

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4092

To control and prevent crime.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1994

Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. HUGHES, and Mr. SCHUMER) introduced the following bill; which was referred jointly to the Committees on the Judiciary, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, and Government Operations

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## A BILL

To control and prevent crime.

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

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Violent Crime Control  
5 and Law Enforcement Act of 1994”.

6 **SEC. 2. TABLE OF TITLES.**

7 The following is the table of titles for this Act:

TITLE I—VICTIMS OF CRIME

TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES  
IN CERTAIN CASES

TITLE III—ASSAULTS AGAINST CHILDREN

TITLE IV—CONSUMER PROTECTION

TITLE V—MANDATORY LIFE IMPRISONMENT FOR PERSONS CON-  
VICTED OF CERTAIN FELONIES

TITLE VI—VIOLENT REPEAT OFFENDER INCARCERATION

TITLE VII—DEATH PENALTY  
 TITLE VIII—HABEAS CORPUS REFORM  
 TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING  
 TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE  
 TITLE XI—YOUTH VIOLENCE  
 TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994  
 TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN  
 REGISTRATION ACT  
 TITLE XIV—COMMUNITY POLICING  
 TITLE XV—DNA IDENTIFICATION  
 TITLE XVI—VIOLENCE AGAINST WOMEN  
 TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT  
 TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS  
 DRIVING WHILE INTOXICATED  
 TITLE XIX—YOUTH HANDGUN SAFETY  
 TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS  
 TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFEND-  
 ERS  
 TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVEN-  
 TION GRANTS  
 TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR  
 STATE PRISONERS

## 1       **TITLE I—VICTIMS OF CRIME**

### 2           **Subtitle A—Victims of Crime**

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

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

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

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

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

12           “(D) if sentence is to be imposed for a  
 13 crime of violence or sexual abuse, address the  
 14 victim personally if the victim is present at the  
 15 sentencing hearing and determine if the victim

1 wishes to make a statement and to present any  
2 information in relation to the sentence.”;

3 (4) in the second to last sentence of subdivision  
4 (a)(1), striking “equivalent opportunity” and insert-  
5 ing in lieu thereof “opportunity equivalent to that of  
6 the defendant’s counsel”;

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

10 (6) adding at the end the following:

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

12 “(1) ‘victim’ means any individual against  
13 whom an offense for which a sentence is to be im-  
14 posed has been committed, but the right of allocu-  
15 tion under subdivision (a)(1)(D) may be exercised  
16 instead by—

17 “(A) a parent or legal guardian in case the  
18 victim is below the age of eighteen years or in-  
19 competent; or

20 “(B) one or more family members or rel-  
21 atives designated by the court in case the victim  
22 is deceased or incapacitated;

23 if such person or persons are present at the sentenc-  
24 ing hearing, regardless of whether the victim is  
25 present; and

1           “(2) ‘crime of violence or sexual abuse’ means  
2 a crime that involved the use or attempted or threat-  
3 ened use of physical force against the person or  
4 property of another, or a crime under chapter 109A  
5 of title 18, United States Code.”.

## 6       **Subtitle B—Crime Victims’ Fund**

### 7       **SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.**

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

10           (1) striking paragraph (2) and inserting the  
11 following:

12           “(2) the next \$10,000,000 deposited in the  
13 Fund shall be available for grants under section  
14 1404A.”;

15           (2) striking paragraph (3) and inserting the  
16 following:

17           “(3) Of the remaining amount deposited in the  
18 Fund in a particular fiscal year—

19           “(A) 48 percent shall be available for  
20 grants under section 1403;

21           “(B) 48 percent shall be available for  
22 grants under section 1404(a); and

23           “(C) 4 percent shall be available for grants  
24 under section 1404(c).”;

1           (3) strike paragraph (4) and inserting the  
2 following:

3           “(4) The Director may retain any portion of  
4 the Fund that was deposited during a fiscal year  
5 that is in excess of 110 percent of the total amount  
6 deposited in the Fund during the preceding fiscal  
7 year as a reserve for use in a year in which the  
8 Fund falls below the amount available in the pre-  
9 vious year. Such reserve may not exceed  
10 \$20,000,000.”; and

11           (4) striking paragraph (5).

12           (b) CONFORMING CROSS REFERENCE.—Section  
13 1402(g)(1) of the Victims of Crime Act of 1984 (42  
14 U.S.C. 10601(g)(1) is amended by striking reference to  
15 “(d)(2)(A)(iv)” and inserting “(d)(2)”.

16           (c) AMOUNTS AWARDED AND UNSPENT.—Section  
17 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C.  
18 10601(e)) is amended to read as follows:

19           “(e) AMOUNTS AWARDED AND UNSPENT.—Any  
20 sums awarded as part of a grant under this chapter that  
21 remain unspent at the end of a fiscal year in which such  
22 grant is made may be expended for the purposes for which  
23 such grant is made at any time during the next succeeding  
24 2 fiscal years, at the end of which year any remaining  
25 unobligated funds shall be returned to the Fund.”.

1 **SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSA-**  
2 **TION TO CERTAIN FEDERAL PROGRAMS.**

3 Section 1403 of the Victims of Crime Act of 1984  
4 (42 U.S.C. 10602) is amended by adding at the end the  
5 following:

6 “(e) Notwithstanding any other provision of law, if  
7 the compensation paid by an eligible crime victim com-  
8 pensation program would cover costs that a Federal pro-  
9 gram, or a federally financed State or local program,  
10 would otherwise pay, then—

11 “(1) such crime victim compensation program  
12 shall not pay that compensation; and

13 “(2) the other program shall make its payments  
14 without regard to the existence of the crime victim  
15 compensation program.”.

16 **SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**  
17 **PENSATION.**

18 (a) CREATION OF EXCEPTION.—The final sentence  
19 of section 1403(a)(1) of the Victims of Crime Act of 1984  
20 (42 U.S.C. 10602(a)(1)) is amended by striking “A  
21 grant” and inserting “Except as provided in paragraph  
22 (3), a grant”.

23 (b) REQUIREMENTS OF EXCEPTION.—Section  
24 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C.  
25 10602(a)) is amended by adding at the end the following  
26 new paragraph:

1           “(3) Not more than 5 percent of a grant made  
2           under this section may be used for the administra-  
3           tion of the State crime victim compensation program  
4           receiving the grant.”.

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

6           Section 1404(c)(1)(A) of the Victims of Crime Act  
7           of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by insert-  
8           ing “demonstration projects and” before “training”.

9 **SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM**  
10 **ASSISTANCE.**

11           (a) CREATION OF EXCEPTION.—Section 1404(b)(2)  
12           of the Victims of Crime Act of 1984 (42 U.S.C.  
13           10603(b)(2)) is amended by striking “An eligible” and in-  
14           serting “Except as provided in paragraph (3), an eligible”.

15           (b) REQUIREMENTS OF EXCEPTION.—Section  
16           1404(b) of the Victims of Crime Act of 1984 (42 U.S.C.  
17           10603(b)) is amended by adding at the end the following  
18           new subsection:

19           “(3) Not more than 5 percent of sums received  
20           under subsection (a) may be used for the adminis-  
21           tration of the State crime victim assistance program  
22           receiving such sums.”.

1 **SEC. 116. MAINTENANCE OF EFFORT.**

2 Section 1407 of the Victims of Crime Act of 1984  
3 (42 U.S.C. 10604) is amended by adding at the end the  
4 following new subsection:

5 “(h) Each entity receiving sums made available under  
6 this Act for administrative purposes shall certify that such  
7 sums will not be used to supplant State or local funds,  
8 but will be used to increase the amount of such funds that  
9 would, in the absence of Federal funds, be made available  
10 for these purposes.”.

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

12 Section 1407(g) of the Victims of Crime Act of 1984  
13 (42 U.S.C. 10604(g)) is amended by striking “and on De-  
14 cember 31 every two years thereafter”, and inserting “and  
15 on June 30 every two years thereafter.”.

16 **Subtitle C—Report on Battered**  
17 **Women’s Syndrome**

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

19 (a) REPORT.—Not less than 1 year after the date of  
20 enactment of this Act, the Attorney General and the Sec-  
21 retary of Health and Human Services shall transmit to  
22 the House Committee on Energy and Commerce, the Sen-  
23 ate Committee on Labor and Human Resources, and the  
24 Committees on the Judiciary of the Senate and the House  
25 of Representatives a report on the medical and psycho-  
26 logical basis of “battered women’s syndrome” and on the

1 extent to which evidence of the syndrome has been consid-  
2 ered in a criminal trial.

3 (b) COMPONENTS OF THE REPORT.—The report de-  
4 scribed in subsection (a) shall include—

5 (1) medical and psychological testimony on the  
6 validity of battered women’s syndrome as a psycho-  
7 logical condition;

8 (2) a compilation of State and Federal court  
9 cases in which evidence of battered women’s syn-  
10 drome was offered in criminal trials; and

11 (3) an assessment by State and Federal judges,  
12 prosecutors, and defense attorneys of the effects that  
13 evidence of battered women’s syndrome may have in  
14 criminal trials.

15 **TITLE II—APPLICABILITY OF**  
16 **MANDATORY MINIMUM PEN-**  
17 **ALTIES IN CERTAIN CASES**

18 **SEC. 201. LIMITATION ON APPLICABILITY OF MANDATORY**  
19 **MINIMUM PENALTIES IN CERTAIN CASES.**

20 (a) IN GENERAL.—Section 3553 of title 18, United  
21 States Code, is amended by adding at the end the follow-  
22 ing:

23 “(f) LIMITATION ON APPLICABILITY OF STATUTORY  
24 MINIMUMS IN CERTAIN CASES.—Notwithstanding any  
25 other provision of law, in the case of an offense under sec-

1 tion 401, 404, or 406 of the Controlled Substances Act  
2 or section 1010 or 1013 of the Controlled Substances Im-  
3 port and Export Act, the court shall impose a sentence  
4 pursuant to guidelines established by the United States  
5 Sentencing Commission, without regard to any statutory  
6 minimum sentence, if the court finds at sentencing that—

7           “(1) the defendant does not have more than 1  
8 criminal history point under the United States Sen-  
9 tencing Commission Guidelines Manual;

10           “(2) the defendant did not use violence or credi-  
11 ble threats of violence or possess a firearm or other  
12 dangerous weapon (or induce another participant to  
13 do so) in connection with the offense;

14           “(3) the offense did not result in death or seri-  
15 ous bodily injury to any person;

16           “(4) the defendant was not an organizer, lead-  
17 er, manager, or supervisor of others (as determined  
18 under the United States Sentencing Commission  
19 Guidelines Manual) in the offense; and

20           “(5) no later than the time of the sentencing  
21 hearing, the defendant has provided to the Govern-  
22 ment all information the defendant has concerning  
23 the offense or offenses that were part of the same  
24 course of conduct or of a common scheme or plan.

25           The fact that the defendant has no relevant or use-

1 ful other information to provide shall not preclude or  
2 require a determination by the court that the de-  
3 fendant has complied with this requirement.”.

4 (b) SENTENCING COMMISSION AUTHORITY.—

5 (1) IN GENERAL.—The United States Sentenc-  
6 ing Commission (hereinafter in this section referred  
7 to as the “Commission”) may—

8 (A) make such amendments as the Com-  
9 mission deems necessary to harmonize the sen-  
10 tencing guidelines and policy statements with  
11 this section and the amendment made by this  
12 section; and

13 (B) promulgate policy statements to assist  
14 in the application of this section and that  
15 amendment.

16 (2) PROCEDURES.—If the Commission deter-  
17 mines it is necessary to do so in order that the  
18 amendments made under paragraph (1) may take ef-  
19 fect on the effective date of the amendment made by  
20 subsection (a), the Commission may promulgate the  
21 amendments made under paragraph (1) in accord-  
22 ance with the procedures set forth in section 21(a)  
23 of the Sentencing Act of 1987, as though the au-  
24 thority under that section had not expired.

1 (c) EFFECTIVE DATE AND APPLICATION.—The  
2 amendment made by subsection (a) shall apply to all sen-  
3 tences imposed on or after the 10th day beginning after  
4 the date of the enactment of this Act.

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

6 The United States Sentencing Commission shall pro-  
7 mulgate sentencing guidelines or amend existing sentenc-  
8 ing guidelines with respect to cases where statutory mini-  
9 mum sentences would apply but for section 3553(f) of title  
10 18, United States Code, to carry out the purposes of such  
11 section, so that the lowest sentence in the guideline range  
12 is not less than 2 years in those cases where a 5-year mini-  
13 mum would otherwise apply.

14 **SEC. 203. SPECIAL RULE.**

15 For the purpose of section 3582(c)(2) of title 18,  
16 United States Code, with respect to a prisoner the court  
17 determines has demonstrated good behavior while in pris-  
18 on, the changes in sentencing made as a result of this Act  
19 shall be deemed to be changes in the sentencing ranges  
20 by the Sentencing Commission pursuant to section 994(o)  
21 of title 28, United States Code.

1     **TITLE III—ASSAULTS AGAINST**  
2                     **CHILDREN**

3     **SEC. 301. ASSAULTS AGAINST CHILDREN.**

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

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

11                     “(B) by a fine under this title or imprisonment  
12 for not more than three months, or both, in any  
13 other case.”.

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

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

21             (c) TECHNICAL AND STYLISTIC CHANGES TO SEC-  
22 TION 113.—Section 113 of title 18, United States Code,  
23 is amended—

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

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

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

5           (4) in paragraph (e), by striking “of not more  
6 than \$300” and inserting “under this title”;

7           (5) by modifying the left margin of each of  
8 paragraphs (a) through (f) so that they are indented  
9 2 ems;

10          (6) by redesignating paragraphs (a) through (f)  
11 as paragraphs (1) through (6); and

12          (7) by inserting “(a)” before “Whoever”.

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

16          “(b) As used in this subsection—

17               “(1) the term ‘substantial bodily injury’ means  
18 bodily injury which involves—

19                       “(A) a temporary but substantial disfigure-  
20 ment; or

21                       “(B) a temporary but substantial loss or  
22 impairment of the function of any bodily mem-  
23 ber, organ, or mental faculty; and

1           “(2) the term ‘serious bodily injury’ has the  
2 meaning given that term in section 1365 of this  
3 title.”.

4           (e) ASSAULTS IN INDIAN COUNTRY.—Section  
5 1153(a) of title 18, United States Code, is amended by  
6 inserting “(as defined in section 1365 of this title), an  
7 assault against an individual who has not attained the age  
8 of 16 years” after “serious bodily injury”.

## 9                           **TITLE IV—CONSUMER** 10                           **PROTECTION**

### 11   **SEC. 401. CRIMES BY OR AFFECTING PERSONS ENGAGED IN** 12                           **THE BUSINESS OF INSURANCE WHOSE AC-** 13                           **TIVITIES AFFECT INTERSTATE COMMERCE.**

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

#### 17   **“§1033. Crimes by or affecting persons engaged in** 18                           **the business of insurance whose activi-** 19                           **ties affect interstate commerce**

20           “(a)(1) Whoever is engaged in the business of insur-  
21 ance whose activities affect interstate commerce and  
22 knowingly, with the intent to deceive, makes any false ma-  
23 terial statement or report or willfully and materially  
24 overvalues any land, property or security—

1           “(A) in connection with any financial reports or  
2 documents presented to any insurance regulatory of-  
3 ficial or agency or an agent or examiner appointed  
4 by such official or agency to examine the affairs of  
5 such person, and

6           “(B) for the purpose of influencing the actions  
7 of such official or agency or such an appointed agent  
8 or examiner,  
9 shall be punished as provided in paragraph (2).

10          “(2) The punishment for an offense under paragraph  
11 (1) is a fine as established under this title or imprison-  
12 ment for not more than 10 years, or both, except that  
13 the term of imprisonment shall be not more than 15 years  
14 if the statement or report or overvaluing of land, property,  
15 or security jeopardized the safety and soundness of an in-  
16 surer and was a significant cause of such insurer being  
17 placed in conservation, rehabilitation, or liquidation by an  
18 appropriate court.

19          “(b)(1) Whoever—

20           “(A) acting as, or being an officer, director,  
21 agent, or employee of, any person engaged in the  
22 business of insurance whose activities affect inter-  
23 state commerce, or

24           “(B) is engaged in the business of insurance  
25 whose activities affect interstate commerce or is in-

1       volved (other than as an insured or beneficiary  
2       under a policy of insurance) in a transaction relating  
3       to the conduct of affairs of such a business,  
4 willfully embezzles, abstracts, purloins, or misappropriates  
5 any of the moneys, funds, premiums, credits, or other  
6 property of such person so engaged shall be punished as  
7 provided in paragraph (2).

8       “(2) The punishment for an offense under paragraph  
9 (1) is a fine as provided under this title or imprisonment  
10 for not more than 10 years, or both, except that if such  
11 embezzlement, abstraction, purloining, or misappropria-  
12 tion described in paragraph (1) jeopardized the safety and  
13 soundness of an insurer and was a significant cause of  
14 such insurer being placed in conservation, rehabilitation,  
15 or liquidation by an appropriate court, such imprisonment  
16 shall be not more than 15 years. If the amount or value  
17 so embezzled, abstracted, purloined, or misappropriated  
18 does not exceed \$5,000, whoever violates paragraph (1)  
19 shall be fined as provided in this title or imprisoned not  
20 more than one year, or both.

21       “(c)(1) Whoever is engaged in the business of insur-  
22 ance and whose activities affect interstate commerce or is  
23 involved (other than as an insured or beneficiary under  
24 a policy of insurance) in a transaction relating to the con-  
25 duct of affairs of such a business, knowingly makes any

1 false entry of material fact in any book, report, or state-  
2 ment of such person engaged in the business of insurance  
3 with intent to deceive any person, including any officer,  
4 employee, or agent of such person engaged in the business  
5 of insurance, any insurance regulatory official or agency,  
6 or any agent or examiner appointed by such official or  
7 agency to examine the affairs of such person, about the  
8 financial condition or solvency of such business shall be  
9 punished as provided in paragraph (2).

10       “(2) The punishment for an offense under paragraph  
11 (1) is a fine as provided under this title or imprisonment  
12 for not more than 10 years, or both, except that if the  
13 false entry in any book, report, or statement of such per-  
14 son jeopardized the safety and soundness of an insurer  
15 and was a significant cause of such insurer being placed  
16 in conservation, rehabilitation, or liquidation by an appro-  
17 priate court, such imprisonment shall be not more than  
18 15 years.

19       “(d) Whoever, by threats or force or by any threaten-  
20 ing letter or communication, corruptly influences, ob-  
21 structs, or impedes or endeavors corruptly to influence, ob-  
22 struct, or impede the due and proper administration of  
23 the law under which any proceeding involving the business  
24 of insurance whose activities affect interstate commerce  
25 is pending before any insurance regulatory official or

1 agency or any agent or examiner appointed by such official  
2 or agency to examine the affairs of a person engaged in  
3 the business of insurance whose activities affect interstate  
4 commerce, shall be fined as provided in this title or impris-  
5 oned not more than 10 years, or both.

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

13 “(B) Any individual who is engaged in the business  
14 of insurance whose activities affect interstate commerce  
15 and who willfully permits the participation described in  
16 subparagraph (A) shall be fined as provided in this title  
17 or imprisoned not more than 5 years, or both.

18 “(2) A person described in paragraph (1)(A) may en-  
19 gage in the business of insurance or participate in such  
20 business if such person has the written consent of any in-  
21 surance regulatory official authorized to regulate the in-  
22 surer, which consent specifically refers to this subsection.

23 “(f) As used in this section—

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

25 “(A) the writing of insurance, or

1           “(B) the reinsuring of risks,  
2           by an insurer, including all acts necessary or inci-  
3           dental to such writing or reinsuring and the activi-  
4           ties of persons who act as, or are, officers, directors,  
5           agents, or employees of insurers or who are other  
6           persons authorized to act on behalf of such persons;

7           “(2) the term ‘insurer’ means any entity the  
8           business activity of which is the writing of insurance  
9           or the reinsuring of risks, and includes any person  
10          who acts as, or is, an officer, director, agent, or em-  
11          ployee of that business;

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

13                 “(A) commerce within the District of Co-  
14                 lumbia, or any territory or possession of the  
15                 United States;

16                 “(B) all commerce between any point in  
17                 the State, territory, possession, or the District  
18                 of Columbia and any point outside thereof;

19                 “(C) all commerce between points within  
20                 the same State through any place outside such  
21                 State; or

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

24           “(4) the term ‘State’ includes any State, the  
25          District of Columbia, the Commonwealth of Puerto

1 Rico, the Northern Mariana Islands, the Virgin Is-  
2 lands, American Samoa, and the Trust Territory of  
3 the Pacific Islands.

4 **“§1034. Civil penalties and injunctions for violations**  
5 **of section 1033**

6 “(a) The Attorney General may bring a civil action  
7 in the appropriate United States district court against any  
8 person who engages in conduct constituting an offense  
9 under section 1033 and, upon proof of such conduct by  
10 a preponderance of the evidence, such person shall be sub-  
11 ject to a civil penalty of not more than \$50,000 for each  
12 violation or the amount of compensation which the person  
13 received or offered for the prohibited conduct, whichever  
14 amount is greater. If the offense has contributed to the  
15 decision of a court of appropriate jurisdiction to issue an  
16 order directing the conservation, rehabilitation, or liquida-  
17 tion of an insurer, such penalty shall be remitted to the  
18 appropriate regulatory official for the benefit of the policy-  
19 holders, claimants, and creditors of such insurer. The im-  
20 position of a civil penalty under this subsection does not  
21 preclude any other criminal or civil statutory, common  
22 law, or administrative remedy, which is available by law  
23 to the United States or any other person.

24 “(b) If the Attorney General has reason to believe  
25 that a person is engaged in conduct constituting an of-

1 fense under section 1033, the Attorney General may peti-  
2 tion an appropriate United States district court for an  
3 order prohibiting that person from engaging in such con-  
4 duct. The court may issue an order prohibiting that person  
5 from engaging in such conduct if the court finds that the  
6 conduct constitutes such an offense. The filing of a peti-  
7 tion under this section does not preclude any other remedy  
8 which is available by law to the United States or any other  
9 person.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 47 of such title is amended by adding at the  
12 end the following new items:

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

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

13 **SEC. 402. MISCELLANEOUS AMENDMENTS TO TITLE 18,**  
14 **UNITED STATES CODE.**

15 (a) TAMPERING WITH INSURANCE REGULATORY  
16 PROCEEDINGS.—Section 1515(a)(1) of title 18, United  
17 States Code, is amended—

18 (1) by striking “or” at the end of subparagraph  
19 (B);

20 (2) by inserting “or” at the end of subpara-  
21 graph (C); and

22 (3) by adding at the end thereof the following  
23 new subparagraph:

1           “(D) a proceeding involving the business of  
2 insurance whose activities affect interstate com-  
3 merce before any insurance regulatory official  
4 or agency or any agent or examiner appointed  
5 by such official or agency to examine the affairs  
6 of any person engaged in the business of insur-  
7 ance whose activities affect interstate com-  
8 merce; or”.

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

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

14           “(d)(1) Whoever—

15               “(A) acting as, or being, an officer, director,  
16 agent or employee of a person engaged in the busi-  
17 ness of insurance whose activities affect interstate  
18 commerce, or

19               “(B) is engaged in the business of insurance  
20 whose activities affect interstate commerce or is in-  
21 volved (other than as an insured or beneficiary  
22 under a policy of insurance) in a transaction relating  
23 to the conduct of affairs of such a business,

24 with intent to obstruct a judicial proceeding, directly or  
25 indirectly notifies any other person about the existence or

1 contents of a subpoena for records of that person engaged  
2 in such business or information that has been furnished  
3 to a Federal grand jury in response to that subpoena, shall  
4 be fined as provided by this title or imprisoned not more  
5 than 5 years, or both.

6 “(2) As used in paragraph (1), the term ‘subpoena  
7 for records’ means a Federal grand jury subpoena for  
8 records that has been served relating to a violation of, or  
9 a conspiracy to violate, section 1033 of this title.”.

10 **TITLE V—MANDATORY LIFE IM-**  
11 **PRISONMENT FOR PERSONS**  
12 **CONVICTED OF CERTAIN**  
13 **FELONIES**

14 **SEC. 501. MANDATORY LIFE IMPRISONMENT FOR PERSONS**  
15 **CONVICTED OF CERTAIN FELONIES.**

16 Section 3559 of title 18, United States Code, is  
17 amended—

18 (1) in subsection (b), by striking “An” and in-  
19 serting “Except as provided in subsection (c), an” in  
20 lieu thereof; and

21 (2) by adding the following new subsection at  
22 the end:

23 “(c) IMPRISONMENT OF CERTAIN VIOLENT FEL-  
24 ONS.—

1           “(1) MANDATORY LIFE IMPRISONMENT.—Not-  
2           withstanding any other provision of law, a person  
3           who is convicted in a court of the United States of  
4           a serious violent felony shall be sentenced to life im-  
5           prisonment if—

6                   “(A) the person has been convicted (and  
7                   those convictions have become final) on 2 or  
8                   more prior occasions in a court of the United  
9                   States or of a State of—

10                           “(i) a serious violent felony; or

11                           “(ii) one or more serious violent felo-  
12                           nies and one or more serious drug offenses;

13                           and

14                   “(B) each serious violent felony or serious  
15                   drug offense used as a basis for sentencing  
16                   under this subsection, other than the first, was  
17                   committed after the defendant’s conviction of  
18                   the preceding serious violent felony or serious  
19                   drug offense.

20           “(2) DEFINITIONS.—For purposes of this sub-  
21           section—

22                   “(A) the term ‘assault with intent to com-  
23                   mit rape’ means an offense that has as its ele-  
24                   ments engaging in physical conduct by which a  
25                   person intentionally places another person in

1 fear of aggravated sexual abuse or sexual abuse  
2 (as described in sections 2241 and 2242 of this  
3 title);

4 “(B) the term ‘arson’ means an offense  
5 that has as its elements maliciously damaging  
6 or destroying any building, inhabited structure,  
7 vehicle, vessel, or real property by means of fire  
8 or an explosive;

9 “(C) the term ‘extortion’ means an offense  
10 that has as its elements the extraction of any-  
11 thing of value from another person by threaten-  
12 ing or placing that person in fear of injury to  
13 any person or kidnapping of any person;

14 “(D) the term ‘firearms use’ means an of-  
15 fense that has as its elements those described  
16 in section 924(c) or 929(a) of this title, if the  
17 firearm was brandished, discharged, or other-  
18 wise used as a weapon and the crime of violence  
19 or drug trafficking crime during and relation to  
20 which the firearm was used was subject to pros-  
21 ecution in a court of the United States or a  
22 court of a State, or both;

23 “(E) the term ‘kidnapping’ means an of-  
24 fense that has as its elements the abduction, re-

1           straining, confining, or carrying away of an-  
2           other person by force or threat of force;

3           “(F) the term ‘serious violent felony’  
4           means—

5                   “(i) a Federal or State offense, by  
6                   whatever designation and wherever com-  
7                   mitted, consisting of murder (as described  
8                   in section 1111 of this title); manslaughter  
9                   other than involuntary manslaughter (as  
10                  described in section 1112 of this title); as-  
11                  sault with intent to commit murder (as de-  
12                  scribed in section 113(a) of this title); as-  
13                  sault with intent to commit rape; aggra-  
14                  vated sexual abuse and sexual abuse (as  
15                  described in sections 2241 and 2242 of  
16                  this title); abusive sexual contact (as de-  
17                  scribed in sections 2244 (a)(1) and (a)(2)  
18                  of this title); kidnapping; aircraft piracy  
19                  (as described in section 902(i)(2) or  
20                  902(n)(2) of the Federal Aviation Act of  
21                  1958); robbery (as described in section  
22                  2111 of this title); carjacking (as described  
23                  in section 2119 of this title); extortion;  
24                  arson; firearms use; or attempt, conspir-

1           acy, or solicitation to commit any of the  
2           above offenses; or

3           “(ii) any other offense punishable by  
4           a maximum term of imprisonment of 10  
5           years or more that has as an element the  
6           use, attempted use, or threatened use of  
7           physical force against the person of an-  
8           other or that, by its nature, involves a sub-  
9           stantial risk that physical force against the  
10          person of another may be used in the  
11          course of committing the offense;

12          “(G) the term ‘State’ means a State of the  
13          United States, the District of Columbia, or any  
14          commonwealth, territory, or possession of the  
15          United States; and

16          “(H) the term ‘serious drug offense’  
17          means—

18                 “(i) an offense subject to a penalty  
19                 provided for in section 401(b)(1)(A) or  
20                 408 of the Controlled Substances Act or  
21                 section 1010(b)(1)(A) of the Controlled  
22                 Substances Import and Export Act; or

23                 “(ii) an offense under State law that,  
24                 had the offense been prosecuted in a court  
25                 of the United States, would have been sub-

1           ject to a penalty provided for in section  
2           401(b)(1)(A) or 408 of the Controlled Sub-  
3           stances Act or section 1010(b)(1)(A) of the  
4           Controlled Substances Import and Export  
5           Act.

6           “(3) NONQUALIFYING FELONIES.—

7           “(A) ROBBERY IN CERTAIN CASES.—Rob-  
8           bery, an attempt, conspiracy, or solicitation to  
9           commit robbery; or an offense described in  
10          paragraph (2)(F)(ii) shall not serve as a basis  
11          for sentencing under this subsection if the de-  
12          fendant establishes by clear and convincing evi-  
13          dence that—

14                 “(i) no firearm or other dangerous  
15                 weapon was involved in the offense; and

16                 “(ii) the offense did not result in  
17                 death or serious bodily injury (as defined  
18                 in section 1365) to any person.

19           “(B) ARSON IN CERTAIN CASES.—Arson  
20          shall not serve as a basis for sentencing under  
21          this subsection if the defendant establishes by  
22          clear and convincing evidence that.—

23                 “(i) the offense posed no threat to  
24                 human life; and

1                   “(ii) the defendant reasonably believed  
2                   the offense posed no threat to human life.

3                   “(4) INFORMATION FILED BY UNITED STATES  
4                   ATTORNEY.—The provisions of section 411(a) of the  
5                   Controlled Substances Act (21 U.S.C. 851(a)) shall  
6                   apply to the imposition of sentence under this sub-  
7                   section.

8                   “(5) RULE OF CONSTRUCTION.—This sub-  
9                   section shall not be construed to preclude imposition  
10                  of the death penalty.

11                  “(6) SPECIAL PROVISION FOR INDIAN COUN-  
12                  TRY.—No person subject to the criminal jurisdiction  
13                  of an Indian tribal government shall be subject to  
14                  this subsection for any offense for which Federal ju-  
15                  risdiction is solely predicated on Indian country as  
16                  defined in section 1151 of this title and which occurs  
17                  within the boundaries of such Indian country unless  
18                  the governing body of the tribe has elected that this  
19                  subsection have effect over land and persons subject  
20                  to the criminal jurisdiction of the tribe.

21                  “(7) RESENTENCING UPON OVERTURNING OF  
22                  PRIOR CONVICTION.—If the conviction for a serious  
23                  violent felony which was a basis for sentencing under  
24                  this subsection is found, pursuant to any appro-  
25                  priate State or Federal procedure, to be unconstitu-

1 tional or is vitiated on the explicit basis of inno-  
2 cence, or if the convicted person is pardoned on the  
3 explicit basis of innocence, the person serving a sen-  
4 tence imposed under this subsection shall be  
5 resentenced to any sentence that was available at the  
6 time of the original sentencing.”.

7 **SEC. 502. LIMITED GRANT OF AUTHORITY TO BUREAU OF**  
8 **PRISONS.**

9 Section 3582(c)(1)(A) of title 18, United States  
10 Code, is amended—

11 (1) so that the margin of the matter starting  
12 with “extraordinary” and ending with “reduction”  
13 the first place it appears is indented an additional  
14 2-ems;

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

17 (3) by inserting a semicolon after “reduction”  
18 the first place it appears;

19 (4) by indenting the first line of the matter re-  
20 ferred to in paragraph (1) and designating that mat-  
21 ter as clause (i); and

22 (5) by inserting after such matter the following:

23 “(ii) the defendant is at least 70 years  
24 of age, has served at least 30 years in pris-  
25 on, pursuant to a sentence imposed under

1 section 3559(c) of this title, for the offense  
2 or offenses for which the defendant is cur-  
3 rently imprisoned, and a determination has  
4 been made by the Director of the Bureau  
5 of Prisons that the defendant is not a dan-  
6 ger to the safety of any other person or the  
7 community, as provided under section  
8 3142(g) of this title;”.

9 **TITLE VI—VIOLENT REPEAT**  
10 **OFFENDER INCARCERATION**

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

12 (a) GRANT AUTHORIZATION.—The Attorney General  
13 may make grants to individual States and to States, orga-  
14 nized as multi-State compacts, to develop, expand, modify,  
15 or improve correctional facilities and programs to ensure  
16 that prison cell space is available for the confinement of  
17 violent repeat offenders.

18 (b) ELIGIBILITY.—To be eligible to receive a grant  
19 under this title a State or States, organized as multi-State  
20 compacts, shall submit an application to the Attorney  
21 General which includes—

22 (1) assurances that the State or States, have  
23 implemented, or will implement, correctional policies  
24 and programs that are designed to provide suffi-  
25 ciently severe punishment for violent repeat offend-

1       ers, including violent juvenile offenders, and that the  
2       prison time served is appropriately related to the de-  
3       termination that the inmate is a violent repeat of-  
4       fender and for a period of time deemed necessary to  
5       protect the public;

6               (2) assurances that the State or States have  
7       implemented policies that provide for the recognition  
8       of the rights and needs of crime victims;

9               (3) assurances that funds received under this  
10       title will be used to develop, expand, modify, or im-  
11       prove correctional facilities and programs to ensure  
12       that prison cell space is available for the confine-  
13       ment of violent repeat offenders;

14              (4) assurances that the State or States have a  
15       comprehensive correctional plan which represents an  
16       integrated approach to the management and oper-  
17       ation of correctional facilities and programs and  
18       which includes diversional programs, particularly  
19       drug diversion programs, community corrections  
20       programs, a prisoner screening and security classi-  
21       fication system, prisoner rehabilitation and treat-  
22       ment programs, prisoner work activities (including,  
23       to the extent practicable, activities relating to the  
24       development, expansion, modification, or improve-  
25       ment of correctional facilities), and job skills pro-

1       grams, a pre-release prisoner assessment to provide  
2       risk reduction management, post-release assistance,  
3       and an assessment of recidivism rates;

4           (5) assurances that the State or States have in-  
5       volved counties and other units of local government,  
6       when appropriate, in the development, expansion,  
7       modification, or improvement of correctional facili-  
8       ties and programs designed to ensure the incarcer-  
9       ation of violent offenders;

10          (6) assurances that funds received under this  
11       section will be used to supplement, not supplant,  
12       other Federal, State, and local funds; and

13          (7) documentation of the multi-State compact  
14       agreement that specifies the development, expansion,  
15       modification, or improvement of correctional facili-  
16       ties and programs.

17       (c) MATCHING REQUIREMENT.—The Federal share  
18       of a grant received under this title may not exceed 75 per-  
19       cent of the costs of a proposal described in an application  
20       approved under this title.

21       **SEC. 602. RULES AND REGULATIONS.**

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

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

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

7 **SEC. 604. EVALUATION.**

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

12 **SEC. 605. DEFINITION.**

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

18 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

19       There are authorized to be appropriated  
20 \$600,000,000 for each of the fiscal years 1994 through  
21 1998 to carry out the purposes of this title.

1       **TITLE VII—DEATH PENALTY**

2       **SEC. 701. CONSTITUTIONAL PROCEDURES FOR THE IMPO-**  
 3                                   **SITION OF THE SENTENCE OF DEATH.**

4       Part II of title 18 of the United States Code is  
 5 amended by adding the following new chapter after chap-  
 6 ter 227:

7                                   **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

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

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

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

8       **“§ 3591. Sentence of death**

9       “A defendant who has been found guilty of—

10                   “(1) an offense described in section 794 or sec-  
 11                   tion 2381 of this title;

12                   “(2) any other offense for which a sentence of  
 13                   death is provided, if the defendant, as determined  
 14                   beyond a reasonable doubt at the hearing under sec-  
 15                   tion 3593—

16                                   “(A) intentionally killed the victim;

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

19                                   “(C) intentionally participated in an act,  
 20                   contemplating that the life of a person would be

1 taken or intending that lethal force would be  
2 used in connection with a person, other than  
3 one of the participants in the offense, and the  
4 victim died as a direct result of the act; or

5 “(D) intentionally and specifically engaged  
6 in an act of violence, knowing that the act cre-  
7 ated a grave risk of death to a person, other  
8 than one of the participants in the offense, such  
9 that participation in the act constituted a reck-  
10 less disregard for human life and the victim  
11 died as a direct result of the act,

12 “(3) an offense referred to in section 408(c)(1)  
13 of the Controlled Substances Act (21 U.S.C.  
14 848(c)(1)), committed as part of a continuing crimi-  
15 nal enterprise offense under the conditions described  
16 in subsection (b) of that section which involved not  
17 less than twice the quantity of controlled substance  
18 described in subsection (b)(2)(A) of that section or  
19 twice the gross receipts described in subsection  
20 (b)(2)(B) of that section; or

21 “(4) an offense referred to in section 408(c)(1)  
22 of the Controlled Substances Act (21 U.S.C.  
23 848(c)(1)), committed as part of a continuing crimi-  
24 nal enterprise offense under that section, where the  
25 defendant is a principal administrator, organizer, or

1 leader of such an enterprise, and the defendant, in  
2 order to obstruct the investigation or prosecution of  
3 the enterprise or an offense involved in the enter-  
4 prise, attempts to kill or knowingly directs, advises,  
5 authorizes, or assists another to attempt to kill any  
6 public officer, juror, witness, or members of the fam-  
7 ily or household of such a person;  
8 shall be sentenced to death if, after consideration of the  
9 factors set forth in section 3592 in the course of a hearing  
10 held pursuant to section 3593, it is determined that impo-  
11 sition of a sentence of death is justified, except that no  
12 person may be sentenced to death who was less than 18  
13 years of age at the time of the offense.

14 **“§ 3592. Mitigating and aggravating factors to be con-**  
15 **sidered in determining whether a sen-**  
16 **tence of death is justified**

17 “(a) MITIGATING FACTORS.—In determining wheth-  
18 er a sentence of death is to be imposed on a defendant,  
19 the finder of fact shall consider any mitigating factor, in-  
20 cluding the following:

21 “(1) IMPAIRED CAPACITY.—The defendant’s ca-  
22 pacity to appreciate the wrongfulness of the defend-  
23 ant’s conduct or to conform conduct to the require-  
24 ments of law was significantly impaired, regardless

1 of whether the capacity was so impaired as to con-  
2 stitute a defense to the charge.

3 “(2) DURESS.—The defendant was under un-  
4 usual and substantial duress, regardless of whether  
5 the duress was of such a degree as to constitute a  
6 defense to the charge.

7 “(3) MINOR PARTICIPATION.—The defendant is  
8 punishable as a principal (as defined in section 2 of  
9 title 18 of the United States Code) in the offense,  
10 which was committed by another, but the defend-  
11 ant’s participation was relatively minor, regardless  
12 of whether the participation was so minor as to con-  
13 stitute a defense to the charge.

14 “(4) EQUALLY CULPABLE DEFENDANTS.—An-  
15 other defendant or defendants, equally culpable in  
16 the crime, will not be punished by death.

17 “(5) NO PRIOR CRIMINAL RECORD.—The de-  
18 fendant did not have a significant prior history of  
19 other criminal conduct.

20 “(6) DISTURBANCE.—The defendant committed  
21 the offense under severe mental or emotional dis-  
22 turbance.

23 “(7) VICTIM’S CONSENT.—The victim consented  
24 to the criminal conduct that resulted in the victim’s  
25 death.

1           “(8) OTHER FACTORS.—Other factors in the  
2           defendant’s background, record, or character or any  
3           other circumstance of the offense that mitigate  
4           against imposition of the death sentence.

5           “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND  
6           TREASON.—In determining whether a sentence of death  
7           is justified for an offense described in section 3591(1), the  
8           jury, or if there is no jury, the court, shall consider each  
9           of the following aggravating factors for which notice has  
10          been given and determine which, if any, exist:

11           “(1) PRIOR ESPIONAGE OR TREASON OF-  
12          FENSE.—The defendant has previously been con-  
13          victed of another offense involving espionage or trea-  
14          son for which a sentence of either life imprisonment  
15          or death was authorized by law.

16           “(2) GRAVE RISK TO NATIONAL SECURITY.—In  
17          the commission of the offense the defendant know-  
18          ingly created a grave risk of substantial danger to  
19          the national security.

20           “(3) GRAVE RISK OF DEATH.—In the commis-  
21          sion of the offense the defendant knowingly created  
22          a grave risk of death to another person.

23          The jury, or if there is no jury, the court, may consider  
24          whether any other aggravating factor for which notice has  
25          been given exists.

1       “(c) AGGRAVATING FACTORS FOR HOMICIDE.—In  
2 determining whether a sentence of death is justified for  
3 an offense described in section 3591(2), the jury, or if  
4 there is no jury, the court, shall consider each of the fol-  
5 lowing aggravating factors for which notice has been given  
6 and determine which, if any, exist:

7               “(1) DEATH DURING COMMISSION OF ANOTHER  
8 CRIME.—The death, or injury resulting in death, oc-  
9 curred during the commission or attempted commis-  
10 sion of, or during the immediate flight from the  
11 commission of, an offense under section 32 (destruc-  
12 tion of aircraft or aircraft facilities), section 33 (de-  
13 struction of motor vehicles or motor vehicle facili-  
14 ties), section 36 (violence at international airports),  
15 section 351 (violence against Members of Congress,  
16 Cabinet officers, or Supreme Court Justices), an of-  
17 fense under section 751 (prisoners in custody of in-  
18 stitution or officer), section 794 (gathering or deliv-  
19 ering defense information to aid foreign govern-  
20 ment), section 844(d) (transportation of explosives  
21 in interstate commerce for certain purposes), section  
22 844(f) (destruction of Government property by ex-  
23 plosives), section 1118 (prisoners serving life term),  
24 section 1201 (kidnapping), section 844(i) (destruc-  
25 tion of property affecting interstate commerce by ex-

1 plosives), section 1116 (killing or attempted killing  
2 of diplomats), section 1203 (hostage taking), section  
3 1992 (wrecking trains), section 2280 (maritime vio-  
4 lence), section 2281 (maritime platform violence),  
5 section 2332 (terrorist acts abroad against United  
6 States nationals), section 2339 (use of weapons of  
7 mass destruction), or section 2381 (treason) of this  
8 title, or section 902 (i) or (n) of the Federal Avia-  
9 tion Act of 1958 (49 U.S.C. 1472 (i) or (n)) (air-  
10 craft piracy).

11 “(2) PREVIOUS CONVICTION OF VIOLENT FEL-  
12 ONY INVOLVING FIREARM.—For any offense, other  
13 than an offense for which a sentence of death is  
14 sought on the basis of section 924(c) of this title, as  
15 amended by this Act, the defendant has previously  
16 been convicted of a Federal or State offense punish-  
17 able by a term of imprisonment of more than one  
18 year, involving the use or attempted or threatened  
19 use of a firearm, as defined in section 921 of this  
20 title, against another person.

21 “(3) PREVIOUS CONVICTION OF OFFENSE FOR  
22 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-  
23 MENT WAS AUTHORIZED.—The defendant has pre-  
24 viously been convicted of another Federal or State  
25 offense resulting in the death of a person, for which

1 a sentence of life imprisonment or a sentence of  
2 death was authorized by statute.

3 “(4) PREVIOUS CONVICTION OF OTHER SERI-  
4 OUS OFFENSES.—The defendant has previously been  
5 convicted of two or more Federal or State offenses,  
6 punishable by a term of imprisonment of more than  
7 one year, committed on different occasions, involving  
8 the infliction of, or attempted infliction of, serious  
9 bodily injury or death upon another person.

10 “(5) GRAVE RISK OF DEATH TO ADDITIONAL  
11 PERSONS.—The defendant, in the commission of the  
12 offense, or in escaping apprehension for the violation  
13 of the offense, knowingly created a grave risk of  
14 death to one or more persons in addition to the vic-  
15 tim of the offense.

16 “(6) HEINOUS, CRUEL, OR DEPRAVED MANNER  
17 OF COMMITTING OFFENSE.—The defendant commit-  
18 ted the offense in an especially heinous, cruel, or de-  
19 praved manner in that it involved torture or serious  
20 physical abuse to the victim.

21 “(7) PROCUREMENT OF OFFENSE BY PAY-  
22 MENT.—The defendant procured the commission of  
23 the offense by payment, or promise of payment, of  
24 anything of pecuniary value.

1           “(8) PECUNIARY GAIN.—The defendant com-  
2           mitted the offense as consideration for the receipt,  
3           or in the expectation of the receipt, of anything of  
4           pecuniary value.

5           “(9) SUBSTANTIAL PLANNING AND  
6           PREMEDITATION.—The defendant committed the of-  
7           fense after substantial planning and premeditation  
8           to cause the death of a person or commit an act of  
9           terrorism.

10           “(10) CONVICTION FOR TWO FELONY DRUG OF-  
11           FENSES.—The defendant has previously been con-  
12           victed of two or more State or Federal offenses pun-  
13           ishable by a term of imprisonment of more than one  
14           year, committed on different occasions, involving the  
15           distribution of a controlled substance.

16           “(11) VULNERABILITY OF VICTIM.—The victim  
17           was particularly vulnerable due to old age, youth, or  
18           infirmity.

19           “(12) CONVICTION FOR SERIOUS FEDERAL  
20           DRUG OFFENSES.—The defendant had previously  
21           been convicted of violating title II or title III of the  
22           Controlled Substances Act for which a sentence of 5  
23           or more years may be imposed or had previously  
24           been convicted of engaging in a continuing criminal  
25           enterprise.

1           “(13) CONTINUING CRIMINAL ENTERPRISE IN-  
2           VOLVING DRUG SALES TO MINORS.—The defendant  
3           committed the offense in the course of engaging in  
4           a continuing criminal enterprise in violation of sec-  
5           tion 408(c) of the Controlled Substances Act and  
6           that violation involved the distribution of drugs to  
7           persons under the age of 21 in violation of section  
8           418 of such Act.

9           “(14) HIGH PUBLIC OFFICIALS.—The defend-  
10          ant committed the offense against—

11                 “(A) the President of the United States,  
12                 the President-elect, the Vice President, the  
13                 Vice-President-elect, the Vice-President-des-  
14                 ignate, or, if there is no Vice President, the of-  
15                 ficer next in order of succession to the office of  
16                 the President of the United States, or any per-  
17                 son who is acting as President under the Con-  
18                 stitution and laws of the United States;

19                 “(B) a Chief of State, head of government,  
20                 or the political equivalent, of a foreign nation;

21                 “(C) a foreign official listed in section  
22                 1116(b)(3)(A) of this title, if the official is in  
23                 the United States on official business; or

24                 “(D) a Federal public servant who is a  
25                 judge, a law enforcement officer, or an em-

1            ployee of a United States penal or correctional  
2            institution—

3                    “(i) while he or she is engaged in the  
4                    performance of his or her official duties;

5                    “(ii) because of the performance of his  
6                    or her official duties; or

7                    “(iii) because of his or her status as  
8                    a public servant.

