THE UNITED STATES**
4 **Subtitle A—Violence Committed**
5 **Along United States Borders**

6 **SEC. 9001. FELONY PUNISHMENT FOR VIOLENCE COMMIT-**
7 **TED ALONG THE UNITED STATES BORDERS.**

8 (a) IN GENERAL.—Chapter 27 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing:

11 **“§ 554. Violence while eluding inspection or during**
12 **violation of arrival, reporting, entry, or**
13 **clearance requirements**

14 “(a) IN GENERAL.—Whoever attempts to commit or
15 commits a crime of violence or recklessly operates any con-
16 veyance during and in relation to—

17 “(1)(A) attempting to elude or eluding immi-
18 gration, customs, or agriculture inspection; or

19 “(B) failing to stop at the command of an offi-
20 cer or employee of the United States charged with
21 enforcing the immigration, customs, or other laws of
22 the United States along any border of the United
23 States; or

24 “(2) an intentional violation of arrival, report-
25 ing, entry, or clearance requirements, as set forth in

1 section 107 of the Federal Plant Pest Act (7 U.S.C.
2 150ff), section 10 of the Act of August 20, 1912
3 (commonly known as the ‘Plant Quarantine Act’ (7
4 U.S.C. 164a)), section 7 of the Federal Noxious
5 Weed Act of 1974 (7 U.S.C. 2807), section 431,
6 433, 434, or 459 of the Tariff Act of 1930 (19
7 U.S.C. 1431, 1433, 1434, and 1459), section 10 of
8 the Act of August 30, 1890 (26 Stat. 417; chapter
9 839 (21 U.S.C. 105), section 2 of the Act of Feb-
10 ruary 2, 1903 (32 Stat. 792; chapter 349; 21 U.S.C.
11 111), section 4197 of the Revised Statutes (46
12 U.S.C. App. 91), or sections 231, 232, and 234
13 through 238 of the Immigration and Nationality Act
14 (8 U.S.C. 1221, 1222, and 1224 through 1228)
15 shall be—

16 “(A) fined under this title, imprisoned not
17 more than 5 years, or both;

18 “(B) if bodily injury (as defined in section
19 1365(g)) results, fined under this title, impris-
20 oned not more than 10 years, or both; or

21 “(C) if death results, fined under this title,
22 imprisoned for any term of years or for life, or
23 both, and may be sentenced to death.

24 “(b) CONSPIRACY.—If 2 or more persons conspire to
25 commit an offense under subsection (a), and 1 or more

1 of those persons do any act to effect the object of the con-
2 spiracy, each shall be punishable as a principal, except
3 that a sentence of death may not be imposed.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The analysis for chapter 27 of title 18, United States
6 Code, is amended by adding at the end the following:

“554. Violence while eluding inspection or during violation of arrival, reporting,
entry, or clearance requirements.”.

7 (c) RECKLESS ENDANGERMENT.—Section 111 of
8 title 18, United States Code, is amended—

9 (1) by redesignating subsection (b) as sub-
10 section (c); and

11 (2) by inserting after subsection (a) the follow-
12 ing:

13 “(b) RECKLESS ENDANGERMENT.—Whoever—

14 “(1) knowingly disregards or disobeys the law-
15 ful authority or command of any officer or employee
16 of the United States charged with enforcing the im-
17 migration, customs, or other laws of the United
18 States along any border of the United States while
19 engaged in, or on account of, the performance of of-
20 ficial duties of that officer or employee; and

21 “(2) as a result of disregarding or disobeying
22 an authority or command referred to in paragraph
23 (1), endangers the safety of any person or property,

1 shall be fined under this title, imprisoned not more than
 2 6 months, or both.”.

3 **Subtitle B—Strengthening Mari-**
 4 **time Law Enforcement Along**
 5 **United States Borders**

6 **SEC. 9101. SANCTIONS FOR FAILURE TO HEAVE TO, OB-**
 7 **STRUCTING A LAWFUL BOARDING, AND PRO-**
 8 **VIDING FALSE INFORMATION.**

9 (a) IN GENERAL.—Chapter 109 of title 18, United
 10 States Code, is amended by adding at the end the follow-
 11 ing:

12 **“§ 2237. Sanctions for failure to heave to; sanctions**
 13 **for obstruction of boarding or providing**
 14 **false information**

15 “(a) DEFINITIONS.—In this section:

16 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
 17 The term ‘Federal law enforcement officer’ has the
 18 meaning given that term in section 115(e).

19 “(2) HEAVE TO.—The term ‘heave to’ means,
 20 with respect to a vessel, to cause that vessel to slow
 21 or come to a stop to facilitate a law enforcement
 22 boarding by adjusting the course and speed of the
 23 vessel to account for the weather conditions and the
 24 sea state.

1 “(3) VESSEL OF THE UNITED STATES; VESSEL
2 SUBJECT TO THE JURISDICTION OF THE UNITED
3 STATES.—The terms ‘vessel of the United States’
4 and ‘vessel subject to the jurisdiction of the United
5 States’ have the meanings given those terms in sec-
6 tion 3 of the Maritime Drug Law Enforcement Act
7 (46 U.S.C. App. 1903).