9            For purposes of this subparagraph, a ‘law en-  
10           enforcement officer’ is a public servant authorized  
11           by law or by a Government agency or Congress  
12           to conduct or engage in the prevention, inves-  
13           tigation, or prosecution or adjudication of an  
14           offense, and includes those engaged in correc-  
15           tions, parole, or probation functions.

16           “(15) PRIOR CONVICTION OF SEXUAL ASSAULT  
17           OR CHILD MOLESTATION.—In the case of an offense  
18           under chapter 109A (sexual abuse) or chapter 110  
19           (sexual abuse of children), the defendant has pre-  
20           viously been convicted of a crime of sexual assault  
21           or crime of child molestation.

22           The jury, or if there is no jury, the court, may consider  
23           whether any other aggravating factor for which notice has  
24           been given exists.

1 **“§ 3593. Special hearing to determine whether a sen-**  
2 **tence of death is justified**

3 “(a) NOTICE BY THE GOVERNMENT.—If, in a case  
4 involving an offense described in section 3591, the attor-  
5 ney for the government believes that the circumstances of  
6 the offense are such that a sentence of death is justified  
7 under this chapter, the attorney shall, a reasonable time  
8 before the trial or before acceptance by the court of a plea  
9 of guilty, sign and file with the court, and serve on the  
10 defendant, a notice—

11 “(1) stating that the government believes that  
12 the circumstances of the offense are such that, if the  
13 defendant is convicted, a sentence of death is justi-  
14 fied under this chapter and that the government will  
15 seek the sentence of death; and

16 “(2) setting forth the aggravating factor or fac-  
17 tors that the government, if the defendant is con-  
18 victed, proposes to prove as justifying a sentence of  
19 death.

20 The factors for which notice is provided under this sub-  
21 section may include factors concerning the effect of the  
22 offense on the victim and the victim’s family, and may  
23 include oral testimony, a victim impact statement that  
24 identifies the victim of the offense and the extent and  
25 scope of the injury and loss suffered by the victim and  
26 the victim’s family, and any other relevant information.

1 The court may permit the notice to include any aggravat-  
2 ing factor that is not an element of the underlying offense.  
3 The court may also permit the attorney for the govern-  
4 ment to amend the notice upon a showing of good cause.

5 “(b) HEARING BEFORE A COURT OR JURY.—If the  
6 attorney for the government has filed a notice as required  
7 under subsection (a) and the defendant is found guilty of  
8 or pleads guilty to an offense described in section 3591,  
9 the judge who presided at the trial or before whom the  
10 guilty plea was entered, or another judge if that judge is  
11 unavailable, shall conduct a separate sentencing hearing  
12 to determine the punishment to be imposed. The hearing  
13 shall be conducted—

14 “(1) before the jury that determined the de-  
15 fendant’s guilt;

16 “(2) before a jury impaneled for the purpose of  
17 the hearing if—

18 “(A) the defendant was convicted upon a  
19 plea of guilty;

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

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

1           “(D) after initial imposition of a sentence  
2           under this section, reconsideration of the sen-  
3           tence under this section is necessary; or

4           “(3) before the court alone, upon the motion of  
5           the defendant.

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

10       “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-  
11 TORS.—Notwithstanding rule 32(c) of the Federal Rules  
12 of Criminal Procedure, when a defendant is found guilty  
13 or pleads guilty to an offense under section 3591, no  
14 presentence report shall be prepared. At the sentencing  
15 hearing, information may be presented as to any matter  
16 relevant to the sentence, including any mitigating or ag-  
17 gravating factor permitted or required to be considered  
18 under section 3592. Information presented may include  
19 the trial transcript and exhibits if the hearing is held be-  
20 fore a jury or judge not present during the trial. The de-  
21 fendant may present any information relevant to a miti-  
22 gating factor. The government may present any informa-  
23 tion relevant to an aggravating factor for which notice has  
24 been provided under subsection (a). The government and  
25 the defendant shall be permitted to rebut any information

1 received at the hearing, and shall be given fair opportunity  
2 to present argument as to the adequacy of the information  
3 to establish the existence of any aggravating or mitigating  
4 factor, and as to the appropriateness in the case of impos-  
5 ing a sentence of death. The government shall open the  
6 argument. The defendant shall be permitted to reply. The  
7 government shall then be permitted to reply in rebuttal.  
8 The burden of establishing the existence of any aggravat-  
9 ing factor is on the government, and is not satisfied unless  
10 the existence of such a factor is established beyond a rea-  
11 sonable doubt. The burden of establishing the existence  
12 of any mitigating factor is on the defendant, and is not  
13 satisfied unless the existence of such a factor is established  
14 by a preponderance of the information.

15       “(d) RETURN OF SPECIAL FINDINGS.—The jury, or  
16 if there is no jury, the court, shall consider all the informa-  
17 tion received during the hearing. It shall return special  
18 findings identifying any aggravating factor or factors set  
19 forth in section 3592 found to exist and any other aggra-  
20 vating factor for which notice has been provided under  
21 subsection (a) found to exist. A finding with respect to  
22 a mitigating factor may be made by 1 or more members  
23 of the jury, and any member of the jury who finds the  
24 existence of a mitigating factor may consider such factor  
25 established for purposes of this section regardless of the

1 number of jurors who concur that the factor has been es-  
2 tablished. A finding with respect to any aggravating factor  
3 must be unanimous. If no aggravating factor set forth in  
4 section 3592 is found to exist, the court shall impose a  
5 sentence other than death authorized by law.

6 “(e) RETURN OF A FINDING CONCERNING A SEN-  
7 TENCE OF DEATH.—If, in the case of—

8 “(1) an offense described in section 3591(1), an  
9 aggravating factor required to be considered under  
10 section 3592(b) is found to exist; or

11 “(2) an offense described in section 3591(2), an  
12 aggravating factor required to be considered under  
13 section 3592(c) is found to exist,

14 the jury, or if there is no jury, the court, shall consider  
15 whether all the aggravating factor or factors found to exist  
16 sufficiently outweigh all the mitigating factor or factors  
17 found to exist to justify a sentence of death, or, in the  
18 absence of a mitigating factor, whether the aggravating  
19 factor or factors alone are sufficient to justify a sentence  
20 of death. Based upon this consideration, the jury by unan-  
21 imous vote, or if there is no jury, the court, shall rec-  
22 ommend whether the defendant should be sentenced to  
23 death, to life imprisonment without possibility of release,  
24 or to some other lesser sentence. The jury or the court,  
25 if there is no jury, regardless of its findings with respect

1 to aggravating and mitigating factors, is never required  
2 to impose a death sentence and the jury shall be so  
3 instructed.

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

1 **“§ 3594. Imposition of a sentence of death**

2 “Upon a recommendation under section 3593(e) that  
3 the defendant should be sentenced to death or life impris-  
4 onment without possibility of release, the court shall sen-  
5 tence the defendant accordingly. Otherwise, the court shall  
6 impose any lesser sentence that is authorized by law. Not-  
7 withstanding any other provision of law, if the maximum  
8 term of imprisonment for the offense is life imprisonment,  
9 the court may impose a sentence of life imprisonment  
10 without possibility of release.

11 **“§ 3595. Review of a sentence of death**

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

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

21 “(1) the evidence submitted during the trial;

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

24 “(3) the procedures employed in the sentencing  
25 hearing; and

1           “(4) the special findings returned under section  
2 3593(d).

3           “(c) DECISION AND DISPOSITION.—

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

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

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

17           “(B) the admissible evidence and informa-  
18 tion adduced does not support the special find-  
19 ing of the existence of the required aggravating  
20 factor; or

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

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

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

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

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

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

1 the law of which does provide for the implementation of  
2 a sentence of death, and the sentence shall be implemented  
3 in the latter State in the manner prescribed by such law.

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

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

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

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

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

1 quired, as a condition of that employment or contractual  
 2 obligation, to be in attendance at or to participate in any  
 3 prosecution or execution under this section if such partici-  
 4 pation is contrary to the moral or religious convictions of  
 5 the employee. For purposes of this subsection, the term  
 6 ‘participation’ includes personal preparation of the con-  
 7 demned individual and the apparatus used for execution  
 8 and supervision of the activities of other personnel in car-  
 9 rying out such activities.

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

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

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

**“228. Death sentence ..... 3591.”.**

1 **SEC. 702. CONFORMING CHANGES TO SPECIFIC OFFENSES**  
2 **FOR WHICH DEATH PENALTY IS AUTHOR-**  
3 **IZED.**

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

6 (1) ESPIONAGE.—Section 794(a) of title 18,  
7 United States Code, is amended by striking the pe-  
8 riod at the end of the subsection and inserting “, ex-  
9 cept that the sentence of death shall not be imposed  
10 unless the jury or, if there is no jury, the court, fur-  
11 ther finds that the offense resulted in the identifica-  
12 tion by a foreign power (as defined in section 101(a)  
13 of the Foreign Intelligence Surveillance Act of 1978)  
14 of an individual acting as an agent of the United  
15 States and consequently in the death of that individ-  
16 ual, or directly concerned nuclear weaponry, military  
17 spacecraft or satellites, early warning systems, or  
18 other means of defense or retaliation against large-  
19 scale attack; war plans; communications intelligence  
20 or cryptographic information; or any other major  
21 weapons system or major element of defense  
22 strategy.”.

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

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

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

9           (4) KIDNAPPING.—Section 1201(a) of title 18,  
10       United States Code, is amended by inserting after  
11       “or for life” the following: “and, if the death of any  
12       person results, shall be punished by death or life im-  
13       prisonment”.

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

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

24           (7) BANK ROBBERY.—Section 2113(e) of title  
25       18, United States Code, is amended by striking “or

1 punished by death if the verdict of the jury shall so  
2 direct” and inserting “or if death results shall be  
3 punished by death or life imprisonment”.

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

7 (B) Section 844(f) of title 18, United States  
8 Code, is amended by striking “as provided in section  
9 34 of this title”.

10 (C) Section 844(i) of title 18, United States  
11 Code, is amended by striking “as provided in section  
12 34 of this title”.

13 (9) DEATH PENALTY FOR THE MURDER OF  
14 FEDERAL LAW ENFORCEMENT OFFICIALS.—Section  
15 1114 of title 18, United States Code, is amended by  
16 striking “punished as provided under sections 1111  
17 and 1112 of this title,” and inserting “punished, in  
18 the case of murder, by a sentence of death or life  
19 imprisonment as provided under section 1111 of this  
20 title, or, in the case of manslaughter, a sentence as  
21 provided under section 1112 of this title,”.

22 (b) CONFORMING AMENDMENT TO FEDERAL AVIA-  
23 TION ACT OF 1954.—Section 903 of the Federal Aviation  
24 Act of 1958 (49 U.S.C. 1473) is amended by striking sub-

1 section (c) and by striking the item relating to subsection  
2 (c) in the table of contents at the beginning of such Act.

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

7 **SEC. 703. AUTHORIZATION OF DEATH PENALTY FOR EXIST-**  
8 **ING OFFENSES.**

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

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

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

22 “(1) for murder, by death or life imprisonment,  
23 or a fine under this title, or both; and for kidnap-  
24 ping, by imprisonment for any term of years or for  
25 life, or a fine under this title, or both;”.

1 (d) GENOCIDE.—Section 1091(b)(1) of title 18, Unit-  
2 ed States Code, is amended by striking “, a fine of not  
3 more than \$1,000,000 and imprisonment for life;” and in-  
4 serting “, where death results, by death or imprisonment  
5 for life and a fine under this title, or both;”.

6 (e) CARJACKING.—Section 2119(3) of title 18, Unit-  
7 ed States Code, is amended to read as follows:

8 “(3) if death results, be punished by death or  
9 imprisoned for any term of years or for life, fined  
10 under this title, or both.”

11 (f) DEATH PENALTY FOR RAPE AND CHILD MOLES-  
12 TATION MURDERS.—

13 (1) OFFENSE.—Chapter 109A of title 18, Unit-  
14 ed States Code, is amended by redesignating section  
15 2245 as section 2246, and by inserting after section  
16 2244 the following:

17 **“§ 2245. Sexual abuse resulting in death**

18 “Whoever, in the course of an offense under this  
19 chapter, engages in conduct that results in the death of  
20 a person, shall be punished by death or imprisoned for  
21 any term of years or for life.”.

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

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

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

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

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

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

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

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

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

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

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

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

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

12 (j) PROTECTION OF COURT OFFICERS AND JU-  
13 RORS.—Section 1503 of title 18, United States Code, is  
14 amended—

15 (1) by designating the current text as sub-  
16 section (a);

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

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

21 “(b) The punishment for an offense under this sec-  
22 tion is—

23 “(1) in the case of a killing, the punishment  
24 provided in sections 1111 and 1112 of this title;

1           “(2) in the case of an attempted killing, or a  
2 case in which the offense was committed against a  
3 petit juror and in which a class A or B felony was  
4 charged, imprisonment for not more than twenty  
5 years, a fine under this title, or both; and

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

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

12           (k) FOREIGN MURDER OF UNITED STATES NATION-  
13 ALS.—

14           (1) IN GENERAL.—Chapter 51 of title 18, Unit-  
15 ed States Code, is amended by adding at the end  
16 thereof the following new section:

17 **“§ 1118. Foreign murder of United States nationals**

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

23           “(b) No prosecution may be instituted against any  
24 person under this section except upon the written approval  
25 of the Attorney General, the Deputy Attorney General, or

1 an Assistant Attorney General, which function of approv-  
2 ing prosecutions may not be delegated. No prosecution  
3 shall be approved if prosecution has been previously un-  
4 dertaken by a foreign country for the same conduct.

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

12 “(d) As used in this section, the term ‘national of  
13 the United States’ has the meaning given such term in  
14 section 101(a)(22) of the Immigration and Nationality Act  
15 (8 U.S.C. 1101(a)(22)).”.

16 (2) CONFORMING AMENDMENT.—Section 1117  
17 of title 18, United States Code, is amended by strik-  
18 ing “or 1116” and inserting “1116, or 1118”.

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

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

23 (I) DEATH PENALTY FOR CIVIL RIGHTS MUR-  
24 DERS.—

1           (1) CONSPIRACY AGAINST RIGHTS.—Section  
2           241 of title 18, United States Code, is amended by  
3           striking the period at the end of the last sentence  
4           and inserting “, or may be sentenced to death.”.

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

10          (3) FEDERALLY PROTECTED ACTIVITIES.—Sec-  
11          tion 245(b) of title 18, United States Code, is  
12          amended in the matter following paragraph (5) by  
13          inserting “, or may be sentenced to death” after “or  
14          for life”.

15          (4) DAMAGE TO RELIGIOUS PROPERTY; OB-  
16          STRUCTION OF THE FREE EXERCISE OF RELIGIOUS  
17          RIGHTS.—Section 247(c)(1) of title 18, United  
18          States Code, is amended by inserting “, or may be  
19          sentenced to death” after “or both”.

20   **SEC. 704. DEATH PENALTY FOR MURDER BY A FEDERAL**  
21                           **PRISONER.**

22          (a) IN GENERAL.—Chapter 51 of title 18, United  
23          States Code, is amended by adding at the end the follow-  
24          ing:

1 **“§ 1119. Murder by a Federal prisoner**

2       “(a) OFFENSE.—Whoever, while confined in a Fed-  
3 eral correctional institution under a sentence for a term  
4 of life imprisonment, commits the murder of another shall  
5 be punished by death or by life imprisonment.

6       “(b) DEFINITIONS.—For the purposes of this sec-  
7 tion—

8           “(1) the term ‘Federal correctional institution’  
9 means any Federal prison, Federal correctional facil-  
10 ity, Federal community program center, or Federal  
11 halfway house;

12           “(2) the term ‘term of life imprisonment’ means  
13 a sentence for the term of natural life, a sentence  
14 commuted to natural life, an indeterminate term of  
15 a minimum of at least fifteen years and a maximum  
16 of life, or an unexecuted sentence of death; and

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

20       (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 51 of title 18, United States  
22 Code, is amended by adding at the end thereof the follow-  
23 ing:

“1119. Murder by a Federal prisoner.”.

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

2 (a) IN GENERAL.—Chapter 51 of title 18, United  
3 States Code, is amended by adding at the end the follow-  
4 ing:

5 **“§ 1120. Murder by escaped prisoners**

6 “(a) IN GENERAL.—Whoever, having escaped from  
7 a Federal prison where such person was confined under  
8 a sentence for a term of life imprisonment, kills another  
9 shall be punished as provided in sections 1111 and 1112  
10 of this title.

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

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

“1120. Murder by escaped prisoners.”.

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

18 (a) IN GENERAL.—Section 922 of title 18, United  
19 States, Code, is amended by adding at the end the follow-  
20 ing:

21 “(v) It shall be unlawful for any person knowingly  
22 to—

23 “(1) discharge a firearm from within a motor  
24 vehicle; and

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

3           (b) PENALTY.—Section 924(a) of such title is amend-  
4 ed by adding at the end the following:

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

9   **SEC. 707. DEATH PENALTY FOR GUN MURDERS DURING**  
10                           **FEDERAL CRIMES OF VIOLENCE AND DRUG**  
11                           **TRAFFICKING CRIMES.**

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

14           “(j) Whoever, in the course of a violation of sub-  
15 section (c) of this section, causes the death of a person  
16 through the use of a firearm, shall—

17                   “(1) if the killing is a murder as defined in sec-  
18 tion 1111 of this title, be punished by death or by  
19 imprisonment for any term of years or for life; and

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

1 **SEC. 708. DEATH PENALTY FOR THE MURDER OF STATE OR**  
2 **LOCAL OFFICIALS ASSISTING FEDERAL LAW**  
3 **ENFORCEMENT OFFICIALS AND STATE COR-**  
4 **RECTIONAL OFFICERS.**

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

8 **“§ 1121. Killing persons aiding Federal investigations**  
9 **or State correctional officers**

10 “(a) Whoever intentionally kills—

11 “(1) a State or local official, law enforcement  
12 officer, or other officer or employee while working  
13 with Federal law enforcement officials in furtherance  
14 of a Federal criminal investigation—

15 “(A) while the victim is engaged in the  
16 performance of official duties;

17 “(B) because of the performance of the  
18 victim’s official duties; or

19 “(C) because of the victim’s status as a  
20 public servant; or

21 “(2) any person assisting a Federal criminal in-  
22 vestigation, while that assistance is being rendered  
23 and because of it,

24 shall be sentenced according to the terms of section 1111  
25 of this title, including by sentence of death or by imprison-  
26 ment for life.

1       “(b)(1) Whoever, in a circumstance described in  
2 paragraph (3) of this subsection, while incarcerated, inten-  
3 tionally kills any State correctional officer engaged in, or  
4 on account of the performance of such officer’s official du-  
5 ties, shall be sentenced to a term of imprisonment which  
6 shall not be less than 20 years, and may be sentenced to  
7 life imprisonment or death.

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

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

16               “(A) the correctional officer is engaged in  
17 transporting the incarcerated person interstate; or

18               “(B) the incarcerated person is incarcerated  
19 pursuant to a conviction for an offense against the  
20 United States.”.

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

“1121. Killing persons aiding Federal investigations or State correctional offi-  
cers.”.

1 **SEC. 709. PROHIBITION OF RETALIATORY KILLINGS OF**  
2 **WITNESSES, VICTIMS AND INFORMANTS.**

3 Section 1513 of title 18, United States Code, is  
4 amended—

5 (1) by redesignating subsections (a) and (b) as  
6 subsections (b) and (c), respectively; and

7 (2) by inserting after the section heading a new  
8 subsection (a) as follows:

9 “(a)(1) Whoever kills or attempts to kill another per-  
10 son with intent to retaliate against any person for—

11 “(A) the attendance of a witness or party at an  
12 official proceeding, or any testimony given or any  
13 record, document, or other object produced by a wit-  
14 ness in an official proceeding; or

15 “(B) any information relating to the commis-  
16 sion or possible commission of a Federal offense or  
17 a violation of conditions of probation, parole or re-  
18 lease pending judicial proceedings given by a person  
19 to a law enforcement officer;

20 shall be punished as provided in paragraph (2).

21 “(2) The punishment for an offense under this sub-  
22 section is—

23 “(A) in the case of a killing, the punishment  
24 provided in sections 1111 and 1112 of this title; and

1           “(B) in the case of an attempt, imprisonment  
2           for not more than twenty years, a fine under this  
3           title, or both.”.

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

5           (a) OFFENSE.—Chapter 113A of title 18, United  
6 States Code, is amended by inserting after section 2332  
7 the following new section:

8 **“§ 2332a. Use of weapons of mass destruction**

9           “(a) Whoever uses, or attempts or conspires to use,  
10 a weapon of mass destruction—

11           “(1) against a national of the United States  
12 while such national is outside of the United States;

13           “(2) against any person within the United  
14 States; or

15           “(3) against any property that is owned, leased  
16 or used by the United States or by any department  
17 or agency of the United States, whether the property  
18 is within or outside of the United States;

19 shall be imprisoned for any term of years or for life, and  
20 if death results, shall be punished by death or imprisoned  
21 for any term of years or for life.

22           “(b) For purposes of this section—

23           “(1) the term ‘national of the United States’  
24 has the meaning given in section 101(a)(22) of the

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

3 “(2) the term ‘weapon of mass destruction’  
4 means—

5 “(A) any destructive device as defined in  
6 section 921 of this title;

7 “(B) poison gas;

8 “(C) any weapon involving a disease orga-  
9 nism; or

10 “(D) any weapon that is designed to re-  
11 lease radiation or radioactivity at a level dan-  
12 gerous to human life.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of chapter 113A of title 18, United States  
15 Code, is amended by inserting after the item relating to  
16 section 2332 the following:

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

17 **SEC. 711. VIOLENCE AT AIRPORTS SERVING INTER-**  
18 **NATIONAL CIVIL AVIATION.**

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

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

22 “(a) Whoever unlawfully and intentionally, using any  
23 device, substance or weapon—

24 “(1) performs an act of violence against a per-  
25 son at an airport serving international civil aviation

1 which causes or is likely to cause serious bodily in-  
2 jury (as defined in section 1365 of this title) or  
3 death; or

4 “(2) destroys or seriously damages the facilities  
5 of an airport serving international civil aviation or a  
6 civil aircraft not in service located thereon or  
7 disrupts the services of the airport;

8 if such an act endangers or is likely to endanger safety  
9 at that airport, or attempts to do such an act, shall be  
10 fined under this title or imprisoned not more than twenty  
11 years, or both; and if the death of any person results from  
12 conduct prohibited by this subsection, shall be punished  
13 by death or imprisoned for any term of years or for life.

14 “(b) There is jurisdiction over the prohibited activity  
15 in subsection (a) if—

16 “(1) the prohibited activity takes place in the  
17 United States; or

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

21 “(c) It is a bar to Federal prosecution under sub-  
22 section (a) for conduct that occurred within the United  
23 States that the conduct involved—

1           “(1) a domestic dispute solely affecting and be-  
2           tween members of the same family or household or  
3           between social acquaintances; or

4           “(2) was during or in relation to a labor dis-  
5           pute, and such conduct was prohibited as a felony  
6           under the law of the State in which it was commit-  
7           ted.

8 For purposes of this section, the term ‘labor dispute’ has  
9 the meaning set forth in section 2(c) of the Norris-  
10 LaGuardia Act (29 U.S.C. 113(c)).”.

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

“36. Violence at international airports.”.

14           (c) EFFECTIVE DATE.—This section shall take effect  
15 on the later of—

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

17           (2) the date the Protocol for the Suppression of  
18           Unlawful Acts of Violence at Airports Serving Inter-  
19           national Civil Aviation, Supplementary to the Con-  
20           vention for the Suppression of Unlawful Acts  
21           Against the Safety of Civil Aviation, done at Mon-  
22           treal on 23 September 1971, has come into force  
23           and the United States has become a party to the  
24           Protocol.

1 **SEC. 712. OFFENSES OF VIOLENCE AGAINST MARITIME**  
2 **NAVIGATION OR FIXED PLATFORMS.**

3 (a) OFFENSES.—Chapter 111 of title 18, United  
4 States Code, is amended by adding at the end the  
5 following:

6 **“§ 2280. Violence against maritime navigation**

7 “(a) Whoever unlawfully and intentionally—

8 “(1) seizes or exercises control over a ship by  
9 force or threat thereof or any other form of intimi-  
10 dation;

11 “(2) performs an act of violence against a per-  
12 son on board a ship if that act is likely to endanger  
13 the safe navigation of that ship;

14 “(3) destroys a ship or causes damage to a ship  
15 or to its cargo which is likely to endanger the safe  
16 navigation of that ship;

17 “(4) places or causes to be placed on a ship, by  
18 any means whatsoever, a device or substance which  
19 is likely to destroy that ship, or cause damage to  
20 that ship or its cargo which endangers or is likely  
21 to endanger the safe navigation of that ship;

22 “(5) destroys or seriously damages maritime  
23 navigational facilities or seriously interferes with  
24 their operation, if such act is likely to endanger the  
25 safe navigation of a ship;

1           “(6) communicates information, knowing the  
2 information to be false and under circumstances in  
3 which such information may reasonably be believed,  
4 thereby endangering the safe navigation of a ship;

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

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

11 shall be fined under this title or imprisoned not more than  
12 twenty years, or both; and if the death of any person re-  
13 sults, from conduct prohibited by this subsection, shall be  
14 punished by death or imprisoned for any term of years  
15 or for life.

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

23           “(c) There is jurisdiction over the prohibited activity  
24 in subsections (a) and (b)—

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

1           “(A) such activity is committed—

2                   “(i) against or on board a ship flying  
3           the flag of the United States at the time  
4           the prohibited activity is committed;

5                   “(ii) in the United States and the ac-  
6           tivity is not prohibited as a crime by the  
7           State in which the activity takes place; or

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

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

17               “(C) the offender is later found in the  
18          United States after such activity is committed;

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

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

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

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

10           “(2) was during or in relation to a labor dis-  
11           pute, and such conduct was prohibited as a felony  
12           under the law of the State in which it was commit-  
13           ted.

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

17           “(e) The master of a covered ship flying the flag of  
18           the United States who has reasonable grounds to believe  
19           that there is on board that ship any person who has com-  
20           mitted an offense under Article 3 of the Convention for  
21           the Suppression of Unlawful Acts Against the Safety of  
22           Maritime Navigation may deliver such person to the au-  
23           thorities of a State Party to that Convention. Before deliv-  
24           ering such person to the authorities of another country,  
25           the master shall notify in an appropriate manner the At-

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

12 “(f) As used in this section, the term—

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

21 “(2) the term ‘covered ship’ means a ship that  
22 is navigating or is scheduled to navigate into,  
23 through or from waters beyond the outer limit of the  
24 territorial sea of a single country or a lateral limit

1 of that country's territorial sea with an adjacent  
2 country;

3 “(3) the term ‘national of the United States’  
4 has the meaning given such term in section  
5 101(a)(22) of the Immigration and Nationality Act  
6 (8 U.S.C. 1101(a)(22));

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

12 “(5) the term ‘United States’, when used in a  
13 geographical sense, includes the Commonwealth of  
14 Puerto Rico, the Commonwealth of the Northern  
15 Marianas Islands and all territories and possessions  
16 of the United States.

17 **“§ 2281. Violence against maritime fixed platforms**

18 “(a) Whoever unlawfully and intentionally—

19 “(1) seizes or exercises control over a fixed  
20 platform by force or threat thereof or any other  
21 form of intimidation;

22 “(2) performs an act of violence against a per-  
23 son on board a fixed platform if that act is likely to  
24 endanger its safety;

1           “(3) destroys a fixed platform or causes dam-  
2           age to it which is likely to endanger its safety;

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

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

11          “(6) attempts to do anything prohibited under  
12          paragraphs (1) through (5);

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

18          “(b) Whoever threatens to do anything prohibited  
19          under paragraph (2) or (3) of subsection (a), with appar-  
20          ent determination and will to carry the threat into execu-  
21          tion, if the threatened act is likely to endanger the safety  
22          of the fixed platform, shall be fined under this title or  
23          imprisoned not more than five years, or both.

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

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

3           “(A) that is located on the continental  
4 shelf of the United States;

5           “(B) that is located on the continental  
6 shelf of another country, by a national of the  
7 United States or by a stateless person whose  
8 habitual residence is in the United States; or

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

11           “(2) during the commission of such activity  
12 against or on board a fixed platform located on a  
13 continental shelf, a national of the United States is  
14 seized, threatened, injured or killed; or

15           “(3) such activity is committed against or on  
16 board a fixed platform located outside the United  
17 States and beyond the continental shelf of the Unit-  
18 ed States and the offender is later found in the  
19 United States.

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

23           “(1) a domestic dispute solely affecting and be-  
24 tween members of the same family or household or  
25 between social acquaintances; or

1           “(2) was during or in relation to a labor dis-  
2           pute, and such conduct was prohibited as a felony  
3           under the law of the State in which it was commit-  
4           ted.

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

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

9           “(1) ‘continental shelf’ means the sea-bed and  
10          subsoil of the submarine areas that extend beyond a  
11          country’s territorial sea to the limits provided by  
12          customary international law as reflected in Article  
13          76 of the 1982 Convention on the Law of the Sea;

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

18          “(3) ‘national of the United States’ has the  
19          meaning given such term in section 101(a)(22) of  
20          the Immigration and Nationality Act (8 U.S.C.  
21          1101(a)(22));

22          “(4) ‘territorial sea of the United States’ means  
23          all waters extending seaward to 12 nautical miles  
24          from the baselines of the United States determined  
25          in accordance with international law; and

1           “(5) ‘United States’, when used in a geographi-  
2           cal sense, includes the Commonwealth of Puerto  
3           Rico, the Commonwealth of the Northern Mariana  
4           Islands and all territories and possessions of the  
5           United States.”.

6           (b) CLERICAL AMENDMENTS.—The table of sections  
7           at the beginning of chapter 111 of title 18, United States  
8           Code, is amended by adding at the end thereof the  
9           following:

          “2280. Violence against maritime navigation.

          “2281. Violence against maritime fixed platforms.”.

10          (c) EFFECTIVE DATES.—This section and the  
11          amendments made by this section shall take effect on the  
12          later of—

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

14                 (2)(A) in the case of section 2280 of title 18,  
15                 United States Code, the date the Convention for the  
16                 Suppression of Unlawful Acts Against the Safety of  
17                 Maritime Navigation has come into force and the  
18                 United States has become a party to that Conven-  
19                 tion; and

20                 (B) in the case of section 2281 of title 18,  
21                 United States Code, the date the Protocol for the  
22                 Suppression of Unlawful Acts Against the Safety of  
23                 Fixed Platforms Located on the Continental Shelf

1 has come into force and the United States has  
2 become a party to that Protocol.

3 **SEC. 713. TORTURE.**

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

7 **“CHAPTER 113B—TORTURE**

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

8 **“§ 2340. Definitions**

9 “As used in this chapter—

10 “(1) the term ‘torture’ means an act committed  
11 by a person acting under the color of law specifically  
12 intended to inflict severe physical or mental pain or  
13 suffering (other than pain or suffering incidental to  
14 lawful sanctions) upon another person within his  
15 custody or physical control;

16 “(2) the term ‘severe mental pain or suffering’  
17 means the prolonged mental harm caused by or re-  
18 sulting from (A) the intentional infliction or threat-  
19 ened infliction of severe physical pain or suffering;  
20 (B) the administration or application, or threatened  
21 administration or application, of mind altering sub-  
22 stances or other procedures calculated to disrupt  
23 profoundly the senses or the personality; (C) the

1 threat of imminent death; or (D) the threat that an-  
2 other person will imminently be subjected to death,  
3 severe physical pain or suffering, or the administra-  
4 tion or application of mind altering substances or  
5 other procedures calculated to disrupt profoundly  
6 the senses or personality;

7 “(3) the term ‘United States’ includes all areas  
8 under the jurisdiction of the United States including  
9 any of the places within the provisions of sections 5  
10 and 7 of this title and section 101(38) of the Fed-  
11 eral Aviation Act of 1958, as amended (49 U.S.C.  
12 App. 1301(38)).

13 **“§ 2340A. Torture**

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

17 “(1) shall be fined under this title or impris-  
18 oned not more than twenty years, or both; and

19 “(2) if death results to any person from con-  
20 duct prohibited by this subsection, shall be punished  
21 by death or imprisoned for any term of years or for  
22 life.

23 “(b) The circumstance referred to in subsection (a)  
24 of this section is if—

1           “(1) the alleged offender is a national of the  
2           United States; or

3           “(2) the alleged offender is present in the Unit-  
4           ed States, irrespective of the nationality of the vic-  
5           tim or the alleged offender.

6   **“§ 2340B. Exclusive remedies**

7           “Nothing in this chapter shall be construed as pre-  
8           cluding the application of State or local laws on the same  
9           subject, nor shall anything in this chapter be construed  
10          as creating any substantive or procedural right enforceable  
11          by law by any party in any civil proceeding.”.

12          (b) CLERICAL AMENDMENT.—The table of chapters  
13          for part I of title 18, United States Code, is amended by  
14          inserting after the item for chapter 113A the following  
15          new item:

**“113B. Torture ..... 2340.”.**

16          (c) EFFECTIVE DATE.—This section shall take effect  
17          on the later of—

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

19                 (2) the date the United States has become a  
20          party to the Convention Against Torture and Other  
21          Cruel, Inhuman or Degrading Treatment or  
22          Punishment.

1 **SEC. 714. APPLICABILITY TO UNIFORM CODE OF MILITARY**  
2 **JUSTICE.**

3 The provisions of chapter 228 of title 18, United  
4 States Code, as added by this title, shall not apply to pros-  
5 ecutions under the Uniform Code of Military Justice (10  
6 U.S.C. 801).

7 **SEC. 715. PROTECTION OF JURORS AND WITNESSES IN**  
8 **CAPITAL CASES.**

9 Section 3432 of title 18, United States Code, is  
10 amended by inserting before the period the following: “,  
11 except that such list of the veniremen and witnesses need  
12 not be furnished if the court finds by a preponderance of  
13 the evidence that providing the list may jeopardize the life  
14 or safety of any person”.

15 **TITLE VIII—HABEAS CORPUS**  
16 **REFORM**

17 **SEC. 801. FILING DEADLINES.**

18 Section 2254 of title 28, United States Code, is  
19 amended by adding at the end the following:

20 “(g)(1) In the case of an applicant under sentence  
21 of death, any application for habeas corpus relief under  
22 this section must be filed in the appropriate district court  
23 not later than 1 year after—

24 “(A) the date of denial of a writ of certiorari,  
25 if a petition for a writ of certiorari to the highest  
26 court of the State on direct appeal or unitary review

1 of the conviction and sentence is filed, within the  
2 time limits established by law, in the Supreme  
3 Court;

4 “(B) the date of issuance of the mandate of the  
5 highest court of the State on direct appeal or uni-  
6 tary review of the conviction and sentence, if a peti-  
7 tion for a writ of certiorari is not filed, within the  
8 time limits established by law, in the Supreme  
9 Court; or

10 “(C) the date of issuance of the mandate of the  
11 Supreme Court, if on a petition for a writ of certio-  
12 rari the Supreme Court grants the writ and disposes  
13 of the case in a manner that leaves the capital sen-  
14 tence undisturbed.

15 “(2) The time requirements established by this sec-  
16 tion shall be tolled—

17 “(A) during any period in which the State has  
18 failed to provide counsel as required in section 2257  
19 of this chapter;

20 “(B) during the period from the date the appli-  
21 cant files an application for State postconviction re-  
22 lief until final disposition of the application by the  
23 State appellate courts, if all filing deadlines are met;  
24 and

1           “(C) during an additional period not to exceed  
2           90 days, if counsel moves for an extension in the  
3           district court that would have jurisdiction of a ha-  
4           beas corpus application and makes a showing of  
5           good cause.”.

6 **SEC. 802. STAYS OF EXECUTION IN CAPITAL CASES.**

7           Section 2251 of title 28, United States Code, is  
8 amended—

9           (1) by inserting “(a)(1)” before the first para-  
10          graph;

11          (2) by inserting “(2)” before the second para-  
12          graph; and

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

14          “(b) In the case of an individual under sentence of  
15 death, a warrant or order setting an execution shall be  
16 stayed upon application to any court that would have ju-  
17 risdiction over an application for habeas corpus under this  
18 chapter. The stay shall be contingent upon reasonable dili-  
19 gence by the individual in pursuing relief with respect to  
20 such sentence and shall expire if—

21           “(1) the individual fails to apply for relief  
22          under this chapter within the time requirements es-  
23          tablished by section 2254(g) of this chapter;

1           “(2) upon completion of district court and court  
2 of appeals review under section 2254 of this chapter,  
3 the application is denied and—

4           “(A) the time for filing a petition for a  
5 writ of certiorari expires before a petition is  
6 filed;

7           “(B) a timely petition for a writ of certio-  
8 rari is filed and the Supreme Court denies the  
9 petition; or

10           “(C) a timely petition for certiorari is filed  
11 and, upon consideration of the case, the Su-  
12 preme Court disposes of it in a manner that  
13 leaves the capital sentence undisturbed; or

14           “(3) before a court of competent jurisdiction, in  
15 the presence of counsel qualified under section 2257  
16 of this chapter and after being advised of the con-  
17 sequences of the decision, an individual waives the  
18 right to pursue relief under this chapter.”.

19 **SEC. 803. LAW APPLICABLE.**

20           (a) IN GENERAL.—Chapter 153 of title 28, United  
21 States Code, is amended by adding at the end the  
22 following:

1 **“§ 2256. Law applicable**

2       “(a) Except as provided in subsection (b), in an ac-  
3 tion under this chapter, the court shall not apply a new  
4 rule.

5       “(b) A court shall apply a new rule, if the new rule—

6               “(1) places the claimant’s conduct beyond the  
7 power of the criminal law-making authority to pro-  
8 scribe or punish with the sanction imposed; or

9               “(2) requires the observance of procedures  
10 without which the likelihood of an accurate convic-  
11 tion or valid capital sentence is seriously diminished.

12       “(c) As used in this section, the term ‘new rule’  
13 means a clear break from precedent, announced by the  
14 Supreme Court of the United States, that could not rea-  
15 sonably have been anticipated at the time the claimant’s  
16 sentence became final in State court. A rule is not ‘new’  
17 merely because it was not dictated or compelled by the  
18 precedents existing at that time or because, at that time,  
19 it was susceptible to debate among reasonable minds.”.

20       (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 153 of title 28, United States  
22 Code, is amended by adding at the end the following:

“2256. Law applicable.”.

1 **SEC. 804. COUNSEL IN CAPITAL CASES; STATE COURT.**

2 (a) IN GENERAL.—Chapter 153 of title 28, United  
3 States Code, is amended by adding after the provision  
4 added by section 804 of this subtitle the following:

5 **“§ 2257. Counsel in capital cases; State court**

6 “(a) Notwithstanding section 2254(d) of this chapter,  
7 the court in an action under this chapter shall neither pre-  
8 sume a finding of fact made in a State court proceeding  
9 specified in subsection (b)(1) of this section to be correct  
10 nor decline to consider a claim on the ground that it was  
11 not raised in such a proceeding at the time or in the man-  
12 ner prescribed by State law, unless—

13 “(1) the relevant State maintains a mechanism  
14 for providing legal services to indigents in capital  
15 cases that meets the specifications in subsection (b)  
16 of this section;

17 “(2) if the applicant in the instant case was eli-  
18 gible for the appointment of counsel and did not  
19 waive such an appointment, the State actually ap-  
20 pointed an attorney or attorneys to represent the ap-  
21 plicant in the State proceeding in which the finding  
22 of fact was made or the default occurred; and

23 “(3) the attorney or attorneys so appointed  
24 substantially met both the qualification standards  
25 specified in subsection (b)(3)(A) or (b)(4) of this

1 section and the performance standards established  
2 by the appointing authority.

3 “(b) A mechanism for providing legal services to  
4 indigents within the meaning of subsection (a)(1) of this  
5 section shall include the following elements:

6 “(1) The State shall provide legal services to—

7 “(A) indigents charged with offenses for  
8 which capital punishment is sought;

9 “(B) indigents who have been sentenced to  
10 death and who seek appellate, collateral, or uni-  
11 tary review in State court; and

12 “(C) indigents who have been sentenced to  
13 death and who seek certiorari review of State  
14 court judgments in the United States Supreme  
15 Court.

16 “(2) The State shall establish a counsel author-  
17 ity, which shall be—

18 “(A) a statewide defender organization;

19 “(B) a resource center; or

20 “(C) a counsel authority appointed by the  
21 highest State court having jurisdiction over  
22 criminal matters, consisting of members of the  
23 bar with substantial experience in, or commit-  
24 ment to, the representation of criminal defend-  
25 ants in capital cases, and comprised of a bal-

1           anced representation from each segment of the  
2           State’s criminal defense bar.

3           “(3) The counsel authority shall—

4                   “(A) publish a roster of attorneys qualified  
5                   to be appointed in capital cases, procedures by  
6                   which attorneys are appointed, and standards  
7                   governing qualifications and performance of  
8                   counsel, which shall include—

9                           “(i) knowledge and understanding of  
10                           pertinent legal authorities regarding issues  
11                           in capital cases; and

12                           “(ii) skills in the conduct of negotia-  
13                           tions and litigation in capital cases, the in-  
14                           vestigation of capital cases and the psy-  
15                           chiatric history and current condition of  
16                           capital clients, and the preparation and  
17                           writing of legal papers in capital cases;

18                   “(B) monitor the performance of attorneys  
19                   appointed and delete from the roster any attor-  
20                   ney who fails to meet qualification and perform-  
21                   ance standards; and

22                   “(C) appoint a defense team, which shall  
23                   include at least 2 attorneys, to represent a cli-  
24                   ent at the relevant stage of proceedings, within

1           30 days after receiving notice of the need for  
2           the appointment from the relevant State court.

3           “(4) An attorney who is not listed on the roster  
4           shall be appointed only on the request of the client  
5           concerned and in circumstances in which the attor-  
6           ney requested is able to provide the client with qual-  
7           ity legal representation.

8           “(5) No counsel appointed pursuant to this sec-  
9           tion to represent a prisoner in State postconviction  
10          proceedings shall have previously represented the  
11          prisoner at trial or on direct appeal in the case for  
12          which the appointment is made, unless the prisoner  
13          and counsel expressly request continued representa-  
14          tion.

15          “(6) The ineffectiveness or incompetence of  
16          counsel appointed pursuant to this section during  
17          State or Federal postconviction proceedings shall not  
18          be a ground for relief in a proceeding arising under  
19          section 2254 of this title. This limitation shall not  
20          preclude the appointment of different counsel at any  
21          phase of State or Federal postconviction proceed-  
22          ings.

23          “(7) Upon receipt of notice from the counsel  
24          authority that an individual entitled to the appoint-  
25          ment of counsel under this section has declined to

1 accept such an appointment, the court requesting  
2 the appointment shall conduct, or cause to be con-  
3 ducted, a hearing, at which the individual and coun-  
4 sel proposed to be appointed under this section shall  
5 be present, to determine the individual's competency  
6 to decline the appointment, and whether the individ-  
7 ual has knowingly and intelligently declined it.

8 “(8) Attorneys appointed pursuant to this sec-  
9 tion shall be compensated on an hourly basis pursu-  
10 ant to a schedule of hourly rates as periodically es-  
11 tablished by the counsel authority after consultation  
12 with the highest State court with jurisdiction over  
13 criminal matters. Appointed counsel shall be reim-  
14 bursed for expenses reasonably incurred in rep-  
15 resenting the client, including the costs of law clerks,  
16 paralegals, investigators, experts, or other support  
17 services.

18 “(9) Support services for staff attorneys of a  
19 defender organization or resource center shall be  
20 equal to the services listed in paragraph (8).”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 153 of title 28, United States  
23 Code, is amended by adding after the provision added by  
24 section 303 the following:

“2257. Counsel in capital cases; State court.”.

1 **SEC. 805. SUCCESSIVE FEDERAL PETITIONS.**

2 Section 2244(b) of title 28, United States Code, is  
3 amended—

4 (1) by inserting “(1)” after “(b)”;

5 (2) by inserting “, in the case of an applicant  
6 not under sentence of death,” after “When”; and

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

8 “(2) In the case of an applicant under sentence  
9 of death, a claim presented in a second or successive  
10 application, that was not presented in a prior appli-  
11 cation under this chapter, shall be dismissed un-  
12 less—

13 “(A) the applicant shows that—

14 “(i) the basis of the claim could not  
15 have been discovered by the exercise of  
16 reasonable diligence before the applicant  
17 filed the prior application; or

18 “(ii) the failure to raise the claim in  
19 the prior application was due to action by  
20 State officials in violation of the Constitu-  
21 tion of the United States; and

22 “(B) the facts underlying the claim would  
23 be sufficient, if proven, to undermine the  
24 court’s confidence in the applicant’s guilt of the  
25 offense or offenses for which the capital sen-

1           tence was imposed, or in the validity of that  
2           sentence under Federal law.”.

3 **SEC. 806. CERTIFICATES OF PROBABLE CAUSE.**

4           The third paragraph of section 2253, of title 28,  
5 United States Code, is amended to read as follows:

6           “An appeal may not be taken to the court of  
7 appeals from the final order in a habeas corpus pro-  
8 ceeding where the detention complained of arises out  
9 of process issued by a State court, unless the justice  
10 or judge who rendered the order or a circuit justice  
11 or judge issues a certificate of probable cause. How-  
12 ever, an applicant under sentence of death shall have  
13 a right of appeal without a certification of probable  
14 cause, except after denial of a second or successive  
15 application.”.

16 **SEC. 807. DUTIES OF THE DISTRICT COURT.**

17           Section 2254(a) of title 28, United States Code, is  
18 amended by adding at the end the following:

19           “In adjudicating the merits of any such ground,  
20 the court shall exercise independent judgment in  
21 ascertaining the pertinent Federal legal standards  
22 and in applying those standards to the facts and  
23 shall not defer to a previous State court judgment  
24 regarding a Federal legal standard or its application.  
25 Upon request, the court shall permit the parties to

1 present evidence regarding material facts that were  
2 not adequately developed in State court. The court  
3 shall award relief with respect to any meritorious  
4 constitutional ground, unless, in the case of a viola-  
5 tion that can be harmless, the respondent shows that  
6 the error was harmless beyond a reasonable doubt.”.

7 **SEC. 808. CLAIMS OF INNOCENCE.**

8 (a) IN GENERAL.—Chapter 153 of title 28, United  
9 States Code, is amended by adding after the provision  
10 added by section 805 of this subtitle the following:

11 **“§ 2258. Claims of innocence**

12 “(a) At any time, and notwithstanding any other pro-  
13 vision of law, a district court shall issue habeas corpus  
14 relief on behalf of an applicant under sentence of death,  
15 imposed either in Federal or in State court, who offers  
16 credible newly discovered evidence which, had it been pre-  
17 sented to the trier of fact or sentencing authority at trial,  
18 would probably have resulted in—

19 “(1) an acquittal of the offense for which the  
20 death sentence was imposed; or

21 “(2) a sentence other than death.