8 “(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

9 “(1) IN GENERAL.—It shall be unlawful for the
10 master, operator, or person in charge of a vessel of
11 the United States or a vessel subject to the jurisdic-
12 tion of the United States, to fail to obey an order
13 to heave to that vessel on being ordered to do so by
14 an authorized Federal law enforcement officer.

15 “(2) IMPEDING BOARDING; PROVIDING FALSE
16 INFORMATION IN CONNECTION WITH A BOARDING.—
17 It shall be unlawful for any person on board a vessel
18 of the United States or a vessel subject to the juris-
19 diction of the United States knowingly or willfully
20 to—

21 “(A) fail to comply with an order of an au-
22 thorized Federal law enforcement officer in con-
23 nection with the boarding of the vessel;

1 “(B) impede or obstruct a boarding or ar-
2 rest, or other law enforcement action authorized
3 by any Federal law; or

4 “(C) provide false information to a Federal
5 law enforcement officer during a boarding of a
6 vessel regarding the destination, origin, owner-
7 ship, registration, nationality, cargo, or crew of
8 the vessel.

9 “(c) STATUTORY CONSTRUCTION.—Nothing in this
10 section may be construed to limit the authority granted
11 before the date of enactment of the Safe Schools, Safe
12 Streets, and Secure Borders Act of 1999 to—

13 “(1) a customs officer under section 581 of the
14 Tariff Act of 1930 (19 U.S.C. 1581) or any other
15 provision of law enforced or administered by the
16 United States Customs Service; or

17 “(2) any Federal law enforcement officer under
18 any Federal law to order a vessel to heave to.

19 “(d) CONSENT OR WAIVER OF OBJECTION BY A FOR-
20 EIGN COUNTRY.—

21 “(1) IN GENERAL.—A foreign country may con-
22 sent to or waive objection to the enforcement of
23 United States law by the United States under this
24 section by international agreement or, on a case-by-

1 case basis, by radio, telephone, or similar oral or
2 electronic means.

3 “(2) PROOF OF CONSENT OR WAIVER.—The
4 Secretary of State or a designee of the Secretary of
5 State may prove a consent or waiver described in
6 paragraph (1) by certification.

7 “(e) PENALTIES.—Any person who intentionally vio-
8 lates any provision of this section shall be fined under this
9 title, imprisoned not more than 5 years, or both.

10 “(f) SEIZURE OF VESSELS.—

11 “(1) IN GENERAL.—A vessel that is used in vio-
12 lation of this section may be seized and forfeited.

13 “(2) APPLICABILITY OF LAWS.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (C), the laws described in subparagraph
16 (B) shall apply to seizures and forfeitures un-
17 dertaken, or alleged to have been undertaken,
18 under any provision of this section.

19 “(B) LAWS DESCRIBED.—The laws de-
20 scribed in this subparagraph are the laws relat-
21 ing to the seizure, summary, judicial forfeiture,
22 and condemnation of property for violation of
23 the customs laws, the disposition of the prop-
24 erty or the proceeds from the sale thereof, the

1 remission or mitigation of the forfeitures, and
 2 the compromise of claims.

3 “(C) EXECUTION OF DUTIES BY OFFICERS
 4 AND AGENTS.—Any duty that is imposed upon
 5 a customs officer or any other person with re-
 6 spect to the seizure and forfeiture of property
 7 under the customs laws shall be performed with
 8 respect to a seizure or forfeiture of property
 9 under this section by the officer, agent, or other
 10 person that is authorized or designated for that
 11 purpose.

12 “(3) IN REM LIABILITY.—A vessel that is used
 13 in violation of this section shall, in addition to any
 14 other liability prescribed under this subsection, be
 15 liable in rem for any fine or civil penalty imposed
 16 under this section.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 18 The analysis for chapter 109 of title 18, United States
 19 Code, is amended by adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding
 or providing false information.”.

20 **SEC. 9102. CIVIL PENALTIES TO SUPPORT MARITIME LAW**
 21 **ENFORCEMENT.**

22 (a) IN GENERAL.—Chapter 17 of title 14, United
 23 States Code, is amended by adding at the end the follow-
 24 ing:

1 **“§ 675. Civil penalty for failure to comply with a law-**
 2 **ful boarding, obstruction of boarding, or**
 3 **providing false information**

4 “(a) IN GENERAL.—Any person who violates section
 5 2237(b) of title 18 shall be liable for a civil penalty of
 6 not more than \$25,000.

7 “(b) IN REM LIABILITY.—In addition to being sub-
 8 ject to the liability under subsection (a), a vessel used to
 9 violate an order relating to the boarding of a vessel issued
 10 under the authority of section 2237 of title 18 shall be
 11 liable in rem and may be seized, forfeited, and sold in ac-
 12 cordance with section 594 of the Tariff Act of 1930 (19
 13 U.S.C. 1594).”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 15 The analysis for chapter 17 of title 14, United States
 16 Code, is amended by adding at the end the following:

“675. Civil penalty for failure to comply with a lawful boarding, obstruction of
 boarding, or providing false information.”.

17 **SEC. 9103. CUSTOMS ORDERS.**

18 Section 581 of the Tariff Act of 1930 (19 U.S.C.
 19 1581) is amended by adding at the end the following:

20 “(i) AUTHORIZED PLACE DEFINED.—In this section,
 21 the term ‘authorized place’ includes, with respect to a ves-
 22 sel or vehicle, a location in a foreign country at which
 23 United States customs officers are permitted to conduct
 24 inspections, examinations, or searches.”.

1 **Subtitle C—Smuggling of Contra-**
2 **band and Other Illegal Products**

3 **SEC. 9201. SMUGGLING CONTRABAND AND OTHER GOODS**
4 **FROM THE UNITED STATES.**

5 (a) IN GENERAL.—

6 (1) SMUGGLING GOODS FROM THE UNITED
7 STATES.—Chapter 27 of title 18, United States
8 Code, is amended by adding at the end the follow-
9 ing:

10 **“§ 555. Smuggling goods from the United States**

11 “(a) UNITED STATES DEFINED.—In this section, the
12 term ‘United States’ has the meaning given that term in
13 section 545.

14 “(b) PENALTIES.—Whoever—

15 “(1) fraudulently or knowingly exports or sends
16 from the United States, or attempts to export or
17 send from the United States, any merchandise, arti-
18 cle, or object contrary to any law of the United
19 States (including any regulation of the United
20 States); or

21 “(2) receives, conceals, buys, sells, or in any
22 manner facilitates the transportation, concealment,
23 or sale of that merchandise, article, or object, prior
24 to exportation, knowing that merchandise, article, or

1 object to be intended for exportation contrary to any
2 law of the United States,
3 shall be fined under this title, imprisoned not more than
4 5 years, or both.”.

5 (2) TECHNICAL AND CONFORMING AMEND-
6 MENT.—The analysis for chapter 27 of title 18,
7 United States Code, is amended by adding at the
8 end the following:

“555. Smuggling goods from the United States.”.

9 (b) LAUNDERING OF MONETARY INSTRUMENTS.—
10 Section 1956(c)(7)(D) of title 18, United States Code, is
11 amended by inserting “section 555 (relating to smuggling
12 goods from the United States),” before “section 641 (re-
13 lating to public money, property, or records),”.

14 (c) MERCHANDISE EXPORTED FROM UNITED
15 STATES.—Section 596 of the Tariff Act of 1930 (19
16 U.S.C. 1595a) is amended by adding at the end the follow-
17 ing:

18 “(d) MERCHANDISE EXPORTED FROM THE UNITED
19 STATES.—Merchandise exported or sent from the United
20 States or attempted to be exported or sent from the
21 United States contrary to law, or the value thereof, and
22 property used to facilitate the receipt, purchase, transpor-
23 tation, concealment, or sale of that merchandise prior to
24 exportation shall be forfeited to the United States.”.

1 **SEC. 9202. CONTROLLING ILLICIT LIQUOR TRAFFICKING.**

2 (a) IN GENERAL.—Title 18, United States Code, is
3 amended—

4 (1) in section 546—

5 (A) by inserting “, vehicle, aircraft, con-
6 veyance or other mode of transportation” after
7 “vessel” each place it appears; and

8 (B) by striking “if under the laws of such
9 foreign government any penalty or forfeiture is
10 provided for violation of the laws of the United
11 States respecting the customs revenue,”;

12 (2) by striking section 1261 and inserting the
13 following:

14 **“§ 1261. Enforcement**

15 “The Secretary of the Treasury shall enforce this
16 chapter and may promulgate such regulations as the Sec-
17 retary determines to be necessary to carry out this chap-
18 ter.”;

19 (3) in section 1956(c)(7)(D), by inserting be-
20 fore “section 549 (relating to removing goods from
21 Customs custody)” the following: “section 546 (re-
22 lating to smuggling goods into foreign countries),”;
23 and

24 (4) in chapter 59, by adding at the end the fol-
25 lowing:

1 **“§ 1266. Trafficking in contraband liquor**

2 “(a) STATE DEFINED.—In this section, the term
3 ‘State’ includes a State of the United States, the District
4 of Columbia, and a commonwealth, territory, or possession
5 of the United States.

6 “(b) PROHIBITION.—It shall be unlawful for any per-
7 son to ship or transport or attempt to ship or transport,
8 or introduce or attempt to introduce, more than 360 liters
9 of distilled spirits from 1 State into another State or for-
10 eign country, or receive or possess more than 360 liters
11 of distilled spirits that have been transported in interstate
12 or foreign commerce in violation of Federal or State law.

13 “(c) PENALTIES.—

14 “(1) IN GENERAL.—Whoever knowingly violates
15 subsection (b)—

16 “(A) in the case of a violation involving a
17 quantity of distilled spirits of 15,000 liters or
18 less, shall be fined under this title, imprisoned
19 not more than 5 years, or both; or

20 “(B) in the case of a violation involving a
21 quantity of distilled spirits of more than 15,000
22 liters, shall be fined under this title, imprisoned
23 not more than 10 years, or both.

24 “(2) SEIZURE AND FORFEITURE.—Subject to
25 paragraph (3), the Secretary of the Treasury shall

1 seize and forfeit, in accordance with section 9703(o)
2 of title 31, any—

3 “(A) conveyance, liquor, or monetary in-
4 strument (that is included under the definition
5 of ‘monetary instruments’ in section 5312 of
6 title 31) involved in a violation of this section;
7 or

8 “(B) property (real or personal) that con-
9 stitutes or is derived from proceeds traceable to
10 a violation of this section.