22 “(b) An application filed pursuant to subsection (a)  
23 shall offer substantial evidence which, if credible, would  
24 establish one of the standards in subsection (a)(1) or (2).  
25 An application that fails to do so may be dismissed.

1       “(c) If the court concludes that an application meets  
2 the requirements in subsection (b), the court shall—

3               “(1) order the respondent to file an answer;

4               “(2) permit the parties to conduct reasonable  
5 discovery;

6               “(3) conduct a hearing to resolve disputed is-  
7 sues of fact; and

8               “(4) upon request, issue a stay of execution  
9 pending further proceedings in the district court and  
10 on direct review of the district court’s judgment.

11       “(d) If the court concludes that the applicant meets  
12 the standards established by subsection (a)(1) or (2), the  
13 court shall order his or her release, unless a new trial or,  
14 in an appropriate case, a new sentencing proceeding, is  
15 conducted within a reasonable time.

16       “(e) If the court determines that the applicant is cur-  
17 rently entitled to pursue other available and effective rem-  
18 edies in either State or Federal court, the court may, at  
19 the request of either party, suspend its consideration of  
20 the application under this section until the applicant has  
21 exhausted those remedies. A stay issued pursuant to sub-  
22 section (c) shall remain in effect during such a suspension.

23       “(f) An application under this section may be consoli-  
24 dated with any other pending application under this chap-  
25 ter, filed by the same applicant.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 153 of title 28, United States  
3 Code, is amended by adding after the provision added by  
4 section 304 of this subtitle the following:

“2258. Claims of innocence.”.

5 **SEC. 809. PROCEDURAL DEFAULT IN STATE COURT.**

6 Section 2254 of title 28, United States Code, is  
7 amended by adding the following:

8 “(h)(1) A district court shall decline to consider a  
9 claim under this section if—

10 “(A) the applicant previously failed to raise the  
11 claim in State court at the time and in the manner  
12 prescribed by State law; the State courts, for that  
13 reason, refused or would refuse to entertain the  
14 claim; such refusal would constitute an adequate and  
15 independent State law ground that would foreclose  
16 direct review of the State court judgment in the Su-  
17 preme Court of the United States; and

18 “(B) the applicant fails to show cause for the  
19 failure to raise the claim in State court and preju-  
20 dice to the applicant’s right to fair proceedings or to  
21 an accurate outcome resulting from the alleged viola-  
22 tion of the Federal right asserted, or that failure to  
23 consider the claim would result in a miscarriage of  
24 justice.

1       “(2) The court shall not find cause in any case in  
2 which it appears that the applicant or counsel deliberately  
3 withheld a claim from the State courts for strategic pur-  
4 poses. An applicant may establish cause by showing that—

5           “(A) the factual basis of the claim could not  
6 have been discovered by the exercise of reasonable  
7 diligence before the applicant could have raised the  
8 claim in State court;

9           “(B) the claim relies on a decision of the Su-  
10 preme Court of the United States, announced after  
11 the applicant might have raised the claim in State  
12 court; or

13           “(C) the failure to raise the claim in State  
14 court was due to interference by State officials,  
15 counsel’s ignorance or neglect, or counsel’s ineffec-  
16 tive assistance in violation of the Constitution.”.

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

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

21       (a) PROCEDURE.—Part VI of title 28, United States  
22 Code, is amended by adding at the end thereof the follow-  
23 ing new chapter:

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

“Sec.

“2921. Prohibition against the execution of a sentence of death imposed on the basis of race.

“2922. Access to data on death eligible cases.

“2923. Enforcement of the chapter.

“2924. Construction of chapter.

3     **“§ 2921. Prohibition against the execution of a sen-**  
4                             **tence of death imposed on the basis of**  
5                             **race**

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

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

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

1           “(1) upon persons of one race than upon per-  
2           sons of another race; or

3           “(2) as punishment for capital offenses against  
4           persons of one race than as punishment for capital  
5           offenses against persons of another race.

6           “(d) VALIDITY OF EVIDENCE PRESENTED TO ES-  
7           TABLISH AN INFERENCE.—If statistical evidence is pre-  
8           sented to establish an inference that race was the basis  
9           of a sentence of death, the court shall determine the valid-  
10          ity of the evidence and if it provides a basis for the infer-  
11          ence. Such evidence must take into account, to the extent  
12          it is compiled and publicly made available, evidence of the  
13          statutory aggravating factors of the crimes involved, and  
14          shall include comparisons of similar cases involving per-  
15          sons of different races.

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

1 **“§ 2922. Access to data on death eligible cases**

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

5 **“§ 2923. Enforcement of the chapter**

6 “In any proceeding brought under section 2254, the  
7 evidence supporting a claim under this chapter may be  
8 presented in an evidentiary hearing and need not be set  
9 forth in the petition. Notwithstanding section 2254, no de-  
10 termination on the merits of a factual issue made by a  
11 State court pertinent to any claim under section 2921  
12 shall be presumed to be correct unless—

13 “(1) the State is in compliance with section  
14 2922;

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

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

1 **“§ 2924. Construction of chapter**

2 “Nothing contained in this chapter shall be construed  
3 to affect in one way or the other the lawfulness of any  
4 sentence of death that does not violate section 2921.”.

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

“177. **Racially Discriminatory Capital Sentencing** ..... 2921.”.

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

10 No person shall be barred from raising any claim  
11 under section 2921 of title 28, United States Code, as  
12 added by this Act, on the ground of having failed to raise  
13 or to prosecute the same or a similar claim before the en-  
14 actment of the Act, nor by reason of any adjudication ren-  
15 dered before that enactment.

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

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

21 (a) ESTABLISHMENT.—The Attorney General, who  
22 may consult with the Secretary of Health and Human  
23 Services and the Secretary of Housing and Urban Devel-  
24 opment, is authorized to award grants to not more than

1 15 chronic high intensive crime areas to develop com-  
2 prehensive model crime prevention programs that—

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

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

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

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

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

17 (2) vary in approach to ensure that compari-  
18 sons of different models may be made.

19 **SEC. 1002. USES OF FUNDS.**

20 (a) IN GENERAL.—Funds awarded under this sub-  
21 title may be used only for purposes described in an ap-  
22 proved application. The intent of grants under this subtitle  
23 is to fund intensively comprehensive crime prevention pro-  
24 grams in chronic high intensive crime areas.

1 (b) GUIDELINES.—The Attorney General shall issue  
2 and publish in the Federal Register guidelines that de-  
3 scribe suggested purposes for which funds under approved  
4 programs may be used.

5 **SEC. 1003. PROGRAM REQUIREMENTS.**

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

16 (b) COMPREHENSIVE PLAN.—An applicant shall in-  
17 clude a comprehensive, community-based plan to attack  
18 intensively the principal factors identified in subsection  
19 (a). Such plans shall describe the specific purposes for  
20 which funds are proposed to be used and how each pur-  
21 pose will address specific factors. The plan also shall speci-  
22 fy how local nonprofit organizations, government agencies,  
23 private businesses, citizens groups, volunteer organiza-  
24 tions, and interested citizens will cooperate in carrying out  
25 the purposes of the grant.

1 (c) EVALUATION.—An applicant shall include an  
2 evaluation plan by which the success of the plan will be  
3 measured, including the articulation of specific, objective  
4 indicia of performance, how the indicia will be evaluated,  
5 and a projected timetable for carrying out the evaluation.

6 **SEC. 1004. APPLICATIONS.**

7 To request a grant under this subtitle the chief local  
8 elected official of an area shall—

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

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

17 **SEC. 1005. REPORTS.**

18 Not later than December 31, 1998, the Attorney  
19 General shall prepare and submit to the Committees on  
20 the Judiciary of the House and Senate an evaluation of  
21 the model programs developed under this subtitle and  
22 make recommendations regarding the implementation of  
23 a national crime prevention program.

24 **SEC. 1006. DEFINITIONS.**

25 For purposes of this subtitle:

1 (1) CHRONIC HIGH INTENSITY CRIME AREA.—

2 The term “chronic high intensity crime area” is an  
3 area that meets criteria defined under regulations is-  
4 sued by the Attorney General. The criteria adopted  
5 by the Attorney General shall, at a minimum, define  
6 areas with—

7 (A) consistently high rates of violent crime  
8 as reported in the Federal Bureau of Investiga-  
9 tion’s “Uniform Crime Reports”, and

10 (B) chronically high rates of poverty as de-  
11 termined by the Bureau of the Census.

12 (2) CHIEF LOCAL ELECTED OFFICIAL.—The  
13 term “chief local elected official” means an official  
14 designated under regulations issued the Attorney  
15 General. The criteria used by the Attorney General  
16 in promulgating such regulations shall ensure ad-  
17 ministrative efficiency and accountability in the ex-  
18 penditure of funds and execution of funded projects  
19 under this subtitle.

20 **SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out  
22 this subtitle \$300,000,000 for each of the fiscal years  
23 1995, 1996, 1997, 1998, and 1999.

1     **Subtitle B—Ounce of Prevention**  
2                     **Grant Programs**

3             **PART I—OUNCE OF PREVENTION GRANT**  
4                     **PROGRAMS**

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

6             (a) IN GENERAL.—(1) The Secretary of Health and  
7 Human Services shall convene an interagency Task Force  
8 to be known as the Ounce of Prevention Council, which  
9 shall be chaired by the Attorney General, the Secretary  
10 of Education, and the Secretary of Health and Human  
11 Services, and which also shall include the Secretary of  
12 Housing and Urban Development, the Secretary of Labor,  
13 the Secretary of Agriculture, and the Director of the Of-  
14 fice of National Drug Control Policy.

15             (2) The Council may obtain the necessary staff to  
16 carry out its functions through the detail or assignment  
17 of employees from the departments or offices which are  
18 represented by the Council.

19             (3) The Council may delegate any of its functions or  
20 powers to a member or members of the Council.

21             (b) ADMINISTRATIVE RESPONSIBILITIES AND POW-  
22 ERS.—The Council shall advise and counsel the Secretary  
23 regarding administration of the programs established by  
24 this title. In consultation with the Council, the Secretary  
25 may issue regulations and guidelines to carry out this title,

1 including specifications concerning application require-  
2 ments, selection criteria, duration and renewal of grants,  
3 evaluation requirements, limitation of administrative ex-  
4 penses, submission of reports by grantees, recordkeeping  
5 by grantees, and access to books, records, and documents  
6 maintained by grantees or other persons for purposes of  
7 audit or examination.

8 (c) TARGETING OF ASSISTANCE FOR DISTRESSED  
9 COMMUNITIES AND INDIVIDUALS WITH PARTICULAR  
10 NEEDS.—In consultation with the Council, the Secretary  
11 shall adopt regulations or guidelines to ensure that fund-  
12 ing provided under this title shall be used primarily for—

13 (1) assistance in communities that are dis-  
14 tressed as indicated by such factors as high  
15 incidences of crime, juvenile delinquency, gang in-  
16 volvement, substance abuse, unemployment, school  
17 dropouts, or pregnancy among adolescents; and

18 (2) assistance for individuals in any area who  
19 are particularly in need of the assistance for such  
20 reasons as involvement in juvenile delinquency,  
21 gangs, or substance abuse, unemployability, drop-  
22 ping out of school, or pregnancy during adolescence,  
23 or being at risk of such conditions.

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

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

7 (1) summer and after-school (including weekend  
8 and holiday education and recreation) programs;

9 (2) mentoring, tutoring, and other programs in-  
10 volving participation by adult role models;

11 (3) programs assisting and promoting employ-  
12 ability and job placement; and

13 (4) substance abuse treatment and prevention,  
14 including outreach programs for at-risk families.

15 (b) PRIORITY.—In making such grants, the Secretary  
16 shall give preference to coalitions consisting of a broad  
17 spectrum of community-based and social service organiza-  
18 tions that have a coordinated team approach to reducing  
19 gang membership and the effects of substance abuse, and  
20 providing alternatives to at-risk youth.

21 (c) DEFINITIONS.—For purposes of this section the  
22 term “Secretary” means the Secretary of Health and  
23 Human Resources.

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

2 **SCHOOLS GRANT PROGRAM**

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

4 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) shall use funds made available through the  
8 grant to provide, to children in the eligible commu-  
9 nity, services and activities that—

10 (A) shall include supervised sports pro-  
11 grams, and extracurricular and academic pro-  
12 grams, that are offered—

13 (i) after school and on weekends and  
14 holidays, during the school year; and

15 (ii) as daily full-day programs (to the  
16 extent available resources permit) or as  
17 part-day programs, during the summer  
18 months;

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

1 (3) may use such funds—

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

6 (B) to develop or expand school programs  
7 (including programs that provide a variety of  
8 additional services to help meet the comprehen-  
9 sive needs of students, such as homework as-  
10 sistance and after-school programs (including  
11 educational, social, and athletic activities), nu-  
12 trition services, family counseling, and parental  
13 training programs) that are designed to im-  
14 prove academic and social development of at-  
15 risk children by instituting a collaborative  
16 structure that trains and coordinates the efforts  
17 of teachers, administrators, social workers,  
18 guidance counselors, parents, and school volun-  
19 teers to provide concurrent social services for  
20 at-risk students in the daily academic curricu-  
21 lum at public schools in the eligible community;  
22 and

23 (4) may not use such funds to provide sectarian  
24 worship or instruction.

1 **SEC. 1017. ELIGIBLE COMMUNITY IDENTIFICATION.**

2 (a) IDENTIFICATION.—To be eligible to receive a  
3 grant under this section, a community-based organization  
4 shall identify an eligible community to be assisted under  
5 this section.

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

11 **SEC. 1018. APPLICATIONS.**

12 (a) APPLICATION REQUIRED.—To be eligible to re-  
13 ceive a grant under this section, a community-based orga-  
14 nization shall submit an application to the Secretary at  
15 such time, in such manner, and accompanied by such in-  
16 formation, as the Secretary may reasonably require, and  
17 obtain approval of such application.

18 (b) CONTENTS OF APPLICATION.—Each application  
19 submitted pursuant to paragraph (1) shall—

20 (1) describe the activities and services to be  
21 provided through the program for which the grant is  
22 sought;

23 (2) contain an assurance that the community-  
24 based organization will spend grant funds received  
25 under this section in a manner that the community-

1 based organization determines will best accomplish  
2 the objectives of this section;

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

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

8 (A) will—

9 (i) where appropriate, make a public  
10 school the focal point of the eligible com-  
11 munity; or

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

14 (B) may include reducing the percentage  
15 of children in the eligible community that enter  
16 the juvenile justice system, increasing the grad-  
17 uation rates, school attendance, and academic  
18 success of children in the eligible community,  
19 and improving the skills of program partici-  
20 pants;

21 (5) provide evidence of support for accomplish-  
22 ing such goals and outcomes from—

23 (A) community leaders;

24 (B) businesses;

25 (C) local educational agencies;

1 (D) local officials;

2 (E) State officials; and

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

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

13 (7) contain a list of the activities and services  
14 that will be offered through the program for which  
15 the grant is sought and sponsored by private non-  
16 profit organizations, individuals, and groups serving  
17 the eligible community, including—

18 (A) extracurricular and academic pro-  
19 grams, such as programs described in section  
20 1016(b)(2); and

21 (B) activities that address specific needs in  
22 the community;

23 (8) demonstrate the manner in which the com-  
24 munity-based organization will make use of the re-  
25 sources, expertise, and commitment of private enti-

1 ties in carrying out the program for which the grant  
2 is sought;

3 (9) include an estimate of the number of chil-  
4 dren in the eligible community expected to be served  
5 pursuant to the program;

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

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

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

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

23 (14) contain an assurance that the community-  
24 based organization shall prepare and submit to the

1 Secretary an annual report regarding any program  
2 conducted under this section;

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

6 (A) provided by program volunteers, par-  
7 ents, adult mentors, social workers, drug and  
8 alcohol abuse counselors, teachers, or other per-  
9 sons providing tutoring and college or voca-  
10 tional preparation; and

11 (B) provided solely through non-Federal  
12 private and nonprofit sources; and

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

16 (c) PRIORITY.—In awarding grants to carry out pro-  
17 grams under this section, the Secretary shall give priority  
18 to community-based organizations who submit applica-  
19 tions that demonstrate the greatest effort in generating  
20 local support for the programs.

21 **SEC. 1019. ELIGIBILITY OF PARTICIPANTS.**

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

1 (b) EXCLUSION.—

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

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

16 **SEC. 1020. PEER REVIEW PANEL.**

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

21 (b) COMPOSITION.—Such panel shall include at least  
22 1 representative from each of the following:

- 23 (1) A community-based organization.  
24 (2) A local government.  
25 (3) A local educational agency.

1 (4) The private sector.

2 (5) A charitable organization.

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

7 (1) grant funding under this section; and

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

10 **SEC. 1021. INVESTIGATIONS AND INSPECTIONS.**

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

14 **SEC. 1022. FEDERAL SHARE.**

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

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

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

1 (b) NON-FEDERAL SHARE.—

2 (1) IN GENERAL.—The non-Federal share of  
3 such costs may be in cash or in kind, fairly evalu-  
4 ated, including plant, equipment, and services (in-  
5 cluding the services described in section  
6 1018(b)(16).

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

10 **SEC. 1023. EVALUATION.**

11 The Secretary shall conduct a thorough evaluation of  
12 the programs assisted under this section, which shall in-  
13 clude an assessment of—

14 (1) the number of children participating in each  
15 program assisted under this section;

16 (2) the academic achievement of such children;

17 (3) school attendance and graduation rates of  
18 such children; and

19 (4) the number of such children being processed  
20 by the juvenile justice system.

21 **SEC. 1024. DEFINITIONS.**

22 In this part the following definitions apply:

23 (1) CHILD.—The term “child” means an indi-  
24 vidual who is not younger than 5 and not older than  
25 18.

1           (2) COMMUNITY-BASED ORGANIZATION.—The  
2 term “community-based organization” means a pri-  
3 vate, locally initiated community-based organization  
4 that—

5           (A) is a nonprofit organization, as defined  
6 in section 103(23) of the Juvenile Justice and  
7 Delinquency Prevention Act of 1974 (42 U.S.C.  
8 5603(23)); and

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

12           (i) Residents of the community.

13           (ii) Business and civic leaders actively  
14 involved in providing employment and busi-  
15 ness development opportunities in the  
16 community.

17           (iii) Educators and organizations of  
18 learning (such as local education agencies).

19           (iv) Student organizations.

20           (v) Law enforcement agencies.

21           (vi) Public housing agencies.

22           (vii) State government.

23           (viii) Other public agencies.

24           (ix) Other interested parties.

1           (3) ELIGIBLE COMMUNITY.—The term “eligible  
2 community” means an area identified pursuant to  
3 section 1024.

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

8           (5) POVERTY LINE.—The term “poverty line”  
9 means the income official poverty line (as defined by  
10 the Office of Management and Budget, and revised  
11 annually in accordance with section 673(2) of the  
12 Community Services Block Grant Act (42 U.S.C.  
13 9902(2)) applicable to a family of the size involved.

14           (6) PUBLIC SCHOOL.—The term “public  
15 school” means a public elementary school, as defined  
16 in section 1201(i) of the Higher Education Act of  
17 1965 (20 U.S.C. 1141(i)), and a public secondary  
18 school, as defined in section 1201(d) of such Act.

19           (7) SECRETARY.—The term “Secretary” means  
20 the Secretary of Education.

21           (8) STATE.—The term “State” means each of  
22 the several States of the United States, the District  
23 of Columbia, the Commonwealth of Puerto Rico, the  
24 Commonwealth of the Northern Mariana Islands,

1 American Samoa, Guam, and the United States Vir-  
2 gin Islands.

3 **PART III—ADMINISTRATION**

4 **SEC. 1025. TECHNICAL ASSISTANCE; TRAINING AND EVAL-**  
5 **UATION.**

6 (a) TECHNICAL ASSISTANCE AND TRAINING.—The  
7 Secretary may provide technical assistance, training, and  
8 evaluations to further the purposes of this subtitle through  
9 grants, contracts, or other cooperative agreements with  
10 other entities.

11 (b) EVALUATIONS.—In addition to any evaluation re-  
12 quirements that may be required for grantees, the Sec-  
13 retary may conduct or support evaluations of programs  
14 that receive support under this subtitle, including assess-  
15 ments of the effectiveness of the programs in reducing de-  
16 linquency, gang involvement, substance abuse, school  
17 dropout rates, and adolescent pregnancy, and in increas-  
18 ing employability and employment.

19 **SEC. 1026. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATIONS FOR PART I.—There are au-  
21 thorized to be appropriated to carry out the purposes of  
22 part I, \$25,000,000 for each of the fiscal years 1995  
23 through 1999.

24 (b) AUTHORIZATIONS FOR PART II.—There are au-  
25 thorized to be appropriated to carry out the purposes of

1 part II, \$230,000,000 for each of the fiscal years 1995  
2 through 1999.

3 **Subtitle C—Police Partnerships for**  
4 **Children**

5 **SEC. 1030. DEFINITION.**

6 As used in this subtitle, “partnership” means a coop-  
7 erative arrangement or association involving one or more  
8 law enforcement agencies, and one or more public or pri-  
9 vate agencies that provide child or family services.

10 **SEC. 1031. GRANT AUTHORITY.**

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

14 (1) teams or units involving participants from  
15 both the law enforcement and child or family serv-  
16 ices components of the partnership that respond to  
17 or deal with violent incidents in which a child is in-  
18 volved as a perpetrator, witness, or victim, such as  
19 teams or units that provide a 24-hour crisis response  
20 or consultation service in relation to such incidents;

21 (2) training for law enforcement officers re-  
22 garding behavior, psychology, family systems, and  
23 community culture and attitudes that is relevant to  
24 dealing with children who are involved in violent in-

1       cidents or at risk of involvement in such incidents,  
2       or with families of such children; and

3           (3) programs for children and families that are  
4       designed jointly by the law enforcement and child or  
5       family services components of the partnership, in-  
6       cluding programs providing 24-hour response to cri-  
7       sis situations affecting children and such other pro-  
8       grams as programs that provide training in non-  
9       violent conflict resolution, after-school activity and  
10      neighborhood recreation programs, parent support  
11      groups that are led jointly by child or family services  
12      and law enforcement personnel, and mentoring  
13      programs.

14      (b) GRANTS FOR POLICE RESIDENCE IN HIGH  
15      CRIME AREAS.—The Secretary of Housing and Urban De-  
16      velopment, in consultation with the Attorney General, may  
17      make grants to units of State or local government, public  
18      housing authorities, owners of federally assisted housing,  
19      and owners of housing in high crime areas in order to pro-  
20      vide dwelling units to law enforcement officers without  
21      charge or at or substantially reduced rent for the purpose  
22      of providing greater security for residents of high crime  
23      areas.

1 **SEC. 1032. ADMINISTRATION.**

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

5 (b) REGULATORY AUTHORITY.—The Attorney Gen-  
6 eral, for the purposes of section 1031(a), and the Sec-  
7 retary of Housing and Urban Development, for purposes  
8 of section 1031(b), may issue regulations and guidelines  
9 to carry out this subtitle, including specifications concern-  
10 ing application requirements, selection criteria, duration  
11 and renewal of grants, evaluation requirements, matching  
12 funds, limitation of administrative expenses, submission of  
13 reports by grantees, recordkeeping by grantees, and access  
14 to books, records, and documents maintained by grantees  
15 or other persons for purposes of audit or examination.

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

18 (1) an application for a grant under section  
19 1030(a) of this subtitle shall—

20 (A) certify that the applicant is a partner-  
21 ship as defined in section 1030, or a law en-  
22 forcement agency or public or private child or  
23 family services agency that is participating in a  
24 partnership and seeking support on behalf of  
25 the partnership;

1 (B) include a long-term strategy and de-  
2 tailed implementation plan;

3 (C) certify that the Federal support pro-  
4 vided under this subtitle will be used to supple-  
5 ment, and not supplant, State and local sources  
6 of funding that would otherwise be available;

7 (D) identify any related governmental or  
8 community initiatives which complement or will  
9 be coordinated with the proposal; and

10 (E) specify plans for obtaining necessary  
11 support and continuing the proposed program  
12 following the conclusion of Federal support;

13 (2) in addition to any other requirements that  
14 may be specified by the Secretary of Housing and  
15 Urban Development, an application for a grant  
16 under section 1031(b) shall—

17 (A) certify that there has been appropriate  
18 consultation with the employing agency of any  
19 law enforcement officer who is to be provided  
20 with a dwelling unit;

21 (B) identify any related governmental or  
22 community initiatives which complement or will  
23 be coordinated with the proposal;

24 (C) certify that the Federal support pro-  
25 vided will be used to supplement, and not sup-

1 plant, State and local sources of funding that  
2 would otherwise be available; and

3 (D) provide assurances that local police of-  
4 ficers will not be required to reside in resi-  
5 dences funded under this subtitle.

6 (d) MATCHING FUNDS.—The portion of the costs of  
7 a program provided by a grant under this subtitle may  
8 not exceed 75 percent, unless the Attorney General, for  
9 purposes of section 1031(a), or the Secretary of Housing  
10 and Urban Development, for purposes of section 1031(b),  
11 waives, wholly or in part, the requirement under this sub-  
12 section of a non-Federal contribution to the costs of a  
13 program.

14 (e) FUNDING PRIORITY.—In making grants under  
15 section 1031(a), the Attorney General shall give priority  
16 to applications by partnerships involving law enforcement  
17 agencies that engage in community-oriented policing for  
18 programs assisting distressed communities or populations  
19 with a high incidence of violence affecting children.

20 **SEC. 1033. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**  
21 **UATION.**

22 (a) TECHNICAL ASSISTANCE AND TRAINING.—The  
23 Attorney General may provide technical assistance and  
24 training to further the purposes of this subtitle.

1 (b) EVALUATIONS.—In addition to any evaluation re-  
2 quirements that may be prescribed for grantees, the Attor-  
3 ney General, may carry out or make arrangements for  
4 evaluations of programs that receive support under this  
5 subtitle.

6 (c) ADMINISTRATION.—The technical assistance,  
7 training, and evaluations authorized by this section may  
8 be carried out directly by the Attorney General, or through  
9 grants, contracts, or other cooperative arrangements with  
10 other entities.

11 **SEC. 1034. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-  
13 priated \$20,000,000 in fiscal year 1995, and such sums  
14 as may be necessary in each of fiscal years 1996 through  
15 1999 to carry out this subtitle.

16 (b) LIMITATION.—Not more than 50 percent of the  
17 funds made available in a fiscal year for this subtitle may  
18 be expended for grants under section 1031(b).

19 **Subtitle D—Midnight Sports**

20 **SEC. 1038. GRANTS FOR MIDNIGHT SPORTS LEAGUE**  
21 **ANTICRIME PROGRAMS.**

22 (a) AUTHORITY.—The Secretary of Housing and  
23 Urban Development, in consultation with the Attorney  
24 General of the United States, the Secretary of Labor, and  
25 the Secretary of Education, shall make grants, to the ex-

1 tent that amounts are approved in appropriations Acts  
2 under subsection (k), to eligible entities to assist such enti-  
3 ties in carrying out midnight sports league programs  
4 meeting the requirements of subsection (d).

5 (b) ELIGIBLE ENTITIES.—

6 (1) IN GENERAL.—Grants under subsection (a)  
7 may be made only to the following eligible entities:

8 (A) Entities eligible under section 520(b)  
9 of the Cranston-Gonzalez National Affordable  
10 Housing Act (42 U.S.C. 11903a(b)) for a grant  
11 under section 520(a) of such Act.

12 (B) Nonprofit organizations providing  
13 crime prevention, employment counseling, job  
14 training, or other educational services.

15 (C) Nonprofit organizations providing fed-  
16 erally-assisted low-income housing.

17 (2) PROHIBITION ON SECOND GRANTS.—A  
18 grant under subsection (a) may not be made to an  
19 eligible entity if the entity previously received a  
20 grant under such subsection.

21 (c) USE OF GRANT AMOUNTS.—Any eligible entity  
22 that receives a grant under subsection (a) may use the  
23 grant only—

24 (1) to establish or carry out a midnight sports  
25 league program under subsection (d);

1           (2) for salaries for administrators and staff of  
2 the program;

3           (3) for other administrative costs of the pro-  
4 gram, except that not more than 5 percent of the  
5 grant may be used for such administrative costs;  
6 and

7           (4) for costs of training and assistance provided  
8 under subsection (d)(9).

9           (d) PROGRAM REQUIREMENTS.—Each eligible entity  
10 receiving a grant under subsection (a) shall establish a  
11 midnight sports league program as follows:

12           (1) The program shall establish a sports league  
13 of not less than 8 teams having 10 players each.

14           (2) Not less than 50 percent of the players in  
15 the sports league shall be residents of federally as-  
16 sisted low-income housing.

17           (3) The program shall be designed to serve pri-  
18 marily youths and young adults from a neighborhood  
19 or community whose population has not less than 2  
20 of the following characteristics (in comparison with  
21 national averages):

22                   (A) A substantial problem regarding use or  
23 sale of illegal drugs.

24                   (B) A high incidence of crimes committed  
25 by youths or young adults.

1           (C) A high incidence of persons infected  
2           with the human immunodeficiency virus or sex-  
3           ually transmitted diseases.

4           (D) A high incidence of pregnancy, or a  
5           high birth rate, among adolescents.

6           (E) A high unemployment rate for youths  
7           and young adults.

8           (F) A high rate of high school dropouts.

9           (4) The program shall require each player in  
10          the league to attend employment counseling, job  
11          training, and other educational classes provided  
12          under the program, which shall be held in conjunc-  
13          tion with league sports games at or near the site of  
14          the games.

15          (5) The program shall serve only youths and  
16          young adults who demonstrate a need for such coun-  
17          seling, training, and education provided by the pro-  
18          gram, in accordance with criteria for demonstrating  
19          need, which shall be established by the Secretary of  
20          Housing and Urban Development, in consultation  
21          with the Attorney General, Secretary of Labor, the  
22          Secretary of Education, and with the Advisory  
23          Committee.

24          (6) The program shall obtain sponsors for each  
25          team in the sports league. Sponsors shall be private

1 individuals or businesses in the neighborhood or  
2 community served by the program who make finan-  
3 cial contributions to the program and participate in  
4 or supplement the employment, job training, and  
5 educational services provided to the players under  
6 the program with additional training or educational  
7 opportunities.

8 (7) The program shall comply with any criteria  
9 established by the Secretary of Housing and Urban  
10 Development, in consultation with the Attorney Gen-  
11 eral, the Secretary of Labor, the Secretary of Edu-  
12 cation, and with the Advisory Committee.

13 (e) GRANT AMOUNT LIMITATIONS.—

14 (1) PRIVATE CONTRIBUTIONS.—The Secretary  
15 of Housing and Urban Development, in consultation  
16 with the Attorney General, the Secretary of Labor,  
17 and the Secretary of Education, may not make a  
18 grant under subsection (a) to an eligible entity that  
19 applies for a grant under subsection (f) unless the  
20 applicant entity certifies to the Secretary of Housing  
21 and Urban Development, or the Attorney General,  
22 that the entity will supplement the grant amounts  
23 with amounts of funds from non-Federal sources, as  
24 follows:

1           (A) In each of the first 2 years that  
2 amounts from the grant are disbursed (under  
3 paragraph (5)), an amount sufficient to provide  
4 not less than 35 percent of the cost of carrying  
5 out the midnight sports league program.

6           (B) In each of the last 3 years that  
7 amounts from the grant are disbursed, an  
8 amount sufficient to provide not less than 50  
9 percent of the cost of carrying out the midnight  
10 sports league program.

11           (2) NON-FEDERAL FUNDS.—For purposes of  
12 this subsection, the term “funds from non-Federal  
13 sources” includes amounts from nonprofit organiza-  
14 tions, public housing agencies, States, units of gen-  
15 eral local government, and Indian housing authori-  
16 ties, private contributions, any salary paid to staff  
17 (other than from grant amounts under subsection  
18 (a)) to carry out the program of the eligible entity,  
19 in-kind contributions to carry out the program (as  
20 determined by the Secretary of Housing and Urban  
21 Development, in consultation with the Attorney Gen-  
22 eral, the Secretary of Labor, the Secretary of Edu-  
23 cation, and with the Advisory Committee), the value  
24 of any donated material, equipment, or building, the  
25 value of any lease on a building, the value of any

1 utilities provided, and the value of any time and  
2 services contributed by volunteers to carry out the  
3 program of the eligible entity.

4 (3) PROHIBITION ON SUBSTITUTION OF  
5 FUNDS.—Grants made under subsection (a), and  
6 amounts provided by States and units of general  
7 local government to supplement the grants, may not  
8 be used to replace other public funds previously  
9 used, or designated for use, under this section.

10 (4) MAXIMUM AND MINIMUM GRANT  
11 AMOUNTS.—The Secretary of Housing and Urban  
12 Development, in consultation with the Attorney Gen-  
13 eral, the Secretary of Labor, and the Secretary of  
14 Education, may not make a grant under subsection  
15 (a) to any single eligible entity in an amount less  
16 than \$50,000 or exceeding \$125,000.

17 (5) DISBURSEMENT.—Each grant made under  
18 subsection (a)(1) shall be disbursed to the eligible  
19 entity receiving the grant over the 5-year period be-  
20 ginning on the date that the entity is selected to re-  
21 ceive the grant, as follows:

22 (A) In each of the first 2 years of such 5-  
23 year period, 23 percent of the total grant  
24 amount shall be disbursed to the entity.

1           (B) In each of the last 3 years of such 5-  
2           year period, 18 percent of the total grant  
3           amount shall be disbursed to the entity.

4           (f) APPLICATIONS.—To be eligible to receive a grant  
5           under subsection (a), an eligible entity shall submit to the  
6           Secretary of Housing and Urban Development an applica-  
7           tion in the form and manner required by the Secretary  
8           of Housing and Urban Development, in consultation with  
9           the Attorney General, the Secretary of Labor, the Sec-  
10          retary of Education, and with the Advisory Committee,  
11          which shall include—

12           (1) a description of the midnight sports league  
13          program to be carried out by the entity, including a  
14          description of the employment counseling, job train-  
15          ing, and other educational services to be provided;

16           (2) letters of agreement from service providers  
17          to provide training and counseling services required  
18          under subsection (d) and a description of such serv-  
19          ice providers;

20           (3) letters of agreement providing for facilities  
21          for sports games and counseling, training, and edu-  
22          cational services required under subsection (d) and  
23          a description of the facilities;

24           (4) a list of persons and businesses from the  
25          community served by the program who have ex-

1 pressed interest in sponsoring, or have made com-  
2 mitments to sponsor, a team in the midnight sports  
3 league; and

4 (5) evidence that the neighborhood or commu-  
5 nity served by the program meets the requirements  
6 of subsection (d)(3).

7 (g) SELECTION.—The Secretary of Housing and  
8 Urban Development, in consultation with the Attorney  
9 General, the Secretary of Labor, the Secretary of Edu-  
10 cation, and with the Advisory Committee, shall select eligi-  
11 ble entities that submit applications under subsection (f)  
12 to receive grants under subsection (a). The Secretary of  
13 Housing and Urban Development, in consultation with the  
14 Attorney General, the Secretary of Labor, the Secretary  
15 of Education, and with the Advisory Committee, shall es-  
16 tablish criteria for selection of applicants to receive such  
17 grants. The criteria shall include a preference for selection  
18 of eligible entities carrying out midnight sports league pro-  
19 grams in suburban and rural areas.

20 (h) REPORTS.—The Secretary of Housing and Urban  
21 Development, in consultation with the Attorney General,  
22 the Secretary of Labor, and the Secretary of Education,  
23 shall require each eligible entity receiving a grant under  
24 subsection (a) to submit for each year in which grant

1 amounts are received by the entity, a report describing the  
2 activities carried out with such amounts.

3 (i) STUDY.—To the extent amounts are provided  
4 under appropriation Acts pursuant to subsection (k)(2),  
5 the Secretary of Housing and Urban Development, in con-  
6 sultation with the Attorney General, the Secretary of  
7 Labor, and the Secretary of Education, shall make a grant  
8 to one entity qualified to carry out a study under this sub-  
9 section. The entity shall use such grant to carry out a  
10 scientific study of the effectiveness of midnight sports  
11 league programs under subsection (d) of eligible entities  
12 receiving grants under subsection (a). The Secretary of  
13 Housing and Urban Development, in consultation with the  
14 Attorney General, the Secretary of Labor, and the Sec-  
15 retary of Education, shall require such entity to submit  
16 a report describing the study and any conclusions and rec-  
17 ommendations resulting from the study to the Congress  
18 and the Secretary of Housing and Urban Development  
19 and the Attorney General not later than the expiration of  
20 the 2-year period beginning on the date that the grant  
21 under this subsection is made.

22 (j) DEFINITIONS.—For purposes of this section—

23 (1) the term “eligible entity” means an entity  
24 described under subsection (b)(1); and

1           (2) the term “federally assisted low-income  
2           housing” has the meaning given the term in section  
3           5126 of the Public and Assisted Housing Drug  
4           Elimination Act of 1990.

5           (k) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated—

7           (1) for grants under subsection (a),  
8           \$10,000,000 in each of fiscal years 1995, 1996,  
9           1997, 1998, and 1999; and

10          (2) for a study grant under subsection (i),  
11          \$250,000 in fiscal year 1995.

## 12                           **Subtitle E—Drug Courts**

### 13   **SEC. 1041. GRANT AUTHORITY.**

14          The Attorney General may make grants to units of  
15          State and local government, and to other public and pri-  
16          vate entities, for programs that involve continuing judicial  
17          supervision over specified categories of persons with sub-  
18          stance abuse problems, and that involve the integrated ad-  
19          ministration of other sanctions and services including—

20                (1) testing for the use of controlled substances  
21                or other addictive substances;

22                (2) substance abuse treatment;

23                (3) diversion, probation, or other supervised re-  
24                lease involving the possibility of prosecution, confine-  
25                ment, or incarceration based on noncompliance with

1 program requirements or failure to show satisfactory  
2 progress; and

3 (4) programmatic or health related aftercare  
4 services such as relapse prevention, education, voca-  
5 tional training, job placement, housing placement,  
6 and child care or other family support services.

7 **SEC. 1042. ADMINISTRATION.**

8 (a) CONSULTATION.—The Attorney General shall  
9 consult with the Secretary of Health and Human Services  
10 and any other appropriate officials in carrying out this  
11 subtitle.

12 (b) USE OF COMPONENTS.—The Attorney General  
13 may utilize any component or components of the Depart-  
14 ment of Justice in carrying out this subtitle.

15 (c) REGULATORY AUTHORITY.—The Attorney Gen-  
16 eral may issue regulations and guidelines to carry out this  
17 subtitle, including specifications concerning application re-  
18 quirements, selection criteria, duration and renewal of  
19 grants, evaluation requirements, matching funds, limita-  
20 tion of administrative expenses, submission of reports by  
21 grantees, recordkeeping by grantees, and access to books,  
22 records, and documents maintained by grantees or other  
23 persons for purposes of audit or examination.

1 (d) APPLICATIONS.—In addition to any other require-  
2 ments that may be specified by the Attorney General, an  
3 application for a grant under this subtitle shall—

4 (1) include a long-term strategy and detailed  
5 implementation plan;

6 (2) explain the applicant's inability to fund the  
7 program adequately without Federal assistance;

8 (3) certify that the Federal support provided  
9 will be used to supplement, and not supplant, State  
10 and local sources of funding that would otherwise be  
11 available;

12 (4) identify related governmental or community  
13 initiatives which complement or will be coordinated  
14 with the proposal;

15 (5) certify that there has been appropriate con-  
16 sultation with all affected agencies, and that there  
17 will be appropriate coordination with all affected  
18 agencies in the implementation of the program;

19 (6) specify plans for obtaining necessary sup-  
20 port and continuing the proposed program following  
21 the conclusion of Federal support; and

22 (7) describe the methodology that will be uti-  
23 lized in evaluating the program.

1 **SEC. 1043. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**  
2 **UATION.**

3 (a) TECHNICAL ASSISTANCE AND TRAINING.—The  
4 Attorney General may provide technical assistance and  
5 training in furtherance of the purposes of this subtitle.

6 (b) EVALUATIONS.—In addition to any evaluation re-  
7 quirements that may be prescribed for grantees, the Attor-  
8 ney General may carry out or make arrangements for eval-  
9 uations of programs that receive support under this sub-  
10 title.

11 (c) ADMINISTRATION.—The technical assistance,  
12 training, and evaluations authorized by this section may  
13 be carried out directly by the Attorney General, in collabo-  
14 ration with the Secretary of Health and Human Services,  
15 or through grants, contracts, or other cooperative arrange-  
16 ments with other entities.

17 **SEC. 1044. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated  
19 \$280,000,000 in each of fiscal years 1995, 1996, 1997,  
20 1998, and 1999 to carry out this subtitle.

21 **Subtitle F—Assistance for**  
22 **Delinquent and At-Risk Youth**

23 **SEC. 1051. GRANT AUTHORITY.**

24 (a) IN GENERAL.—(1) In order to prevent the com-  
25 mission of crimes or delinquent acts by juveniles, the At-  
26 torney General may make grants to public or private non-

1 profit organizations to support the development and oper-  
2 ation of projects to provide residential services to youth,  
3 aged 11 to 19, who—

4 (A) have dropped out of school;

5 (B) have come into contact with the juvenile  
6 justice system; or

7 (C) are at risk of dropping out of school or  
8 coming into contact with the juvenile justice system.

9 (2) Such services shall include activities designed  
10 to—

11 (A) increase the self-esteem of such youth;

12 (B) assist such youth in making healthy and re-  
13 sponsible choices;

14 (C) improve the academic performance of such  
15 youth pursuant to a plan jointly developed by the  
16 applicant and the school which each such youth at-  
17 tends or should attend; and

18 (D) provide such youth with vocational and life  
19 skills.

20 (b) APPLICATIONS.—(1) A public agency or private  
21 nonprofit organization which desires a grant under this  
22 section shall submit an application at such time and in  
23 such manner as the Attorney General may prescribe.

24 (2) Such application shall include—

1 (A) a description of the program developed by  
2 the applicant, including the activities to be offered;

3 (B) a detailed discussion of how such program  
4 will prevent youth from committing crimes or delin-  
5 quent acts;

6 (C) evidence that such program—

7 (i) will be carried out in facilities which  
8 meet applicable State and local laws with re-  
9 gard to safety;

10 (ii) will include academic instruction, ap-  
11 proved by the State or local educational agency,  
12 which meets or exceeds State and local stand-  
13 ards and curricular requirements; and

14 (iii) will include instructors and other per-  
15 sonnel who possess such qualifications as may  
16 be required by applicable State or local laws;  
17 and

18 (D) specific, measurable outcomes for youth  
19 served by the program.

20 (c) CONSIDERATION OF APPLICATIONS.—Not later  
21 than 60 days following the submission of applications, the  
22 Attorney General shall—

23 (1) approve each application and disburse the  
24 funding for each such application, or

1           (2) disapprove the application and inform the  
2           applicant of such disapproval and the reasons there-  
3           for.

4           (d) REPORTS.—A grantee under this section shall an-  
5           nually submit a report to the Attorney General that de-  
6           scribes the activities and accomplishments of such pro-  
7           gram, including the degree to which the specific youth out-  
8           comes are met.

9           **SEC. 1052. AUTHORIZATION OF APPROPRIATIONS.**

10          For grants under section 1051, there are authorized  
11          to be appropriated \$10,000,000 for each of the fiscal years  
12          1995 through 1999.

13           **Subtitle G—Police Recruitment**

14           **SEC. 1061. GRANT AUTHORITY.**

15          (a) IN GENERAL.—The Attorney General may make  
16          grants to qualified community organizations to assist in  
17          meeting the costs of qualified programs which are de-  
18          signed to recruit and retain applicants of police depart-  
19          ments.

20          (b) QUALIFIED COMMUNITY ORGANIZATIONS.—An  
21          organization is a qualified community organization which  
22          is eligible to receive a grant under subsection (a) if the  
23          organization—

24                  (1) is a non-profit organization; and

25                  (2) has training and experience in—

1 (A) working with a police department and  
2 with teachers, counselors, and similar person-  
3 nel,

4 (B) providing services to the community in  
5 which the organization is located,

6 (C) developing and managing services and  
7 techniques to recruit individuals to become  
8 members of a police department and to assist  
9 such individuals in meeting the membership re-  
10 quirements of police departments,

11 (D) developing and managing services and  
12 techniques to assist in the retention of appli-  
13 cants to police departments, and

14 (E) developing other programs that con-  
15 tribute to the community.

16 (c) QUALIFIED PROGRAMS.—A program is a qualified  
17 program for which a grant may be made under subsection  
18 (a) if the program is designed to recruit and train individ-  
19 uals from underrepresented neighborhoods and localities  
20 and if—

21 (1) the overall design of the program is to re-  
22 cruit and retain applicants to a police department;

23 (2) the program provides recruiting services  
24 which include tutorial programs to enable individuals

1 to meet police force academic requirements and to  
2 pass entrance examinations;

3 (3) the program provides counseling to appli-  
4 cants to police departments who may encounter  
5 problems throughout the application process; and

6 (4) the program provides retention services to  
7 assist in retaining individuals to stay in the applica-  
8 tion process of a police department.

9 (d) APPLICATIONS.—To qualify for a grant under  
10 subsection (a), a qualified organization shall submit an ap-  
11 plication to the Attorney General in such form as the At-  
12 torney General may prescribe. Such application shall—

13 (1) include documentation from the applicant  
14 showing—

15 (A) the need for the grant;

16 (B) the intended use of grant funds;

17 (C) expected results from the use of grant  
18 funds; and

19 (D) demographic characteristics of the  
20 population to be served, including age, disabil-  
21 ity, race, ethnicity, and languages used; and

22 (2) contain assurances satisfactory to the Attor-  
23 ney General that the program for which a grant is  
24 made will meet the applicable requirements of the

1 program guidelines prescribed by the Attorney Gen-  
2 eral under subsection (i).

3 (e) ACTION BY THE ATTORNEY GENERAL.—Not later  
4 than 60 days after the date that an application for a grant  
5 under subsection (a) is received, the Attorney General  
6 shall consult with the police department which will be in-  
7 volved with the applicant and shall—

8 (1) approve the application and disburse the  
9 grant funds applied for; or

10 (2) disapprove the application and inform the  
11 applicant that the application is not approved and  
12 provide the applicant with the reasons for the dis-  
13 approval.

14 (f) GRANT DISBURSEMENT.—The Attorney General  
15 shall disburse funds under a grant under subsection (a)  
16 in accordance with regulations of the Attorney General  
17 which shall ensure—

18 (1) priority is given to applications for areas  
19 and organizations with the greatest showing of need;

20 (2) that grant funds are equitably distributed  
21 on a geographic basis; and

22 (3) the needs of underserved populations are  
23 recognized and addressed.

24 (g) GRANT PERIOD.—A grant under subsection (a)  
25 shall be made for a period not longer than 3 years.