11 “(3) LIMITATION.—No property shall be for-
12 feited under this section to the extent of the interest
13 of an owner or lien holder by reason of any act or
14 omission established by that owner or lien holder to
15 have been committed without the knowledge of that
16 owner or lien holder.

17 “(4) SEIZURE AND FORFEITURE.—

18 “(A) IN GENERAL.—In imposing sentence
19 on a person convicted of violating this section,
20 the court shall order that person to forfeit to
21 the United States any property described in
22 paragraph (2) involved in the violation.

23 “(B) APPLICABLE LAWS.—The seizure and
24 forfeiture of property referred to in subpara-
25 graph (A) shall be governed by subsections (b),

1 (c), and (e) through (p) of section 413 of the
 2 Comprehensive Drug Abuse Prevention and
 3 Control Act of 1970 (21 U.S.C. 853).

4 “(d) STATUTORY CONSTRUCTION.—Nothing in this
 5 chapter may be construed to affect the concurrent jurisdic-
 6 tion of a State to enact and enforce liquor laws, to provide
 7 for the confiscation of liquor and other property seized for
 8 violation of those laws, and to provide for penalties for
 9 the violation of those laws.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 11 The analysis for chapter 59 of title 18, United States
 12 Code, is amended—

13 (1) by striking the item relating to section 1261
 14 and inserting the following:

“1261. Enforcement.”; and

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

“1266. Trafficking in contraband liquor.”.

16 **SEC. 9203. STRENGTHENING OF STATUTE PUNISHING EVA-**
 17 **SION OR EMBEZZLEMENT OF CUSTOMS DU-**
 18 **TIES.**

19 (a) IN GENERAL.—Section 542 of title 18, United
 20 States Code, is amended—

21 (1) in the section heading, by adding “**theft,**
 22 **embezzlement, or misapplication of du-**
 23 **ties**” at the end;

1 (2) by redesignating the fourth and fifth undes-
2 ignated paragraphs as subsections (b) and (c), re-
3 spectively;

4 (3) in the third undesignated paragraph—

5 (A) by striking “Shall be fined” and in-
6 serting the following:

7 “shall be fined”; and

8 (B) by striking “two years” and inserting
9 “5 years”;

10 (4) in the second undesignated paragraph—

11 (A) by striking “Whoever is guilty” and in-
12 serting the following:

13 “(2) is guilty”; and

14 (B) by striking “act or omission—” and
15 inserting “act or omission; or”;

16 (5) in the first undesignated paragraph, by
17 striking “Whoever knowingly effects” and inserting
18 the following:

19 “(a) IN GENERAL.—Whoever—

20 “(1) knowingly effects”; and

21 (6) in subsection (a), (as so designated by para-
22 graph (5) of this subsection) by inserting after para-
23 graph (2) (as so designated by paragraph (4) of this
24 subsection) the following:

1 “(3) embezzles, steals, abstracts, purloins, will-
 2 fully misapplies, willfully permits to be misapplied,
 3 or wrongfully converts to his own use, or to the use
 4 of another, moneys, funds, credits, assets, securities
 5 or other property entrusted to his or her custody or
 6 care, or to the custody or care of another for the
 7 purpose of paying any lawful duties;”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 9 The analysis for chapter 27 of title 18, United States
 10 Code, is amended by striking the item relating to section
 11 542 and inserting the following:

 “542. Entry of goods by means of false statements, theft, embezzlement, or
 misapplication of duties.”.

12 **SEC. 9204. FALSE CERTIFICATIONS RELATING TO EXPORTS.**

13 (a) IN GENERAL.—Chapter 27 of title 18, United
 14 States Code, is amended by adding at the end the follow-
 15 ing:

16 **“§ 556. False certifications relating to exports**

17 “Whoever knowingly transmits in interstate or for-
 18 eign commerce any false or fraudulent certificate of origin,
 19 invoice, declaration, affidavit, letter, paper, or statement
 20 (whether written or otherwise), that represents explicitly
 21 or implicitly that goods, wares, or merchandise to be ex-
 22 ported qualify for purposes of any international trade
 23 agreement to which the United States is a signatory shall

1 be fined under this title, imprisoned not more than 5
2 years, or both.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The analysis for chapter 27 of title 18, United States
5 Code, is amended by adding at the end the following:

“556. False certifications relating to exports.”.

6 **Subtitle D—Strengthening Immig-**
7 **ration Laws To Exclude Inter-**
8 **national Criminals From the**
9 **United States**

10 **SEC. 9301. INADMISSIBILITY OF PERSONS FLEEING PROS-**
11 **ECUTION IN OTHER COUNTRIES.**

12 (a) NEW GROUNDS OF INADMISSIBILITY.—Section
13 212(a)(2) of the Immigration and Nationality Act (8
14 U.S.C. 1182(a)(2)) is amended by adding at the end the
15 following:

16 “(G) UNLAWFUL FLIGHT TO AVOID PROS-
17 ECUTION.—Any alien who is coming to the
18 United States solely, principally, or incidentally
19 to avoid lawful prosecution in a foreign country
20 for a crime involving moral turpitude (other
21 than a purely political offense) is inadmis-
22 sible.”.

23 (b) COUNTRIES TO WHICH ALIENS MAY BE RE-
24 MOVED.—Section 241(b) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1231(b)) is amended—

1 (1) in paragraph (3), by striking “paragraphs
2 (1) and (2)” and inserting “paragraphs (1), (2), and
3 (4)”; and

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

5 “(4) ALIENS SOUGHT FOR PROSECUTION.—
6 Notwithstanding paragraphs (1) and (2) of this sub-
7 section, any alien who is found removable under sec-
8 tion 212(a)(2)(G) (or section 212(a)(2)(G) as ap-
9 plied pursuant to section 237(a)(1)(A)), shall be re-
10 moved to the country seeking prosecution of that
11 alien unless, in the discretion of the Attorney Gen-
12 eral, the removal is determined to be impracticable,
13 inadvisable, or impossible. In that case, removal
14 shall be directed according to paragraphs (1) and
15 (2) of this subsection.”.

16 **SEC. 9302. INADMISSIBILITY OF PERSONS INVOLVED IN**
17 **RACKETEERING AND ARMS TRAFFICKING.**

18 (a) NEW GROUNDS OF INADMISSIBILITY.—Section
19 212(a)(2) of the Immigration and Nationality Act (8
20 U.S.C. 1182(a)(2)) is amended by adding at the end the
21 following:

22 “(G) RACKETEERING ACTIVITIES.—Any
23 alien is inadmissible if the consular officer or
24 the Attorney General knows or has reason to
25 believe that the alien—

1 “(i) is or has been engaged in activi-
2 ties that, if engaged in within the United
3 States, would constitute ‘pattern of rack-
4 eteering activity’ (as defined in section
5 1961 of title 18, United States Code) or
6 has been a knowing assister, abettor, or
7 conspirator with others in any such illicit
8 activity; or

9 “(ii) is the spouse or adult child of an
10 alien inadmissible under clause (i), has,
11 during the preceding 5-year period, ob-
12 tained any financial or other benefit from
13 the illicit activity of that alien, and knew
14 or reasonably should have known that the
15 financial or other benefit was the product
16 of the illicit activity.

17 “(H) **TRAFFICKING IN FIREARMS OR NU-**
18 **CLEAR OR EXPLOSIVE MATERIALS.**—Any alien
19 inadmissible if the consular officer or the Attor-
20 ney General knows or has reason to believe that
21 the alien—

22 “(i) is or has been engaged in illicit
23 trafficking of firearms (as defined in sec-
24 tion 921 of title 18, United States Code),
25 nuclear materials (as defined in section

1 831 of title 18, United States Code), or ex-
2 plosive materials (as defined in section 841
3 of title 18, United States Code); or has
4 been a knowing assister, abettor, conspira-
5 tor, or colluder with others in the illicit ac-
6 tivity; or

7 “(ii) is the spouse or adult child of an
8 alien inadmissible under clause (i), has,
9 during the preceding 5-year period, ob-
10 tained any financial or other benefit from
11 the illicit activity of that alien, and knew
12 or reasonably should have known that the
13 financial or other benefit was the product
14 of the illicit activity.”

15 (b) WAIVER AUTHORITY.—Section 212(h) of the Im-
16 migration and Nationality Act (8 U.S.C. 1182) is amend-
17 ed, in the matter preceding paragraph (1)—

18 (1) by striking “The Attorney General” and all
19 that follows through “of subsection (a)(2)” and in-
20 serting the following: “The Attorney General may,
21 as a matter of discretion, waive the application of
22 subparagraphs (A)(i)(I), (B), (C)(ii), (D), (E),
23 (G)(ii), and (H)(ii) of subsection (a)(2),”; and

24 (2) by inserting before “if—” the following: “,
25 and subparagraph (G)(i) of that subsection insofar

1 as it relates to an offense other than an aggravated
2 felony”.

3 **SEC. 9303. INADMISSIBILITY OF PERSONS WHO HAVE BENE-**
4 **FITED FROM ILLICIT ACTIVITIES OF DRUG**
5 **TRAFFICKERS.**

6 Section 212(a)(2)(C) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1182(a)(2)(C)) is amended to read as
8 follows:

9 “(C) CONTROLLED SUBSTANCE TRAFFICK-
10 ERS.—Any alien is inadmissible if the consular
11 officer or the Attorney General knows or has
12 reason to believe that the alien—

13 “(i) is or has been an illicit trafficker
14 in any controlled substance or in any listed
15 chemical or listed precursor chemical (as
16 defined in section 102 of the Controlled
17 Substances Act (21 U.S.C. 802)), or is or
18 has been a knowing assister, abettor, or
19 conspirator with others in the illicit traf-
20 ficking in any such controlled or listed sub-
21 stance or chemical; or

22 “(ii) is the spouse or adult child of an
23 alien inadmissible under clause (i), has,
24 during the preceding 5-year period, ob-
25 tained any financial or other benefit from

1 the illicit activity of that alien, and knew
2 or reasonably should have known that the
3 financial or other benefit was the product
4 of the illicit activity.”.