1 (h) GRANTEE REPORTING.—(1) For each year of a  
2 grant period for a grant under subsection (a), the recipient  
3 of the grant shall file a performance report with the Attor-  
4 ney General explaining the activities carried out with the  
5 funds received and assessing the effectiveness of such ac-  
6 tivities in meeting the purpose of the recipient's qualified  
7 program.

8 (2) If there was more than one recipient of a grant,  
9 each recipient shall file such report.

10 (3) The Attorney General shall suspend the funding  
11 of a grant if the recipient of the grant does not file the  
12 report required by this subsection or uses the grant for  
13 a purpose not authorized by this section.

14 (i) GUIDELINES.—The Attorney General shall, by  
15 regulation, prescribe guidelines on content and results for  
16 programs receiving a grant under subsection (a). Such  
17 guidelines shall be designed to establish programs which  
18 will be effective in training individuals to enter instruc-  
19 tional programs for police departments and shall include  
20 requirements for—

21 (1) individuals providing recruiting services;

22 (2) individuals providing tutorials and other  
23 academic assistance programs;

24 (3) individuals providing retention services; and

1           (4) the content and duration of recruitment, re-  
2           tention, and counseling programs and the means and  
3           devices used to publicize such programs.

4 **SEC. 1062. AUTHORIZATION OF APPROPRIATIONS.**

5           For grants under section 1061 there are authorized  
6 to be appropriated \$6,000,000 for each of the fiscal years  
7 1995 through 1999.

8                           **Subtitle H—National Triad**  
9                           **Program**

10 **SEC. 1065. FINDINGS.**

11           The Congress finds that—

12                   (1) older Americans are among the most rapidly  
13 growing segments of our society;

14                   (2) currently, older Americans comprise 15 per-  
15 cent of our society, and predictions are that by the  
16 turn of the century they will constitute 18 percent  
17 of the Nation's population;

18                   (3) older Americans find themselves uniquely  
19 situated in the society, environmentally and phys-  
20 ically;

21                   (4) many older Americans are experiencing in-  
22 creased social isolation due to fragmented and dis-  
23 tant familial relations, scattered associations, limited  
24 access to transportation, and other insulating  
25 factors;

1           (5) physical conditions such as hearing loss,  
2           poor eyesight, lessened agility, and chronic and de-  
3           bilitating illnesses often contribute to a senior citi-  
4           zen's susceptibility to criminal victimization;

5           (6) older Americans are too frequently the vic-  
6           tims of abuse and neglect, violent crime, property  
7           crime, consumer fraud, medical quackery, and con-  
8           fidence games;

9           (7) studies have found that older Americans  
10          that are victims of violent crime are more likely to  
11          be injured and require medical attention than are  
12          younger victims;

13          (8) victimization data on crimes against older  
14          Americans are incomplete and out of date, and data  
15          sources are partial, scattered, and not easily  
16          obtained;

17          (9) although a few studies have attempted to  
18          define and estimate the extent of abuse and neglect  
19          of older Americans, both in their homes and in insti-  
20          tutional settings, many experts believe that abuse  
21          and neglect crimes are substantially underreported  
22          and undetected;

23          (10) similarly, while some evidence suggests  
24          that older Americans may be targeted in a range of  
25          fraudulent schemes, neither the Uniform Crime Re-

1 port nor the National Crime Survey collects data on  
2 individual- or household-level fraud;

3 (11) many law enforcement agencies do not  
4 have model practices for responding to the criminal  
5 abuse of older Americans;

6 (12) law enforcement officers and social service  
7 providers come from different disciplines and fre-  
8 quently bring different perspectives to the problem  
9 of crimes against older Americans;

10 (13) the differences in approaches can inhibit a  
11 genuinely effective response;

12 (14) there are a few efforts currently under way  
13 that seek to forge partnerships to coordinate crimi-  
14 nal justice and social service approaches to victim-  
15 ization of older Americans;

16 (15) the Triad program, sponsored by the Na-  
17 tional Sheriffs' Association (NSA), the International  
18 Association of Chiefs of Police (IACP), and the  
19 American Association of Retired Persons (AARP), is  
20 one such effort;

21 (16) the Assistant Secretary for Aging, as the  
22 senior executive branch officer formulating older  
23 Americans policy, is an appropriate leader in efforts  
24 to reduce violent crime against older Americans; and

1           (17) recognizing that older Americans have the  
2           same fundamental desire as other members of our  
3           society to live freely, without fear or restriction due  
4           to the criminal element, the Federal Government  
5           should seek to expand efforts to reduce crime  
6           against this growing and uniquely vulnerable seg-  
7           ment of our population.

8 **SEC. 1066. PURPOSES.**

9           The purposes of this subtitle are—

10           (1) to support a coordinated effort among law  
11           enforcement, older Americans organizations, and so-  
12           cial service agencies to stem the tide of violence  
13           against older Americans and support media and  
14           nonmedia strategies aimed at increasing both public  
15           understanding of the problem and the older Ameri-  
16           cans' skills in preventing crime against themselves  
17           and their property; and

18           (2) to address the problem of crime against  
19           older Americans in a systematic and effective man-  
20           ner by promoting and expanding collaborative crime  
21           prevention programs, such as the Triad model, that  
22           assist law enforcement agencies and older Americans  
23           in implementing specific strategies for crime preven-  
24           tion, victim assistance, citizen involvement, and pub-  
25           lic education.

1 **SEC. 1067. NATIONAL ASSESSMENT AND DISSEMINATION.**

2 (a) IN GENERAL.—The Director of the National In-  
3 stitute of Justice in consultation with the Assistant Sec-  
4 retary for Aging shall conduct a qualitative and quan-  
5 titative national assessment of—

6 (1) the nature and extent of crimes committed  
7 against older Americans and the effect of such  
8 crimes on the victims;

9 (2) the numbers, extent, and impact of violent  
10 crimes and nonviolent crimes (such as frauds and  
11 “scams”) against older Americans and the extent of  
12 unreported crimes;

13 (3) the collaborative needs of law enforcement,  
14 health, and social service organizations, focusing on  
15 prevention of crimes against older Americans, to  
16 identify, investigate, and provide assistance to vic-  
17 tims of those crimes; and

18 (4) the development and growth of strategies to  
19 respond effectively to the matters described in para-  
20 graphs (1), (2), and (3).

21 (b) MATTERS TO BE ADDRESSED.—The national as-  
22 sessment made pursuant to subsection (a) shall address—

23 (1) the analysis and synthesis of data from a  
24 broad range of sources in order to develop accurate  
25 information on the nature and extent of crimes  
26 against older Americans, including identifying and

1 conducting such surveys and other data collection ef-  
2 forts as are needed and designing a strategy to keep  
3 such information current over time;

4 (2) institutional and community responses to el-  
5 derly victims of crime, focusing on the problems as-  
6 sociated with fear of victimization, abuse of older  
7 Americans, and hard-to-reach older Americans who  
8 are in poor health, are living alone or without family  
9 nearby, or living in high crime areas;

10 (3) special services and responses required by  
11 elderly victims;

12 (4) whether the experience of older Americans  
13 with some service organizations differs markedly  
14 from that of younger populations;

15 (5) the kinds of programs that have proven use-  
16 ful in reducing victimization of older Americans  
17 through crime prevention activities and programs;

18 (6) the kinds of programs that contribute to  
19 successful coordination among public sector agencies  
20 and community organizations in reducing victimiza-  
21 tion of older Americans; and

22 (7) the research agenda needed to develop a  
23 comprehensive understanding of the problems of  
24 crimes against older Americans, including the  
25 changes that can be anticipated in the crimes them-

1 selves and appropriate responses as the society in-  
2 creasingly ages.

3 (c) AVOIDANCE OF DUPLICATION.—In conducting  
4 the assessment under subsection (a), the Director of the  
5 National Institute of Justice, in consultation with the As-  
6 sistant Secretary of Aging, shall draw upon the findings  
7 of existing studies and avoid duplication of efforts that  
8 have previously been made.

9 (d) DISSEMINATION.—Based on the results of the na-  
10 tional assessment and analysis of successful or promising  
11 strategies in dealing with the problems described in sub-  
12 section (b) and other problems, including coalition efforts  
13 such as the Triad programs described in sections 1065  
14 and 1066, the Director of the National Institute of Jus-  
15 tice, in consultation with the Assistant Secretary of Aging,  
16 shall disseminate the results through reports, publications,  
17 clearinghouse services, public service announcements, and  
18 programs of evaluation, demonstration, training, and tech-  
19 nical assistance.

20 **SEC. 1068. PILOT PROGRAMS.**

21 (a) AWARDS.—The Director of the Bureau of Justice  
22 Assistance, in consultation with the Assistant Secretary  
23 of Aging, shall make grants to coalitions of local law en-  
24 forcement agencies and older Americans to assist in the  
25 development of programs and execute field tests of par-

1 ticularly promising strategies for crime prevention services  
2 and related services based on the concepts of the Triad  
3 model, which can then be evaluated and serve as the basis  
4 for further demonstration and education programs.

5 (b) TRIAD COOPERATIVE MODEL.—(1) Subject to  
6 paragraph (2), a pilot program funded under this section  
7 shall consist of a cooperative model, which calls for the  
8 participation of the sheriff, at least 1 police chief, and a  
9 representative of at least 1 older Americans' organization  
10 within a county and may include participation by general  
11 service coalitions of law enforcement, victim service, and  
12 senior citizen advocate second service organizations. If  
13 there exists with the applicant county an area agency on  
14 aging as defined in section 102(17) of the Older Ameri-  
15 cans Act of 1965, the applicant county must include the  
16 agency as an organizational component in its program.

17 (2) If there is not both a sheriff and a police chief  
18 in a county or if the sheriff or a police chief do not partici-  
19 pate, a pilot program funded under this section shall in-  
20 clude in the place of the sheriff or police chief another  
21 key law enforcement official in the county such as a local  
22 prosecutor.

23 (c) APPLICATION.—A coalition or Triad program that  
24 desires to establish a pilot program under this section

1 shall submit to the Director of the Bureau of Justice As-  
2 sistance an application that includes—

3 (1) a description of the community and its sen-  
4 ior citizen population;

5 (2) assurances that Federal funds received  
6 under this part shall be used to provide additional  
7 and appropriate education and services to the com-  
8 munity's older Americans;

9 (3) a description of the extent of involvement of  
10 each organizational component (chief, sheriff (or  
11 other law enforcement official), and senior organiza-  
12 tion representative) and focus of the Triad program;

13 (4) a comprehensive plan including—

14 (A) a description of the crime problems  
15 facing older Americans and need for expanded  
16 law enforcement and victim assistance services;

17 (B) a description of the types of projects  
18 to be developed or expanded;

19 (C) a plan for an evaluation of the results  
20 of Triad endeavors;

21 (D) a description of the resources (includ-  
22 ing matching funds, in-kind services, and other  
23 resources) available in the community to imple-  
24 ment the Triad development or expansion;

1 (E) a description of the gaps that cannot  
2 be filled with existing resources;

3 (F) an explanation of how the requested  
4 grant will be used to fill those gaps; and

5 (G) a description of the means and meth-  
6 ods the applicant will use to reduce criminal  
7 victimization of older persons; and

8 (5) funding requirements for implementing a  
9 comprehensive plan.

10 (d) DISTRIBUTION OF GRANT AWARDS.—The Direc-  
11 tor of the Bureau of Justice Assistance, in consultation  
12 with the Assistant Secretary for Aging, shall attempt, to  
13 the extent practicable, to achieve an equitable geographic  
14 distribution of grant awards for pilot programs authorized  
15 under this subtitle.

16 (e) POST-GRANT PERIOD REPORT.—A grant recipi-  
17 ent under this section shall, not later than 6 months after  
18 the conclusion of the grant period, submit to the Director  
19 of the Bureau of Justice Assistance a report that—

20 (1) describes the composition of organizations  
21 that participated in the pilot program;

22 (2) identifies problem areas encountered during  
23 the course of the pilot program;

24 (3) provides data comparing the types and fre-  
25 quency of criminal activity before and after the

1 grant period and the effect of such criminal activity  
2 on older Americans in the community; and

3 (4) describes the grant recipient's plans and  
4 goals for continuance of the Triad program after the  
5 grant period.

6 **SEC. 1069. TRAINING ASSISTANCE, EVALUATION, AND DIS-**  
7 **SEMINATION AWARDS.**

8 In conjunction with the national assessment under  
9 section 1067—

10 (1) the Director of the Bureau of Justice As-  
11 sistance, in consultation with the Assistant Secretary  
12 for Aging, shall make awards to organizations with  
13 demonstrated ability to provide training and tech-  
14 nical assistance in establishing crime prevention pro-  
15 grams based on the Triad model, for purposes of  
16 aiding in the establishment and expansion of pilot  
17 programs under this section; and

18 (2) the Director of the National Institute of  
19 Justice, in consultation with the Assistant Secretary  
20 of Aging, shall make awards to research organiza-  
21 tions, for the purposes of—

22 (A) evaluating the effectiveness of selected  
23 pilot programs; and

1 (B) conducting the research and develop-  
2 ment identified through the national assessment  
3 as being critical; and

4 (3) the Director of the Bureau of Justice As-  
5 sistance, in consultation with the Assistant Secretary  
6 for Aging, shall make awards to public service adver-  
7 tising coalitions, for the purposes of mounting a pro-  
8 gram of public service advertisements to increase  
9 public awareness and understanding of the issues  
10 surrounding crimes against older Americans and  
11 promoting ideas or programs to prevent them.

12 **SEC. 1070. REPORT.**

13 The Director of the Bureau of Justice Assistance, in  
14 consultation with the Assistant Secretary for Aging, and  
15 the Director of the National Institute of Justice shall sub-  
16 mit to Congress an annual report (which may be included  
17 with the report submitted under section 102(b) of title I  
18 of the Omnibus Crime Control and Safe Streets Act of  
19 1968 (42 U.S.C. 3712(b)) describing the results of the  
20 pilot programs conducted under section 1068.

21 **SEC. 1071. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated—

23 (1) \$2,000,000 to the Bureau of Justice Assist-  
24 ance for the purpose of making Triad pilot program  
25 awards in that amount under section 1068;

1           (2) \$1,000,000 to the Bureau of Justice Assist-  
2           ance for the purpose of funding the national training  
3           and technical assistance effort under sections 1967  
4           and 1068;

5           (3) \$1,000,000 to the Bureau of Justice Assist-  
6           ance and \$1,000,000 to the Administration on  
7           Aging, for the purpose of developing public service  
8           announcements under sections 1067 and 1069;

9           (4) \$2,000,000 to the National Institute of Jus-  
10          tice for the purposes of conducting the national as-  
11          sessment, evaluating pilot programs, and carrying  
12          out the research agenda under sections 1067 and  
13          1069; and

14          (5) to the extent that funds are not otherwise  
15          available for the purpose, such sums as are nec-  
16          essary to pay the administrative costs of carrying  
17          out this subtitle.

## 18       **Subtitle I—Local Partnership Act**

### 19       **SEC. 1075. ESTABLISHMENT OF PAYMENT PROGRAM.**

20       (a) ESTABLISHMENT OF PROGRAM.—Title 31,  
21       United States Code, is amended by inserting after chapter  
22       65 the following:

#### 23               **“CHAPTER 67—FEDERAL PAYMENTS**

“Sec.

“6701. Payments to local governments.

“6702. Local Government Fiscal Assistance Fund.

“6703. Qualification for payment.

- “6704. State area allocations; allocations and payments to territorial governments.
- “6705. Local government allocations.
- “6706. Income gap multiplier.
- “6707. State variation of local government allocations.
- “6708. Adjustments of local government allocations.
- “6709. Information used in allocation formulas.
- “6710. Public participation.
- “6711. Prohibited discrimination.
- “6712. Discrimination proceedings.
- “6713. Suspension and termination of payments in discrimination proceedings.
- “6714. Compliance agreements.
- “6715. Enforcement by the Attorney General of prohibitions on discrimination.
- “6716. Civil action by a person adversely affected.
- “6717. Judicial review.
- “6718. Audits, investigations, and reviews.
- “6719. Reports.
- “6720. Definitions and application.

1 **“§ 6701. Payments to local governments**

2 “(a) PAYMENT AND USE.—

3 “(1) PAYMENT.—The Secretary of the Treasury  
 4 shall pay to each unit of general local government  
 5 which qualifies for a payment under this chapter an  
 6 amount equal to the sum of any amounts allocated  
 7 to the government under this chapter for each pay-  
 8 ment period. The Secretary shall pay such amount  
 9 out of the Local Government Fiscal Assistance Fund  
 10 under section 6702.

11 “(2) USE.—Amounts paid to a unit of general  
 12 local government under this section shall be used by  
 13 that unit for carrying out one or more programs of  
 14 the unit related to—

15 “(A) education to prevent crime; or

16 “(B) substance abuse treatment to prevent  
 17 crime.

1       “(b) TIMING OF PAYMENTS.—They shall pay each  
2 amount allocated under this chapter to a unit of general  
3 local government for a payment period by the later of 60  
4 days after the date the amount is available or the first  
5 day of the payment period.

6       “(c) ADJUSTMENTS.—(1) Subject to paragraph (2),  
7 the Secretary shall adjust a payment under this chapter  
8 to a unit of general local government to the extent that  
9 a prior payment to the government was more or less than  
10 the amount required to be paid.

11       “(2) The Secretary may increase or decrease under  
12 this subsection a payment to a unit of local government  
13 only if the Secretary determines the need for the increase  
14 or decrease, or the unit requests the increase or decrease,  
15 within one year after the end of the payment period for  
16 which the payment was made.

17       “(d) RESERVATION FOR ADJUSTMENTS.—The Sec-  
18 retary may reserve a percentage of not more than 0.5 per-  
19 cent of the amount under this section for a payment pe-  
20 riod for all units of general local government in a State  
21 if the Secretary considers the reserve is necessary to en-  
22 sure the availability of sufficient amounts to pay adjust-  
23 ments after the final allocation of amounts among the  
24 units of general local government in the State.

25       “(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

1           “(1) REPAYMENT REQUIRED.—A unit of gen-  
2           eral local government shall repay to the Secretary,  
3           by not later than November 15, 1995, any amount  
4           that is—

5                   “(A) paid to the unit from amounts appro-  
6                   priated for fiscal year 1995 under the authority  
7                   of this section; and

8                   “(B) not expended by the unit by October  
9                   31, 1995.

10           “(2) DEPOSIT OF AMOUNTS REPAID.—Amounts  
11           received by the Secretary as repayments under this  
12           subsection shall be deposited in the general fund of  
13           the Treasury as miscellaneous receipts.

14           “(f) EXPENDITURE WITH DISADVANTAGED BUSI-  
15           NESS ENTERPRISES.—

16                   “(1) GENERAL RULE.—Of amounts paid to a  
17                   unit of general local government under this chapter  
18                   for a payment period, not less than 10 percent of  
19                   the total combined amounts obligated by the unit for  
20                   contracts and subcontracts shall be expended with—

21                           “(A) small business concerns controlled by  
22                           socially and economically disadvantaged individ-  
23                           uals and women; and

24                           “(B) historically Black colleges and univer-  
25                           sities and colleges and universities having a stu-

1           dent body in which more than 20 percent of the  
2           students are Hispanic Americans or Native  
3           Americans.

4           “(2) EXCEPTION.—Paragraph (1) shall not  
5           apply to amounts paid to a unit of general local gov-  
6           ernment to the extent the unit determines that the  
7           paragraph does not apply through a process that  
8           provides for public participation.

9           “(3) DEFINITIONS.—For purposes of this sub-  
10          section—

11                   “(A) the term ‘small business concern’ has  
12                   the meaning such term has under section 3 of  
13                   the Small Business Act; and

14                   “(B) the term ‘socially and economically  
15                   disadvantaged individuals’ has the meaning  
16                   such term has under section 8(d) of the Small  
17                   Business Act and relevant subcontracting regu-  
18                   lations promulgated pursuant to that section.

19           “(g) NONSUPPLANTING REQUIREMENT.—(1) Funds  
20          made available under this chapter to units of local govern-  
21          ment shall not be used to supplant State or local funds,  
22          but will be used to increase the amount of funds that  
23          would, in the absence of funds under this chapter, be made  
24          available from State or local sources.

1       “(2) The total level of funding available to a unit of  
2 local government for accounts serving eligible purposes  
3 under this chapter in the fiscal year immediately preceding  
4 receipt of a grant under this chapter shall be designated  
5 the “base level account” for the fiscal year in which grant  
6 is received. Grants under this chapter in a given fiscal year  
7 shall be reduced on a dollar for dollar basis to the extent  
8 that a unit of local government reduces its base level ac-  
9 count in that fiscal year.

10       “(3) The Secretary shall issue regulations to imple-  
11 ment this subsection.

12       **“§ 6702. Local Government Fiscal Assistance Fund**

13       “(a) ADMINISTRATION OF FUND.—The Department  
14 of the Treasury has a Local Government Fiscal Assistance  
15 Fund, which consists of amounts appropriated to the  
16 Fund.

17       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Fund  
19 \$2,000,000,000 for fiscal years 1995 and 1996.

20       **“§ 6703. Qualification for payment**

21       “(a) IN GENERAL.—Under regulations issued by the  
22 Secretary, a unit of general local government qualifies for  
23 a payment under this chapter for a payment period only  
24 after establishing to the satisfaction of the Secretary  
25 that—

1           “(1) the government will establish a trust fund  
2           in which the government will deposit all payments  
3           received under this chapter;

4           “(2) the government will use amounts in the  
5           trust fund (including interest) during a reasonable  
6           period specified in the regulations issued by the  
7           Secretary;

8           “(3) the government will expend the payments  
9           so received, in accordance with the laws and proce-  
10          dures that are applicable to the expenditure of reve-  
11          nues of the government;

12          “(4) if at least 25 percent of the pay of individ-  
13          uals employed by the government in a public em-  
14          ployee occupation is paid out of the trust fund, indi-  
15          viduals in the occupation any part of whose pay is  
16          paid out of the trust fund will receive pay at least  
17          equal to the prevailing rate of pay for individuals  
18          employed in similar public employee occupations by  
19          the government;

20          “(5) if at least 25 percent of the costs of a con-  
21          struction project are paid out of the trust fund, la-  
22          borers and mechanics employed by contractors or  
23          subcontractors on the project will receive pay at  
24          least equal to the prevailing rate of pay for similar  
25          construction in the locality as determined by the

1 Secretary of Labor under the Act of March 3, 1931  
2 (46 Stat. 1494 et seq.; popularly known as the  
3 Davis-Bacon Act), and the Secretary of Labor shall  
4 act on labor standards under this paragraph in a  
5 manner that is in accordance with Reorganization  
6 Plan No. 14 of 1950 (64 Stat. 1267) and section 2  
7 of the Act of June 13, 1934 (48 Stat. 948);

8 “(6) the government will use accounting, audit,  
9 and fiscal procedures that conform to guidelines  
10 which shall be prescribed by the Secretary after con-  
11 sultation with the Comptroller General of the United  
12 States;

13 “(7) after reasonable notice to the government,  
14 the government will make available to the Secretary  
15 and the Comptroller General of the United States,  
16 with the right to inspect, records the Secretary rea-  
17 sonably requires to review compliance with this  
18 chapter or the Comptroller General of the United  
19 States reasonably requires to review compliance and  
20 operations under section 6718(b); and

21 “(8) the government will make reports the Sec-  
22 retary reasonably requires, in addition to the annual  
23 reports required under section 6719(b).

24 “(b) REVIEW BY GOVERNORS.—A unit of general  
25 local government shall give the chief executive officer of

1 the State in which the government is located an oppor-  
2 tunity for review and comment before establishing compli-  
3 ance with subsection (a).

4       “(c) SANCTIONS FOR NONCOMPLIANCE.—(1) If the  
5 Secretary decides that a unit of general local government  
6 has not complied substantially with subsection (a) or regu-  
7 lations prescribed under subsection (a), the Secretary shall  
8 notify the government. The notice shall state that if the  
9 government does not take corrective action by the 60th  
10 day after the date the government receives the notice, the  
11 Secretary will withhold additional payments to the govern-  
12 ment for the current payment period and later payment  
13 periods until the Secretary is satisfied that the govern-  
14 ment—

15               “(A) has taken the appropriate corrective ac-  
16               tion; and

17               “(B) will comply with subsection (a) and regu-  
18               lations prescribed under subsection (a).

19       “(2) Before giving notice under paragraph (1), the  
20 Secretary shall give the chief executive officer of the unit  
21 of general local government reasonable notice and an op-  
22 portunity for a proceeding.

23       “(3) The Secretary may make a payment to a unit  
24 of general local government notified under paragraph (1)  
25 only if the Secretary is satisfied that the government—

1           “(A) has taken the appropriate corrective ac-  
2           tion; and

3           “(B) will comply with subsection (a) and regu-  
4           lations prescribed under subsection (a).

5   **“§6704. State area allocations; allocations and pay-**  
6           **ments to territorial governments**

7           “(a) FORMULA ALLOCATION BY STATE.—For each  
8           payment period, the Secretary shall allocate to each State  
9           out of the amount appropriated for the period under the  
10          authority of section 6702(b) (minus the amounts allocated  
11          to territorial governments under subsection (e) for the  
12          payment period) an amount bearing the same ratio to the  
13          amount appropriated (minus such amounts allocated  
14          under subsection (e)) as the amount allocated to the State  
15          under this section bears to the total amount allocated to  
16          all States under this section. The Secretary shall—

17               “(1) determine the amount allocated to the  
18               State under subsection (b) or (c) of this section and  
19               allocate the larger amount to the State; and

20               “(2) allocate the amount allocated to the State  
21               to units of general local government in the State  
22               under sections 6705 and 6706.

23           “(b) GENERAL FORMULA.—(1) The amount allocated  
24          to a State under this subsection for a payment period is

1 the amount bearing the same ratio to \$5,300,000,000  
2 as—

3           “(A) the population of the State, multiplied by  
4 the general tax effort factor of the State (deter-  
5 mined under paragraph (2)), multiplied by the rel-  
6 ative income factor of the State (determined under  
7 paragraph (3)), multiplied by the relative rate of the  
8 labor force unemployed in the State (determined  
9 under paragraph (4)); bears to

10           “(B) the sum of the products determined under  
11 subclause (A) of this paragraph for all States.

12           “(2) The general tax effort factor of a State for a  
13 payment period is—

14           “(A) the net amount of State and local taxes of  
15 the State collected during the years used by the Sec-  
16 retary of Commerce in the most recent Bureau of  
17 the Census general determination of State and local  
18 taxes made before the beginning of the payment  
19 period; divided by

20           “(B) the total income of individuals, as deter-  
21 mined by the Secretary of Commerce for national in-  
22 come accounts purposes, attributed to the State for  
23 the same years.

24           “(3) The relative income factor of a State is a frac-  
25 tion in which—

1           “(A) the numerator is the per capita income of  
2 the United States; and

3           “(B) the denominator is the per capita income  
4 of the State.

5           “(4) The relative rate of the labor force unemployed  
6 in a State is a fraction in which—

7           “(A) the numerator is the percentage of the  
8 labor force of the State that is unemployed (as de-  
9 termined by the Secretary of Labor for general sta-  
10 tistical purposes); and

11           “(B) the denominator is the percentage of the  
12 labor force of the United States that is unemployed  
13 (as determined by the Secretary of Labor for general  
14 statistical purposes).

15           “(c) ALTERNATIVE FORMULA.—The amount allo-  
16 cated to a State under this subsection for a payment pe-  
17 riod is the total amount the State would receive if—

18           “(1) \$1,166,666,667 were allocated among the  
19 States on the basis of population by allocating to  
20 each State an amount bearing the same ratio to the  
21 total amount to be allocated under this paragraph as  
22 the population of the State bears to the population  
23 of all States;

24           “(2) \$1,166,666,667 were allocated among the  
25 States on the basis of population inversely weighted

1 for per capita income, by allocating to each State an  
2 amount bearing the same ratio to the total amount  
3 to be allocated under this paragraph as—

4 “(A) the population of the State, multi-  
5 plied by a fraction in which—

6 “(i) the numerator is the per capita  
7 income of all States; and

8 “(ii) the denominator is the per capita  
9 income of the State; bears to

10 “(B) the sum of the products determined  
11 under subparagraph (A) for all States;

12 “(3) \$600,000,000 were allocated among the  
13 States on the basis of income tax collections by allo-  
14 cating to each State an amount bearing the same  
15 ratio to the total amount to be allocated under this  
16 paragraph as the income tax amount of the State  
17 (determined under subsection (d)(1)) bears to the  
18 sum of the income tax amounts of all States;

19 “(4) \$600,000,000 were allocated among the  
20 States on the basis of general tax effort by allocat-  
21 ing to each State an amount bearing the same ratio  
22 to the total amount to be allocated under this para-  
23 graph as the general tax effort amount of the State  
24 (determined under subsection (d)(2)) bears to the  
25 sum of the general tax effort amounts of all States;

1           “(5) \$600,000,000 were allocated among the  
2 States on the basis of unemployment by allocating to  
3 each State an amount bearing the same ratio to the  
4 total amount to be allocated under this paragraph  
5 as—

6                   “(A) the labor force of the State, multi-  
7 plied by a fraction in which—

8                           “(i) the numerator is the percentage  
9 of the labor force of the State that is un-  
10 employed (as determined by the Secretary  
11 of Labor for general statistical purposes);  
12 and

13                           “(ii) the denominator is the percent-  
14 age of the labor force of the United States  
15 that is unemployed (as determined by the  
16 Secretary of Labor for general statistical  
17 purposes);

18 bears to

19                   “(B) the sum of the products determined  
20 under subparagraph (A) for all States; and

21           “(6) \$1,166,666,667 were allocated among the  
22 States on the basis of urbanized population by allo-  
23 cating to each State an amount bearing the same  
24 ratio to the total amount to be allocated under this  
25 paragraph as the urbanized population of the State

1 bears to the urbanized population of all States. In  
2 this paragraph, the term ‘urbanized population’  
3 means the population of an area consisting of a  
4 central city or cities of at least 50,000 inhabitants  
5 and the surrounding closely settled area for the city  
6 or cities considered as an urbanized area by the Sec-  
7 retary of Commerce for general statistical purposes.

8 “(d) INCOME TAX AMOUNT AND TAX EFFORT  
9 AMOUNT.—(1) The income tax amount of a State for a  
10 payment period is 15 percent of the net amount collected  
11 during the calendar year ending before the beginning of  
12 the payment period from the tax imposed on the income  
13 of individuals by the State and described as a State in-  
14 come tax under section 164(a)(3) of the Internal Revenue  
15 Code of 1986 (26 U.S.C. 164(a)(3)). The income tax  
16 amount for a payment period shall be at least 1 percent  
17 but not more than 6 percent of the United States Govern-  
18 ment individual income tax liability attributed to the State  
19 for the taxable year ending during the last calendar year  
20 ending before the beginning of the payment period. The  
21 Secretary shall determine the Government income tax li-  
22 ability attributed to the State on the same basis as the  
23 Secretary of the Treasury determines that liability for gen-  
24 eral statistical purposes.

1       “(2) The general tax effort amount of a State for  
2 a payment period is the amount determined by multiply-  
3 ing—

4           “(A) the net amount of State and local taxes of  
5 the State collected during the years used by the Sec-  
6 retary of Commerce in the most recent Bureau of  
7 the Census general determination of State and local  
8 taxes made before the beginning of the payment  
9 period; by

10          “(B) the general tax effort factor of the State  
11 determined under subsection (b)(2).

12       “(e) ALLOCATION FOR PUERTO RICO, GUAM, AMER-  
13 ICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For  
14 each payment period for which funds are available for allo-  
15 cation under this chapter, the Secretary shall allocate to  
16 each territorial government an amount equal to the prod-  
17 uct of 1 percent of the amount of funds available for allo-  
18 cation multiplied by the applicable territorial percentage.

19          “(B) For the purposes of this paragraph, the applica-  
20 ble territorial percentage of a territory is equal to the  
21 quotient resulting from the division of the territorial popu-  
22 lation of such territory by the sum of the territorial popu-  
23 lation for all territories.

24       “(2) The governments of the territories shall make  
25 payments to local governments within their jurisdiction

1 from sums received under this subsection as they consider  
2 appropriate.

3 “(3) For purposes of this subsection—

4 “(A) the term ‘territorial government’  
5 means the government of a territory;

6 “(B) the term ‘territory’ means Puerto  
7 Rico, Guam, American Samoa, and the Virgin  
8 Islands; and

9 “(C) the term ‘territorial population’  
10 means the most recent population for each ter-  
11 ritory as determined by the Bureau of Census.

12 **“§ 6705. Local government allocations**

13 “(a) INDIAN TRIBES AND ALASKAN NATIVES VIL-  
14 LAGES.—If there is in a State an Indian tribe or Alaskan  
15 native village having a recognized governing body carrying  
16 out substantial governmental duties and powers, the Sec-  
17 retary shall allocate to the tribe or village, out of the  
18 amount allocated to the State under section 6704, an  
19 amount bearing the same ratio to the amount allocated  
20 to the State as the population of the tribe or village bears  
21 to the population of the State. The Secretary shall allocate  
22 amounts under this subsection to Indian tribes and Alas-  
23 kan native villages in a State before allocating amounts  
24 to units of general local government in the State under  
25 subsection (b).

1       “(b) OTHER LOCAL GOVERNMENT ALLOCATIONS.—

2   (1) The Secretary shall allocate among the units of general  
3 local government in a State (other than units receiving  
4 allocations under subsection (a)) the amount allocated to  
5 the State under section 6704 (as that amount is reduced  
6 by allocations under subsection (a)). Of the amount to be  
7 allocated, the Secretary shall allocate a portion equal to  
8  $\frac{1}{2}$  of such amount in accordance with section 6706(1),  
9 and shall allocate a portion equal to  $\frac{1}{2}$  of such amount  
10 in accordance with section 6706(2). A unit of general local  
11 government shall receive an amount equal to the sum of  
12 amounts allocated to the unit from each portion.

13       “(2) From each portion to be allocated to units of  
14 local government in a State under paragraph (1), the Sec-  
15 retary shall allocate to a unit an amount bearing the same  
16 ratio to the funds to be allocated as—

17               “(A) the population of the unit, multiplied by  
18 the general tax effort factor of the unit (determined  
19 under paragraph (3)), multiplied by the income gap  
20 of the unit (determined under paragraph (4)), bears  
21 to

22               “(B) the sum of the products determined under  
23 subparagraph (A) for all units in the State for which  
24 the income gap for that portion under paragraph (4)  
25 is greater than zero.

1       “(3)(A) Except as provided in subparagraph (C), the  
2 general tax effort factor of a unit of general local govern-  
3 ment for a payment period is—

4               “(i) the adjusted taxes of the unit; divided by

5               “(ii) the total income attributed to the unit.

6       “(B) If the amount determined under subparagraphs  
7 (A) (i) and (ii) for a unit of general local government is  
8 less than zero, the general tax effort factor of the unit  
9 is deemed to be zero.

10       “(C)(i) Except as otherwise provided in this subpara-  
11 graph, the adjusted taxes of a unit of general local govern-  
12 ment are the taxes imposed by the unit for public purposes  
13 (except employee and employer assessments and contribu-  
14 tions to finance retirement and social insurance systems  
15 and other special assessments for capital outlay), as deter-  
16 mined by the Secretary of Commerce for general statistical  
17 purposes and adjusted (under regulations of the Sec-  
18 retary) to exclude amounts properly allocated to education  
19 expenses.

20       “(ii) The Secretary shall, for purposes of clause (i),  
21 include that part of sales taxes transferred to a unit of  
22 general local government that are imposed by a county  
23 government in the geographic area of which is located the  
24 unit of general local government as taxes imposed by the  
25 unit for public purposes if—

1           “(I) the county government transfers any part  
2 of the revenue from the taxes to the unit of general  
3 local government without specifying the purpose for  
4 which the unit of general local government may ex-  
5 pend the revenue; and

6           “(II) the chief executive officer of the State no-  
7 tifies the Secretary that the taxes satisfy the re-  
8 quirements of this clause.

9           “(iii) The adjusted taxes of a unit of general local  
10 government shall not exceed the maximum allowable ad-  
11 justed taxes for that unit.

12          “(iv) The maximum allowable adjusted taxes for a  
13 unit of general local government is the allowable adjusted  
14 taxes of the unit minus the excess adjusted taxes of the  
15 unit.

16          “(v) The allowable adjusted taxes of a unit of general  
17 government is the greater of—

18           “(I) the amount equal to 2.5, multiplied by the  
19 per capita adjusted taxes of all units of general local  
20 government of the same type in the State, multiplied  
21 by the population of the unit; or

22           “(II) the amount equal to the population of the  
23 unit, multiplied by the sum of the adjusted taxes of  
24 all units of municipal local government in the State,

1 divided by the sum of the populations of all the units  
2 of municipal local government in the State.

3 “(vi) The excess adjusted taxes of a unit of general  
4 local government is the amount equal to—

5 “(I) the adjusted taxes of the unit, minus

6 “(II) 1.5 multiplied by the allowable adjusted  
7 taxes of the unit;

8 except that if this amount is less than zero then the excess  
9 adjusted taxes of the unit is deemed to be zero.

10 “(vii) For purposes of this subparagraph—

11 “(I) the term ‘per capita adjusted taxes of all  
12 units of general local government of the same type’  
13 means the sum of the adjusted taxes of all units of  
14 general local government of the same type divided by  
15 the sum of the populations of all units of general  
16 local government of the same type; and

17 “(II) the term ‘units of general local govern-  
18 ment of the same type’ means all townships if the  
19 unit of general local government is a township, all  
20 municipalities if the unit of general local government  
21 is a municipality, all counties if the unit of general  
22 local government is a county, or all unified city/  
23 county governments if the unit of general local gov-  
24 ernment is a unified city/county government.

1       “(4)(A) Except as provided in subparagraph (B), the  
2 income gap of a unit of general local government is—

3           “(i) the number which applies under section  
4 6706, multiplied by the per capita income of the  
5 State in which the unit is located; minus

6           “(ii) the per capita income of the geographic  
7 area of the unit.

8       “(B) If the amount determined under subparagraph  
9 (A) for a unit of general local government is less than  
10 zero, then the relative income factor of the unit is deemed  
11 to be zero.

12       “(c) SMALL GOVERNMENT ALLOCATIONS.—If the  
13 Secretary decides that information available for a unit of  
14 general local government with a population below a num-  
15 ber (of not more than 500) prescribed by the Secretary  
16 is inadequate, the Secretary may allocate to the unit, in  
17 lieu of any allocation under subsection (b) for a payment  
18 period, an amount bearing the same ratio to the total  
19 amount to be allocated under subsection (b) for the period  
20 for all units of general local government in the State as  
21 the population of the unit bears to the population of all  
22 units in the State.

1 **“§ 6706. Income gap multiplier**

2 “For purposes of determining the income gap of a  
3 unit of general local government under section  
4 6705(b)(4)(A), the number which applies is—

5 “(1) 1.6, with respect to  $\frac{1}{2}$  of any amount allo-  
6 cated under section 6704 to the State in which the  
7 unit is located; and

8 “(2) 1.2, with respect to the remainder of such  
9 amount.

10 **“§ 6707. State variation of local government alloca-**  
11 **tions**

12 “(a) STATE FORMULA.—A State government may  
13 provide by law for the allocation of amounts among units  
14 of general local government in the State on the basis of  
15 population multiplied by the general tax effort factors or  
16 income gaps of the units of general local government de-  
17 termined under sections 6705 (a) and (b) or a combination  
18 of those factors. A State government providing for a vari-  
19 ation of an allocation formula provided under sections  
20 6705 (a) and (b) shall notify the Secretary of the variation  
21 by the 30th day before the beginning of the first payment  
22 period in which the variation applies. A variation shall—

23 “(1) provide for allocating the total amount al-  
24 located under sections 6705 (a) and (b);

25 “(2) apply uniformly in the State; and

1           “(3) apply only to payment periods beginning  
2           before October 1, 1995.

3           “(b) CERTIFICATION.—A variation by a State govern-  
4           ment under this section may apply only if the Secretary  
5           certifies that the variation complies with this section. The  
6           Secretary may certify a variation only if the Secretary is  
7           notified of the variation at least 30 days before the first  
8           payment period in which the variation applies.

9           **“§ 6708. Adjustments of local government allocations**

10          “(a) MAXIMUM AMOUNT.—The amount allocated to  
11          a unit of general local government for a payment period  
12          may not exceed the adjusted taxes imposed by the unit  
13          of general local government as determined under section  
14          6705(b)(3). Amounts in excess of adjusted taxes shall be  
15          paid to the Governor of the State in which the unit of  
16          local government is located.

17          “(b) DE MINIMIS ALLOCATIONS.—If the amount al-  
18          located to a unit of general local government (except an  
19          Indian tribe or an Alaskan native village) for a payment  
20          period would be less than \$5,000 but for this subsection  
21          or is waived by the governing authority of the unit of gen-  
22          eral local government, the Secretary shall pay the amount  
23          to the Governor of the State in which the unit is located.

24          “(c) USE OF PAYMENTS TO STATES.—The Governor  
25          of a State shall use all amounts paid to the Governor

1 under subsections (a) and (b) for programs described in  
2 section 6701(a)(2) in areas of the State where are located  
3 the units of general local government with respect to which  
4 amounts are paid under subsection (b).

5 **“§ 6709. Information used in allocation formulas**

6       “(a) USE OF MOST RECENT INFORMATION.—Except  
7 as provided in this section, the Secretary shall use the  
8 most recent available information provided by the Sec-  
9 retary of Commerce and the Secretary of Labor before the  
10 beginning of the payment period to determine an alloca-  
11 tion under this chapter. If the Secretary decides that the  
12 information is not current or complete enough to provide  
13 for a fair allocation, the Secretary may use additional in-  
14 formation (including information based on estimates) as  
15 provided under regulations of the Secretary.

16       “(b) POPULATION DATA.—(1) The Secretary shall  
17 determine population on the same basis that the Secretary  
18 of Commerce determines resident population for general  
19 statistical purposes.

20       “(2) The Secretary shall request the Secretary of  
21 Commerce to adjust the population information provided  
22 to the Secretary as soon as practicable to include a reason-  
23 able estimate of the number of resident individuals not  
24 counted in the 1990 census or revisions of the census. The  
25 Secretary shall use the estimates in determining alloca-

1 tions for the payment period beginning after the Secretary  
2 receives the estimates. The Secretary shall adjust popu-  
3 lation information to reflect adjustments made under sec-  
4 tion 118 of the Act of October 1, 1980 (Public Law 96-  
5 369, 94 Stat. 1357).

6 “(c) ADDITIONAL DATA LIMITATIONS.—The Sec-  
7 retary may not—

8 “(1) in determining an allocation for a payment  
9 period, use information on tax collections for years  
10 more recent than the years used by the Secretary of  
11 Commerce in the most recent Bureau of the Census  
12 general determination of State and local taxes made  
13 before the beginning of that period; or

14 “(2) consider a change in information used to  
15 determine an allocation for a period of 60 months if  
16 the change—

17 “(A) results from a major disaster declared  
18 by the President under section 401 of The Rob-  
19 ert T. Stafford Disaster Relief and Emergency  
20 Assistance Act; and

21 “(B) reduces the amount of an allocation.

22 **“§ 6710. Public participation**

23 “(a) HEARINGS.—(1) A unit of general local govern-  
24 ment expending payments under this chapter shall hold  
25 at least one public hearing on the proposed use of the pay-

1 ment in relation to its entire budget. At the hearing, per-  
2 sons shall be given an opportunity to provide written and  
3 oral views to the governmental authority responsible for  
4 enacting the budget and to ask questions about the entire  
5 budget and the relation of the payment to the entire budg-  
6 et. The government shall hold the hearing at a time and  
7 a place that allows and encourages public attendance and  
8 participation.

9       “(2) A unit of general local government holding a  
10 hearing required under this subsection or by the budget  
11 process of the government shall try to provide senior citi-  
12 zens and senior citizen organizations with an opportunity  
13 to present views at the hearing before the government  
14 makes a final decision on the use of the payment.

15       “(b) DISCLOSURE OF INFORMATION.—(1) By the  
16 10th day before a hearing required under subsection  
17 (a)(1) is held, a unit of general local government shall—

18               “(A) make available for inspection by the public  
19 at the principal office of the government a statement  
20 of the proposed use of the payment and a summary  
21 of the proposed budget of the government; and

22               “(B) publish in at least one newspaper of gen-  
23 eral circulation the proposed use of the payment  
24 with the summary of the proposed budget and a no-  
25 tice of the time and place of the hearing.

1       “(2) By the 30th day after adoption of the budget  
2 under State or local law, the government shall—

3           “(A) make available for inspection by the public  
4 at the principal office of the government a summary  
5 of the adopted budget, including the proposed use of  
6 the payment; and

7           “(B) publish in at least one newspaper of gen-  
8 eral circulation a notice that the information re-  
9 ferred to in subparagraph (A) is available for inspec-  
10 tion.

11       “(c) WAIVERS OF REQUIREMENTS.—Under regula-  
12 tions of the Secretary, a requirement—

13           “(1) under subsection (a)(1) may be waived if  
14 the budget process required under the applicable  
15 State or local law or charter provisions—

16           “(A) ensures the opportunity for public at-  
17 tendance and participation contemplated by  
18 subsection (a); and

19           “(B) includes a hearing on the proposed  
20 use of a payment received under this chapter in  
21 relation to the entire budget of the government;  
22 and

23           “(2) under subsection (b)(1)(B) and (2)(B)  
24 may be waived if the cost of publishing the informa-  
25 tion would be unreasonably burdensome in relation

1 to the amount allocated to the government from  
2 amounts available for payment under this chapter,  
3 or if publication is otherwise impracticable.

4 “(d) EXCEPTION TO 10-DAY LIMITATION.—If the  
5 Secretary is satisfied that a unit of general local govern-  
6 ment will provide adequate notice of the proposed use of  
7 a payment received under this chapter, the 10-day period  
8 under subsection (b)(1) may be changed to the extent nec-  
9 essary to comply with applicable State or local law.

10 “(e) APPLICATION TO GOVERNMENTS WITHOUT  
11 BUDGETS.—The Secretary shall prescribe regulations for  
12 applying this section to units of general local government  
13 that do not adopt budgets.

14 **“§6711. Prohibited discrimination**

15 “(a) GENERAL PROHIBITION.—No person in the  
16 United States shall be excluded from participating in, be  
17 denied the benefits of, or be subject to discrimination  
18 under, a program or activity of a unit of general local gov-  
19 ernment because of race, color, national origin, or sex if  
20 the government receives a payment under this chapter.

21 “(b) ADDITIONAL PROHIBITIONS.—The following  
22 prohibitions and exemptions also apply to a program or  
23 activity of a unit of general local government if the govern-  
24 ment receives a payment under this chapter:

1           “(1) A prohibition against discrimination be-  
2           cause of age under the Age Discrimination Act of  
3           1975.

4           “(2) A prohibition against discrimination  
5           against an otherwise qualified handicapped individ-  
6           ual under section 504 of the Rehabilitation Act of  
7           1973.

8           “(3) A prohibition against discrimination be-  
9           cause of religion, or an exemption from that prohibi-  
10          tion, under the Civil Rights Act of 1964 or title VIII  
11          of the Act of April 11, 1968 (popularly known as the  
12          Civil Rights Act of 1968).

13          “(c) LIMITATIONS ON APPLICABILITY OF PROHIBI-  
14          TIONS.—Subsections (a) and (b) do not apply if the gov-  
15          ernment shows, by clear and convincing evidence, that a  
16          payment received under this chapter is not used to pay  
17          for any part of the program or activity with respect to  
18          which the allegation of discrimination is made.

19          “(d) INVESTIGATION AGREEMENTS.—The Secretary  
20          shall try to make agreements with heads of agencies of  
21          the United States Government and State agencies to in-  
22          vestigate noncompliance with this section. An agreement  
23          shall—

24                  “(1) describe the cooperative efforts to be taken  
25                  (including sharing civil rights enforcement personnel

1 and resources) to obtain compliance with this sec-  
2 tion; and

3 “(2) provide for notifying immediately the Sec-  
4 retary of actions brought by the United States Gov-  
5 ernment or State agencies against a unit of general  
6 local government alleging a violation of a civil rights  
7 law or a regulation prescribed under a civil rights  
8 law.

9 **“§ 6712. Discrimination proceedings**

10 “(a) NOTICE OF NONCOMPLIANCE.—By the 10th day  
11 after the Secretary makes a finding of discrimination or  
12 receives a holding of discrimination about a unit of general  
13 local government, the Secretary shall submit a notice of  
14 noncompliance to the government. The notice shall state  
15 the basis of the finding or holding.

16 “(b) INFORMAL PRESENTATION OF EVIDENCE.—A  
17 unit of general local government may present evidence in-  
18 formally to the Secretary within 30 days after the govern-  
19 ment receives a notice of noncompliance from the Sec-  
20 retary. Except as provided in subsection (e), the govern-  
21 ment may present evidence on whether—

22 “(1) a person in the United States has been ex-  
23 cluded or denied benefits of, or discriminated against  
24 under, the program or activity of the government, in  
25 violation of section 6711(a);

1           “(2) the program or activity of the government  
2           violated a prohibition described in section 6711(b);  
3           and

4           “(3) any part of that program or activity has  
5           been paid for with a payment received under this  
6           chapter.

7           “(c) TEMPORARY SUSPENSION OF PAYMENTS.—By  
8           the end of the 30-day period under subsection (b), the Sec-  
9           retary shall decide whether the unit of general local gov-  
10          ernment has not complied with section 6711 (a) or (b),  
11          unless the government has entered into a compliance  
12          agreement under section 6714. If the Secretary decides  
13          that the government has not complied, the Secretary shall  
14          notify the government of the decision and shall suspend  
15          payments to the government under this chapter unless,  
16          within 10 days after the government receives notice of the  
17          decision, the government—

18                 “(1) enters into a compliance agreement under  
19                 section 6714; or

20                 “(2) requests a proceeding under subsection  
21                 (d)(1).

22           “(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—  
23           (1) A proceeding requested under subsection (c)(2) shall  
24           begin by the 30th day after the Secretary receives a re-  
25           quest for the proceeding. The proceeding shall be before

1 an administrative law judge appointed under section 3105  
2 of title 5. By the 30th day after the beginning of the pro-  
3 ceeding, the judge shall issue a preliminary decision based  
4 on the record at the time on whether the unit of general  
5 local government is likely to prevail in showing compliance  
6 with section 6711 (a) or (b).

7 “(2) If the administrative law judge decides at the  
8 end of a proceeding under paragraph (1) that the unit  
9 of general local government has—

10 “(A) not complied with section 6711 (a) or (b),  
11 the judge may order payments to the government  
12 under this chapter terminated; or

13 “(B) complied with section 6711 (a) or (b), a  
14 suspension under section 6713(a)(1)(A) shall be dis-  
15 continued promptly.

16 “(3) An administrative law judge may not issue a  
17 preliminary decision that the government is not likely to  
18 prevail if the judge has issued a decision described in para-  
19 graph (2)(A).

20 “(e) BASIS FOR REVIEW.—In a proceeding under  
21 subsections (b) through (d) on a program or activity of  
22 a unit of general local government about which a holding  
23 of discrimination has been made, the Secretary or admin-  
24 istrative law judge may consider only whether a payment  
25 under this chapter was used to pay for any part of the

1 program or activity. The holding of discrimination is con-  
2 clusive. If the holding is reversed by an appellate court,  
3 the Secretary or judge shall end the proceeding.

4 **“§ 6713. Suspension and termination of payments in**  
5 **discrimination proceedings**

6 “(a) IMPOSITION AND CONTINUATION OF SUSPEN-  
7 SIONS.—(1) The Secretary shall suspend payment under  
8 this chapter to a unit of general local government—

9 “(A) if an administrative law judge appointed  
10 under section 3105 of title 5 issues a preliminary de-  
11 cision in a proceeding under section 6712(d)(1) that  
12 the government is not likely to prevail in showing  
13 compliance with section 6711 (a) and (b);

14 “(B) if the administrative law judge decides at  
15 the end of the proceeding that the government has  
16 not complied with section 6711 (a) or (b), unless the  
17 government makes a compliance agreement under  
18 section 6714 by the 30th day after the decision; or

19 “(C) if required under section 6712(c).

20 “(2) A suspension already ordered under paragraph  
21 (1)(A) continues in effect if the administrative law judge  
22 makes a decision under paragraph (1)(B).

23 “(b) LIFTING OF SUSPENSIONS AND TERMI-  
24 NATIONS.—If a holding of discrimination is reversed by  
25 an appellate court, a suspension or termination of pay-

1 ments in a proceeding based on the holding shall be dis-  
2 continued.

3 “(c) RESUMPTION OF PAYMENTS UPON ATTAINING  
4 COMPLIANCE.—The Secretary may resume payment to a  
5 unit of general local government of payments suspended  
6 by the Secretary only—

7 “(1) as of the time of, and under the conditions  
8 stated in—

9 “(A) the approval by the Secretary of a  
10 compliance agreement under section  
11 6714(a)(1); or

12 “(B) a compliance agreement entered into  
13 by the Secretary under section 6714(a)(2);

14 “(2) if the government complies completely with  
15 an order of a United States court, a State court, or  
16 administrative law judge that covers all matters  
17 raised in a notice of noncompliance submitted by the  
18 Secretary under section 6712(a);

19 “(3) if a United States court, a State court, or  
20 an administrative law judge decides (including a  
21 judge in a proceeding under section 6712(d)(1)),  
22 that the government has complied with sections  
23 6711 (a) and (b); or

24 “(4) if a suspension is discontinued under sub-  
25 section (b).

1       “(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For  
2 purposes of subsection (c)(2), compliance by a government  
3 may consist of the payment of restitution to a person in-  
4 jured because the government did not comply with section  
5 6711 (a) or (b).

6       “(e) RESUMPTION OF PAYMENTS UPON REVERSAL  
7 BY COURT.—The Secretary may resume payment to a unit  
8 of general local government of payments terminated under  
9 section 6712(d)(2)(A) only if the decision resulting in the  
10 termination is reversed by an appellate court.

11       **“§6714. Compliance agreements**

12       “(a) TYPES OF COMPLIANCE AGREEMENTS.—A com-  
13 pliance agreement is an agreement—

14               “(1) approved by the Secretary, between the  
15 governmental authority responsible for prosecuting a  
16 claim or complaint that is the basis of a holding of  
17 discrimination and the chief executive officer of the  
18 unit of general local government that has not com-  
19 plied with section 6711 (a) or (b); or

20               “(2) between the Secretary and the chief execu-  
21 tive officer.

22       “(b) CONTENTS OF AGREEMENTS.—A compliance  
23 agreement—

24               “(1) shall state the conditions the unit of gen-  
25 eral local government has agreed to comply with

1 that would satisfy the obligations of the government  
2 under sections 6711 (a) and (b);

3 “(2) shall cover each matter that has been  
4 found not to comply, or would not comply, with sec-  
5 tion 6711 (a) or (b); and

6 “(3) may be a series of agreements that dispose  
7 of those matters.

8 “(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—  
9 The Secretary shall submit a copy of a compliance agree-  
10 ment to each person who filed a complaint referred to in  
11 section 6716(b), or, if an agreement under subsection  
12 (a)(1), each person who filed a complaint with a govern-  
13 mental authority, about a failure to comply with section  
14 6711 (a) or (b). The Secretary shall submit the copy by  
15 the 15th day after an agreement is made. However, if the  
16 Secretary approves an agreement under subsection (a)(1)  
17 after the agreement is made, the Secretary may submit  
18 the copy by the 15th day after approval of the agreement.

19 **“§6715. Enforcement by the Attorney General of pro-**  
20 **hibitions on discrimination**

21 “The Attorney General may bring a civil action in  
22 an appropriate district court of the United States against  
23 a unit of general local government that the Attorney Gen-  
24 eral has reason to believe has engaged or is engaging in

1 a pattern or practice in violation of section 6711 (a) or  
2 (b). The court may grant—

3 “(1) a temporary restraining order;

4 “(2) an injunction; or

5 “(3) an appropriate order to ensure enjoyment  
6 of rights under section 6711 (a) or (b), including an  
7 order suspending, terminating, or requiring repay-  
8 ment of, payments under this chapter or placing ad-  
9 ditional payments under this chapter in escrow  
10 pending the outcome of the action.

11 **“§6716. Civil action by a person adversely affected**

12 “(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL  
13 OR STATE COURT.—If a unit of general local government,  
14 or an officer or employee of a unit of general local govern-  
15 ment acting in an official capacity, engages in a practice  
16 prohibited by this chapter, a person adversely affected by  
17 the practice may bring a civil action in an appropriate dis-  
18 trict court of the United States or a State court of general  
19 jurisdiction. Before bringing an action under this section,  
20 the person must exhaust administrative remedies under  
21 subsection (b).

22 “(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE  
23 EXHAUSTED.—A person adversely affected shall file an  
24 administrative complaint with the Secretary or the head  
25 of another agency of the United States Government or the

1 State agency with which the Secretary has an agreement  
2 under section 6711(d). Administrative remedies are  
3 deemed to be exhausted by the person after the 90th day  
4 after the complaint was filed if the Secretary, the head  
5 of the Government agency, or the State agency—

6 “(1) issues a decision that the government has  
7 not failed to comply with this chapter; or

8 “(2) does not issue a decision on the complaint.

9 “(c) AUTHORITY OF COURT.—In an action under this  
10 section, the court—

11 “(1) may grant—

12 “(A) a temporary restraining order;

13 “(B) an injunction; or

14 “(C) another order, including suspension,  
15 termination, or repayment of, payments under  
16 this chapter or placement of additional pay-  
17 ments under this chapter in escrow pending the  
18 outcome of the action; and

19 “(2) to enforce compliance with section 6711  
20 (a) or (b), may allow a prevailing party (except the  
21 United States Government) a reasonable attorney’s  
22 fee.

23 “(d) INTERVENTION BY ATTORNEY GENERAL.—In  
24 an action under this section to enforce compliance with  
25 section 6711 (a) or (b), the Attorney General may inter-

1 vene in the action if the Attorney General certifies that  
2 the action is of general public importance. The United  
3 States Government is entitled to the same relief as if the  
4 Government had brought the action and is liable for the  
5 same fees and costs as a private person.

6 **“§ 6717. Judicial review**

7       “(a) APPEALS IN FEDERAL COURT OF APPEALS.—  
8 A unit of general local government which receives notice  
9 from the Secretary about withholding payments under sec-  
10 tion 6703(c), suspending payments under section  
11 6713(a)(1)(B), or terminating payments under section  
12 6712(d)(2)(A), may apply for review of the action of the  
13 Secretary by filing a petition for review with the court of  
14 appeals of the United States for the circuit in which the  
15 government is located. The petition shall be filed by the  
16 60th day after the date the notice is received. The clerk  
17 of the court shall immediately send a copy of the petition  
18 to the Secretary.

19       “(b) FILING OF RECORD OF ADMINISTRATIVE PRO-  
20 CEEDING.—The Secretary shall file with the court a  
21 record of the proceeding on which the Secretary based the  
22 action. The court may consider only objections to the ac-  
23 tion of the Secretary that were presented before the  
24 Secretary.

1       “(c) COURT ACTION.—The court may affirm, change,  
2 or set aside any part of the action of the Secretary. The  
3 findings of fact by the Secretary are conclusive if sup-  
4 ported by substantial evidence in the record. If a finding  
5 is not supported by substantial evidence in the record, the  
6 court may remand the case to the Secretary to take addi-  
7 tional evidence. Upon such a remand, the Secretary may  
8 make new or modified findings and shall certify additional  
9 proceedings to the court.

10       “(d) REVIEW ONLY BY SUPREME COURT.—A judg-  
11 ment of a court under this section may be reviewed only  
12 by the Supreme Court under section 1254 of title 28.

13       **“§ 6718. Audits, investigations, and reviews**

14       “(a) INDEPENDENT AUDIT.—(1) Except as provided  
15 in this section, a unit of general local government that  
16 receives a payment under this chapter shall have an inde-  
17 pendent audit made of the financial statements of the gov-  
18 ernment at least as often as is required by paragraph (2)  
19 to determine compliance with this chapter. The audit shall  
20 be carried out under generally accepted government audit-  
21 ing standards issued by the Comptroller General of the  
22 United States.

23       “(2) Paragraph (1) does not apply to a unit of gen-  
24 eral local government for a fiscal year in which the govern-  
25 ment receives less than \$25,000 under this chapter. A unit

1 of general local government which receives at least  
2 \$25,000 but not more than \$100,000 under this chapter  
3 for a fiscal year shall have an audit made in accordance  
4 with paragraph (1) at least once every 3 years. A govern-  
5 ment which receives more than \$100,000 under this chap-  
6 ter for a fiscal year shall have an audit made in accord-  
7 ance with paragraph (1) for such fiscal year, except that,  
8 if the government operates on a biennial fiscal period, such  
9 audit may be made biennially but shall cover the financial  
10 statement or statements for, and compliance with the re-  
11 quirements of the chapter during, both years within such  
12 period.

13       “(3) An audit of financial statements of a unit of gen-  
14 eral local government carried out under another law of the  
15 United States for a fiscal year is deemed to be in compli-  
16 ance with paragraph (1) for that year if the audit substan-  
17 tially complies with the requirements of paragraph (1).

18       “(b) WAIVER BY LOCAL GOVERNMENT.—A unit of  
19 general local government may waive application of sub-  
20 section (a)(1) if—

21               “(1) the financial statements of the government  
22               are audited by independent auditors under State or  
23               local law at least as often as would be required by  
24               subsection (a)(2);

1           “(2) the government certifies that the audit is  
2 carried out under generally accepted auditing stand-  
3 ards issued by the Comptroller General of the  
4 United States;

5           “(3) the auditing provisions of the State or  
6 local law are applicable to the payment period to  
7 which the waiver applies; and

8           “(4) the government submits to the Secretary a  
9 brief description of the auditing standards used  
10 under the relevant State or local law and specifica-  
11 tion of the payment period to which the waiver  
12 applies.

13       “(c) WAIVER BY SECRETARY.—Under regulations of  
14 the Secretary, the Secretary may waive any requirement  
15 under subsection (a)(1) or (b) for a unit of general local  
16 government for a fiscal year if the Secretary decides that  
17 the financial statements of the government for the year—

18           “(1) cannot be audited, and the government  
19 shows substantial progress in making the statements  
20 auditable; or

21           “(2) have been audited by a State agency that  
22 does not follow generally accepted auditing stand-  
23 ards issued by the Comptroller General of the Unit-  
24 ed States or that is not independent, and the State

1 agency shows progress in meeting those auditing  
2 standards or in becoming independent.

3 “(d) SERIES OF AUDITS.—A series of audits carried  
4 out over a period of not more than 3 years covering the  
5 total amount in the financial accounts of a unit of general  
6 local government is deemed to be a single audit under sub-  
7 sections (a)(1) and (b) of this section.

8 “(e) AUDIT OPINION.—An opinion of an audit car-  
9 ried out under this section shall be provided to the Sec-  
10 retary in the form and at times required by the Secretary.  
11 No later than 30 days following the completion of the  
12 audit, the unit of general local government shall make the  
13 audit report available for public inspection.

14 “(f) INVESTIGATIONS BY SECRETARY.—(1) The Sec-  
15 retary shall maintain regulations providing reasonable and  
16 specific time limits for the Secretary to—

17 “(A) carry out an investigation and make a  
18 finding after receiving a complaint referred to in sec-  
19 tion 6716(b), a determination by a State or local ad-  
20 ministrative agency, or other information about a  
21 possible violation of this chapter;

22 “(B) carry out audits and reviews (including in-  
23 vestigations of allegations) about possible violations  
24 of this chapter; and

1           “(C) advise a complainant of the status of an  
2           audit, investigation, or review of an allegation by the  
3           complainant of a violation of section 6711 (a) or (b)  
4           or other provision of this chapter.

5           “(2) The maximum time limit under paragraph  
6 (1)(A) is 90 days.

7           “(g) REVIEWS BY COMPTROLLER GENERAL.—The  
8 Comptroller General of the United States shall carry out  
9 reviews of the activities of the Secretary, State govern-  
10 ments, and units of general local government necessary  
11 for the Congress to evaluate compliance and operations  
12 under this chapter.

13 **“§ 6719. Reports**

14           “(a) REPORTS BY SECRETARY OF TREASURY TO  
15 CONGRESS.—Before June 2 of each year, the Secretary  
16 personally shall report to the Congress on—

17           “(1) the status and operation of the Local Gov-  
18 ernment Fiscal Assistance Fund during the prior fis-  
19 cal year; and

20           “(2) the administration of this chapter, includ-  
21 ing a complete and detailed analysis of—

22           “(A) actions taken to comply with sections  
23 6711 through 6715, including a description of  
24 the kind and extent of noncompliance and the  
25 status of pending complaints;

1           “(B) the extent to which units of general  
2 local government receiving payments under this  
3 chapter have complied with sections 6702 and  
4 6718 (a), (b), and (d), including a description  
5 of the kind and extent of noncompliance and  
6 actions taken to ensure the independence of au-  
7 dits conducted under section 6718 (a), (b), and  
8 (d);

9           “(C) the way in which payments under this  
10 chapter have been distributed in the jurisdic-  
11 tions receiving payments; and

12           “(D) significant problems in carrying out  
13 this chapter and recommendations for legisla-  
14 tion to remedy the problems.

15           “(b) REPORTS BY UNITS OF GENERAL LOCAL GOV-  
16 ERNMENT TO SECRETARY OF TREASURY.—(1) At the end  
17 of each fiscal year, each unit of general local government  
18 which received a payment under this chapter for the fiscal  
19 year shall submit a report to the Secretary. The report  
20 shall be submitted in the form and at a time prescribed  
21 by the Secretary and shall be available to the public for  
22 inspection. The report shall state—

23           “(A) the amounts and purposes for which the  
24 payment has been appropriated, expended, or obli-  
25 gated in the fiscal year;

1           “(B) the relationship of the payment to the rel-  
2           evant functional items in the budget of the govern-  
3           ment; and

4           “(C) the differences between the actual and  
5           proposed use of the payment.

6           “(2) The Secretary shall provide a copy of a report  
7           submitted under paragraph (1) by a unit of general local  
8           government to the chief executive officer of the State in  
9           which the government is located. The Secretary shall pro-  
10          vide the report in the manner and form prescribed by the  
11          Secretary.

12          “(c) REGULATIONS.—The Secretary shall prescribe  
13          regulations for applying this section to units of general  
14          local government that do not adopt budgets.

15          **“§ 6720. Definitions and application**

16          “(a) DEFINITIONS.—In this chapter—

17                  “(1) ‘unit of general local government’ means—

18                          “(A) a county, township, city, or political  
19                          subdivision of a county, township, or city, that  
20                          is a unit of general local government as deter-  
21                          mined by the Secretary of Commerce for gen-  
22                          eral statistical purposes; and

23                          “(B) the District of Columbia and the rec-  
24                          ognized governing body of an Indian tribe or

1 Alaskan Native village that carries out substan-  
2 tial governmental duties and powers;

3 “(2) ‘payment period’ means each 1-year period  
4 beginning on October 1 of 1994 and 1995;

5 “(3) ‘State and local taxes’ means taxes im-  
6 posed by a State government or unit of general local  
7 government or other political subdivision of a State  
8 government for public purposes (except employee  
9 and employer assessments and contributions to fi-  
10 nance retirement and social insurance systems and  
11 other special assessments for capital outlay) as de-  
12 termined by the Secretary of Commerce for general  
13 statistical purposes;

14 “(4) ‘State’ means any of the several States  
15 and the District of Columbia;

16 “(5) ‘income’ means the total money income re-  
17 ceived from all sources as determined by the Sec-  
18 retary of Commerce for general statistical purposes;

19 “(6) ‘per capita income’ means—

20 “(A) in the case of the United States, the  
21 income of the United States divided by the pop-  
22 ulation of the United States;

23 “(B) in the case of a State, the income of  
24 that State, divided by the population of that  
25 State; and

1           “(C) in the case of a unit of general local  
2           government, the income of that unit of general  
3           local government divided by the population of  
4           the unit of general local government;

5           “(7) ‘finding of discrimination’ means a deci-  
6           sion by the Secretary about a complaint described in  
7           section 6716(b), a decision by a State or local ad-  
8           ministrative agency, or other information (under  
9           regulations prescribed by the Secretary) that it is  
10          more likely than not that a unit of general local gov-  
11          ernment has not complied with section 6711 (a) or  
12          (b);

13          “(8) ‘holding of discrimination’ means a holding  
14          by a United States court, a State court, or an ad-  
15          ministrative law judge appointed under section 3105  
16          of title 5, that a unit of general local government ex-  
17          pending amounts received under this chapter has—

18                 “(A) excluded a person in the United  
19                 States from participating in, denied the person  
20                 the benefits of, or subjected the person to dis-  
21                 crimination under, a program or activity be-  
22                 cause of race, color, national origin, or sex; or

23                 “(B) violated a prohibition against dis-  
24                 crimination described in section 6711(b); and

1           “(9) ‘Secretary’ means the Secretary of the  
2           Treasury.

3           “(b) TREATMENT OF SUBSUMED AREAS.—If the en-  
4           tire geographic area of a unit of general local government  
5           is located in a larger entity, the unit of general local gov-  
6           ernment is deemed to be located in the larger entity. If  
7           only part of the geographic area of a unit is located in  
8           a larger entity, each part is deemed to be located in the  
9           larger entity and to be a separate unit of general local  
10          government in determining allocations under this chapter.  
11          Except as provided in regulations prescribed by the Sec-  
12          retary, the Secretary shall make all data computations  
13          based on the ratio of the estimated population of the part  
14          to the population of the entire unit of general local govern-  
15          ment.

16          “(c) BOUNDARY AND OTHER CHANGES.—If a bound-  
17          ary line change, a State statutory or constitutional change,  
18          annexation, a governmental reorganization, or other cir-  
19          cumstance results in the application of sections 6704  
20          through 6708 in a way that does not carry out the pur-  
21          poses of sections 6701 through 6708, the Secretary shall  
22          apply sections 6701 through 6708 under regulations of the  
23          Secretary in a way that is consistent with those  
24          purposes.”.

1 (b) DEFICIT NEUTRALITY.—Any appropriation to  
 2 carry out the amendment made by this subtitle to title  
 3 31, United States Code, for fiscal year 1995 or 1996 shall  
 4 be offset by cuts elsewhere in appropriations for that fiscal  
 5 year.

6 **SEC. 1076. CLERICAL AMENDMENT.**

7 The table of chapters at the beginning of subtitle V  
 8 of title 31, United States Code, is amended by adding  
 9 after the item relating to chapter 65 the following:

“67. Federal Payments ..... 6701”.

10 **Subtitle J—Employment and Skills**  
 11 **Crime Prevention**

12 **SEC. 1081. STATEMENT OF PURPOSE.**

13 (a) PURPOSE.—The purpose of this subtitle is to re-  
 14 duce crime in neighborhoods with high incidences of crime  
 15 and poverty through intensive programs that provide em-  
 16 ployment opportunities for young adults in those neighbor-  
 17 hoods.

18 (b) DEFINITION.—As used in this subtitle, “high  
 19 crime area” means an area with severe crime problems,  
 20 including a high incidence of violent crime or drug traf-  
 21 ficking.

22 **SEC. 1082. PROGRAM AUTHORIZED.**

23 The Secretary of Labor in conjunction with the At-  
 24 torney General and Secretary of Housing and Urban De-  
 25 velopment, and in consultation with appropriate other

1 Federal officials, may make grants to local governments  
2 to fund targeted youth employment and skills development  
3 projects to help reduce crime in target areas as defined  
4 in section 1083.

5 **SEC. 1083. PROGRAM TARGET AREA.**

6 The target area or areas of each grant shall be neigh-  
7 borhoods which are high crime areas with high unemploy-  
8 ment among young adults and other serious economic and  
9 social problems.

10 **SEC. 1084. PARTICIPANTS.**

11 (a) ELIGIBLE POPULATION.—Young adults residing  
12 or attending school in the target area shall be eligible to  
13 participate in programs funded under this subtitle if they  
14 are between 16 and 25 years of age. In certain cir-  
15 cumstances, as determined by the Attorney General and  
16 the Secretaries of Labor and Housing and Urban Develop-  
17 ment (referred to in this subtitle as the “Secretaries”),  
18 young adults up to age 30 and youth age 14 to 15 may  
19 also be eligible to participate.

20 (b) RESPONSIBLE BEHAVIOR BY PARTICIPANTS.—  
21 Continued participation in a program under this subtitle  
22 shall be conditioned, during participation in the program,  
23 on the following—

24 (1) avoiding crime, including illegal drug use;

1           (2) regular attendance and satisfactory per-  
2           formance at work;

3           (3) paying child support when paternity has  
4           been established and the participant has an income;

5           (4) in-school young adults in high school re-  
6           maining in school until graduation; and

7           (5) requiring young adults ages 16–17 who  
8           have dropped out of high school and who have not  
9           obtained a General Equivalency Diploma (GED) to  
10          return to school or an alternative education pro-  
11          gram.

12 **SEC. 1085. ALLOWABLE ACTIVITIES.**

13          (a) EXPENDITURE OF FUNDS.—Funds awarded  
14          under this subtitle shall be expended only for crime pre-  
15          vention related activities undertaken to carry out an ap-  
16          proved application, such as—

17               (1) apprenticeship programs linking work and  
18               learning;

19               (2) on-the-job training in the private sector;

20               (3) youth conservation and service corps;

21               (4) programs emphasizing neighborhood infra-  
22               structure, such as YouthBuild and employment of  
23               public housing residents;

24               (5) work experience in private nonprofit organi-  
25               zations and public agencies;

1           (6) entrepreneurial and microenterprise devel-  
2           opment;

3           (7) crime prevention and security measures for  
4           profit and not-for-profit businesses employing sub-  
5           stantial numbers of youth from high crime areas;

6           (8) transportation links to jobs in the labor  
7           market area;

8           (9) initiatives to increase the educational at-  
9           tainment, occupational skills, and career aspirations  
10          of target area young adults, including work-based  
11          learning; and

12          (10) job placement and related case manage-  
13          ment, followup, and other supportive services.

14          (b) WORK EXPERIENCE PROGRAMS.—Work experi-  
15          ence programs funded under this subtitle shall—

16               (1) pay wages in accordance with the Fair  
17               Labor Standards Act and relevant State law;

18               (2) include adequate supervision, equipment,  
19               and materials and supplies to accomplish useful  
20               work projects;

21               (3) include a private sector job development  
22               component to facilitate the transition of participants  
23               to private sector jobs, which shall include developing  
24               portfolios of skill attainment, mentorship opportuni-

1 ties, and other efforts to increase job networks for  
2 participants; and

3 (4) include an extensive job placement compo-  
4 nent.

5 (c) 2-YEAR LIMITATION.—The combination of all  
6 subsidized employment for a participant shall not exceed  
7 2 years.

8 **SEC. 1086. APPLICATION FOR GRANTS.**

9 (a) APPLICATION PLAN.—To be eligible to receive a  
10 grant under this subtitle, a chief local elected official, with  
11 the timely review and comment of the Governor, shall  
12 apply to the Secretary of Labor for a Youth Employment  
13 and Skills Crime Prevention grant by submitting an appli-  
14 cation that contains a plan for reducing crime by substan-  
15 tially increasing the employment levels of youth adults in  
16 the target area. Such a plan shall—

17 (1) describe the measurable outcomes that will  
18 be used to evaluate the local success of the program,  
19 including reduced crime and substance abuse, in-  
20 creased private sector employment, reduced school  
21 dropout rates, and increased educational attainment;

22 (2) specify the organization that will administer  
23 the program;

24 (3) describe the specific employment programs  
25 that will be offered by the program;

1           (4) describe the public/private partnership that  
2 will promote collaboration between the State and  
3 local governments, private sector, public housing au-  
4 thorities, local residents, community-based organiza-  
5 tions, and nonprofit organizations, including linkage  
6 with community policing, gang prevention activities,  
7 and juvenile justice or delinquency prevention initia-  
8 tives;

9           (5) specify how the public and private sectors  
10 will work together to assist youth and young adults  
11 to make the transition from subsidized to  
12 unsubsidized jobs;

13           (6) describe how links to jobs throughout the  
14 labor market area will be provided;

15           (7) specify the manner in which the job network  
16 for youth and young adults will be expanded by  
17 mentors and other programs; and

18           (8) such other information as the Secretary of  
19 Labor in conjunction with the Attorney General and  
20 Secretary of Housing and Urban Development may  
21 require.

22           (b) COORDINATION WITH OTHER FEDERAL PRO-  
23 GRAMS.—The application must demonstrate that the pro-  
24 posed Youth Employment and Skills Crime Prevention  
25 program will build upon and be coordinated with other

1 Federal initiatives relating to such matters as crime con-  
2 trol and prevention, youth employment, education, eco-  
3 nomic development, community service, or social services.

4 (c) LEVERAGING AND LINKAGES.—As a condition of  
5 a grant award, local areas shall establish linkages with the  
6 local private sector, local employment and job training  
7 programs, and other appropriate entities to enhance the  
8 provision of services under this subtitle. Such activities  
9 may include leveraging by and linkages with—

10 (1) the local private sector to—

11 (A) develop a mentoring program to im-  
12 prove the job network for young adults in the  
13 target area;

14 (B) develop a specified number of career-  
15 track jobs for young adults graduating from  
16 high school and college in the target area;

17 (C) develop part-time jobs to support  
18 young adults while they are receiving job train-  
19 ing, or secondary or post-secondary education;  
20 and

21 (D) develop apprenticeship programs with  
22 unions that provide matching funds to create  
23 training and employment opportunities;

24 (2) the local service delivery area under the Job  
25 Training Partnership Act to identify funds—

1 (A) for on-the-job training and work-based  
2 training programs, based on successful program  
3 models, for residents of the target area;

4 (B) to develop a summer jobs program for  
5 in-school young adults residing in the target  
6 area;

7 (C) for new youth initiatives in the target  
8 area; and

9 (D) for child care and supportive services;  
10 (3) local programs to provide employment serv-  
11 ices and supportive services, such as transportation  
12 service to link target area residents to jobs in the  
13 labor market area; and

14 (4) the local educational agency to provide ac-  
15 tivities that will support the program and assist in  
16 achieving the goals specified in the application.

17 **SEC. 1087. AWARD PRIORITIES.**

18 In evaluating the applications submitted under this  
19 subtitle, the Secretaries and the Attorney General shall  
20 give priority to applications that—

21 (1) demonstrate extensive community support  
22 and linkages to crime prevention programs and em-  
23 ployment related programs;

24 (2) target areas that include public and assisted  
25 housing projects;

1           (3) demonstrate evidence of severe social and  
2           economic problems;

3           (4) demonstrate the highest quality program  
4           design, implementation plan, and goals to be  
5           achieved; and

6           (5) include other Federal and non-Federal  
7           funding, including State, local, or private resources.

8   **SEC. 1088. GRANT DURATION AND NUMBER.**

9           (a) DURATION OF GRANTS.—Grants shall be for 1  
10          year, and renewable for each of the 4 succeeding years.

11          (b) NUMBER OF GRANTS.—There shall be no more  
12          than 10 grants awarded under this subtitle.

13   **SEC. 1089. FEDERAL RESPONSIBILITIES.**

14          (a) IN GENERAL.—The Secretary of Labor in con-  
15          junction with the Attorney General and the Secretary of  
16          Housing and Urban Development shall establish a system  
17          of performance measures for assessing programs estab-  
18          lished pursuant to this subtitle.

19          (b) EVALUATION.—The Secretary of Labor in con-  
20          junction with the Attorney General and Secretary of  
21          Housing and Urban Development shall conduct a rigorous  
22          national evaluation of Youth Employment and Skills  
23          Crime Prevention programs funded under this subtitle  
24          that will track and assess the effectiveness of those pro-  
25          grams, and include an evaluation of the extent to which

1 such programs reduce crime and substance abuse, enhance  
2 the employment and earnings of participants, promote en-  
3 trepreneurship, reduce dropout rates, and increase edu-  
4 cational attainment. The evaluation may include cost-ben-  
5 efit analyses and shall utilize sound statistical methods  
6 and techniques.

7 (c) TECHNICAL ASSISTANCE.—The Secretary of  
8 Labor in conjunction with the Attorney General and the  
9 Secretary of Housing and Urban Development may pro-  
10 vide appropriate technical assistance to carry out Youth  
11 Employment and Skills Crime Prevention programs under  
12 this subtitle.

13 (d) ADMINISTRATION.—The technical assistance and  
14 evaluations authorized by this section may be carried out  
15 directly by the Secretary of Labor or through grants, con-  
16 tracts, or other cooperative arrangements with the Attor-  
17 ney General, the Secretary of Housing and Urban Devel-  
18 opment, or other entities or agencies.

19 **SEC. 1090. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATION.—There are authorized to be ap-  
21 propriated to the Secretary of Labor \$75,000,000 for fis-  
22 cal year 1995, \$100,000,000 for fiscal year 1996,  
23 \$110,000,000 for fiscal year 1997, \$115,000,000 for fis-  
24 cal year 1998, and \$125,000,000 for fiscal year 1999 to  
25 carry out this subtitle.

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated  
2 pursuant to this section are authorized to remain available  
3 for obligation until expended.

4 (c) EVALUATIONS AND TECHNICAL ASSISTANCE.—Of  
5 the amounts appropriated under subsection (a) for a fiscal  
6 year, the Secretary of Labor in conjunction with the Attor-  
7 ney General and Secretary of Housing and Urban Devel-  
8 opment may reserve not more than 5 percent of such  
9 amounts for each fiscal year to carry out evaluations and  
10 technical assistance.

11 **SEC. 1091. SANCTIONS.**

12 The Secretary of Labor may terminate or suspend  
13 financial assistance, in whole or in part, to a recipient or  
14 refuse to extend a grant for a recipient, if the Secretary  
15 of Labor in conjunction with the Attorney General and  
16 Secretary of Housing and Urban Development determines  
17 that the recipient has failed to meet the requirements of  
18 this subtitle, or any regulations or guidelines under this  
19 subtitle, or any approved application submitted pursuant  
20 to this subtitle.

21 **SEC. 1092. LABOR STANDARDS.**

22 Labor standards under the Job Training Partnership  
23 Act (29 U.S.C. 1553) shall apply to programs under this  
24 subtitle.

1 **SEC. 1093. REGULATIONS OR GUIDELINES.**

2 The Secretary of Labor in conjunction with the At-  
3 torney General and Secretary of Housing and Urban De-  
4 velopment shall issue such regulations or guidelines as  
5 may be necessary to carry out the purposes of this subtitle.

6 **SEC. 1094. WAIVERS.**

7 The Secretary of Labor in conjunction with the At-  
8 torney General and Secretary of Housing and Urban De-  
9 velopment may prescribe regulations or guidelines that es-  
10 tablish criteria for waiver of application requirements of  
11 programs to the extent that they duplicate or conflict with  
12 the requirements specified in similar laws.

13 **SEC. 1095. PROHIBITION ON PRIVATE RIGHTS OF ACTION.**

14 Nothing in this subtitle shall be construed to estab-  
15 lish a right for any person to bring an action to obtain  
16 services under this subtitle.

17 **SEC. 1096. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.**

18 The Secretaries and Attorney General are authorized,  
19 in carrying out this subtitle, to accept, purchase, or lease  
20 in the name of the Department of Justice or the Depart-  
21 ment of Labor or the Department of Housing and Urban  
22 Development, and employ or dispose of in furtherance of  
23 the purposes of this subtitle, any money or property, real,  
24 personal, or mixed, tangible or intangible, received by gift,  
25 devise, bequest, or otherwise, and to accept voluntary and

1 uncompensated services notwithstanding the provisions of  
2 section 1342 of title 31.

### 3 **Subtitle K—Miscellaneous**

#### 4 **SEC. 1098. MULTIJURISDICTIONAL GANG TASK FORCES.**

5 Section 504(f) of title I of the Omnibus Crime Con-  
6 trol and Safe Streets Act of 1968 is amended by inserting  
7 “or multijurisdictional gang task forces” after “drug task  
8 forces”.

### 9 **TITLE XI—YOUTH VIOLENCE**

#### 10 **SEC. 1101. PROSECUTION AS ADULTS OF CERTAIN JUVE-** 11 **NILES FOR CRIMES OF VIOLENCE.**

12 (a) PROSECUTION AS ADULTS.—The 4th undesig-  
13 nated paragraph of section 5032 of title 18, United States  
14 Code, is amended by striking “; however” and inserting  
15 “. In the application of the preceding sentence, if the  
16 crime of violence is an offense under section 113(a),  
17 113(b), 113(c), 1111, 1113, or, if the juvenile possessed  
18 a firearm during the offense, section 2111, 2113, 2241(a),  
19 or 2241(c) of this title, ‘thirteen’ shall be substituted for  
20 ‘fifteen’ and ‘thirteenth’ shall be substituted for ‘fifteenth’.  
21 Notwithstanding sections 1152 and 1153 of this title, no  
22 person subject to the criminal jurisdiction of an Indian  
23 tribal government shall be subject to the preceding sen-  
24 tence for any offense the Federal jurisdiction for which  
25 is predicated solely on Indian country as defined in section

1 1151 of this title, and which has occurred within the  
2 boundaries of such Indian country, unless the governing  
3 body of the tribe has elected that the preceding sentence  
4 have effect over land and persons subject to its criminal  
5 jurisdiction. However”.

6 (b) FEDERAL PRIORITY IN DEALING WITH CERTAIN  
7 CRIMES.—The first undesignated paragraph of section  
8 5032 of title 18, United States Code, is amended by in-  
9 serting “ or an offense that is a crime of violence under  
10 section 113(a), 113(b), 113(c), 1111, 1113, or if the juve-  
11 nile possessed a firearm during the offense, section 2111,  
12 2113, 2241(a), or 2241(c) of this title” after “not exceed  
13 six months”.

14 **SEC. 1102. COMMENCEMENT OF JUVENILE PROCEEDING.**

15 Section 5032 of title 18, United States Code, is  
16 amended by striking “Any proceedings against a juvenile  
17 under this chapter or as an adult shall not be commenced  
18 until” and inserting “A juvenile shall not be transferred  
19 to adult prosecution nor shall a hearing be held under sec-  
20 tion 5037 (disposition after a finding of juvenile delin-  
21 quency) until”.

22 **SEC. 1103. SEPARATION OF JUVENILE FROM ADULT OF-**  
23 **FENDERS.**

24 Section 5039 of title 18, United States Code, is  
25 amended by inserting “, whether pursuant to an adjudica-

1 tion of delinquency or conviction for an offense,” after  
2 “committed” the first place it appears.

3 **TITLE XII—CHILD SEXUAL**  
4 **ABUSE PREVENTION ACT OF**  
5 **1994**

6 **SEC. 1201. PENALTIES FOR INTERNATIONAL TRAFFICKING**  
7 **IN CHILD PORNOGRAPHY.**

8 (a) IMPORT RELATED OFFENSE.—Chapter 110 of  
9 title 18, United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 2259. Production of sexually explicit depictions of**  
12 **a minor for importation into the United**  
13 **States**

14 “(a) USE OF MINOR.—A person who, outside the  
15 United States, employs, uses, persuades, induces, entices,  
16 or coerces any minor to engage in, or who has a minor  
17 assist any other person to engage in, or who transports  
18 any minor with the intent that the minor engage in any  
19 sexually explicit conduct for the purpose of producing any  
20 visual depiction of such conduct, intending that the visual  
21 depiction will be imported into the United States or into  
22 waters within 12 miles of the coast of the United States,  
23 shall be punished as provided in subsection (c).

24 “(b) USE OF VISUAL DEPICTION.—A person who,  
25 outside the United States, knowingly receives, transports,

1 ships, distributes, sells, or possesses with intent to trans-  
2 port, ship, sell, or distribute any visual depiction of a  
3 minor engaging in sexually explicit conduct (if the produc-  
4 tion of the visual depiction involved the use of a minor  
5 engaging in sexually explicit conduct), intending that the  
6 visual depiction will be imported into the United States  
7 or into waters within a distance of 12 miles of the coast  
8 of the United States, shall be punished as provided in sub-  
9 section (c).

10 “(c) PENALTIES.—A person who violates subsection  
11 (a) or (b), or conspires or attempts to do so—

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

14 “(2) if the person has a prior conviction under  
15 this chapter or chapter 109A, shall be fined under  
16 this title, imprisoned not more than 20 years, or  
17 both.”.

18 (b) TECHNICAL AMENDMENT.—

19 (1) CHAPTER ANALYSIS.—The table of sections  
20 at the beginning of chapter 110 of title 18, United  
21 States Code, is amended by adding at the end the  
22 following new item:

“2259. Production of sexually explicit depictions of a minor for importation into  
the United States.”.

23 (2) FINE PROVISIONS.—Section 2251(d) of title  
24 18, United States Code, is amended—

1 (A) by striking “not more than \$100,000,  
2 or” and inserting “under this title,”;

3 (B) by striking “not more than \$200,000,  
4 or” and inserting “under this title,”; and

5 (C) by striking “not more than \$250,000”  
6 and inserting “under this title”.

7 (c) SECTION 2251 PENALTY ENHANCEMENT.—Sec-  
8 tion 2251(d) of title 18, United States Code, is amended  
9 by striking “this section” the second place it appears and  
10 inserting “this chapter or chapter 109A”.

11 (d) SECTION 2252 PENALTY ENHANCEMENT.—Sec-  
12 tion 2252(b)(1) of title 18, United States Code, is amend-  
13 ed by striking “this section” and inserting “this chapter  
14 or chapter 109A”.

15 (e) CONSPIRACY AND ATTEMPT.—Sections 2251(d)  
16 and 2252(b) of title 18, United States Code, are each  
17 amended by inserting “, or attempts or conspires to vio-  
18 late,” after “violates” each place it appears.

19 (f) RICO AMENDMENT.—Section 1961(l) of title 18,  
20 United States Code, is amended by striking “2251–2252”  
21 and inserting “2251, 2252, and 2259”.

22 (g) TRANSPORTATION OF MINORS.—Chapter 117 of  
23 title 18, United States Code, is amended—

24 (1) by adding at the end the following new  
25 section:

1 **“§ 2425. Travel with intent to engage in a sexual act**  
2 **with a juvenile**

3 “A person who travels in interstate commerce, or con-  
4 spires to do so, or a United States citizen or an alien ad-  
5 mitted for permanent residence in the United States who  
6 travels in foreign commerce, or conspires to do so, for the  
7 purpose of engaging in any sexual act (as defined in sec-  
8 tion 2245) with a person under 18 years of age that would  
9 be in violation of chapter 109A if the sexual act occurred  
10 in the special maritime and territorial jurisdiction of the  
11 United States shall be fined under this title, imprisoned  
12 not more than 10 years, or both.”; and

13 (2) in the table of sections at the beginning, by  
14 adding at the end the following new item:

“2425. Travel with intent to engage in a sexual act with a juvenile.”.

15 **SEC. 1202. SENSE OF CONGRESS CONCERNING STATE LEG-**  
16 **ISLATION REGARDING CHILD PORNOG-**  
17 **RAPHY.**

18 It is the sense of the Congress that each State that  
19 has not yet done so should enact legislation prohibiting  
20 the production, distribution, receipt, or simple possession  
21 of materials depicting a person under 18 years of age en-  
22 gaging in sexually explicit conduct (as defined in section  
23 2256 of title 18, United States Code) and providing for  
24 a maximum imprisonment of at least 1 year and for the

1 forfeiture of assets used in the commission or support of,  
2 or gained from, such offenses.

3 **TITLE XIII—JACOB WETTERLING**  
4 **CRIMES AGAINST CHILDREN**  
5 **REGISTRATION ACT**

6 **SEC. 1301. ESTABLISHMENT OF PROGRAM.**

7 (a) IN GENERAL.—

8 (1) STATE GUIDELINES.—The Attorney General  
9 shall establish guidelines for State programs requir-  
10 ing any person who is convicted of a criminal offense  
11 against a victim who is a minor to register a current  
12 address with a designated State law enforcement  
13 agency for 10 years after release from prison, or  
14 being placed on parole, supervised release, or proba-  
15 tion.

16 (2) DEFINITION.—For purposes of this sub-  
17 section, the term “criminal offense against a victim  
18 who is a minor” means any criminal offense that  
19 consists of—

20 (A) kidnapping of a minor, except by a  
21 parent;

22 (B) false imprisonment of a minor, except  
23 by a parent;

24 (C) criminal sexual conduct toward a  
25 minor;

1 (D) solicitation of a minor to engage in  
2 sexual conduct;

3 (E) use of a minor in a sexual perform-  
4 ance;

5 (F) solicitation of a minor to practice pros-  
6 titution;

7 (G) any conduct that by its nature is a  
8 sexual offense against a minor; or

9 (H) an attempt to commit an offense de-  
10 scribed in any of subparagraphs (A) through  
11 (G) of this paragraph, if the State—

12 (i) makes such an attempt a criminal  
13 offense; and

14 (ii) chooses to include such an offense  
15 in those which are criminal offenses  
16 against a victim who is a minor for the  
17 purposes of this section.

18 (b) REGISTRATION REQUIREMENT UPON RELEASE,  
19 PAROLE, SUPERVISED RELEASE, OR PROBATION.—An  
20 approved State registration program established under  
21 this section shall contain the following requirements:

22 (1) DUTY OF STATE PRISON OFFICIAL OR  
23 COURT.—If a person who is required to register  
24 under this section is released from prison, or placed  
25 on parole, supervised release, or probation, a State

1 prison officer, or in the case of probation, the court,  
2 shall—

3 (A) inform the person of the duty to reg-  
4 ister and obtain the information required for  
5 such registration;

6 (B) inform the person that if the person  
7 changes residence address, the person shall give  
8 the new address to a designated State law en-  
9 forcement agency in writing within 10 days;

10 (C) inform the person that if the person  
11 changes residence to another State, the person  
12 shall register the new address with the law en-  
13 forcement agency with whom the person last  
14 registered, and the person is also required to  
15 register with a designated law enforcement  
16 agency in the new State not later than 10 days  
17 after establishing residence in the new State, if  
18 the new State has a registration requirement;

19 (D) obtain fingerprints and a photograph  
20 of the person if these have not already been ob-  
21 tained in connection with the offense that trig-  
22 gers registration; and

23 (E) require the person to read and sign a  
24 form stating that the duty of the person to reg-  
25 ister under this section has been explained.