5 **SEC. 9304. INADMISSIBILITY OF PERSONS INVOLVED IN**
6 **INTERNATIONAL ALIEN SMUGGLING.**

7 Section 212 of the Immigration and Nationality Act
8 (8 U.S.C. 1182) is amended—

9 (1) in subsection (a)(6), by striking subpara-
10 graph (E) and inserting the following:

11 “(E) SMUGGLERS.—Any alien is inadmis-
12 sible if, at any time, the alien has knowingly en-
13 couraged, induced, assisted, abetted, or aided
14 for financial gain or profit any other alien—

15 “(i) to enter or try to enter the
16 United States in violation of law; or

17 “(ii) to enter or try to enter any other
18 country, if that alien knew or reasonably
19 should have known that the entry or at-
20 tempted entry was likely to be in further-
21 ance of the entry or attempted entry by
22 that alien into the United States in viola-
23 tion of law.”; and

24 (2) in subsection (d)(11), by inserting “or to
25 enter any other country in furtherance of an entry

1 or attempted entry into the United States in viola-
2 tion of law” before the period at the end.

3 **Subtitle E—Alien Smuggling**

4 **SEC. 9401. FORFEITURE FOR ALIEN SMUGGLING.**

5 (a) CIVIL FORFEITURE.—Section 274(b) of the Im-
6 migration and Nationality Act (8 U.S.C. 1324(b)) is
7 amended—

8 (1) by striking paragraphs (1) and (2) and in-
9 serting the following:

10 “(1) IN GENERAL.—The following property
11 shall be subject to seizure and forfeiture:

12 “(A) Any conveyance, including any vessel,
13 vehicle, or aircraft, that has been or is being
14 used in the commission of a violation of sub-
15 section (a).

16 “(B) Any property, real or personal—

17 “(i) that constitutes, or is derived
18 from or is traceable to the proceeds ob-
19 tained directly or indirectly from the com-
20 mission of a violation of subsection (a); or

21 “(ii) that is used to facilitate, or is in-
22 tended to be used to facilitate, the commis-
23 sion of a violation of subsection (a).

24 “(2) Any property subject to forfeiture to the
25 United States under this section may be seized by

1 the Attorney General in the manner set forth in sec-
2 tion 981(b) of title 18, United States Code.”; and

3 (2) in paragraphs (4) and (5), by striking “a
4 conveyance” and “conveyance” each place it appears
5 and inserting “property”.

6 (b) CRIMINAL FORFEITURE.—Section 274 of the Im-
7 migration and Nationality Act (8 U.S.C. 1324) is
8 amended—

9 (1) by redesignating subsections (c) and (d) as
10 subsections (e) and (f), respectively; and

11 (2) by inserting after subsection (b) the follow-
12 ing:

13 “(c) CRIMINAL FORFEITURE.—

14 “(1) IN GENERAL.—Any person convicted of a
15 violation of subsection (a) shall forfeit to the United
16 States, irrespective of any provision of State law—

17 “(A) any conveyance, including any vessel,
18 vehicle, or aircraft used in the commission of a
19 violation of subsection (a); and

20 “(B) any property real or personal—

21 “(i) that constitutes, or is derived
22 from or is traceable to the proceeds ob-
23 tained directly or indirectly from the com-
24 mission of a violation of subsection (a); or

1 “(ii) that is used to facilitate, or is in-
2 tended to be used to facilitate, the commis-
3 sion of a violation of subsection (a).

4 “(2) ORDER OF FORFEITURE.—The court, in
5 imposing sentence on a person described in para-
6 graph (1), shall order that the person forfeit to the
7 United States all property described in this sub-
8 section.

9 “(3) APPLICABLE LAW.—The criminal forfeit-
10 ure of property under this subsection, including any
11 seizure and disposition of the property and any re-
12 lated administrative or judicial proceeding, shall be
13 governed by the provisions of section 413 of the
14 Comprehensive Drug Abuse Prevention and Control
15 Act of 1970 (21 U.S.C. 853), except for subsection
16 413(d) which shall not apply to forfeitures under
17 this subsection.”.

18 **Subtitle F—Trafficking in**
19 **Chemicals Used To Produce Drugs**

20 **SEC. 9501. IMPORT AND EXPORT OF CHEMICALS USED TO**
21 **PRODUCE ILLICIT DRUGS.**

22 (a) NOTIFICATION PRIOR TO TRANSACTION.—Sec-
23 tion 1018 of the Controlled Substances Import and Export
24 Act (21 U.S.C. 971) is amended—

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

3 “(a) NOTIFICATION PRIOR TO TRANSACTION.—Each
4 person who proposes to engage in a transaction involving
5 the importation or exportation of a listed chemical that
6 requires advance notification pursuant to the regulations
7 of the Attorney General or the importation or exportation
8 of a tableting machine, or an encapsulating machine shall
9 notify the Attorney General of the importation or expor-
10 tation not later than 15 days before the transaction is to
11 take place in such form and supplying such information
12 as the Attorney General shall require by regulation. In the
13 case of an importation for transfer or transshipment pur-
14 suant to section 1004, such notice shall be made as pro-
15 vided in that section.”;