1           (2) TRANSFER OF INFORMATION TO STATE AND  
2           THE F.B.I.—The officer, or in the case of a person  
3           placed on probation, the court, shall, within 3 days  
4           after receipt of information described in paragraph  
5           (1), forward it to a designated State law enforce-  
6           ment agency. The State law enforcement agency  
7           shall immediately enter the information into the ap-  
8           propriate State law enforcement record system and  
9           notify the appropriate law enforcement agency hav-  
10          ing jurisdiction where the person expects to reside.  
11          The State law enforcement agency shall also imme-  
12          diately transmit the conviction data and fingerprints  
13          to the Federal Bureau of Investigation.

14          (3) ANNUAL VERIFICATION.—On each anniver-  
15          sary of a person’s initial registration date during the  
16          period in which the person is required to register  
17          under this section, the designated State law enforce-  
18          ment agency shall mail a nonforwardable verification  
19          form to the last reported address of the person. The  
20          person shall mail the verification form to the des-  
21          ignated State law enforcement agency within 10  
22          days after receipt of the form. The verification form  
23          shall be signed by the person, and state that the per-  
24          son still resides at the address last reported to the  
25          designated State law enforcement agency. If the per-

1 son fails to mail the verification form to the des-  
2 igned State law enforcement agency within 10  
3 days after receipt of the form, the person shall be  
4 in violation of this section unless the person proves  
5 that the person has not changed his or her residence  
6 address.

7 (4) NOTIFICATION OF LOCAL LAW ENFORCE-  
8 MENT AGENCIES OF CHANGES IN ADDRESS.—Any  
9 change of address by a person required to register  
10 under this section reported to the designated State  
11 law enforcement agency shall immediately be re-  
12 ported to the appropriate law enforcement agency  
13 having jurisdiction where the person is residing. The  
14 designated law enforcement agency shall, if the per-  
15 son changes residence to another State, notify the  
16 person of the law enforcement agency with which the  
17 person must register in the new State, if the new  
18 State has a registration requirement.

19 (5) PRIVACY OF DATA.—The information col-  
20 lected under a State registration program shall be  
21 treated as private data on individuals and may be  
22 disclosed only to law enforcement agencies for inves-  
23 tigative purposes or to government agencies conduct-  
24 ing confidential background checks with fingerprints

1 on applicants for child care positions or other posi-  
2 tions involving contact with children.

3 (c) REGISTRATION FOR CHANGE OF ADDRESS TO  
4 ANOTHER STATE.—A person who has been convicted of  
5 an offense which triggered registration in a State shall  
6 register the new address with a designated law enforce-  
7 ment agency in another State to which the person moves  
8 not later than 10 days after such person establishes resi-  
9 dence in the new State, if the new State has a registration  
10 requirement.

11 (d) REGISTRATION FOR 10 YEARS.—A person re-  
12 quired to register under this section shall continue to com-  
13 ply with this section until 10 years have elapsed since the  
14 person was released from prison, or placed on parole, su-  
15 pervised release, or probation.

16 (e) PENALTY.—A person required to register under  
17 a State program established pursuant to this section who  
18 knowingly fails to so register and keep such registration  
19 current shall be subject to criminal penalties in any State  
20 in which the person has so failed.

21 (f) COMPLIANCE.—

22 (1) COMPLIANCE DATE.—Each State shall have  
23 3 years from the date of the enactment of this Act  
24 in which to implement this section.

1           (2) INELIGIBILITY FOR FUNDS.—The allocation  
2 of funds under section 506 of title I of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42  
4 U.S.C. 3756) received by a State not complying with  
5 the guidelines issued under this section 3 years after  
6 the date of enactment of this Act may be reduced  
7 by 10 percent and the unallocated funds shall be re-  
8 allocated to the States in compliance with this  
9 section.

10                   **TITLE XIV—COMMUNITY**  
11                   **POLICING**

12   **SEC. 1401. COMMUNITY POLICING; “COPS ON THE BEAT”.**

13           (a) IN GENERAL.—Title I of the Omnibus Crime  
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
15 et seq.) is amended by inserting after part S (as added  
16 by section 2301(a)) the following new part:

17                   **“PART T—PUBLIC SAFETY AND COMMUNITY**  
18                   **POLICING; ‘COPS ON THE BEAT’**

19   **“SEC. 2001. AUTHORITY TO MAKE PUBLIC SAFETY AND**  
20                   **COMMUNITY POLICING GRANTS.**

21           “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
22 eral is authorized to make grants to States and units of  
23 local government, and to other public and private entities,  
24 to increase police presence, to expand and improve cooper-  
25 ative efforts between law enforcement agencies and mem-

1 bers of the community to address crime and disorder prob-  
2 lems, and otherwise to enhance public safety.

3 “(b) REHIRING AND HIRING GRANT PROJECTS.—  
4 Grants made under the authority of subsection (a) of this  
5 section may be used for programs, projects, and other  
6 activities to—

7 “(1) rehire law enforcement officers who have  
8 been laid off as a result of State and local budget  
9 reductions for deployment in community-oriented po-  
10 licing; and

11 “(2) hire and train new, additional career law  
12 enforcement officers (including cadets and trainees)  
13 for deployment in community-oriented policing  
14 across the Nation.

15 “(c) ADDITIONAL GRANT PROJECTS.—Grants made  
16 under the authority of subsection (a) of this section also  
17 may include programs, projects, and other activities to—

18 “(1) increase the number of law enforcement  
19 officers involved in activities that are focused on  
20 interaction with members of the community on  
21 proactive crime control and prevention by redeploy-  
22 ing officers to such activities;

23 “(2) provide specialized training to law enforce-  
24 ment officers to enhance their conflict resolution,  
25 mediation, problem solving, service, and other skills

1 needed to work in partnership with members of the  
2 community;

3 “(3) increase police participation in multidisci-  
4 plinary early intervention teams;

5 “(4) develop new technologies to assist State  
6 and local law enforcement agencies in reorienting  
7 the emphasis of their activities from reacting to  
8 crime to preventing crime;

9 “(5) develop and implement innovative pro-  
10 grams to permit members of the community to assist  
11 State and local law enforcement agencies in the pre-  
12 vention of crime in the community;

13 “(6) establish innovative programs to reduce,  
14 and keep to a minimum, the amount of time that  
15 law enforcement officers must be away from the  
16 community while awaiting court appearances;

17 “(7) establish and implement innovative pro-  
18 grams to increase and enhance proactive crime con-  
19 trol and prevention programs involving law enforce-  
20 ment officers and young persons in the community;

21 “(8) develop and establish new administrative  
22 and managerial systems to facilitate the adoption of  
23 community-oriented policing as an organization-wide  
24 philosophy; and

1           “(9) establish, implement, and coordinate crime  
2           prevention and control programs (involving law en-  
3           forcement officers working with community mem-  
4           bers) with other existing Federal programs that  
5           serve the community and community members to  
6           better address the comprehensive needs of such com-  
7           munity and its members.

8           “(d) PREFERENTIAL CONSIDERATION OF APPLICA-  
9           TIONS FOR CERTAIN GRANTS.—In awarding grants under  
10          this part, the Attorney General may give preferential con-  
11          sideration to grants for hiring and rehiring additional ca-  
12          reer law enforcement officers that involve a non-Federal  
13          contribution exceeding the 25 percent minimum under  
14          subsection (h) of this section.

15          “(e) TECHNICAL ASSISTANCE.—(1) The Attorney  
16          General may provide technical assistance to States and  
17          units of local government, and to other public and private  
18          entities, in furtherance of the purposes of this part.

19          “(2) The technical assistance provided by the Attor-  
20          ney General may include the development of a flexible  
21          model that will define for States and units of local govern-  
22          ment, and other public and private entities, definitions and  
23          strategies associated with community or problem-oriented  
24          policing and methodologies for its implementation.

1       “(3) The technical assistance provided by the Attor-  
2 ney General may include the establishment and operation  
3 of training centers or facilities, either directly or by con-  
4 tracting or cooperative arrangements. The functions of the  
5 centers or facilities established under this paragraph may  
6 include instruction and seminars for police executives,  
7 managers, trainers, and supervisors concerning commu-  
8 nity or problem-oriented policing and improvements in po-  
9 lice-community interaction and cooperation that further  
10 the purposes of this part.

11       “(f) UTILIZATION OF DEPARTMENT OF JUSTICE OF-  
12 FICES AND SERVICES.—The Attorney General may utilize  
13 any office or service of the Department of Justice in carry-  
14 ing out this part.

15       “(g) MINIMUM AMOUNT.—Each qualifying State, to-  
16 gether with grantees within the State, shall receive in each  
17 fiscal year pursuant to subsection (a) of this section not  
18 less than 0.25 percent of the total amount appropriated  
19 in the fiscal year for grants pursuant to such subsection.  
20 As used in this subsection, ‘qualifying State’ means any  
21 State which has submitted an application for a grant, or  
22 in which an eligible entity has submitted an application  
23 for a grant, which meets the requirements prescribed by  
24 the Attorney General and the conditions set out in this  
25 part.

1       “(h) MATCHING FUNDS.—The portion of the costs  
2 of a program, project, or activity provided by a grant  
3 under subsection (a) of this section may not exceed 75  
4 percent, unless the Attorney General waives, wholly or in  
5 part, the requirement under this subsection of a non-Fed-  
6 eral contribution to the costs of a program, project, or ac-  
7 tivity. In relation to a grant for a period exceeding one  
8 year for hiring or re-hiring career law enforcement offi-  
9 cers, the Federal share shall decrease from year to year,  
10 looking towards the continuation of the increased hiring  
11 level using State or local sources of funding following the  
12 conclusion of Federal support, as provided in an approved  
13 plan pursuant to section 2002(c)(8) of this part.

14       “(i) ALLOCATION OF FUNDS.—The funds available  
15 under this part shall be allocated as provided in section  
16 1001(a)(11)(B) of this title.

17       “(j) TERMINATION OF GRANTS FOR HIRING OFFI-  
18 CERS.—The authority under subsection (a) of this section  
19 to make grants for the hiring and rehiring of additional  
20 career law enforcement officers shall lapse at the conclu-  
21 sion of six years from the date of enactment of this part.  
22 Prior to the expiration of this grant authority, the Attor-  
23 ney General shall submit a report to Congress concerning  
24 the experience with and effects of such grants. The report  
25 may include any recommendations the Attorney General

1 may have for amendments to this part and related provi-  
2 sions of law in light of the termination of the authority  
3 to make grants for the hiring and rehiring of additional  
4 career law enforcement officers.

5 **“SEC. 2002. APPLICATIONS.**

6       “(a) IN GENERAL.—No grant may be made under  
7 this part unless an application has been submitted to, and  
8 approved by, the Attorney General.

9       “(b) FORM AND CONTENT OF APPLICATION.—An ap-  
10 plication for a grant under this part shall be submitted  
11 in such form, and contain such information, as the Attor-  
12 ney General may prescribe by regulation or guidelines.

13       “(c) COMPLIANCE WITH REGULATIONS OR GUIDE-  
14 LINES.—In accordance with the regulations or guidelines  
15 established by the Attorney General, each application for  
16 a grant under this part shall—

17               “(1) include a long-term strategy and detailed  
18 implementation plan that reflects consultation with  
19 community groups and appropriate private and pub-  
20 lic agencies and reflects consideration of the state-  
21 wide strategy under section 503(a)(1) of this part;

22               “(2) demonstrate a specific public safety need;

23               “(3) explain the locality’s inability to address  
24 the need without federal assistance;

1           “(4) identify related governmental and commu-  
2           nity initiatives which complement or will be coordi-  
3           nated with the proposal;

4           “(5) certify that there has been appropriate co-  
5           ordination with all affected agencies;

6           “(6) outline the initial and ongoing level of  
7           community support for implementing the proposal  
8           including financial and in-kind contributions or  
9           other tangible commitments;

10          “(7) specify plans for obtaining necessary sup-  
11          port and continuing the proposed program, project,  
12          or activity following the conclusion of Federal sup-  
13          port; and

14          “(8) if the application is for a grant for hiring  
15          or rehiring additional career law enforcement offi-  
16          cers—

17                 “(A) specify plans for the assumption by  
18                 the grantee of a progressively larger share of  
19                 the cost in the course of time, looking towards  
20                 the continuation of the increased hiring level  
21                 using State or local sources of funding following  
22                 the conclusion of Federal support;

23                 “(B) assess the impact, if any, of the in-  
24                 crease in police resources on other components  
25                 of the criminal justice system;

1           “(C) explain how the grant will be utilized  
2           to re-orient the affected law enforcement agen-  
3           cy’s mission towards community-oriented polic-  
4           ing or enhance its involvement in or commit-  
5           ment to community-oriented policing; and

6           “(D) ensure that, to the extent practicable,  
7           grantees seek and recruit members of racial,  
8           ethnic, and gender minority groups whose rep-  
9           resentation in the law enforcement agency for  
10          which funds are sought is less than in the gen-  
11          eral population qualified for such employment  
12          in such jurisdiction.

13   **“SEC. 2003. REVIEW OF APPLICATIONS BY STATE OFFICE.**

14          “(a) IN GENERAL.—Except as provided in subsection  
15          (c) or (d), an applicant for a grant under this part shall  
16          submit an application to the State office designated under  
17          section 507 of this title in the State in which the applicant  
18          is located for initial review.

19          “(b) INITIAL REVIEW OF APPLICATION.—The State  
20          office referred to in subsection (a) of this section shall re-  
21          view applications for grants under this part submitted to  
22          it, based upon criteria specified by the Attorney General  
23          by regulation or guidelines, and rank such applications  
24          based upon the criteria specified by the Attorney General.  
25          The State office referred to in subsection (a) of this sec-

1 tion shall submit the list along with all grant applications  
2 and supporting materials received to the Attorney  
3 General.

4 “(c) DIRECT APPLICATION TO THE ATTORNEY GEN-  
5 ERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding  
6 subsection (a) of this section, municipalities whose popu-  
7 lation exceeds 100,000 may submit an application for a  
8 grant under this part directly to the Attorney General. For  
9 purposes of this subsection, ‘municipalities whose popu-  
10 lation exceeds 100,000’ means units of local government  
11 or law enforcement agencies having jurisdiction over areas  
12 with populations exceeding 100,000, and consortia or as-  
13 sociations that include one or more such units of local gov-  
14 ernment or law enforcement agencies.

15 “(d) DIRECT APPLICATION TO THE ATTORNEY GEN-  
16 ERAL BY OTHER APPLICANTS.—Notwithstanding sub-  
17 section (a) of this section, if a State chooses not to carry  
18 out the functions described in subsection (b) of this sec-  
19 tion, an applicant in the State may submit an application  
20 for a grant under this part directly to the Attorney  
21 General.

22 **“SEC. 2004. RENEWAL OF GRANTS.**

23 “(a) IN GENERAL.—Except for grants made for hir-  
24 ing or rehiring additional career law enforcement officers,  
25 a grant under this part may be renewed for up to two

1 additional years after the first fiscal year during which  
2 a recipient receives its initial grant if the Attorney General  
3 determines that the funds made available to the recipient  
4 were used in a manner required under an approved appli-  
5 cation and if the recipient can demonstrate significant  
6 progress in achieving the objectives of the initial applica-  
7 tion.

8       “(b) GRANTS FOR HIRING.—Grants made for hiring  
9 or rehiring additional career law enforcement officers may  
10 be renewed for up to five years, subject to the require-  
11 ments of subsection (a) of this section, but notwithstand-  
12 ing the limitation in that subsection concerning the num-  
13 ber of years for which grants may be renewed.

14       “(c) MULTI-YEAR GRANTS.—A grant for a period ex-  
15 ceeding one year may be renewed as provided in this sec-  
16 tion, except that the total duration of such a grant includ-  
17 ing any renewals may not exceed three years, or six years  
18 if it is a grant made for hiring or rehiring additional ca-  
19 reer law enforcement officers.

20 **“SEC. 2005. LIMITATION ON USE OF FUNDS.**

21       “(a) NON-SUPPLANTING REQUIREMENT.—Funds  
22 made available under this part to States or units of local  
23 government shall not be used to supplant State or local  
24 funds, but will be used to increase the amount of funds

1 that would, in the absence of Federal funds, be made  
2 available from State or local sources.

3 “(b) ADMINISTRATIVE COSTS.—No more than 5 per-  
4 cent of the funds available under this part may be used  
5 for the costs of States in carrying out the functions de-  
6 scribed in section 2003(b) or other administrative costs.

7 “(c) NON-FEDERAL COSTS.—States and units of  
8 local government may use assets received through the as-  
9 sets forfeiture equitable sharing program to cover the non-  
10 Federal portion of programs, projects, and activities  
11 funded under this part.

12 “(d) HIRING COSTS.—Funding provided under this  
13 part for hiring or rehiring a career law enforcement officer  
14 may not exceed \$75,000, unless the Attorney General  
15 grants a waiver from this limitation.

16 **“SEC. 2006. PERFORMANCE EVALUATION.**

17 “(a) EVALUATION COMPONENTS.—

18 “(1) Each program, project, or activity funded  
19 under this part shall contain an evaluation compo-  
20 nent, developed pursuant to guidelines established by  
21 the Attorney General.

22 “(2) The evaluations required by paragraph (1)  
23 shall include outcome measures that can be used to  
24 determine the effectiveness of the funded programs,  
25 projects, activities and a description of the geo-

1 graphic dispersion, and racial, ethnic, and gender di-  
2 versity of rehired and new employees. Outcome  
3 measures may include crime and victimization indi-  
4 cators, quality of life measures, community percep-  
5 tions, and police perceptions of their own work.

6 “(b) PERIODIC REVIEW AND REPORTS.—The Attor-  
7 ney General shall review the performance of each grant  
8 recipient under this part. The Attorney General may re-  
9 quire a grant recipient to submit to the Attorney General  
10 the results of the evaluations required under subsection  
11 (a) and such other data and information as the Attorney  
12 General deems reasonably necessary to carry out the re-  
13 sponsibilities under this subsection.

14 **“SEC. 2007. REVOCATION OR SUSPENSION OF FUNDING.**

15 “If the Attorney General determines, as a result of  
16 the reviews required by section 2006 of this part, or other-  
17 wise, that a grant recipient under this part is not in sub-  
18 stantial compliance with the terms and requirements of  
19 an approved grant application submitted under section  
20 2002 of this part, the Attorney General may revoke or  
21 suspend funding of that grant, in whole or in part.

22 **“SEC. 2008. ACCESS TO DOCUMENTS.**

23 “(a) BY THE ATTORNEY GENERAL.—The Attorney  
24 General shall have access for the purpose of audit and ex-  
25 amination to any pertinent books, documents, papers, or

1 records of a grant recipient under this part, as well as  
2 the pertinent books, documents, papers, or records of  
3 States and units of local government, persons, businesses,  
4 and other entities that are involved in programs, projects,  
5 or activities for which assistance is provided under this  
6 part.

7 “(b) BY THE COMPTROLLER GENERAL.—The provi-  
8 sions of subsection (a) of this section shall also apply with  
9 respect to audits and examinations conducted by the  
10 Comptroller General of the United States or by an author-  
11 ized representative of the Comptroller General.

12 **“SEC. 2009. GENERAL REGULATORY AUTHORITY.**

13 “The Attorney General is authorized to promulgate  
14 regulations and guidelines to carry out this part.

15 **“SEC. 2010. DEFINITION.**

16 “For the purposes of this part, the term ‘career law  
17 enforcement officer’ means a person hired on a permanent  
18 basis who is authorized by law or by a State or local public  
19 agency to engage in or supervise the prevention, detection,  
20 or investigation of violations of criminal laws.”.

21 (b) TECHNICAL AMENDMENT.—The table of contents  
22 of title I of the Omnibus Crime Control and Safe Streets  
23 Act of 1968 (42 U.S.C. 3711, et seq.) is amended by in-  
24 serting after the matter relating to part S (as added by  
25 section 2301(b)) the following:

“PART T—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE  
BEAT’

“Sec. 2001. Authority to make public safety and community policing grants.

“Sec. 2002. Applications.

“Sec. 2003. Review of applications by State office.

“Sec. 2004. Renewal of grants.

“Sec. 2005. Limitation on use of funds.

“Sec. 2006. Performance evaluation.

“Sec. 2007. Revocation or suspension of funding.

“Sec. 2008. Access to documents.

“Sec. 2009. General regulatory authority.

“Sec. 2010. Definition.”.

**1 SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION.—Section 1001(a) of title I of  
3 the Omnibus Crime Control and Safe Streets Act of 1968  
4 (42 U.S.C. 3793) is amended—

5 (1) in paragraph (3) by striking “and O.” and  
6 inserting “O, P, and T.”; and

7 (2) by adding after paragraph (13) (as added  
8 by section 2302) the following:

9 “(14)(A) There are authorized to be appropriated to  
10 carry out part T, to remain available until expended,  
11 \$200,000,000 for fiscal year 1994 and \$650,000,000 for  
12 each of the fiscal years 1995, 1996, 1997, 1998, and  
13 1999.

14 “(B) Of funds available under part T in any fiscal  
15 year, up to 5 percent may be used for technical assistance  
16 under section 2001(e) or for evaluations or studies carried  
17 out or commissioned by the Attorney General in further-  
18 ance of the purposes of part T, and up to 5 percent may  
19 be used for the costs of States in carrying out the func-

1 tions described in section 2003(b) or other administrative  
2 costs. Of the remaining funds, 50 percent shall be allo-  
3 cated for grants pursuant to applications submitted as  
4 provided in section 2003(a) or (d), and 50 percent shall  
5 be allocated for grants pursuant to applications submitted  
6 as provided in section 2003(c). Of the funds available in  
7 relation to grants pursuant to applications submitted as  
8 provided in section 2003(a) or (d), at least 85 percent  
9 shall be applied to grants for the purposes specified in sec-  
10 tion 2001(b), and no more than 15 percent may be applied  
11 to other grants in furtherance of the purposes of part T.  
12 Of the funds available in relation to grants pursuant to  
13 applications submitted as provided in section 2003(c), at  
14 least 85 percent shall be applied to grants for the purposes  
15 specified in section 2001(b), and no more than 15 percent  
16 may be applied to other grants in furtherance of the pur-  
17 poses of part T.

18       “(C) Notwithstanding the provisions of section 2003,  
19 no funds allocated for grants pursuant to applications sub-  
20 mitted as provided under subsections (a) or (d) of section  
21 2003 shall be allocated for grants to a municipality (as  
22 defined in section 2003(c)).”.

1 **TITLE XV—DNA IDENTIFICATION**

2 **SEC. 1501. SHORT TITLE.**

3 This title may be cited at the “DNA Identification  
4 Act of 1994”.

5 **SEC. 1502. FUNDING TO IMPROVE THE QUALITY AND AVAIL-**  
6 **ABILITY OF DNA ANALYSES FOR LAW EN-**  
7 **FORCEMENT IDENTIFICATION PURPOSES.**

8 (a) DRUG CONTROL AND SYSTEM IMPROVEMENT  
9 GRANT PROGRAM.—Section 501(b) of title I of the Omni-  
10 bus Crime Control and Safe Streets Act of 1968 (42  
11 U.S.C. 3751(b)) is amended—

12 (1) in paragraph (20) by striking “and” at the  
13 end,

14 (2) in paragraph (21) by striking the period at  
15 the end and inserting “; and”, and

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

17 “(22) developing or improving in a forensic lab-  
18 oratory a capability to analyze deoxyribonucleic acid  
19 (hereinafter in this title referred to as ‘DNA’) for  
20 identification purposes.”.

21 (b) STATE APPLICATIONS.—Section 503(a) of title I  
22 of the Omnibus Crime Control and Safe Streets Act of  
23 1968 (42 U.S.C. 3753(a)) is amended by adding at the  
24 end thereof the following new paragraph:

1           “(12) If any part of a grant made under this  
2 part is to be used to develop or improve a DNA  
3 analysis capability in a forensic laboratory, a certifi-  
4 cation that—

5           “(A) DNA analyses performed at such lab-  
6 oratory will satisfy or exceed then current  
7 standards for a quality assurance program for  
8 DNA analysis, issued by the Director of the  
9 Federal Bureau of Investigation under section 3  
10 of the DNA Identification Act of 1994;

11           “(B) DNA samples obtained by, and DNA  
12 analyses performed at, such laboratory will be  
13 accessible only—

14           “(i) to criminal justice agencies for  
15 law enforcement identification purposes;

16           “(ii) for criminal defense purposes, to  
17 a defendant, who shall have access to sam-  
18 ples and analyses performed in connection  
19 with the case in which such defendant is  
20 charged; or

21           “(iii) if personally identifiable infor-  
22 mation is removed, for a population statis-  
23 tics database, for identification research  
24 and protocol development purposes, or for  
25 quality control purposes; and

1           “(C) such laboratory, and each analyst  
2 performing DNA analyses at such laboratory,  
3 will undergo, at regular intervals of not to ex-  
4 ceed 180 days, external proficiency testing by a  
5 DNA proficiency testing program meeting the  
6 standards issued under section 3 of the DNA  
7 Identification Act of 1994.”.

8           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 1001(a) of the Omnibus Crime Control and Safe Streets  
10 Act of 1968 (42 U.S.C. 3793(a)) is amended by adding  
11 at the end the following:

12           “(11) There are authorized to be appropriated  
13 for each of the fiscal years 1994 through 1998  
14 \$10,000,000 for grants to the States for DNA  
15 analysis.”.

16 **SEC. 1503. QUALITY ASSURANCE AND PROFICIENCY TEST-**  
17 **ING STANDARDS.**

18           (a) PUBLICATION OF QUALITY ASSURANCE AND PRO-  
19 FICIENCY TESTING STANDARDS.—(1) Not later than 180  
20 days after the date of the enactment of this Act, the Direc-  
21 tor of the Federal Bureau of Investigation shall appoint  
22 an advisory board on DNA quality assurance methods.  
23 The Director shall appoint members of the board from  
24 among nominations proposed by the head of the National  
25 Academy of Sciences and professional societies of crime

1 laboratory officials. The advisory board shall include as  
2 members scientists from State and local forensic labora-  
3 tories, molecular geneticists and population geneticists not  
4 affiliated with a forensic laboratory, and a representative  
5 from the National Institute of Standards and Technology.  
6 The advisory board shall develop, and if appropriate, peri-  
7 odically revise, recommended standards for quality assur-  
8 ance, including standards for testing the proficiency of fo-  
9 rensic laboratories, and forensic analysts, in conducting  
10 analyses of DNA.

11 (2) The Director of the Federal Bureau of Investiga-  
12 tion, after taking into consideration such recommended  
13 standards, shall issue (and revise from time to time)  
14 standards for quality assurance, including standards for  
15 testing the proficiency of forensic laboratories, and foren-  
16 sic analysts, in conducting analyses of DNA.

17 (3) The standards described in paragraphs (1) and  
18 (2) shall specify criteria for quality assurance and pro-  
19 ficiency tests to be applied to the various types of DNA  
20 analyses used by forensic laboratories. The standards shall  
21 also include a system for grading proficiency testing per-  
22 formance to determine whether a laboratory is performing  
23 acceptably.

24 (4) Until such time as the advisory board has made  
25 recommendations to the Director of the Federal Bureau

1 of Investigation and the Director has acted upon those  
2 recommendations, the quality assurance guidelines adopt-  
3 ed by the technical working group on DNA analysis meth-  
4 ods shall be deemed the Director's standards for purposes  
5 of this section.

6 (b) ADMINISTRATION OF THE ADVISORY BOARD.—  
7 For administrative purposes, the advisory board appointed  
8 under subsection (a) shall be considered an advisory board  
9 to the Director of the Federal Bureau of Investigation.  
10 Section 14 of the Federal Advisory Committee Act (5  
11 U.S.C. App.) shall not apply with respect to the advisory  
12 board appointed under subsection (a). The board shall  
13 cease to exist on the date 5 years after the initial appoint-  
14 ments are made to the board, unless the existence of the  
15 board is extended by the Director of the Federal Bureau  
16 of Investigation.

17 **SEC. 1504. INDEX TO FACILITATE LAW ENFORCEMENT EX-**  
18 **CHANGE OF DNA IDENTIFICATION INFORMA-**  
19 **TION.**

20 (a) IN GENERAL.—The Director of the Federal Bu-  
21 reau of Investigation may establish an index of—

- 22 (1) DNA identification records of persons con-  
23 victed of crimes;
- 24 (2) analyses of DNA samples recovered from  
25 crime scenes; and

1           (3) analyses of DNA samples recovered from  
2           unidentified human remains.

3           (b) CONTENT OF INDEX.—Such index may include  
4           only information on DNA identification records and DNA  
5           analyses that are—

6           (1) based on analyses performed in accordance  
7           with publicly available standards that satisfy or ex-  
8           ceed the guidelines for a quality assurance program  
9           for DNA analysis, issued by the Director of the Fed-  
10          eral Bureau of Investigation under section 3 of the  
11          DNA Identification Act of 1994;

12          (2) prepared by laboratories, and DNA ana-  
13          lysts, that undergo, at regular intervals of not to ex-  
14          ceed 180 days, external proficiency testing by a  
15          DNA proficiency testing program meeting the stand-  
16          ards issued under section 3 of the DNA Identifica-  
17          tion Act of 1994; and

18          (3) maintained by Federal, State, and local  
19          criminal justice agencies pursuant to rules that allow  
20          disclosure of stored DNA samples and DNA analy-  
21          ses only—

22                  (A) to criminal justice agencies for law en-  
23                  forcement identification purposes;

24                  (B) for criminal defense purposes, to a de-  
25                  fendant, who shall have access to samples and

1 analyses performed in connection with the case  
2 in which such defendant is charged; or

3 (C) if personally identifiable information is  
4 removed, for a population statistics database,  
5 for identification research and protocol develop-  
6 ment purposes, or for quality control purposes.

7 (c) EXCHANGE SUBJECT TO CANCELLATION.—The  
8 exchange of records authorized by this section is subject  
9 to cancellation if the quality control and privacy require-  
10 ments described in subsection (b) of this section are not  
11 met.

12 **SEC. 1505. FEDERAL BUREAU OF INVESTIGATION.**

13 (a) PROFICIENCY TESTING REQUIREMENTS.—

14 (1) GENERALLY.—Personnel at the Federal  
15 Bureau of Investigation who perform DNA analyses  
16 shall undergo, at regular intervals of not to exceed  
17 180 days, external proficiency testing by a DNA  
18 proficiency testing program meeting the standards  
19 issued under section 3(a). Within one year of the  
20 date of enactment of this Act, the Director of the  
21 Federal Bureau of Investigation shall arrange for  
22 periodic blind external tests to determine the pro-  
23 ficiency of DNA analysis performed at the Federal  
24 Bureau of Investigation laboratory. As used in this  
25 paragraph, the term “blind external test” means a

1 test that is presented to the laboratory through a  
2 second agency and appears to the analysts to involve  
3 routine evidence.

4 (2) REPORT.—For five years after the date of  
5 enactment of this Act, the Director of the Federal  
6 Bureau of Investigation shall submit to the Commit-  
7 tees on the Judiciary of the House and Senate an  
8 annual report on the results of each of the tests re-  
9 ferred to in paragraph (1).

10 (b) PRIVACY PROTECTION STANDARDS.—

11 (1) GENERALLY.—Except as provided in para-  
12 graph (2), the results of DNA tests performed for  
13 a Federal law enforcement agency for law enforce-  
14 ment purposes may be disclosed only—

15 (A) to criminal justice agencies for law en-  
16 forcement identification purposes; or

17 (B) for criminal defense purposes, to a de-  
18 fendant, who shall have access to samples and  
19 analyses performed in connection with the case  
20 in which such defendant is charged.

21 (2) EXCEPTION.—If personally identifiable in-  
22 formation is removed, test results may be disclosed  
23 for a population statistics database, for identification  
24 research and protocol development purposes, or for  
25 quality control purposes.

1 (c) CRIMINAL PENALTY.—(1) Whoever—

2 (A) by virtue of employment or official position,  
3 has possession of, or access to, individually identifi-  
4 able DNA information indexed in a database created  
5 or maintained by any Federal law enforcement agen-  
6 cy; and

7 (B) willfully discloses such information in any  
8 manner to any person or agency not entitled to  
9 receive it;

10 shall be fined not more than \$100,000.

11 (2) Whoever, without authorization, willfully obtains  
12 DNA samples or individually identifiable DNA informa-  
13 tion indexed in a database created or maintained by any  
14 Federal law enforcement agency shall be fined not more  
15 than \$100,000.

16 **SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Fed-  
18 eral Bureau of Investigation \$4,500,000 for each of fiscal  
19 years 1994 through 1998 to carry out sections 1503,  
20 1504, and 1505 of this Act.

21 **TITLE XVI—VIOLENCE AGAINST**  
22 **WOMEN**

23 **SECTION 1600. SHORT TITLE.**

24 This title may be cited as the “Violence Against  
25 Women Act of 1994”.

## 1 **Subtitle A—Safe Streets for Women**

### 2 **SEC. 1601. SHORT TITLE.**

3 This subtitle may be cited as the “Safe Streets for  
4 Women Act of 1994”.

### 5 **SEC. 1602. GRANTS TO COMBAT VIOLENT CRIMES AGAINST** 6 **WOMEN.**

7 (a) IN GENERAL.—Title I of the Omnibus Crime  
8 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
9 et seq.) is amended by—

10 (1) redesignating part Q as part R;

11 (2) redesignating section 1701 as section 1801;

12 and

13 (3) adding after part P the following new part:

### 14 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES** 15 **AGAINST WOMEN**

#### 16 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

17 “(a) GENERAL PROGRAM PURPOSE.—The purpose of  
18 this part is to assist States, Indian tribes, and other eligi-  
19 ble entities to develop effective law enforcement and pros-  
20 ecution strategies to combat violent crimes against women.

21 “(b) PURPOSES FOR WHICH GRANTS MAY BE  
22 USED.—Grants under this part shall provide funds for  
23 personnel, training, technical assistance, data collection  
24 and other equipment for the more widespread apprehen-  
25 sion, prosecution, and adjudication of persons committing

1 violent crimes against women to reduce the rate of violent  
2 crime against women and specifically, for the purposes  
3 of—

4 “(1) training law enforcement officers and pros-  
5 ecutors to identify and respond more effectively to  
6 violent crimes against women, including crimes of  
7 sexual assault and domestic violence;

8 “(2) developing, training, or expanding units of  
9 law enforcement officers and prosecutors that spe-  
10 cifically target violent crimes against women, includ-  
11 ing the crimes of sexual assault and domestic vio-  
12 lence;

13 “(3) developing and implementing more effec-  
14 tive police and prosecution policies, protocols, orders,  
15 or services specifically devoted to the prevention of,  
16 identification of, and response to violent crimes  
17 against women, including the crimes of sexual as-  
18 sault and domestic violence;

19 “(4) developing, installing, or expanding data  
20 collection systems, including computerized systems,  
21 linking police, prosecutors, and courts or identifying  
22 and tracking arrests, protection orders, prosecutions,  
23 and convictions for the crimes of sexual assault and  
24 domestic violence;

1           “(5) developing, enlarging, or strengthening vic-  
2           tim services programs, including sexual assault and  
3           domestic violence programs, developing or improving  
4           delivery of victim services to racial, cultural, ethnic,  
5           and language minorities, and increasing reporting  
6           and reducing attrition rates for cases involving vio-  
7           lent crimes against women, including crimes of sex-  
8           ual assault and domestic violence; and

9           “(6) aiding Indian tribe grantees, exclusively, in  
10          financing the Violence Against Women Act of 1994.

11       **“SEC. 1702. STATE GRANTS.**

12          “(a) GENERAL GRANTS.—The Director of the Bu-  
13          reau of Justice Assistance (hereinafter in this part re-  
14          ferred to as the ‘Director’) is authorized to make grants  
15          to States, Indian tribes, units of local government, tribal  
16          organizations, and nonprofit nongovernmental victim serv-  
17          ices programs in the States or Indian country.

18          “(b) APPLICATION REQUIREMENTS.—Applications  
19          shall include—

20               “(1) documentation from prosecution, law en-  
21               forcement, and victim services programs to be as-  
22               sisted that demonstrates—

23                       “(A) the need for grant funds;

24                       “(B) the intended use of grant funds; and

25                       “(C) the expected results;

1           “(2) proof of compliance with the requirements  
2           for the payment of forensic medical exams provided  
3           pursuant to section 1603 of the Violence Against  
4           Women Act of 1994, except that Indian tribes are  
5           exempt from such requirement; and

6           “(3) proof of compliance with the requirements  
7           for paying filing and service fees for domestic vio-  
8           lence cases pursuant to section 1604 of the Violence  
9           Against Women Act of 1994.

10          “(c) QUALIFICATION.—Upon satisfying the terms of  
11          subsection (b), an eligible entity shall be eligible for funds  
12          provided under this part by—

13               “(1) certifying that funds received under this  
14               part shall be used for the purposes outlined in sec-  
15               tion 1701(b); and

16               “(2) certifying that grantees shall develop a  
17               plan, implement such plan, and otherwise consult  
18               and coordinate with nonprofit nongovernmental do-  
19               mestic violence and sexual assault victim services  
20               programs, law enforcement officials, victim advo-  
21               cates, prosecutors, and defense attorneys;

22               “(3) providing documentation from the individ-  
23               uals and groups listed under paragraph (2) regard-  
24               ing their participation in development of a plan and  
25               involvement in the application process, as well as

1       how such individuals and groups will be involved in  
2       implementation of the plan;

3             “(4) providing assurances that the plan devel-  
4       oped under paragraph (2) shall meet the needs of  
5       racial, cultural, ethnic, and language minority popu-  
6       lations;

7             “(5) providing assurances that prosecution, law  
8       enforcement, and nonprofit nongovernmental victim  
9       services programs in the community to be served by  
10      such plan each receive an equitable percentage of  
11      any funds allocated under this part; and

12            “(6) providing assurances that any Federal  
13      funds received under this part shall be used to sup-  
14      plement, not supplant, non-Federal funds that would  
15      otherwise be available for activities funded under  
16      this part.

17      “(d) DISBURSEMENT OF FUNDS.—

18            “(1) IN GENERAL.—Not later than 60 days  
19      after the receipt of an application under this part,  
20      the Director shall either disburse the appropriate  
21      sums provided for under this part or shall inform  
22      the applicant regarding why the application does not  
23      conform to the requirements of this section.

1           “(2) RESPONSIBILITY OF DIRECTOR.—In dis-  
2           bursing funds under this part, the Director shall  
3           issue regulations—

4                   “(A) to distribute funds equitably on a ge-  
5                   ographic basis, including nonurban and rural  
6                   areas of varying geographic size; and

7                   “(B) give priority to areas of varying geo-  
8                   graphic size with the greatest showing of need  
9                   based on the availability of existing domestic vi-  
10                  olence and sexual assault programs in the popu-  
11                  lation and geographic area to be served in rela-  
12                  tion to the availability of such programs in  
13                  other such populations and geographic areas.

14           “(e) GRANTEE REPORTING.—(1) Not later than  
15           March 31 of each year during which funds are received  
16           under this part, the grantee shall file a performance report  
17           with the Director explaining the activities carried out to-  
18           gether with an assessment of the effectiveness of such ac-  
19           tivities in achieving the purposes of this part.

20                   “(2) The grantee shall arrange for assessments of the  
21                   grantee’s program from all organizations and government  
22                   entities that were involved in the design of the grant plan.

23                   “(3) Such assessments must be sent directly to the  
24                   Director by the assessing entity.

1       “(f) SUSPENSION OF FUNDING.—The Director shall  
2 suspend funding for an approved application if—

3               “(1) an applicant fails to submit an annual per-  
4 formance report;

5               “(2) funds provided under this part are ex-  
6 pended for purposes other than those set forth under  
7 this part; or

8               “(3) grant reports or accompanying assess-  
9 ments demonstrate to the Director that the program  
10 is ineffective or financially unsound.

11 **“SEC. 1703. GENERAL DEFINITIONS.**

12       “For purposes of this part—

13               “(1) the term ‘domestic violence’ means crimes  
14 of violence committed against a victim by a current  
15 or former spouse of the victim, an individual with  
16 whom the victim shares a child in common, an indi-  
17 vidual who is cohabiting with or has cohabited with  
18 the victim as a spouse, an individual similarly situ-  
19 ated to a spouse, or any other individual who is pro-  
20 tected under domestic or family violence laws of the  
21 jurisdiction that receives a grant under this part;

22               “(2) the term ‘eligible entity’ means a State,  
23 unit of local government, Indian tribe, and a non-  
24 profit, nongovernmental victims services program;

1           “(3) the term ‘Indian tribe’ means any Indian  
2           tribe, band, nation, or other organized group or com-  
3           munity, including any Alaska Native village or re-  
4           gional or village corporation (as defined in, or estab-  
5           lished pursuant to, the Alaska Native Claims Settle-  
6           ment Act (43 U.S.C. 1601, et seq.)), which is recog-  
7           nized as eligible for the special services provided by  
8           the United States to Indians because of their status  
9           as Indians;

10           “(4) the term ‘Indian country’ has the meaning  
11           given to such term by section 1151 of title 18,  
12           United States Code;

13           “(5) the term ‘sexual assault’ means any con-  
14           duct proscribed by chapter 109A of title 18, United  
15           States Code, whether or not the conduct occurs in  
16           the special maritime and territorial jurisdiction of  
17           the United States or in a Federal prison and in-  
18           cludes both assaults committed by offenders who are  
19           strangers to the victim and assaults committed by  
20           offenders who are known or related by blood or mar-  
21           riage to the victim; and

22           “(6) the term ‘victim services program’ means  
23           a nongovernmental nonprofit program that assists  
24           domestic violence or sexual assault victims, including  
25           nongovernmental nonprofit organizations such as

1 rape crisis centers, battered women’s shelters, and  
2 other sexual assault and domestic violence programs,  
3 including nonprofit nongovernmental organizations  
4 assisting domestic violence and sexual assault vic-  
5 tims through the legal process.

6 **“SEC. 1704. GENERAL TERMS AND CONDITIONS.**

7 “(a) NONMONETARY ASSISTANCE.—In addition to  
8 the assistance provided under sections 1702, the Attorney  
9 General may request any Federal agency, with or without  
10 reimbursement, to use its authorities and the resources  
11 granted to it under Federal law (including personnel,  
12 equipment, supplies, facilities, and managerial, technical,  
13 and advisory services) to support State, tribal, and local  
14 assistance efforts under this part.

15 “(b) BUREAU REPORTING.—Not later than 180 days  
16 after the end of each fiscal year for which grants are made  
17 under this part, the Director shall submit to the Congress  
18 a report that includes, for each State and Indian tribe—

19 “(1) the amount of grants made under this  
20 part;

21 “(2) a summary of the purposes for which  
22 grants were provided and an evaluation of progress;  
23 and

24 “(3) an evaluation of the effectiveness of pro-  
25 grams established with funds under this part.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 1001(a) of title I of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-  
4 ing after paragraph (10) the following:

5 “(11) There are authorized to be appropriated for  
6 each of the fiscal years 1994 and 1995, \$200,000,000 to  
7 carry out the purposes of part Q, with not less than 8  
8 percent of such appropriation allotted specifically for In-  
9 dian tribes.”.

10 (c) ADMINISTRATIVE PROVISIONS.—(1) Section  
11 801(b) of title I of the Omnibus Crime Control and Safe  
12 Streets Act of 1968 is amended by striking “and O” and  
13 inserting “O, and Q”; and

14 (2) Section 802(b) of title I of the Omnibus Crime  
15 Control and Safe Streets Act of 1968 is amended by strik-  
16 ing “or O” and inserting “O, or Q”.

17 (d) CONFORMING AMENDMENT.—The table of con-  
18 tents of title I of the Omnibus Crime Control and Safe  
19 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
20 by striking the matter relating to part Q and inserting  
21 the following:

“PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“Sec. 1702. State grants.

“Sec. 1703. General definitions.

“Sec. 1704. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings”.

1 **SEC. 1603. RAPE EXAM PAYMENTS.**

2 (a) RESTRICTION OF FUNDS.—No State is entitled  
3 to funds under this title unless the State incurs the full  
4 out of pocket cost of forensic medical exams described in  
5 subsection (b) for victims of sexual assault.

6 (b) MEDICAL COSTS.—A State shall be deemed to  
7 incur the full out of pocket cost of forensic medical exams  
8 for victims of sexual assault if such State—

9 (1) provides such exams to victims free of  
10 charge to the victim;

11 (2) arranges for victims to obtain such exams  
12 free of charge to the victims; or

13 (3) reimburses victims for the cost of such  
14 exams, if—

15 (A) the reimbursement covers the full cost  
16 of such exams, without any deductible require-  
17 ment or limit on the amount of a reimburse-  
18 ment;

19 (B) the State permits victims to apply to  
20 the State for reimbursement for not less than  
21 one year from the date of the exam;

22 (C) the State provides reimbursement not  
23 later than 90 days after written notification of  
24 the victim's expense; and

25 (D) the State provides information at the  
26 time of the exam to all victims, including vic-

1           tims with limited or no English proficiency, re-  
2           garding how to obtain reimbursement.

3 **SEC. 1604. FILING COSTS FOR CRIMINAL CHARGES.**

4           No State is entitled to funds under this title unless  
5 the State certifies that their laws, policies, and practices  
6 do not require, in connection with the prosecution of any  
7 misdemeanor or felony domestic violence offense, that the  
8 abused bear the costs associated with the filing of criminal  
9 charges against the domestic violence offender, or that the  
10 abused bear the costs associated with the issuance or serv-  
11 ice of a warrant, protection order, or witness subpoena.

12 **SEC. 1605. EQUITABLE TREATMENT OF RAPE CASES.**

13           No State is entitled to funds under this title unless  
14 the State can certify that its laws and policies treat sex  
15 offenses committed by offenders who are known to, cohabi-  
16 tants of, social companions of, or related by blood or mar-  
17 riage to, the victim no less severely than sex offenses com-  
18 mitted by offenders who are strangers to the victim.