16 (2) in subsection (c)(1)—

17 (A) by striking “(other than a regulated
18 transaction to which the requirement of sub-
19 section (a) does not apply by reason of sub-
20 section (b))”;

21 (B) by inserting “, a tableting machine, or
22 an encapsulating machine” after “a listed
23 chemical”; and

1 (C) by inserting “, tableting machine, or
2 encapsulating machine” after “the chemical”;
3 and

4 (3) in subsection (e)—

5 (A) by redesignating paragraphs (2) and
6 (3) as paragraphs (4) and (5), respectively; and

7 (B) by inserting after paragraph (1) the
8 following:

9 “(2) The Attorney General may by regulation
10 require that the 15-day notification requirement of
11 subsection (a) apply to all imports of a listed chemi-
12 cal, regardless of the status of certain importers of
13 that listed chemical as regular importers, if the At-
14 torney General finds that such notification is nec-
15 essary to support effective chemical diversion control
16 programs or is required by treaty or other inter-
17 national agreement to which the United States is a
18 party.

19 “(3) The Attorney General may require that
20 the notification requirement of subsection (a) for
21 certain importations or exportations, including those
22 subject to section 1004, include additional informa-
23 tion to enable a determination to be made that the
24 listed chemical being imported or exported will be
25 used for a legitimate purpose or at the time the in-

1 formation is needed to satisfy requirements of the
2 importing or exporting country. The Attorney Gen-
3 eral shall provide notice of these additional require-
4 ments specifically identifying the listed chemicals
5 and countries involved.”.

6 (b) SHIPMENT OF CONTROLLED SUBSTANCES.—Sec-
7 tion 1004 of the Controlled Substances Import and Export
8 Act (21 U.S.C. 954) is amended to read as follows:

9 **“SEC. 1004. TRANSSHIPMENT AND IN-TRANSIT SHIPMENT**
10 **OF CONTROLLED SUBSTANCES.**

11 “(a) IN GENERAL.—Notwithstanding sections 952,
12 953, 957, and 971, and subject to this section—

13 “(1) a controlled substance in schedule I may
14 be imported into the United States for trans-
15 shipment to another country or for transference or
16 transshipment from 1 vessel, vehicle, or aircraft to
17 another vessel, vehicle, or aircraft within the United
18 States for immediate exportation, only if—

19 “(A) evidence is furnished that enables the
20 Attorney General to determine that the sub-
21 stance being so imported, transferred, or trans-
22 shipped will be used for scientific, medical, or
23 other legitimate purposes in the country of des-
24 tination; and

1 “(B) the substance is imported, trans-
2 ferred, or transshipped with the prior written
3 approval of the Attorney General (which shall
4 be granted or denied not later than 21 days
5 after the date on which the request is made)
6 based on a determination that the requirements
7 of this section and the applicable subsections of
8 sections 952 and 953 have been satisfied; and

9 “(2) a controlled substance in schedule II, III,
10 or IV or a listed chemical may be imported, trans-
11 ferred, or transshipped only if—

12 “(A) evidence is furnished that enables the
13 Attorney General to determine that the sub-
14 stance or chemical being imported, transferred,
15 or transshipped will be used for scientific, medi-
16 cal, or other legitimate purposes in the country
17 of destination; and

18 “(B) advance notification (in such form
19 and containing such information as the Attor-
20 ney General may require by regulation) is given
21 to the Attorney General not later than 15 days
22 prior to the exportation of the substance or
23 chemical from the foreign port of embarkation
24 (the notification period for imports other than
25 for transfer or transshipment pursuant to sec-

1 tion 1002 or 1018 is not affected by this sub-
2 section).

3 “(b) APPLICABILITY OF OTHER LAW.—

4 “(1) SECTIONS 1002 AND 1003.—Any importa-
5 tion, transfer, or transshipment described in sub-
6 section (a) of a controlled substance shall be subject
7 to the applicable provisions of sections 1002 and
8 1003. The importation, transfer, transshipment, or
9 exportation of any controlled substance may be sus-
10 pended on the ground that the controlled substance
11 may be diverted to other than scientific, medical or
12 other legitimate purposes.

13 “(2) SECTION 1018.—Any importation, transfer,
14 or transshipment described in subsection (a) of a
15 listed chemical shall be subject to all the require-
16 ments of section 1018, except that in no case shall
17 the 15 day advance notification requirement be
18 waived. The importation, transfer, transshipment, or
19 exportation of a listed chemical may be suspended
20 on the ground that the chemical may be diverted to
21 the clandestine manufacture of a controlled sub-
22 stance.

23 “(3) SUSPENSION.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the importation, transfer, or trans-

1 shipment of a controlled substance or listed
2 chemical may be suspended if any requirement
3 of subsection (a) is not satisfied.

4 “(B) WITHDRAWAL.—The Attorney Gen-
5 eral may withdraw a suspension order issued
6 under this paragraph if—

7 “(i) the requirements of subsection (a)
8 are ultimately satisfied; and

9 “(ii) no grounds exist under para-
10 graphs (1) or (2) of this subsection to sus-
11 pend the shipment.

12 “(c) SUSPENSION OF EXPORTATION.—The suspen-
13 sion of any exportation of a controlled substance or listed
14 chemical shall be subject to the procedures and require-
15 ments established in section 1018(c).

16 “(d) PLACING UNDER SEAL.—

17 “(1) IN GENERAL.—The Attorney General may
18 place under seal any shipment of a controlled sub-
19 stance or listed chemical that—

20 “(A) has been imported or is subject to the
21 jurisdiction of the United States; and

22 “(B) is subject to a suspension order sus-
23 pending the importation, transfer, trans-
24 shipment, or exportation of the controlled sub-
25 stance or listed chemical.

1 “(2) PROHIBITION ON DISPOSITION.—No dis-
2 position may be made of any controlled substance or
3 listed chemical under seal subject to paragraph (1)
4 until the suspension order becomes final.

5 “(3) ORDER OF SALE.—Notwithstanding para-
6 graphs (1) and (2), a court, upon application, may
7 at any time order the sale of a perishable controlled
8 substance or listed chemical. Any such order shall
9 require the deposit of the proceeds of the sale with
10 the court.

11 “(4) DISPOSAL.—Upon a suspension order be-
12 coming final under this subsection, the shipment, at
13 the discretion of the Attorney General and subject to
14 such conditions as the Attorney General may im-
15 pose, may be disposed of as follows:

16 “(A) The titleholder may be allowed to re-
17 turn the shipment to any of the facilities of the
18 original exporter in the country of exportation.

19 “(B) The shipment may be exported, sub-
20 ject to the requirements of section 1003 or
21 1018, as appropriate, to a new consignee.

22 “(5) SURRENDER.—The shipment may be sur-
23 rendered to the Attorney General for appropriate
24 disposition and all costs associated with this disposi-
25 tion shall be the responsibility of the titleholder. If

1 there are any proceeds from the disposition, the pro-
2 ceeds shall be applied to the repayment of the costs
3 and any excess proceeds shall be returned to the ti-
4 tleholder.

5 “(6) FORFEITURE.—If sufficient cause exists,
6 the shipment of controlled substances or listed
7 chemicals (or proceeds of sale deposited in court)
8 may be forfeited to the United States pursuant to
9 section 511 of title II and may be disposed of in ac-
10 cordance with that section.

11 “(e) EFFECT ON OTHER LAW.—Nothing in this sec-
12 tion may be used by any party to defend against a forfeit-
13 ure action against a shipment of controlled substances or
14 listed chemicals initiated by the United States or by any
15 State. This section does not affect the liability of any party
16 for storage and transportation costs incurred by the Gov-
17 ernment as a result of the suspension of a shipment.”.

18 (c) PENALTIES.—Section 1010(d) of the Controlled
19 Substances Import and Export Act (21 U.S.C. 960(d)) is
20 amended—

21 (1) by redesignating paragraphs (5) through
22 (7) as paragraphs (6) through (8), respectively;

23 (2) in paragraph (6), as redesignated, by strik-
24 ing “1018(e) (2) or (3)” and inserting “1018(e)(4)
25 or (5)”;

1 (3) in paragraph (7), as redesignated, by insert-
2 ing “or violates section 1004,” after “1007 or 1018
3 of this title”; and

4 (4) by inserting after paragraph (4) the follow-
5 ing:

6 “(5) imports or exports a listed chemical, with
7 the intent to evade the reporting or recordkeeping
8 requirements of section 1018 applicable to such im-
9 portation or exportation by—

10 “(A) falsely representing to the Attorney
11 General that the importation or exportation is
12 not subject to the 15-day advance notification
13 required by section 1018(a) or to any reporting
14 requirements established by the Attorney Gen-
15 eral pursuant to paragraph (1), (2), or (3) of
16 section 1018(e); or

17 “(B) misrepresenting the actual country of
18 final destination of the listed chemical, or the
19 actual listed chemical being imported or ex-
20 ported;”.

21 (d) INJUNCTIONS.—Section 1011 of the Controlled
22 Substances Import and Export Act (21 U.S.C. 961) is
23 amended to read as follows:

1 **“SEC. 1011. INJUNCTIONS.**

2 “In addition to any other applicable penalty, any per-
 3 son convicted of a felony violation of this title or title II
 4 relating to the receipt, distribution, manufacture, importa-
 5 tion or exportation of a listed chemical may be enjoined
 6 from engaging in any transaction involving a listed chemi-
 7 cal for not more than 10 years.”.

8 **Subtitle G—Arms Trafficking**9 **SEC. 9601. ENHANCED TOOLS TO INVESTIGATE ILLICIT**
10 **ARMS TRAFFICKING.**

11 Section 40(h) of the Arms Export Control Act (22
 12 U.S.C. 2780(h)) is amended to read as follows:

13 “(h) EXEMPTIONS FOR TRANSACTIONS SUBJECT TO
 14 NATIONAL SECURITY ACT REPORTING REQUIREMENTS
 15 OR ARISING OUT OF A CRIMINAL INVESTIGATION.—The
 16 prohibitions contained in this section do not apply with
 17 respect to any transaction—

18 “(1) subject to reporting requirements under
 19 title V of the National Security Act of 1947 (50
 20 U.S.C. 413 et seq.); or

21 “(2) arising out of an investigation by a Fed-
 22 eral law enforcement agency concerning possible
 23 criminal violations of United States law.”.

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