19 **SEC. 1606. EDUCATION AND PREVENTION GRANTS TO RE-**  
20 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

21           (a) IN GENERAL.—Title I of the Omnibus Crime  
22 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
23 et seq.), as amended by section 1602, is further amended  
24 by—

25           (1) redesignating part R as part S;

1 (2) redesignating section 1801 as section 1901;

2 and

3 (3) adding after part Q the following new part:

4 **“PART R—RAPE PREVENTION PROGRAMS**

5 **“SEC. 1801. GRANT AUTHORIZATION.**

6 “The Director of the Bureau of Justice Assistance  
7 (referred to in this part as the ‘Director’) is authorized  
8 to make grants—

9 “(1) to provide educational seminars, particu-  
10 larly developed with emphasis on seminars for ele-  
11 mentary and secondary school age children, designed  
12 to develop an awareness of what acts meet the legal  
13 definition of rape;

14 “(2) to provide programs for elementary and  
15 secondary school age children that teach nonviolent  
16 conflict resolution, self defense, or other relevant  
17 skills;

18 “(3) to operate telephone hotlines for callers  
19 with questions regarding sexual assault and rape;

20 “(4) to design and disseminate training pro-  
21 grams for professionals, including the development  
22 and dissemination of protocols for the routine identi-  
23 fication, treatment, and appropriate referral of vic-  
24 tims of sexual assault by hospital emergency person-  
25 nel and other professionals;

1           “(5) to develop treatment programs for con-  
2           victed sex offenders and make such programs avail-  
3           able to the local community and to Federal and  
4           State prisons;

5           “(6) to prepare and disseminate informational  
6           materials designed to educate the community regard-  
7           ing sexual assault and prevention; and

8           “(7) to develop other projects to increase  
9           awareness and prevention of sexual assault, includ-  
10          ing efforts to increase awareness of sexual assault  
11          prevention among racial, ethnic, cultural and lan-  
12          guage minorities.

13   **“SEC. 1802. APPLICATIONS.**

14          “(a) IN GENERAL.—To be eligible to receive a grant  
15          under this part, a duly authorized representative of an eli-  
16          gible entity shall submit an application to the Director in  
17          such form and containing such information as the Director  
18          may reasonably require.

19          “(b) ASSURANCES.—Each application must contain  
20          an assurance that Federal funds received under this part  
21          shall be used to supplement, not supplant, non-Federal  
22          funds that would otherwise be available for activities  
23          funded under this part.

24          “(c) REQUIRED PLAN.—Each application shall in-  
25          clude a plan that contains—

1           “(1) a description of the projects to be devel-  
2       oped;

3           “(2) a description of how funds would be spent;

4           “(3) a statement of staff qualifications and  
5       demonstrated expertise in the field of rape preven-  
6       tion and education; and

7           “(4) a statement regarding the ability to serve  
8       community needs and language minority populations  
9       in providing ethnically and culturally and linguis-  
10      tically appropriate programs where necessary.

11 **“SEC. 1803. REPORTS.**

12       “(a) GRANTEE REPORTING.—Upon completion of the  
13      grant period under this subpart, each grantee shall file  
14      a performance report with the Director explaining the ac-  
15      tivities carried out together with an assessment of the ef-  
16      fectiveness of such activities in achieving the purposes of  
17      this subpart. The Director shall suspend funding for an  
18      approved application if an applicant fails to submit an an-  
19      nual performance report.

20       “(b) BUREAU REPORTING.—Not later than 180 days  
21      after the end of each fiscal year for which grants are made  
22      under this subpart, the Director shall submit to the Con-  
23      gress a report that includes, for each grantee—

24           “(1) the amount of grants made under this sub-  
25      part;

1           “(2) a summary of the purposes for which  
2           grants were provided and an evaluation of progress;  
3           and

4           “(3) an evaluation of the effectiveness of pro-  
5           grams established with funds under this part.

6   **“SEC. 1804. DEFINITIONS.**

7           “For purposes of this part—

8           “(1) the term ‘eligible entity’ means a non-  
9           profit, nongovernmental organization that directly  
10          serves or provides advocacy on behalf of victims of  
11          rape or sexual assault; and

12          “(2) the term ‘sexual assault prevention and  
13          education’ means education and prevention efforts  
14          directed at reducing the number of sexual assaults.”.

15          (b) AUTHORIZATION OF APPROPRIATION.—Section  
16          1001(a) of title I of the Omnibus Crime Control and Safe  
17          Streets Act of 1968 (42 U.S.C. 3793), is amended by add-  
18          ing after paragraph (11), as added by section 1602 of this  
19          Act, the following:

20          “(12) There are authorized to be appropriated to  
21          carry out the purposes of part R, \$60,000,000 for fiscal  
22          year 1994, \$75,000,000 for fiscal year 1995, and  
23          \$100,000,000 for fiscal year 1996.”.

24          (c) ADMINISTRATIVE PROVISIONS.—(1) Section  
25          801(b) of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968, as amended by section 111 of this  
 2 Act, is amended by striking “O, and Q” and inserting “O,  
 3 Q, and R”; and

4 (2) Section 802(b) of title I of the Omnibus Crime  
 5 Control and Safe Streets Act of 1968, as amended by sec-  
 6 tion 1602 of this Act, is amended by striking “O, or Q”  
 7 and inserting “O, Q, or R”.

8 (d) CONFORMING AMENDMENT.—The table of con-  
 9 tents of title I of the Omnibus Crime Control and Safe  
 10 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended  
 11 by section 1602, is amended by striking the matter relat-  
 12 ing to part R and inserting the following:

“PART R—RAPE PREVENTION PROGRAMS

“Sec. 1801. Grant authorization.

“Sec. 1802. Applications.

“Sec. 1803. Reports.

“Sec. 1804. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

13 **SEC. 1607. NATIONAL INSTITUTE OF JUSTICE TRAINING**  
 14 **PROGRAMS.**

15 (a) IN GENERAL.—The National Institute of Justice,  
 16 after consultation with victim advocates and individuals  
 17 who have expertise in treating sex offenders, shall estab-  
 18 lish criteria and develop training programs to assist proba-  
 19 tion and parole officers and other personnel who work with  
 20 released sex offenders in the areas of—

21 (1) case management;

1 (2) supervision; and

2 (3) relapse prevention.

3 (b) TRAINING PROGRAMS.—The Director of the Na-  
4 tional Institute of Justice shall attempt, to the extent  
5 practicable, to make training programs developed under  
6 subsection (a) available in geographically diverse locations  
7 throughout the country.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated \$1,000,000 for each of the  
10 fiscal years 1994 and 1995 to carry out the provisions  
11 of this section.

12 **SEC. 1608. INFORMATION PROGRAMS.**

13 The Attorney General shall compile information re-  
14 garding sex offender treatment programs and ensure that  
15 information regarding community treatment programs in  
16 the community into which a convicted sex offender is re-  
17 leased is made available to each person serving a sentence  
18 of imprisonment in a Federal penal or correctional institu-  
19 tion for a commission of an offense under chapter 109A  
20 of title 18 of the United States Code or for the commission  
21 of a similar offense, including halfway houses and psy-  
22 chiatric institutions.

1 **SEC. 1609. VICTIM COMPENSATION.**

2 (a) IN GENERAL.—Chapter 109A of title 18, United  
3 States Code, is amended by adding at the end the follow-  
4 ing new section:

5 **“§ 2246. Mandatory restitution for sex offenses**

6 “(a) IN GENERAL.—Notwithstanding section 3663 of  
7 this title, and in addition to any other civil or criminal  
8 penalty authorized by law, the court shall order restitution  
9 for any offense under this chapter.

10 “(b) SCOPE AND NATURE OF ORDER.—

11 “(1) IN GENERAL.—The order of restitution  
12 under this section shall direct that—

13 “(A) the defendant pay to the victim the  
14 full amount of the victim’s losses as determined  
15 by the court, pursuant to paragraph (3) of this  
16 subsection; and

17 “(B) the United States Attorney enforce  
18 the restitution order by all available and reason-  
19 able means.

20 “(2) DEFINITIONS.—As used in this subsection,  
21 the term ‘full amount of the victim’s losses’ includes  
22 any costs incurred by the victim for—

23 “(A) medical services relating to physical,  
24 psychiatric, or psychological care;

25 “(B) physical and occupational therapy or  
26 rehabilitation;

1           “(C) lost income;

2           “(D) attorneys’ fees, plus any costs in-  
3           curred in obtaining a civil protection order;

4           “(E) temporary housing;

5           “(F) transportation;

6           “(G) necessary child care;

7           “(H) language translation services; and

8           “(I) any other losses suffered by the victim  
9           as a proximate result of the offense.

10          “(3) MANDATORY NATURE OF ORDER.—(A)

11          Restitution orders under this section are mandatory.

12          A court may not decline to issue an order under this  
13          section because of—

14                 “(i) the economic circumstances of the de-  
15                 fendant; or

16                 “(ii) the fact that a victim has, or is enti-  
17                 tled to, receive compensation for his or her inju-  
18                 ries from the proceeds of insurance or any other  
19                 source.

20          “(B) Subparagraph (A) of this paragraph does  
21          not apply if—

22                 “(i) the court finds on the record that the  
23                 economic circumstances of the defendant do not  
24                 allow for the payment of any amount of a res-  
25                 titution order, and do not allow for the payment

1 of any amount of a restitution order in the fore-  
2 seeable future (under any reasonable schedule  
3 of payments); and

4 “(ii) the court enters in its order the  
5 amount of the victim’s losses, and provides a  
6 nominal restitution award.

7 “(4) CONSIDERATION OF ECONOMIC CIR-  
8 CUMSTANCES.—

9 “(A) IN GENERAL.—Notwithstanding para-  
10 graph (3) of this subsection, the court may take  
11 into account the economic circumstances of the  
12 defendant in determining the manner in which  
13 and the schedule according to which the restitu-  
14 tion is to be paid, including—

15 “(i) the financial resources and other  
16 assets of the defendant;

17 “(ii) projected earnings, earning ca-  
18 pacity, and other income of the defendant;  
19 and

20 “(iii) any financial obligations of the  
21 defendant, including obligations to depend-  
22 ents.

23 “(B) LUMP-SUM OR PARTIAL PAYMENT.—

24 An order under this section may direct the de-  
25 fendant to make a single lump-sum payment or

1 partial payments at specified intervals. The  
2 order shall also provide that the defendant's  
3 restitutionary obligation takes priority over any  
4 criminal fine ordered.

5 “(5) SETOFF.—Any amount paid to a victim  
6 under this section shall be set off against any  
7 amount later recovered as compensatory damages by  
8 the victim from the defendant in—

9 “(A) any Federal civil proceeding; and

10 “(B) any State civil proceeding, to the ex-  
11 tent provided by the law of the State.

12 “(c) PROOF OF CLAIM.—

13 “(1) IN GENERAL.—Within 60 days after con-  
14 viction and, in any event, no later than 10 days  
15 prior to sentencing, the United States Attorney (or  
16 delegate), after consulting with the victim, shall pre-  
17 pare and file an affidavit with the court listing the  
18 amounts subject to restitution under this section.  
19 The affidavit shall be signed by the United States  
20 Attorney (or delegate) and the victim. Should the  
21 victim object to any of the information included in  
22 the affidavit, the United States Attorney (or dele-  
23 gate) shall advise the victim that the victim may file  
24 a separate affidavit.

1           “(2) OBJECTIONS.—If, after notifying the de-  
2           fendant of the affidavit, no objection is raised by the  
3           defendant, the amounts attested to in the affidavit  
4           filed pursuant to paragraph (1) of this subsection  
5           shall be entered in the court’s restitution order. If  
6           objection is raised, the court may require the victim  
7           or the United States Attorney (or such Attorney’s  
8           delegate) to submit further affidavits or other sup-  
9           porting documents, demonstrating the victim’s  
10          losses.

11          “(3) ADDITIONAL DOCUMENTATION AND TESTI-  
12          MONY.—If the court concludes, after reviewing the  
13          supporting documentation and considering the de-  
14          fendant’s objections, that there is a substantial rea-  
15          son for doubting the authenticity or veracity of the  
16          records submitted, the court may require additional  
17          documentation or hear testimony on those questions.  
18          The privacy of any records filed, or testimony heard,  
19          pursuant to this section, shall be maintained to the  
20          greatest extent possible.

21          “(4) FINAL DETERMINATION OF LOSSES.—In  
22          the event that the victim’s losses are not ascertain-  
23          able 10 days prior to sentencing as provided in sub-  
24          section (c)(1) of this section, the United States At-  
25          torney (or delegate) shall so inform the court, and

1 the court shall set a date for the final determination  
2 of the victim's losses, not to exceed 90 days after  
3 sentencing. If the victim subsequently discovers fur-  
4 ther losses, the victim shall have 60 days after dis-  
5 covery of those losses in which to petition the court  
6 for an amended restitution order. Such order may be  
7 granted only upon a showing of good cause for the  
8 failure to include such losses in the initial claim for  
9 restitutionary relief.”.

10 (b) TABLE OF SECTIONS.—The table of sections at  
11 the beginning of chapter 109A of title 18, United States  
12 Code, is amended by adding at the end the following:

“2246. Mandatory restitution for sex offenses.”.

13 **SEC. 1610. CAMPUS SEXUAL ASSAULT STUDY.**

14 (a) STUDY.—The Attorney General shall provide for  
15 a national baseline study to examine the scope of the prob-  
16 lem of campus sexual assaults and the effectiveness of in-  
17 stitutional and legal policies in addressing such crimes and  
18 protecting victims. The Attorney General may utilize the  
19 Bureau of Justice Statistics, the National Institute of Jus-  
20 tice, and the Office for Victims of Crime in carrying out  
21 this section.

22 (b) REPORT.—Based on the study required by sub-  
23 section (a), the Attorney General shall prepare a report  
24 including an analysis of—

1           (1) the number of reported allegations and esti-  
2 mated number of unreported allegations of campus  
3 sexual assaults, and to whom the allegations are re-  
4 ported (including authorities of the educational insti-  
5 tution, sexual assault victim service entities, and  
6 local criminal authorities);

7           (2) the number of campus sexual assault allega-  
8 tions reported to authorities of educational institu-  
9 tions which are reported to criminal authorities;

10          (3) the number of campus sexual assault allega-  
11 tions that result in criminal prosecution in compari-  
12 son with the number of noncampus sexual assault  
13 allegations that result in criminal prosecution;

14          (4) Federal and State laws or regulations per-  
15 taining specifically to campus sexual assaults;

16          (5) the adequacy of policies and practices of  
17 educational institutions in addressing campus sexual  
18 assaults and protecting victims, including consider-  
19 ation of—

20               (A) the security measures in effect at edu-  
21 cational institutions, such as utilization of cam-  
22 pus police and security guards, control over ac-  
23 cess to grounds and buildings, supervision of  
24 student activities and student living arrange-  
25 ments, control over the consumption of alcohol

1 by students, lighting, and the availability of  
2 escort services;

3 (B) the articulation and communication to  
4 students of the institution's policies concerning  
5 sexual assaults;

6 (C) policies and practices that may prevent  
7 or discourage the reporting of campus sexual  
8 assaults to local criminal authorities, or that  
9 may otherwise obstruct justice or interfere with  
10 the prosecution of perpetrators of campus sex-  
11 ual assaults;

12 (D) the nature and availability of victim  
13 services for victims of campus sexual assaults;

14 (E) the ability of educational institutions'  
15 disciplinary processes to address allegations of  
16 sexual assault adequately and fairly;

17 (F) measures that are taken to ensure that  
18 victims are free of unwanted contact with al-  
19 leged assailants, and disciplinary sanctions that  
20 are imposed when a sexual assault is deter-  
21 mined to have occurred; and

22 (G) the grounds on which educational in-  
23 stitutions are subject to lawsuits based on cam-  
24 pus sexual assaults, the resolution of these

1 cases, and measures that can be taken to avoid  
2 the likelihood of lawsuits;

3 (6) an assessment of the policies and practices  
4 of educational institutions that are most effective in  
5 addressing campus sexual assaults and protecting  
6 victims, including policies and practices relating to  
7 the particular issues described in paragraph (5); and

8 (7) any recommendations the Attorney General  
9 may have for reforms to address campus sexual as-  
10 saults and protect victims more effectively, and any  
11 other matters that the Attorney General deems rel-  
12 evant to the subject of the study and report required  
13 by this section.

14 (c) SUBMISSION OF REPORT.—The report required  
15 by subsection (b) shall be submitted to the Committees  
16 on Education and Labor and the Judiciary of the House  
17 of Representatives and the Committees on Labor and  
18 Human Resources and the Judiciary of the Senate not  
19 later than September 1, 1995.

20 (d) DEFINITION.—For purposes of this subtitle,  
21 “campus sexual assaults” means sexual assaults commit-  
22 ted against or by students or employees of institutions of  
23 postsecondary education and occurring at such institu-  
24 tions or during activities connected with such institutions.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$200,000 to carry out the  
3 study required by this section.

## 4 **Subtitle B—Safe Homes for Women**

### 5 **SEC. 1621. SHORT TITLE.**

6 This subtitle may be cited as the “Safe Homes for  
7 Women Act”.

### 8 **SEC. 1622. INTERSTATE ENFORCEMENT.**

9 (a) IN GENERAL.—Part I of title 18, United States  
10 Code, is amended by inserting after chapter 110 the fol-  
11 lowing new chapter:

## 12 **“CHAPTER 110A—DOMESTIC VIOLENCE**

“Sec. 2261. Interstate domestic violence.

“Sec. 2262. Violation of protection order.

“Sec. 2263. Pretrial release of defendant.

“Sec. 2264. Restitution.

“Sec. 2265. Full faith and credit given to protection orders.

“Sec. 2266. Definitions for chapter.

### 13 **“§ 2261. Interstate domestic violence**

14 “(a) Whoever travels across a State line or enters or  
15 leaves Indian country with the intent to contact that per-  
16 son’s spouse or intimate partner, and in the course of that  
17 contact intentionally commits a crime of violence and  
18 thereby causes bodily injury to such spouse or intimate  
19 partner, shall be punished as provided in subsection (b)  
20 of this section.

21 “(b) The punishment for a violation of subsection (a)  
22 of this section is a fine under this title, or imprisonment—

1           “(1) for life or any term of years, if the of-  
2 fender murders the victim;

3           “(2) for not more than 20 years, if the offender  
4 causes serious bodily injury to the victim;

5           “(3) for not more than 10 years, if the offender  
6 uses a dangerous weapon during the offense;

7           “(4) as provided for the applicable conduct  
8 under chapter 109A, if the offense constitutes sexual  
9 abuse, as described under chapter 109A (without re-  
10 gard to whether the offense was committed in the  
11 special maritime and territorial jurisdiction of the  
12 United States or in a Federal prison); and

13           “(5) for not more than 5 years, in any other  
14 case;

15 or both such fine and imprisonment.

16 **“§ 2262. Violation of protection order**

17           “(a) Whoever travels across a State line or enters or  
18 leaves Indian country with the intent to engage in conduct  
19 that—

20           “(1)(A) violates a protection order, any portion  
21 of which involves protection against credible threats  
22 of violence, repeated harassment, or bodily injury, to  
23 the person or persons for whom the protection order  
24 was issued, and—

1           “(B) violates that portion of such protection  
2 order; or

3           “(2) would violate paragraph (1) of this sub-  
4 section if the conduct occurred in the jurisdiction in  
5 which such order was issued;

6 and does engage in such conduct shall be punished as pro-  
7 vided in subsection (b) of this section.

8           “(b) The punishment for a violation of subsection (a)  
9 of this section is a fine under this title, or imprisonment—

10           “(1) for life or any term of years, if the of-  
11 fender murders the victim;

12           “(2) for not more than 20 years, if the offender  
13 causes serious bodily injury to the victim;

14           “(3) for not more than 10 years, if the offender  
15 uses a dangerous weapon during the offense;

16           “(4) as provided for the applicable conduct  
17 under chapter 109A, if the offense constitutes sexual  
18 abuse, as described under chapter 109A (without re-  
19 gard to whether the offense was committed in the  
20 special maritime and territorial jurisdiction of the  
21 United States or in a Federal prison); and

22           “(5) for not more than 5 years, in any other  
23 case;

24 or both such fine and imprisonment.

1 **“§ 2263. Pretrial release of defendant**

2 “In any proceeding pursuant to section 3142 of this  
3 title for the purpose of determining whether a defendant  
4 charged under this chapter shall be released pending trial,  
5 or for the purpose of determining conditions of such re-  
6 lease, the alleged victim shall be given an opportunity to  
7 be heard regarding the danger posed by the defendant.

8 **“§ 2264. Restitution**

9 “(a) IN GENERAL.—In addition to any fine or term  
10 of imprisonment provided under this chapter, and notwith-  
11 standing the terms of section 3663 of this title, the court  
12 shall order restitution to the victim of an offense under  
13 this chapter.

14 “(b) SCOPE AND NATURE OF ORDER.—

15 “(1) IN GENERAL.—The order of restitution  
16 under this section shall direct that—

17 “(A) the defendant pay to the victim the  
18 full amount of the victim’s losses as determined  
19 by the court, pursuant to paragraph (3) of this  
20 subsection; and

21 “(B) the United States Attorney enforce  
22 the restitution order by all available and reason-  
23 able means.

24 “(2) DEFINITION.—As used in this subsection,  
25 the term ‘full amount of the victim’s losses’ includes  
26 any costs incurred by the victim for—

1           “(A) medical services relating to physical,  
2 psychiatric, or psychological care;

3           “(B) physical and occupational therapy or  
4 rehabilitation;

5           “(C) lost income;

6           “(D) attorneys’ fees, plus any costs in-  
7 curred in obtaining a civil protection order;

8           “(E) temporary housing;

9           “(F) transportation;

10          “(G) necessary child care;

11          “(H) language translation services; and

12          “(I) any other losses suffered by the victim  
13 as a proximate result of the offense.

14          “(3) MANDATORY NATURE OF ORDER.—(A)  
15 Restitution orders under this section are mandatory.  
16 A court may not decline to issue an order under this  
17 section because of—

18           “(i) the economic circumstances of the de-  
19 fendant; or

20           “(ii) the fact that a victim has, or is enti-  
21 tled to, receive compensation for his or her inju-  
22 ries from the proceeds of insurance or any other  
23 source.

24          “(B) Subparagraph (A) of this paragraph does  
25 not apply if—

1           “(i) the court finds on the record that the  
2 economic circumstances of the defendant do not  
3 allow for the payment of any amount of a res-  
4 titution order, and do not allow for the payment  
5 of any amount of a restitution order in the fore-  
6 seeable future (under any reasonable schedule  
7 of payments); and

8           “(ii) the court enters in its order the  
9 amount of the victim’s losses, and provides a  
10 nominal restitution award.

11           “(4) CONSIDERATION OF ECONOMIC CIR-  
12 CUMSTANCES.—

13           “(A) IN GENERAL.—Notwithstanding para-  
14 graph (3) of this subsection, the court may take  
15 into account the economic circumstances of the  
16 defendant in determining the manner in which  
17 and the schedule according to which the restitu-  
18 tion is to be paid, including—

19                   “(i) the financial resources and other  
20 assets of the defendant;

21                   “(ii) projected earnings, earning ca-  
22 pacity, and other income of the defendant;  
23 and

1           “(iii) any financial obligations of the  
2           offender, including obligations to depend-  
3           ents.

4           “(B) LUMP-SUM OR PARTIAL PAYMENT.—  
5           An order under this section may direct the de-  
6           fendant to make a single lump-sum payment, or  
7           partial payments at specified intervals. The  
8           order shall provide that the defendant’s  
9           restitutionary obligation takes priority over any  
10          criminal fine ordered.

11          “(5) SETOFF.—Any amount paid to a victim  
12          under this section shall be setoff against any amount  
13          later recovered as compensatory damages by the vic-  
14          tim from the defendant in—

15                 “(A) any Federal civil proceeding; and

16                 “(B) any State civil proceeding, to the ex-  
17                 tent provided by the law of the State.

18          “(c) PROOF OF CLAIM.—

19                 “(1) IN GENERAL.—Within 60 days after con-  
20          viction and, in any event, no later than 10 days be-  
21          fore sentencing, the United States Attorney (or such  
22          Attorney’s delegate), after consulting with the vic-  
23          tim, shall prepare and file an affidavit with the court  
24          listing the amounts subject to restitution under this  
25          section. The affidavit shall be signed by the United

1 States Attorney (or the delegate) and the victim.  
2 Should the victim object to any of the information  
3 included in the affidavit, the United States Attorney  
4 (or the delegate) shall advise the victim that the vic-  
5 tim may file a separate affidavit and assist the vic-  
6 tim in the preparation of that affidavit.

7 “(2) OBJECTIONS.—If, after notifying the de-  
8 fendant of the affidavit, no objection is raised by the  
9 defendant, the amounts attested to in the affidavit  
10 filed pursuant to paragraph (1) of this subsection  
11 shall be entered in the court’s restitution order. If  
12 objection is raised, the court may require the victim  
13 or the United States Attorney (or such Attorney’s  
14 delegate) to submit further affidavits or other sup-  
15 porting documents, demonstrating the victim’s  
16 losses.

17 “(3) ADDITIONAL DOCUMENTATION OR TESTI-  
18 MONY.—If the court concludes, after reviewing the  
19 supporting documentation and considering the de-  
20 fendant’s objections, that there is a substantial rea-  
21 son for doubting the authenticity or veracity of the  
22 records submitted, the court may require additional  
23 documentation or hear testimony on those questions.  
24 The privacy of any records filed, or testimony heard,



1 ing State or Indian tribe) shall be accorded full faith and  
2 credit by the court of another State or Indian tribe (the  
3 enforcing State or Indian tribe) and enforced as if it were  
4 the order of the enforcing State or tribe.

5 “(b) PROTECTION ORDER.—A protection order is-  
6 sued by a State or tribal court is consistent with this sub-  
7 section if—

8 “(1) such court has jurisdiction over the parties  
9 and matter under the law of such State or Indian  
10 tribe; and

11 “(2) reasonable notice and opportunity to be  
12 heard is given to the person against whom the order  
13 is sought sufficient to protect that person’s right to  
14 due process. In the case of ex parte orders, notice  
15 and opportunity to be heard must be provided within  
16 the time required by State or tribal law, and in any  
17 event within a reasonable time after the order is  
18 issued, sufficient to protect the respondent’s due  
19 process rights.

20 “(c) CROSS OR COUNTER PETITION.—A protection  
21 order issued by a State or tribal court against one who  
22 has petitioned, filed a complaint, or otherwise filed a writ-  
23 ten pleading for protection against abuse by a spouse or  
24 intimate partner is not entitled to full faith and credit if—

1           “(1) no cross or counter petition, complaint, or  
2 other written pleading was filed seeking such a pro-  
3 tection order; or

4           “(2) a cross or counter petition has been filed  
5 and the court did not make specific findings that  
6 each party was entitled to such an order.

7 **“§ 2266. Definitions for chapter**

8           “As used in this chapter—

9           “(1) the term ‘spouse or intimate partner’ in-  
10 cludes—

11                   “(A) a spouse, a former spouse, a person  
12 who shares a child in common with the abuser,  
13 a person who cohabits or has cohabited with the  
14 abuser as a spouse, and any other person simi-  
15 larly situated to a spouse; and

16                   “(B) any other person, other than a minor  
17 child, who is protected by the domestic or fam-  
18 ily violence laws of the State in which the injury  
19 occurred or where the victim resides;

20           “(2) the term ‘protection order’ includes any in-  
21 junction or other order issued for the purpose of  
22 preventing violent or threatening acts by one spouse  
23 against his or her spouse, former spouse, or intimate  
24 partner, including temporary and final orders issued  
25 by civil and criminal courts (other than support or

1 child custody orders) whether obtained by filing an  
 2 independent action or as a pendente lite order in an-  
 3 other proceeding so long as any civil order was is-  
 4 sued in response to a complaint, petition or motion  
 5 filed by or on behalf of an abused spouse or intimate  
 6 partner;

7 “(3) the term ‘State’ includes a State of the  
 8 United States, the District of Columbia, a common-  
 9 wealth, territory, or possession of the United States;

10 “(4) the term ‘travel across State lines’ does  
 11 not include travel across State lines by an individual  
 12 who is a member of an Indian tribe when such indi-  
 13 vidual remains at all times in the territory of the In-  
 14 dian tribe of which the individual is a member;

15 “(5) the term ‘bodily harm’ means any act, ex-  
 16 cept one done in self-defense, that results in physical  
 17 injury or sexual abuse; and

18 “(6) the term ‘Indian country’ has the meaning  
 19 given to such term by section 1151 of this title.”.

20 (b) TABLE OF CHAPTERS.—The table of chapters at  
 21 the beginning part 1 of title 18, United States Code, is  
 22 amended by inserting after the item for chapter 110 the  
 23 following new item:

“**110A. Violence against spouses** ..... **2261.**”.

1 **SEC. 1623. ENCOURAGING ARREST POLICIES.**

2 (a) IN GENERAL.—Title I of the Omnibus Crime  
3 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
4 et seq.), as amended by section 1606, is further amended  
5 by—

6 (1) redesignating part S as part T;

7 (2) redesignating section 1901 as section 2001;

8 and

9 (3) adding after part R the following new part:

10 **“PART S—GRANTS TO ENCOURAGE ARREST**  
11 **POLICIES**

12 **“SEC. 1901. ARREST POLICIES.**

13 “(a) GENERAL PROGRAM PURPOSE.—The purpose of  
14 this part is to encourage States, Indian tribes, and units  
15 of local government to treat domestic violence as a serious  
16 violation of criminal law. The Director of the Bureau of  
17 Justice Assistance may make grants to eligible States, In-  
18 dian tribes, or units of local government for the following:

19 “(1) To implement mandatory arrest or  
20 proarrest programs, including mandatory arrest pro-  
21 grams for protective order violations.

22 “(2) To develop policies, and training in police  
23 departments to improve tracking of cases involving  
24 domestic violence.

25 “(3) To centralize and coordinate police en-  
26 forcement, prosecution, or judicial responsibility for

1 domestic violence cases in groups or units of police  
2 officers, prosecutors, or judges.

3 “(4) To strengthen legal advocacy service pro-  
4 grams for victims of domestic violence.

5 “(5) To educate judges in criminal and other  
6 courts about domestic violence and to improve judi-  
7 cial handling of such cases.

8 “(b) ELIGIBILITY.—Eligible grantees are States, In-  
9 dian tribes, or units of local government that—

10 “(1) certify that their laws or official policies—

11 “(A)(i) encourage or mandate arrest of do-  
12 mestic violence offenders based on probable  
13 cause that violence has been committed; or

14 “(ii) certify that all their law enforcement  
15 personnel have received domestic violence train-  
16 ing conducted by a State Domestic Violence Co-  
17 alition as defined in section 10410(b) of title  
18 42, United States Code; and

19 “(B) mandate arrest of domestic violence  
20 offenders who violate the terms of a valid and  
21 outstanding protection order;

22 “(2) demonstrate that their laws, policies, or  
23 practices, and training programs discourage dual ar-  
24 rests of offender and victim;

1           “(3) certify that their laws, policies, and prac-  
2           tices prohibit issuance of mutual restraining orders  
3           of protection except in cases where both spouses file  
4           a claim and the court makes detailed finding of fact  
5           indicating that both spouses acted primarily as ag-  
6           gressors and that neither spouse acted primarily in  
7           self-defense;

8           “(4) certify that their laws, policies, and prac-  
9           tices do not require, in connection with the prosecu-  
10          tion of any misdemeanor or felony domestic violence  
11          offense, that the abused bear the costs associated  
12          with the filing of criminal charges or the service of  
13          such charges on an abuser, or that the abused bear  
14          the costs associated with the issuance or service of  
15          a warrant, protection order, or witness subpoena;  
16          and

17          “(5) certify that their laws and policies treat  
18          sex offenses committed by offenders who are known  
19          to, cohabitants of, or social companions of or related  
20          by blood or marriage to, the victim no less severely  
21          than sex offenses committed by offenders who are  
22          strangers to the victim.

23 **“SEC. 1902. APPLICATIONS.**

24          “(a) APPLICATION.—An eligible grantee shall submit  
25          an application to the Director that shall—

1           “(1) describe plans to implement policies de-  
2           scribed in subsection (b);

3           “(2) identify the agency or office or groups of  
4           agencies or offices responsible for carrying out the  
5           program; and

6           “(3) include documentation from nonprofit, pri-  
7           vate sexual assault and domestic violence programs  
8           demonstrating their participation in developing the  
9           application, and identifying such programs in which  
10          such groups will be consulted for development and  
11          implementation.

12          “(b) PRIORITY.—In awarding grants under this part,  
13          the Director shall give priority to an applicant that—

14               “(1) does not currently provide for centralized  
15               handling of cases involving domestic violence by pol-  
16               icy, prosecutors, and courts; and

17               “(2) demonstrates a commitment to strong en-  
18               forcement of laws, and prosecution of cases, involv-  
19               ing domestic violence.

20          **“SEC. 1903. REPORTS.**

21          “Each grantee receiving funds under this part shall  
22          submit a report to the Director evaluating the effective-  
23          ness of projects developed with funds provided under this  
24          part and containing such additional information as the  
25          Director may prescribe.

1 **“SEC. 1904. DEFINITIONS.**

2 “For purposes of this part—

3 “(1) the term ‘domestic violence’ means a crime  
4 of violence against a victim committed by a current  
5 or former spouse of the victim, an individual with  
6 whom the victim shares a child in common, an indi-  
7 vidual who cohabits with or has cohabited with the  
8 victim as a spouse, or any other individual similarly  
9 situated to a spouse, or any other person who is pro-  
10 tected under the domestic or family violence laws of  
11 the eligible State, Indian tribe, municipality, or local  
12 government entity.

13 “(2) the term ‘protection order’ includes any in-  
14 junction issued for the purpose of preventing violent  
15 or threatening acts of domestic violence including  
16 temporary and final orders issued by civil and crimi-  
17 nal courts (other than support or child custody pro-  
18 visions) whether obtained by filing an independent  
19 action or as a pendente lite order in another pro-  
20 ceeding.”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
22 1001(a) of title I of the Omnibus Crime Control and Safe  
23 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-  
24 ing after paragraph (12), as added by section 1602 of this  
25 Act, the following:

1       “(13) There are authorized to be appropriated  
2 \$25,000,000 for each of the fiscal years 1994, 1995, and  
3 1996 to carry out the purposes of part S.”.

4       (c) ADMINISTRATIVE PROVISIONS.—(1) Section  
5 801(b) of title I of the Omnibus Crime Control and Safe  
6 Streets Act of 1968, as amended by section 121 of this  
7 Act, is amended by striking “O, Q, and R” and inserting  
8 “O, Q, R, and S”; and

9       (2) Section 802(b) of title I of the Omnibus Crime  
10 Control and Safe Streets Act of 1968, as amended by sec-  
11 tion 1606 of this Act, is amended by striking “O, Q, or  
12 R” and inserting “O, Q, R, or S”.

13       (d) EFFECTIVE DATE.—The eligibility requirements  
14 provided in this section shall take effect 1 year after the  
15 date of enactment of this subtitle.

16       (e) CONFORMING AMENDMENT.—The table of con-  
17 tents of title I of the Omnibus Crime Control and Safe  
18 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended  
19 by section 1606, is further amended by striking the matter  
20 relating to part S and inserting the following:

“PART S—GRANTS TO ENCOURAGE ARREST POLICIES

“Sec. 1901. Arrest policies.

“Sec. 1902. Applications.

“Sec. 1903. Reports.

“Sec. 1904. Definitions.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2001. Continuation of rules, authorities, and proceedings.”.

## 1       **Subtitle C—Domestic Violence**

### 2       **SEC. 1624. FINDINGS.**

3       The Congress finds that—

4           (1) domestic violence is the leading cause of in-  
5       jury to women in the United States between the  
6       ages of 15 and 44;

7           (2) firearms are used by the abuser in 7 per-  
8       cent of domestic violence incidents and produces an  
9       adverse effect on interstate commerce; and

10          (3) individuals with a history of domestic abuse  
11       should not have easy access to firearms.

### 12       **SEC. 1625. PROHIBITION AGAINST DISPOSAL OF FIREARMS** 13                               **TO, OR RECEIPT OF FIREARMS BY, PERSONS** 14                               **WHO HAVE COMMITTED DOMESTIC ABUSE.**

15       (a) INTIMATE PARTNER DEFINED.—Section 921(a)  
16       of title 18, United States Code, is amended by inserting  
17       at the end the following:

18           “(29) The term ‘intimate partner’ means, with re-  
19       spect to a person, the spouse of the person, a former  
20       spouse of the person, an individual who is a parent of a  
21       child of the person, and an individual who cohabitates or  
22       has cohabited with the person.”.

23       (b) PROHIBITION AGAINST DISPOSAL OF FIRE-  
24       ARMS.—Section 922(d) of such title is amended—

1 (1) by striking “or” at the end of paragraph  
2 (6);

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

5 (3) by inserting after paragraph (7) the follow-  
6 ing:

7 “(8) is subject to a court order that restrains  
8 such person from harassing, stalking, or threatening  
9 an intimate partner of such person, or engaging in  
10 other conduct that would place an intimate partner  
11 in reasonable fear of bodily injury, except that this  
12 paragraph shall only apply to a court order that (A)  
13 was issued after a hearing of which such person re-  
14 ceived actual notice, and at which such person had  
15 the opportunity to participate, and (B) includes a  
16 finding that such person represents a credible threat  
17 to the physical safety of such intimate partner.”.

18 (c) PROHIBITION AGAINST RECEIPT OF FIRE-  
19 ARMS.—Section 922(g) of such title is amended—

20 (1) by striking “or” at the end of paragraph  
21 (6);

22 (2) by inserting “or” at the end of paragraph  
23 (7); and

24 (3) by inserting after paragraph (7) the follow-  
25 ing:

1 “(8) who is subject to a court order that—

2 “(A) was issued after a hearing of which  
3 such person received actual or constructive no-  
4 tice, and at which such person had an oppor-  
5 tunity to participate;

6 “(B) restrains such person from harassing,  
7 stalking, or threatening an intimate partner of  
8 such person, or engaging in other conduct that  
9 would place an intimate partner in reasonable  
10 fear of bodily injury; and

11 “(C) includes a finding that such person  
12 represents a credible threat to the physical  
13 safety of such intimate partner.”.

14 (d) STORAGE OF FIREARMS.—Section 926(a) of such  
15 title is amended—

16 (1) by striking “and” at the end of paragraph  
17 (1);

18 (2) by striking the period at the end of para-  
19 graph (2) and inserting “; and”; and

20 (3) by inserting after paragraph (2) the follow-  
21 ing:

22 “(3) regulations providing for effective receipt  
23 and secure storage of firearms relinquished by or  
24 seized from persons described in subsection (d)(8) or  
25 (g)(8) of section 922.”.

1 (e) RETURN OF FIREARMS.—Section 924(d)(1) of  
2 such title is amended by striking “the seized” and insert-  
3 ing “or lapse of or court termination of the restraining  
4 order to which he is subject, the seized or relinquished”.

5 **SEC. 1626. ALIEN SPOUSE PETITIONING RIGHTS FOR IMME-**  
6 **DIATE RELATIVE OR SECOND PREFERENCE**  
7 **STATUS.**

8 (a) IN GENERAL.—Section 204(a)(1) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is  
10 amended—

11 (1) in subparagraph (A)—

12 (A) by inserting “(i)” after “(A)”,

13 (B) by redesignating the second sentence  
14 as clause (ii), and

15 (C) by adding at the end the following new  
16 clause:

17 “(iii) An alien who is the spouse of a citizen of the  
18 United States, who is eligible to be classified as an imme-  
19 diate relative under section 201(b)(2)(A)(i), and who has  
20 resided in the United States with the alien’s spouse may  
21 file a petition with the Attorney General under this sub-  
22 paragraph for classification of the alien (and children of  
23 the alien) under such section if the alien demonstrates to  
24 the Attorney General that—

1           “(I) the alien is residing in the United States,  
2           the marriage between the alien and the spouse was  
3           entered into in good faith by the alien, and during  
4           the marriage the alien or a child of the alien has  
5           been battered by or has been the subject of extreme  
6           cruelty perpetrated by the alien’s spouse, or

7           “(II) the alien is residing in the United States  
8           with the alien’s spouse, the alien has been married  
9           to and residing with the spouse for a period of not  
10          less than 3 years, and the alien’s spouse has failed  
11          to file a petition under clause (i) on behalf of the  
12          alien.”; and

13           (2) in subparagraph (B)—

14                   (A) by inserting “(i)” after “(B)”, and

15                   (B) by adding at the end the following new  
16          clause:

17          “(ii) An alien who is the spouse of an alien lawfully  
18          admitted for permanent residence, who is eligible for clas-  
19          sification under section 203(a)(2)(A), and who has resided  
20          in the United States with the alien’s legal permanent resi-  
21          dent spouse may file a petition with the Attorney General  
22          under this subparagraph for classification of the alien  
23          (and children of the alien) under such section if the alien  
24          demonstrates to the Attorney General that the conditions

1 described in subclause (I) or (II) of subparagraph (A)(iii)  
2 are met with respect to the alien.”.

3 (b) CONFORMING AMENDMENTS.—(1) Section  
4 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

5 (A) in subparagraph (A), by striking “filed by  
6 an alien who,” and inserting “for the classification  
7 of the spouse of an alien if the alien,”, and

8 (B) in subparagraph (B), by striking “by an  
9 alien whose prior marriage” and inserting “for the  
10 classification of the spouse of an alien if the prior  
11 marriage of the alien”.

12 (2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C.  
13 1151(b)(2)(A)(i)) is amended by striking “204(a)(1)(A)”  
14 and inserting “204(a)(1)(A)(ii)”.

15 (c) SURVIVAL RIGHTS TO PETITION.— Section 204  
16 of the Immigration and Nationality Act (8 U.S.C. 1154)  
17 is amended by adding at the end the following new sub-  
18 section:

19 “(h) The legal termination of a marriage may not be  
20 the basis for revocation under section 205 of a petition  
21 filed under subsection (a)(1)(A)(iii)(I) or a petition filed  
22 under subsection (a)(1)(B)(ii) pursuant to conditions de-  
23 scribed in subsection (a)(1)(A)(iii)(I).”.

24 (d) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect January 1, 1994.

1 **SEC. 1627. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIV-**  
2 **ER APPLICATIONS.**

3 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-  
5 ed by inserting after the second sentence the following:  
6 “In acting on applications under this paragraph, the At-  
7 torney General shall consider any credible evidence sub-  
8 mitted in support of the application (whether or not the  
9 evidence is supported by an evaluation of a licensed mental  
10 health professional). The determination of what evidence  
11 is credible and the weight to be given that evidence shall  
12 be within the sole discretion of the Attorney General.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect on the date of the enact-  
15 ment of this Act and shall apply to applications made be-  
16 fore, on, or after such date.

17 **SEC. 1628. SUSPENSION OF DEPORTATION.**

18 Section 244(a) of the Immigration and Nationality  
19 Act (8 U.S.C. 1254(a)) is amended—

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

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

24 (3) by inserting after paragraph (2) the follow-  
25 ing:

1           “(3) is deportable under any law of the United  
2 States except section 241(a)(1)(G) and the provi-  
3 sions specified in paragraph (2); is physically  
4 present in the United States; has been battered or  
5 subjected to extreme cruelty in the United States by  
6 a spouse or parent who is a United States citizen or  
7 lawful permanent resident; and proves that during  
8 all of such time in the United States the alien was  
9 and is a person of good moral character; and is a  
10 person whose deportation would, in the opinion of  
11 the Attorney General, result in extreme hardship to  
12 the alien or the alien’s parent or child.”.

13           **Subtitle D—Miscellaneous**  
14           **Provisions**

15   **SEC. 1641. REPORT ON CONFIDENTIALITY OF ADDRESSES**  
16           **FOR VICTIMS OF DOMESTIC VIOLENCE.**

17           (a) REPORT.—The Attorney General shall conduct a  
18 study of the means by which abusive spouses may obtain  
19 information concerning the addresses or locations of es-  
20 tranged or former spouses, notwithstanding the desire of  
21 the victims to have such information withheld to avoid fur-  
22 ther exposure to abuse. Based on the study, the Attorney  
23 General shall transmit a report to Congress including—

24           (1) the findings of the study concerning the  
25           means by which information concerning the address-

1 es or locations of abused spouses may be obtained  
2 by abusers; and

3 (2) analysis of the feasibility of creating effective  
4 means of protecting the confidentiality of information  
5 concerning the addresses and locations of  
6 abused spouses to protect such persons from exposure  
7 to further abuse while preserving access to such  
8 information for legitimate purposes.

9 (b) USE OF COMPONENTS.—The Attorney General  
10 may use the National Institute of Justice and the Office  
11 for Victims of Crime in carrying out this section.

12 **SEC. 1642. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.**  
13

14 Not later than 1 year after the date of enactment  
15 of this Act, the Attorney General shall complete a study  
16 of, and shall submit to Congress a report and recommendations  
17 on, problems of recordkeeping of criminal  
18 complaints involving domestic violence. The study and report  
19 shall examine—

20 (1) the efforts that have been made by the Department  
21 of Justice, including the Federal Bureau  
22 of Investigation, to collect statistics on domestic violence;  
23 and

24 (2) the feasibility of requiring that the relationship  
25 between an offender and victim be reported in

1 Federal records of crimes of aggravated assault,  
2 rape, and other violent crimes.

3 **SEC. 1643. ESTABLISHMENT OF TASK FORCE.**

4 Not later than 30 days after the date of enactment  
5 of this Act, the Attorney General shall establish a task  
6 force to be known as the Attorney General's Task Force  
7 on Violence Against Women (referred to in this subtitle  
8 as the "Task Force").

9 **SEC. 1644. GENERAL PURPOSES OF TASK FORCE.**

10 (a) GENERAL PURPOSE OF THE TASK FORCE.—The  
11 Task Force shall review Federal, State, and local strate-  
12 gies for preventing and punishing violent crimes against  
13 women, including the enhancement and protection of the  
14 rights of the victims of such crimes, and make rec-  
15 ommendations to improve the response to such crimes.

16 (b) FUNCTIONS.—The Task Force shall perform such  
17 functions as the Attorney General deems appropriate to  
18 carry out the purposes of the Task Force, including—

19 (1) evaluating the adequacy of, and making rec-  
20 ommendations regarding, current law enforcement  
21 efforts at the Federal and State levels to reduce the  
22 rate of violent crimes against women;

23 (2) evaluating the adequacy of, and making rec-  
24 ommendations regarding, the responsiveness of State

1 prosecutors and State courts to violent crimes  
2 against women;

3 (3) evaluating the adequacy of State and Fed-  
4 eral rules of evidence, practice, and procedure to en-  
5 sure the effective prosecution and conviction of vio-  
6 lent offenders against women and to protect victims  
7 from abuse in legal proceedings, making rec-  
8 ommendations, where necessary, to improve those  
9 rules;

10 (4) evaluating the adequacy of pretrial release,  
11 sentencing, incarceration, and post-conviction release  
12 for crimes that predominantly affect women, such as  
13 rape and domestic violence;

14 (5) evaluating the adequacy of, and making rec-  
15 ommendations regarding, the adequacy of State and  
16 Federal laws on sexual assault and the need for a  
17 more uniform statutory response to sex offenses, in-  
18 cluding sexual assaults and other sex offenses com-  
19 mitted by offenders who are known or related by  
20 blood or marriage to the victim;

21 (6) evaluating the adequacy of, and making rec-  
22 ommendations regarding, the adequacy of State and  
23 Federal laws on domestic violence and the need for  
24 a more uniform statutory response to domestic  
25 violence;

1           (7) evaluating the adequacy of, and making rec-  
2           ommendations regarding, the adequacy of current  
3           education, prevention, and protection services for  
4           women victims of violent crimes;

5           (8) assessing the issuance, formulation, and en-  
6           forcement of protective orders, whether or not relat-  
7           ed to a criminal proceeding, and making rec-  
8           ommendations for their more effective use in domes-  
9           tic violence and stalking cases;

10          (9) assessing the problem of stalking and per-  
11          sistent menacing and recommending an effective  
12          Federal response to the problem;

13          (10) evaluating the adequacy of, and making  
14          recommendations regarding, the national public  
15          awareness and the public dissemination of informa-  
16          tion essential to the prevention of violent crimes  
17          against women;

18          (11) evaluating the treatment of women as vic-  
19          tims of violent crime in the State and Federal crimi-  
20          nal justice system, and making recommendations to  
21          improve such treatment; and

22          (12) assessing the problem of sexual exploi-  
23          tation of women and youths through prostitution  
24          and in the production of pornography, and rec-

1       ommending effective means of response to the prob-  
2       lem.

3       **SEC. 1645. MEMBERSHIP.**

4       (a) CHAIR; NUMBER AND APPOINTMENT.—The Task  
5       Force shall be chaired by the Attorney General (or des-  
6       ignee). Not later than 60 days after the date of the enact-  
7       ment of this Act, after consultation with the Secretary of  
8       Health and Human Services, the Secretary of Education,  
9       and the Secretary of Housing and Urban Development,  
10      the Attorney General shall select up to 14 other members  
11      to serve on the Task Force.

12      (b) PARTICIPATION.—The Attorney General (or des-  
13      ignee) shall select, without regard to political affiliation,  
14      members who are specially qualified to serve on the Task  
15      Force based on their involvement in efforts to combat vio-  
16      lence against women, assistance or service to victims of  
17      such violence, or other pertinent experience or expertise.  
18      The Attorney General shall ensure that the Task Force  
19      includes a broad base of participation by including mem-  
20      bers with backgrounds in such areas as law enforcement,  
21      victim services and advocacy, legal defense and prosecu-  
22      tion, judicial administration, medical services, and coun-  
23      seling.

24      (c) VACANCIES.—The Attorney General may fill any  
25      vacancy that occurs on the Task Force.

1 **SEC. 1646. TASK FORCE OPERATIONS.**

2 (a) MEETINGS.—The Task Force shall hold its first  
3 meeting on a date specified by the Attorney General (or  
4 designee), but shall not be later than 60 days after the  
5 date of the enactment of this Act. After the initial meet-  
6 ing, the Task Force shall meet at the call of the Attorney  
7 General (or designee), but shall meet at least 6 times.

8 (b) PAY.—Members of the Task Force who are offi-  
9 cers or employees or elected officials of a government en-  
10 tity shall receive no additional compensation by reason of  
11 their service on the Task Force.

12 (c) PER DIEM.—Except as provided in subsection  
13 (b), members of the Task Force shall be allowed travel  
14 and other expenses including per diem in lieu of subsist-  
15 ence, at rates authorized for employees of agencies under  
16 sections 5702 and 5703 of title 5, United States Code.

17 **SEC. 1647. REPORTS.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date on which the Task Force is fully constituted under  
20 section 1645, the Task Force shall prepare and submit  
21 a final report to the President and to congressional com-  
22 mittees that have jurisdiction over legislation addressing  
23 violent crimes against women, including the crimes of  
24 domestic and sexual assault.

25 (b) CONTENTS.—The final report submitted under  
26 paragraph (1) shall contain a detailed statement of the

1 activities of the Task Force and of the findings and con-  
2 clusions of the Task Force, including such recommenda-  
3 tions for legislation and administrative action as the Task  
4 Force considers appropriate.

5 **SEC. 1648. EXECUTIVE DIRECTOR AND STAFF.**

6 (a) EXECUTIVE DIRECTOR.—

7 (1) APPOINTMENT.—The Task Force shall have  
8 an Executive Director who shall be appointed by the  
9 Attorney General (or designee), with the approval of  
10 the Task Force.

11 (2) COMPENSATION.—The Executive Director  
12 shall be compensated at a rate not to exceed the  
13 maximum rate of the basic pay payable for a posi-  
14 tion above GS-15 of the General Schedule contained  
15 in title 5, United States Code.

16 (b) STAFF.—With the approval of the Task Force,  
17 the Executive Director may appoint and fix the compensa-  
18 tion of such additional personnel as the Executive Director  
19 considers necessary to carry out the duties of the Task  
20 Force.

21 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The  
22 Executive Director and the additional personnel of the  
23 Task Force appointed under subsection (b) may be ap-  
24 pointed without regard to the provisions of title 5, United  
25 States Code, governing appointments in the competitive

1 service, and may be paid without regard to the provisions  
2 of chapter 51 and subchapter III of chapter 53 of such  
3 title relating to classification and General Schedule pay  
4 rates.

5 (d) CONSULTANTS.—Subject to such rules as may be  
6 prescribed by the Task Force, the Executive Director may  
7 procure temporary or intermittent services under section  
8 3109(b) of title 5, United States Code, at rates for individ-  
9 uals not to exceed \$200 per day.

10 **SEC. 1649. POWERS OF TASK FORCE.**

11 (a) HEARINGS.—For the purposes of carrying out  
12 this subtitle, the Task Force may conduct such hearings,  
13 sit and act at such times and places, take such testimony,  
14 and receive such evidence, as the Task Force considers  
15 appropriate. The Task Force may administer oaths for  
16 testimony before the Task Force.

17 (b) DELEGATION.—Any member or employee of the  
18 Task Force may, if authorized by the Task Force, take  
19 any action that the Task Force is authorized to take under  
20 this subtitle.

21 (c) ACCESS TO INFORMATION.—The Task Force may  
22 request directly from any executive department or agency  
23 such information as may be necessary to enable the Task  
24 Force to carry out this subtitle, on the request of the  
25 Attorney General (or designee).

1 (d) **MAILS.**—The Task Force may use the United  
2 States mails in the same manner and under the same con-  
3 ditions as other departments and agencies of the United  
4 States.

5 **SEC. 1650. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out  
7 this subtitle \$500,000 for fiscal year 1994.

8 **SEC. 1651. TERMINATION.**

9 The Task Force shall cease to exist 30 days after the  
10 date on which its final report is submitted under section  
11 1647.

12 **SEC. 1652. PAYMENT OF COST OF STD TESTING FOR VIC-**  
13 **TIMS IN SEX OFFENSE CASES.**

14 Section 503(c)(7) of the Victims' Rights and Restitu-  
15 tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by  
16 adding at the end the following: "The Attorney General  
17 shall authorize the Director of the Office of Victims of  
18 Crime to provide for the payment of the cost of up to two  
19 tests of the victim for sexually transmitted diseases, in-  
20 cluding, but not limited to gonorrhea, herpes, chlamydia,  
21 syphilis, and HIV, during the 12 months following sexual  
22 assaults that pose a risk of transmission, and the cost of  
23 a counseling session by a medically trained professional  
24 on the accuracy of such tests and the risk of transmission

1 of sexually transmitted diseases to the victim as the result  
2 of the assault.”.

3 **SEC. 1653. NATIONAL DOMESTIC VIOLENCE HOTLINE**  
4 **GRANT.**

5 (a) FINDINGS.—Congress finds that—

6 (1) 4,000,000 women are battered by their  
7 partners each year, of which 4,000 die as a result  
8 of such abuse;

9 (2) victims of domestic violence need access to  
10 resources which will refer such victims and their  
11 children to safe homes and shelters; and

12 (3) there is a need for a national domestic vio-  
13 lence hotline to provide information and assistance  
14 to victims of domestic violence because a privately  
15 funded national domestic violence hotline which han-  
16 dled more than 65,000 crisis calls annually no longer  
17 exists.

18 (b) IN GENERAL.—The Attorney General, through  
19 the Bureau of Justice Assistance, shall provide a grant  
20 to a nonprofit private organization to establish and oper-  
21 ate a national, toll-free telephone hotline to provide infor-  
22 mation and assistance to victims of domestic violence. A  
23 grant provided under this subsection may extend over a  
24 period of not more than 3 fiscal years and the provision  
25 of payments under such grant shall be subject to annual

1 approval by the Attorney General and subject to the avail-  
2 ability of appropriations for the fiscal year involved to  
3 make the payments.

4 (c) APPLICATION.—

5 (1) IN GENERAL.—The Attorney General may  
6 not provide a grant under subsection (b) unless an  
7 application that meets the requirements of para-  
8 graph (2) has been approved by the Attorney  
9 General.

10 (2) REQUIREMENTS.—An application meets the  
11 requirements of this paragraph if the application—

12 (A) contains such agreements, assurances,  
13 and information, and is in such form and sub-  
14 mitted in such manner as the Attorney General  
15 shall prescribe through notice in the Federal  
16 Register;

17 (B) demonstrates that the applicant has  
18 nationally recognized expertise in the area of  
19 domestic violence and a record of high quality  
20 service to victims of domestic violence, including  
21 support from advocacy groups, particularly  
22 State coalitions and recognized national domes-  
23 tic violence groups;

24 (C) demonstrates that the applicant has a  
25 commitment to diversity, including the hiring of

1 and provision of services to ethnic, racial, cul-  
2 tural, and non-English speaking minorities, in  
3 addition to older individuals and individuals  
4 with disabilities;

5 (D) demonstrates that the applicant has  
6 the ability to integrate the hotline into existing  
7 services provided by the applicant to victims of  
8 domestic violence;

9 (E) includes a complete description of the  
10 applicant's plan for the establishment and oper-  
11 ation of the hotline, including a description of—

12 (i) the hiring criteria and training  
13 program for hotline personnel;

14 (ii) the methods for the creation,  
15 maintenance, and updating of a resource  
16 database for the hotline;

17 (iii) a plan for providing service on a  
18 24-hour-a-day basis to non-English speak-  
19 ing callers, including hotline personnel who  
20 speak Spanish;

21 (iv) a plan for access to the hotline by  
22 individuals with hearing impairments; and

23 (v) a plan for publicizing the availabil-  
24 ity of the hotline; and

1 (F) contains such other information as the  
2 Attorney General may require.

3 (d) SELECTION.—The Attorney General shall select  
4 a nonprofit private organization to receive a grant under  
5 subsection (b) which has been in existence for at least 5  
6 years from the date of submission of the application by  
7 the organization.

8 (e) USES.—A grant made under subsection (b) shall  
9 be used to establish and operate a national, toll-free tele-  
10 phone hotline to provide information and assistance to vic-  
11 tims of domestic violence. In establishing and operating  
12 the hotline, a nonprofit private organization shall—

13 (1) contract with a carrier for the use of a toll-  
14 free telephone line;

15 (2) employ, train, and supervise personnel to  
16 answer incoming calls and provide counseling and  
17 referral services to callers on a 24-hour-a-day basis;

18 (3) establish, maintain, and update a database  
19 of information relating to services for victims of do-  
20 mestic violence, including information on the avail-  
21 ability of shelters that serve battered women; and

22 (4) publicize the hotline to potential users  
23 throughout the United States.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There is authorized to be  
2           appropriated to carry out this section \$1,000,000 for  
3           each of the fiscal years 1994 through 1996.

4           (2) AVAILABILITY.—Funds authorized to be ap-  
5           propriated under paragraph (1) shall remain avail-  
6           able until expended.

7   **SEC. 1654. GRANTS FOR COMMUNITY PROGRAMS ON DO-**  
8                                   **MESTIC VIOLENCE.**

9           (a) IN GENERAL.—Title I of the Omnibus Crime  
10          Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
11          et seq.), as amended by section 1623 of this Act, is  
12          amended by—

13                 (1) redesignating part T as part U;

14                 (2) redesignating section 2001 as section 2101;

15          and

16                 (3) adding after part S the following new part:

17   **“PART T—GRANTS FOR COMMUNITY PROGRAMS**  
18                                   **ON DOMESTIC VIOLENCE.**

19   **“SEC. 2001. GRANT AUTHORITY.**

20           “The Director shall provide grants to establish  
21          projects in local communities involving many sectors of  
22          each community to coordinate intervention and prevention  
23          of domestic violence.

1 **“SEC. 2002. APPLICATIONS.**

2 “(a) IN GENERAL.—An organization that desires to  
3 receive a grant under this section shall submit to the Di-  
4 rector an application, in such form and in such manner  
5 as the Director may reasonably require that—

6 “(1) demonstrates that the applicant will serve  
7 a community leadership function, bringing together  
8 opinion leaders from each sector of the community  
9 to develop a coordinated community consensus op-  
10 posing domestic violence;

11 “(2) demonstrates a community action compo-  
12 nent to improve and expand current intervention and  
13 prevention strategies through increased communica-  
14 tion and coordination among all affected sectors;

15 “(3) includes a complete description of the ap-  
16 plicant’s plan for the establishment and operation of  
17 the community project, including a description of—

18 “(A) the method for identification and se-  
19 lection of an administrative committee made up  
20 of persons knowledgeable in domestic violence  
21 to oversee the project, hire staff, assure compli-  
22 ance with the project outline, and secure annual  
23 evaluation of the project;

24 “(B) the method for identification and se-  
25 lection of project staff and a project evaluator;

1           “(C) the method for identification and se-  
2           lection of a project council consisting of rep-  
3           resentatives of the community sectors listed in  
4           subsection (b)(2);

5           “(D) the method for identification and se-  
6           lection of a steering committee consisting of  
7           representatives of the various community sec-  
8           tors who will chair subcommittees of the project  
9           council focusing on each of the sectors; and

10           “(E) a plan for developing outreach and  
11           public education campaigns regarding domestic  
12           violence; and

13           “(4) contains such other information, agree-  
14           ments, and assurances as the Director may require.

15           “(b) ELIGIBILITY.—To be eligible for a grant under  
16 this section, such application shall include—

17           “(1) an assurance that the applicant is a non-  
18           profit private organization organized for the purpose  
19           of coordinating community projects for the interven-  
20           tion in and prevention of domestic violence; and

21           “(2) an assurance that such nonprofit organiza-  
22           tion includes representation from pertinent sectors  
23           of the local community, including—

24           “(A) health care providers;

25           “(B) the education community;

1 “(C) the religious community;

2 “(D) the justice system;

3 “(E) domestic violence program advocates;

4 “(F) human service entities such as State  
5 child services divisions; and

6 “(G) business and civic leaders.

7 **“SEC. 2003. AWARD OF GRANTS.**

8 “(a) TERM.—A grant provided under this section  
9 may extend over a period of not more than 3 fiscal years.

10 “(b) CONDITIONS ON PAYMENT.—Payments under a  
11 grant under this section shall be subject to—

12 “(1) annual approval by the Director; and

13 “(2) availability of appropriations.

14 “(c) GEOGRAPHICAL DISPERSION.—The Director  
15 shall award grants under this section to organizations in  
16 communities geographically dispersed throughout the  
17 country.

18 **“SEC. 2004. USES OF FUNDS.**

19 “(a) IN GENERAL.—A grant made under subsection  
20 (a) shall be used to establish and operate a community  
21 project to coordinate intervention and prevention of do-  
22 mestic violence.

23 “(b) REQUIREMENTS.—In establishing and operating  
24 a project, a nonprofit private organization shall—

1           “(1) establish protocols to improve and expand  
2 domestic violence intervention and prevention strate-  
3 gies among all affected sectors;

4           “(2) develop action plans to direct responses  
5 within each community sector that are in conjunc-  
6 tion with development in all other sectors; and

7           “(3) provide for periodic evaluation of the  
8 project with a written report and analysis to assist  
9 application of this concept in other communities.”.

10       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 1001 of the Omnibus Crime Control and Safe Streets Act  
12 of 1968 is amended by adding after paragraph (13), as  
13 added by section 1623 of this Act, the following:

14       “(14) There are authorized to be appropriated to  
15 carry out part T \$20,000,000 for fiscal year 1994 and  
16 such sums as are necessary for each of the fiscal years  
17 1995, 1996, and 1997, to remain available until  
18 expended.”.

19       (c) ADMINISTRATIVE PROVISIONS.—(1) Section  
20 801(b) of title I of the Omnibus Crime Control and Safe  
21 Streets Act of 1968, as amended by section 1623 of this  
22 Act, is amended by striking “O, Q, R, and S” and insert-  
23 ing “O, Q, R, S, and T”; and

24       (2) Section 802(b) of title I of the Omnibus Crime  
25 Control and Safe Streets Act of 1968, as amended by sec-

1 tion 1623 of this Act, is amended by striking “O, Q, R,  
2 or S” and inserting “O, Q, R, S, or T”.

3 (d) CONFORMING AMENDMENT.—The table of con-  
4 tents of title I of the Omnibus Crime Control and Safe  
5 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended  
6 by section 1623 of this Act, is amended by striking the  
7 matter relating to part T and inserting the following:

“PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

“Sec. 2001. Grant authority.

“Sec. 2002. Applications.

“Sec. 2003. Award of grants.

“Sec. 2004. Uses of funds.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

8 **Subtitle E—Equal Justice for**  
9 **Women in the Courts**

10 **SEC. 1661. GRANTS AUTHORIZED.**

11 The State Justice Institute is authorized to award  
12 grants for the purpose of developing, testing, presenting,  
13 and disseminating model programs to be used by States  
14 in training judges and court personnel in the laws of the  
15 States on rape, sexual assault, domestic violence, and  
16 other crimes of violence motivated by gender.

17 **SEC. 1662. TRAINING PROVIDED BY GRANTS.**

18 Training provided pursuant to grants made under  
19 this subtitle may include current information, existing  
20 studies, or current data on—

1           (1) the nature and incidence of rape and sexual  
2 assault by strangers and nonstrangers, marital rape,  
3 and incest;

4           (2) the underreporting of rape, sexual assault,  
5 and child sexual abuse;

6           (3) the physical, psychological, and economic  
7 impact of rape and sexual assault on the victim, the  
8 costs to society, and the implications for sentencing;

9           (4) the psychology of sex offenders, their high  
10 rate of recidivism, and the implications for sentenc-  
11 ing;

12           (5) the historical evolution of laws and attitudes  
13 on rape and sexual assault;

14           (6) sex stereotyping of female and male victims  
15 of rape and sexual assault, racial stereotyping of  
16 rape victims and defendants, and the impact of such  
17 stereotypes on credibility of witnesses, sentencing,  
18 and other aspects of the administration of justice;

19           (7) application of rape shield laws and other  
20 limits on introduction of evidence that may subject  
21 victims to improper sex stereotyping and harassment  
22 in both rape and nonrape cases, including the need  
23 for sua sponte judicial intervention in inappropriate  
24 cross-examination;

1           (8) the use of expert witness testimony on rape  
2           trauma syndrome, child sexual abuse accommodation  
3           syndrome, post-traumatic stress syndrome, and simi-  
4           lar issues;

5           (9) the legitimate reasons why victims of rape,  
6           sexual assault, domestic violence, and incest may  
7           refuse to testify against a defendant;

8           (10) the nature and incidence of domestic vio-  
9           lence;

10          (11) the physical, psychological, and economic  
11          impact of domestic violence on the victim, the costs  
12          to society, and the implications for court procedures  
13          and sentencing;

14          (12) the psychology and self-presentation of  
15          batterers and victims and the negative implications  
16          for court proceedings and credibility of witnesses;

17          (13) sex stereotyping of female and male vic-  
18          tims of domestic violence, myths about presence or  
19          absence of domestic violence in certain racial, ethnic,  
20          religious, or socioeconomic groups, and their impact  
21          on the administration of justice;

22          (14) historical evolution of laws and attitudes  
23          on domestic violence;

24          (15) proper and improper interpretations of the  
25          defenses of self-defense and provocation, and the use

1 of expert witness testimony on battered woman  
2 syndrome;

3 (16) the likelihood of retaliation, recidivism,  
4 and escalation of violence by batterers, and the po-  
5 tential impact of incarceration and other meaningful  
6 sanctions for acts of domestic violence including vio-  
7 lations of orders of protection;

8 (17) economic, psychological, social and institu-  
9 tional reasons for victims' inability to leave the  
10 batterer, to report domestic violence or to follow  
11 through on complaints, including the influence of  
12 lack of support from police, judges, and court per-  
13 sonnel, and the legitimate reasons why victims of do-  
14 mestic violence may refuse to testify against a de-  
15 fendant and should not be held in contempt;

16 (18) the need for orders of protection, and the  
17 negative implications of mutual orders of protection,  
18 dual arrest policies, and mediation in domestic vio-  
19 lence cases; and

20 (19) recognition of and response to gender-mo-  
21 tivated crimes of violence other than rape, sexual as-  
22 sault and domestic violence, such as mass or serial  
23 murder motivated by the gender of the victims.

1 **SEC. 1663. COOPERATION IN DEVELOPING PROGRAMS.**

2 The State Justice Institute shall ensure that model  
3 programs carried out pursuant to grants made under this  
4 subtitle are developed with the participation of law en-  
5 forcement officials, public and private nonprofit victim ad-  
6 vocates, legal experts, prosecutors, defense attorneys, and  
7 recognized experts on gender bias in the courts.

8 **SEC. 1664. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for fiscal year  
10 1994, \$600,000 to carry out the purposes of sections 1661  
11 through 1664. Of amounts appropriated under this sec-  
12 tion, the State Justice Institute shall expend no less than  
13 40 percent on model programs regarding domestic violence  
14 and no less than 40 percent on model programs regarding  
15 rape and sexual assault.

16 **SEC. 1665. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**  
17 **CATION AND TRAINING GRANTS.**

18 (a) STUDY.—In order to gain a better understanding  
19 of the nature and the extent of gender bias in the Federal  
20 courts, the circuit judicial councils are encouraged to con-  
21 duct studies of the instances of gender bias in their respec-  
22 tive circuits. The studies may include an examination of  
23 the effects of gender on—

24 (1) the treatment of litigants, witnesses, attor-  
25 neys, jurors, and judges in the courts, including be-  
26 fore magistrate and bankruptcy judges;

1           (2) the interpretation and application of the  
2 law, both civil and criminal;

3           (3) treatment of defendants in criminal cases;

4           (4) treatment of victims of violent crimes;

5           (5) sentencing;

6           (6) sentencing alternatives, facilities for incar-  
7 ceration, and the nature of supervision of probation,  
8 parole, and supervised release;

9           (7) appointments to committees of the Judicial  
10 Conference and the courts;

11           (8) case management and court sponsored al-  
12 ternative dispute resolution programs;

13           (9) the selection, retention, promotion, and  
14 treatment of employees;

15           (10) appointment of arbitrators, experts, and  
16 special masters;

17           (11) the admissibility of past sexual history in  
18 civil and criminal cases; and

19           (12) the aspects of the topics listed in section  
20 1662 that pertain to issues within the jurisdiction of  
21 the Federal courts.

22       (b) CLEARINGHOUSE.—The Judicial Conference of  
23 the United States shall designate an entity within the Ju-  
24 dicial Branch to act as a clearinghouse to disseminate any  
25 reports and materials issued by the gender bias task forces

1 under subsection (a) and to respond to requests for such  
2 reports and materials. The gender bias task forces shall  
3 provide this entity with their reports and related material.

4 (c) MODEL PROGRAMS.—The Federal Judicial Cen-  
5 ter, in carrying out section 620(b)(3) of title 28, United  
6 States Code, shall—

7 (1) include in the educational programs it pre-  
8 sents and prepares, including the training programs  
9 for newly appointed judges, information on issues re-  
10 lated to gender bias in the courts including such  
11 areas as are listed in subsection (a) along with such  
12 other topics as the Federal Judicial Center deems  
13 appropriate;

14 (2) prepare materials necessary to implement  
15 this subsection; and

16 (3) take into consideration the findings and rec-  
17 ommendations of the studies conducted pursuant to  
18 subsection (a), and to consult with individuals and  
19 groups with relevant expertise in gender bias issues  
20 as it prepares or revises such materials.

21 **SEC. 1666. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There is authorized to be appro-  
23 priated—

24 (1) \$600,000 to the Salaries and Expenses Ac-  
25 count of the Courts of Appeals, District Courts, and

1 other Judicial Services, to carry out section 1665(a),  
2 to be available until expended through fiscal year  
3 1996;

4 (2) \$100,000 to the Federal Judicial Center to  
5 carry out section 1665(c) and any activities des-  
6 ignated by the Judicial Conference under section  
7 1665(b); and

8 (3) such sums as are necessary to the Adminis-  
9 trative Office of the United States Courts to carry  
10 out any activities designated by the Judicial Con-  
11 ference under section 1665(b).

12 (b) THE JUDICIAL CONFERENCE OF THE UNITED  
13 STATES.—(1) The Judicial Conference of the United  
14 States Courts shall allocate funds to Federal circuit courts  
15 under this subtitle that—

16 (A) undertake studies in their own circuits; or

17 (B) implement reforms recommended as a re-  
18 sult of such studies in their own or other circuits,  
19 including education and training.

20 (2) Funds shall be allocated to Federal circuits under  
21 this subtitle on a first come first serve basis in an amount  
22 not to exceed \$100,000 on the first application. If within  
23 6 months after the date on which funds authorized under  
24 this Act become available, funds are still available, circuits

1 that have received funds may reapply for additional funds,  
2 with not more than \$200,000 going to any one circuit.

3 **SEC. 1667. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) State criminal courts often fail to admit ex-  
6 pert testimony offered by a defendant concerning the  
7 nature and effect of physical, sexual, and mental  
8 abuse to assist the trier of fact in assessing the be-  
9 havior, beliefs, or perceptions of such defendant in  
10 a domestic relationship in which abuse has occurred;

11 (2) the average juror often has little under-  
12 standing of the nature and effect of domestic vio-  
13 lence on such a defendant's behavior, beliefs, or per-  
14 ceptions, and the lack of understanding can result in  
15 the juror blaming the woman for her victimization;

16 (3) the average juror is often unaware that vic-  
17 tims of domestic violence are frequently in greater  
18 danger of violence after they terminate or attempt to  
19 terminate domestic relationships with their abuser;

20 (4) myths, misconceptions, and victim-blaming  
21 attitudes are often held not only by the average lay  
22 person but also by many in the criminal justice sys-  
23 tem, insofar as the criminal justice system tradition-  
24 ally has failed to protect women from violence at the  
25 hands of men;

1           (5) specialized knowledge of the nature and ef-  
2           fect of domestic violence is sufficiently established to  
3           have gained the general acceptance which is required  
4           for the admissibility of expert testimony;

5           (6) although both men and women can be vic-  
6           tims of physical, sexual, and mental abuse by their  
7           partners in domestic relationships, the most frequent  
8           victims are women; and

9           (7) a woman is more likely to be assaulted and  
10          injured, raped, or killed by her current or former  
11          male partner than by any other type of assailant,  
12          and over one-half of all women murdered are killed  
13          by their current or former male partners.

14          (b) SENSE OF CONGRESS.—It is the sense of the  
15          Congress that the executive branch, working through the  
16          State Justice Institute, should examine programs which  
17          would allow the States to consider—

18                 (1) that expert testimony concerning the nature  
19                 and effect of domestic violence, including descrip-  
20                 tions of the experiences of battered women, be ad-  
21                 missible when offered in a State court by a defend-  
22                 ant in a criminal case to assist the trier of fact in  
23                 understanding the behavior, beliefs, or perceptions of  
24                 such defendant in a domestic relationship in which  
25                 abuse has occurred;

1           (2) that a witness be qualified to testify as an  
2 expert witness based upon her or his knowledge,  
3 skill, experience, training, or education, and be per-  
4 mitted to testify in the form of an opinion or other-  
5 wise; and

6           (3) that expert testimony about a domestic rela-  
7 tionship be admissible to include testimony of rela-  
8 tionships between spouses, former spouses, cohabi-  
9 tants, former cohabitants, partners or former part-  
10 ners, and between persons who are in, or have been  
11 in, a dating, courtship, or intimate relationship.

12           **TITLE XVII—HATE CRIMES**  
13           **SENTENCING ENHANCEMENT**

14           **SEC. 1701. DIRECTION TO COMMISSION.**

15           (a) **IN GENERAL.**—Pursuant to section 994 of title  
16 28, United States Code, the United States Sentencing  
17 Commission shall promulgate guidelines or amend existing  
18 guidelines to provide sentencing enhancements of not less  
19 than 3 offense levels for offenses that the finder of fact  
20 at trial determines beyond a reasonable doubt are hate  
21 crimes. In carrying out this section, the United States  
22 Sentencing Commission shall assure reasonable consist-  
23 ency with other guidelines, avoid duplicative punishments  
24 for substantially the same offense, and take into account

1 any mitigating circumstances which might justify excep-  
2 tions.

3 (b) DEFINITION.—As used in this section, the term  
4 “hate crime” is a crime in which the defendant inten-  
5 tionally selects a victim, or in the case of a property crime,  
6 the property which is the object of the crime, because of  
7 the actual or perceived race, color, religion, national ori-  
8 gin, ethnicity, gender, or sexual orientation of any person.

9 **TITLE XVIII—USE OF FORMULA**  
10 **GRANTS TO PROSECUTE PER-**  
11 **SONS DRIVING WHILE INTOXI-**  
12 **CATED**

13 **SEC. 1801. GRANT PROGRAM DESCRIPTION.**

14 Section 501(b) of title I of the Omnibus Crime Con-  
15 trol and Safe Streets Act of 1968 is amended—

16 (1) by striking the period at the end of para-  
17 graph (21) and adding “; and”; and

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

19 “(22) programs for the prosecution of driving  
20 while intoxicated and the enforcement of other laws  
21 relating to alcohol use and the operation of motor  
22 vehicles.”.

1     **TITLE XIX—YOUTH HANDGUN**  
2                     **SAFETY**

3     **SEC. 1901. FINDINGS AND DECLARATIONS.**

4         The Congress finds and declares that—

5             (1) Crime, particularly crime involving drugs  
6             and guns, is a pervasive, nationwide problem.

7             (2) Problems with crime at the local level are  
8             exacerbated by the interstate movement of drugs,  
9             funds, and criminal gangs.

10            (3) Firearms and ammunition, and handguns in  
11            particular, move easily in interstate commerce, as  
12            documented in numerous hearings in both the Judi-  
13            ciary Committee of the House of Representatives  
14            and Judiciary Committee of the Senate.

15            (4) In fact, even before the sale of a handgun,  
16            the gun, its component parts, ammunition, and the  
17            raw materials from which they are made have con-  
18            siderably moved in interstate commerce.

19            (5) While criminals freely move from State to  
20            State, ordinary citizens may fear to travel to or  
21            through certain parts of the country due to the con-  
22            cern that violent crime is not under control, and for-  
23            eigners may decline to travel in the United States  
24            for the same reason.

1           (6) Just as the hardened drug kingpins begin  
2 their life in the illicit drug culture by exposure to  
3 drugs at a young age, violent criminals often start  
4 their criminal careers on streets where the ready  
5 availability of guns to young people results in the ac-  
6 ceptability of their random use.

7           (7) Violent crime and the use of illicit drugs go  
8 hand-in-hand, and attempts to control one without  
9 controlling the other may be fruitless.

10          (8) Individual States and localities find it im-  
11 possible to handle the problem by themselves; even  
12 States and localities that have made a strong effort  
13 to prevent, detect, and punish crime find their effort  
14 unavailing due in part to the failure or inability of  
15 other States and localities to take strong measures.

16          (9) Inasmuch as illicit drug activity and related  
17 violent crime overflow State lines and national  
18 boundaries, the Congress has power, under the inter-  
19 state commerce clause and other provisions of the  
20 Constitution, to enact measures to combat these  
21 problems.

22          (10) The Congress finds that it is necessary  
23 and appropriate to assist the States in controlling  
24 crime by stopping the commerce in handguns with  
25 juveniles nationwide, and allowing the possession of

1 handguns by juveniles only when handguns are pos-  
2 sessed and used for legitimate purposes under ap-  
3 propriate conditions.

4 **SEC. 1902. PROHIBITION OF THE POSSESSION OF A HAND-**  
5 **GUN OR AMMUNITION BY, OR THE PRIVATE**  
6 **TRANSFER OF A HANDGUN OR AMMUNITION**  
7 **TO, A JUVENILE.**

8 (a) OFFENSE.—Section 922 of title 18, United States  
9 Code, as amended by section 706(a) of this Act, is  
10 amended by adding at the end the following:

11 “(w)(1) It shall be unlawful for a person to sell, de-  
12 liver, or otherwise transfer to a juvenile, or to a person  
13 who the transferor knows or has reasonable cause to be-  
14 lieve is a juvenile—

15 “(A) a handgun; or

16 “(B) ammunition that is suitable for use only  
17 in a handgun.

18 “(2) It shall be unlawful for any person who is a juve-  
19 nile to knowingly possess—

20 “(A) a handgun; or

21 “(B) ammunition that is suitable for use  
22 only in a handgun.

23 “(3) This subsection does not apply—

24 “(A) to a temporary transfer of a handgun or  
25 ammunition to a juvenile, or to the possession or use

1 of a handgun or ammunition by a juvenile, if the  
2 handgun and ammunition are possessed and used by  
3 the juvenile—

4 “(i) in the course of employment, in the  
5 course of ranching or farming related to activi-  
6 ties at the residence of the juvenile (or on prop-  
7 erty used for ranching or farming at which the  
8 juvenile, with the permission of the property  
9 owner or lessee, is performing activities related  
10 to the operation of the farm or ranch), target  
11 practice, hunting, or a course of instruction in  
12 the safe and lawful use of a handgun;

13 “(ii) with the prior written consent of the  
14 juvenile’s parent or guardian who is not prohib-  
15 ited by Federal, State, or local law from pos-  
16 sessed a firearm;

17 “(iii) with the prior written consent in the  
18 juvenile’s possession at all times when a hand-  
19 gun is in the possession of the juvenile; and

20 “(iv) in accordance with State and local  
21 law;

22 “(B) during transportation by the juvenile of an  
23 unloaded handgun in a locked container directly  
24 from the place of transfer to a place at which an ac-  
25 tivity described in subparagraph (A)(i) is to take

1 place, and transportation by the juvenile of that  
2 handgun, unloaded and in a locked container, di-  
3 rectly from the place at which such an activity took  
4 place to the transferor;

5 “(C) to a juvenile who is a member of the  
6 Armed Forces of the United States or the National  
7 Guard who possesses or is armed with a handgun in  
8 the line of duty;

9 “(D) to a transfer by inheritance of title (but  
10 not possession) of a handgun or ammunition to a  
11 juvenile; or

12 “(E) to the possession of a handgun or ammu-  
13 nition by a juvenile taken in defense of the juvenile  
14 or other persons against an intruder into the resi-  
15 dence of the juvenile or a residence in which the ju-  
16 venile is an invited guest.

17 “(4) A handgun or ammunition, the possession of  
18 which is transferred to a juvenile in circumstances in  
19 which the transferor is not in violation of this subsection  
20 shall not be subject to permanent confiscation by the Gov-  
21 ernment if its possession by the juvenile subsequently be-  
22 comes unlawful because of the conduct of the juvenile, but  
23 shall be returned to the lawful owner when such handgun  
24 or ammunition is no longer required by the Government  
25 for the purposes of investigation or prosecution.

1       “(5) For purposes of this subsection, the term ‘juve-  
2       nile’ means a person who is less than 18 years of age.

3       “(6)(A) In a prosecution of a violation of this sub-  
4       section, the court shall require the presence of a juvenile  
5       defendant’s parent or legal guardian at all proceedings.

6       “(B) The court may use the contempt power to en-  
7       force subparagraph (A).

8       “(C) The court may excuse attendance of a parent  
9       or legal guardian of a juvenile defendant at a proceeding  
10      in a prosecution of a violation of this subsection for good  
11      cause shown.”.

12      (b) PENALTIES.—Section 924(a) of title 18, United  
13      States Code, as amended by section 706(b) of this Act,  
14      is amended by adding at the end the following:

15      “(7)(A)(i) A juvenile who violates section 922(w)  
16      shall be fined under this title, imprisoned not more than  
17      1 year, or both, except that a juvenile described in clause  
18      (ii) shall be sentenced to probation on appropriate condi-  
19      tions and shall not be incarcerated unless the juvenile fails  
20      to comply with a condition of probation.

21      “(ii) A juvenile is described in this clause if—

22              “(I) the offense of which the juvenile is charged  
23              is possession of a handgun or ammunition in viola-  
24              tion of section 922(w)(2); and

1           “(II) the juvenile has not been convicted in any  
2 court of an offense (including an offense under sec-  
3 tion 922(w) or a similar State law, but not including  
4 any other offense consisting of conduct that if en-  
5 gaged in by an adult would not constitute an of-  
6 fense) or adjudicated as a juvenile delinquent for  
7 conduct that if engaged in by an adult would con-  
8 stitute an offense.

9           “(B) A person other than a juvenile who knowingly  
10 violates section 922(w)—

11           “(i) shall be fined under this title, imprisoned  
12 not more than 1 year, or both; and

13           “(ii) if the person sold, delivered, or otherwise  
14 transferred a handgun or ammunition to a juvenile  
15 knowing or having reasonable cause to know that  
16 the juvenile intended to carry or otherwise possess  
17 or discharge or otherwise use the handgun or ammu-  
18 nition in the commission of a crime of violence, shall  
19 be fined under this title, imprisoned not more than  
20 10 years, or both.”.

21           (d) TECHNICAL AMENDMENT OF JUVENILE DELIN-  
22 QUENCY PROVISIONS IN TITLE 18, UNITED STATES  
23 CODE.—

24           (1) SECTION 5031.—Section 5031 of title 18,  
25 United States Code, is amended by inserting “or a

1 violation by such person of section 922(w)” before  
2 the period at the end.

3 (2) SECTION 5032.—Section 5032 of title 18,  
4 United States Code, is amended—

5 (A) in the first undesignated paragraph by  
6 inserting “or (w)” after “922(p)”; and

7 (B) in the fourth undesignated paragraph  
8 by inserting “or section 922(w) of this title,”  
9 before “criminal prosecution on the basis”.

10 (e) TECHNICAL AMENDMENT OF THE JUVENILE  
11 JUSTICE AND DELINQUENCY PREVENTION ACT OF  
12 1974.—Section 223(a)(12)(A) of the Juvenile Justice and  
13 Delinquency Prevention Act of 1974 (42 U.S.C.  
14 5633(a)(12)(A)) is amended by striking “which do not  
15 constitute violations of valid court orders” and inserting  
16 “(other than an offense that constitutes a violation of a  
17 valid court order or a violation of section 922(w) of title  
18 18, United States Code, or a similar State law)”.

19 (f) MODEL LAW.—The Attorney General, acting  
20 through the Director of the National Institute for Juvenile  
21 Justice and Delinquency Prevention, shall—

22 (1) evaluate existing and proposed juvenile  
23 handgun legislation in each State;

24 (2) develop model juvenile handgun legislation  
25 that is constitutional and enforceable;

1           (3) prepare and disseminate to State authorities  
2 the findings made as the result of the evaluation;  
3 and

4           (4) report to Congress by December 31, 1994,  
5 findings and recommendations concerning the need  
6 or appropriateness of further action by the Federal  
7 Government.

8 **TITLE XX—SUBSTANCE ABUSE**  
9 **TREATMENT IN FEDERAL**  
10 **PRISONS**

11 **SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL**  
12 **PRISONS.**

13 Section 3621 of title 18, United States Code, is  
14 amended—

15           (1) in the last sentence of subsection (b), by  
16 striking “, to the extent practicable,”; and

17           (2) by adding at the end the following new sub-  
18 section:

19 “(e) SUBSTANCE ABUSE TREATMENT.—

20           “(1) PHASE-IN.—In order to carry out the re-  
21 quirement of the last sentence of subsection (b) of  
22 this section, that every prisoner with a substance  
23 abuse problem have the opportunity to participate in  
24 appropriate substance abuse treatment, the Bureau

1 of Prisons shall provide substance abuse treat-  
2 ment—

3 “(A) for not less than 50 percent of eligi-  
4 ble prisoners by the end of fiscal year 1995,  
5 with priority for such treatment accorded based  
6 on an eligible prisoner’s proximity to release  
7 date;

8 “(B) for not less than 75 percent of eligi-  
9 ble prisoners by the end of fiscal year 1996,  
10 with priority for such treatment accorded based  
11 on an eligible prisoner’s proximity to release  
12 date; and

13 “(C) for all eligible prisoners by the end of  
14 fiscal year 1997 and thereafter, with priority  
15 for such treatment accorded based on an eligi-  
16 ble prisoner’s proximity to release date.

17 “(2) INCENTIVE FOR PRISONERS’ SUCCESSFUL  
18 COMPLETION OF TREATMENT PROGRAM.—

19 “(A) GENERALLY.—Any prisoner who, in  
20 the judgment of the Director of the Bureau of  
21 Prisons, has successfully completed a program  
22 of residential substance abuse treatment pro-  
23 vide under paragraph (1) of this subsection,  
24 shall remain in the custody of the Bureau for  
25 such time (as limited by subparagraph (B) of

1 this paragraph) and under such conditions, as  
2 the Bureau deems appropriate. If the conditions  
3 of confinement are different from those the  
4 prisoner would have experienced absent the suc-  
5 cessful completion of the treatment, the Bureau  
6 shall periodically test the prisoner for substance  
7 abuse and discontinue such conditions on deter-  
8 mining that substance abuse has recurred.

9 “(B) PERIOD OF CUSTODY.—The period  
10 the prisoner remains in custody after success-  
11 fully completing a treatment program shall not  
12 exceed the prison term the law would otherwise  
13 require such prisoner to serve, but may not be  
14 less than such term minus one year.

15 “(3) REPORT.—The Bureau of Prisons shall  
16 transmit to the Committees on the Judiciary of the  
17 Senate and the House of Representatives on Janu-  
18 ary 1, 1995, and on January 1 of each year there-  
19 after, a report. Such report shall contain—

20 “(A) a detailed quantitative and qualitative  
21 description of each substance abuse treatment  
22 program, residential or not, operated by the  
23 Bureau;

24 “(B) a full explanation of how eligibility  
25 for such programs is determined, with complete

1 information on what proportion of prisoners  
2 with substance abuse problems are eligible, and

3 “(C) a complete statement of to what ex-  
4 tent the Bureau has achieved compliance with  
5 the requirements of this title.

6 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated in each fis-  
8 cal year such sums as may be necessary to carry out  
9 this subsection.

10 “(5) DEFINITIONS.—As used in this sub-  
11 section—

12 “(A) the term ‘residential substance abuse  
13 treatment’ means a course of individual and  
14 group activities, lasting between 6 and 12  
15 months, in residential treatment facilities set  
16 forth from the general prison population—

17 “(i) directed at the substance abuse  
18 problems of the prisoner; and

19 “(ii) intended to develop the pris-  
20 oner’s cognitive, behavioral, social, voca-  
21 tional, and other skills so as to solve the  
22 prisoner’s substance abuse and related  
23 problems; and

24 “(B) the term ‘eligible prisoner’ means a  
25 prisoner who is—

1                   “(i) determined by the Bureau of  
2                   Prisons to have a substance abuse prob-  
3                   lem; and

4                   “(ii) willing to participate in a resi-  
5                   dential substance abuse treatment pro-  
6                   gram.”.

7 **TITLE XXI—ALTERNATIVE PUN-**  
8 **ISHMENTS FOR YOUNG OF-**  
9 **FENDERS**

10 **SEC. 2101. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**  
11 **FENDERS.**

12           (a) IN GENERAL.—Title I of the Omnibus Crime  
13 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
14 et seq.), is amended—

15                   (1) by redesignating part Q as part U;

16                   (2) by redesignating section 1701 as section  
17                   2101; and

18                   (3) by inserting after part P the following:

19 **“PART Q—ALTERNATIVE PUNISHMENTS FOR**  
20 **YOUNG OFFENDERS**

21 **“SEC. 1701. GRANT AUTHORIZATION.**

22           “(a) IN GENERAL.—The Director of the Bureau of  
23 Justice Assistance (referred to in this part as the ‘Direc-  
24 tor’) may make grants under this part to States, for the  
25 use by States and units of local government in the States,

1 for the purpose of developing alternative methods of pun-  
2 ishment for young offenders to traditional forms of incar-  
3 ceration and probation.

4 “(b) ALTERNATIVE METHODS.—The alternative  
5 methods of punishment referred to in subsection (a)  
6 should ensure certainty of punishment for young offenders  
7 and promote reduced recidivism, crime prevention, and as-  
8 sistance to victims, particularly for young offenders who  
9 can be punished more effectively in an environment other  
10 than a traditional correctional facility, including—

11 “(1) alternative sanctions that create account-  
12 ability and certainty of punishment for young of-  
13 fenders;

14 “(2) boot camp prison programs that include  
15 education and job training activities such as pro-  
16 grams modeled, to the extent practicable, after ac-  
17 tivities carried out under part B of title IV of the  
18 Job Training Partnership Act (relating to Job  
19 Corps) (29 U.S.C. 1691 et seq.);

20 “(3) technical training and support for the im-  
21 plementation and maintenance of State and local  
22 restitution programs for young offenders;

23 “(4) innovative projects, such as projects con-  
24 sisting of education and job training activities for in-  
25 carcerated young offenders, modeled, to the extent

1 practicable, after activities carried out under part B  
2 of title IV of the Job Training Partnership Act (re-  
3 lating to Job Corps) (29 U.S.C. 1691 et seq.);

4 “(5) correctional options, such as community-  
5 based incarceration, weekend incarceration, and elec-  
6 tronic monitoring of offenders;

7 “(6) community service programs that provide  
8 work service placement for young offenders at non-  
9 profit, private organizations and community organi-  
10 zations;

11 “(7) demonstration restitution projects that are  
12 evaluated for effectiveness;

13 “(8) innovative methods that address the prob-  
14 lems of young offenders convicted of serious sub-  
15 stance abuse (including alcohol abuse, and gang-re-  
16 lated offenses), including technical assistance and  
17 training to counsel and treat such offenders; and

18 “(9) the provision for adequate and appropriate  
19 after care programs for the young offenders, such as  
20 substance abuse treatment, education programs, vo-  
21 cational training, job placement counseling, and  
22 other support programs upon release.

23 **“SEC. 1702. STATE APPLICATIONS.**

24 “(a) IN GENERAL.—(1) To request a grant under  
25 this part, the chief executive of a State shall submit an

1 application to the Director in such form and containing  
2 such information as the Director may reasonably require.

3 “(2) Such application shall include assurances that  
4 Federal funds received under this part shall be used to  
5 supplement, not supplant, non-Federal funds that would  
6 otherwise be available for activities funded under this part.

7 “(b) STATE OFFICE.—The office designated under  
8 section 507 of this title—

9 “(1) shall prepare the application as required  
10 under subsection (a); and

11 “(2) shall administer grant funds received  
12 under this part, including review of spending, proc-  
13 essing, progress, financial reporting, technical assist-  
14 ance, grant adjustments, accounting, auditing, and  
15 fund disbursement.

16 **“SEC. 1703. REVIEW OF STATE APPLICATIONS.**

17 “(a) IN GENERAL.—The Director, in consultation  
18 with the Director of the National Institute of Corrections,  
19 shall make a grant under section 1701(a) to carry out the  
20 projects described in the application submitted by such ap-  
21 plicant under section 1702 upon determining that—

22 “(1) the application is consistent with the re-  
23 quirements of this part; and

24 “(2) before the approval of the application, the  
25 Director has made an affirmative finding in writing

1       that the proposed project has been reviewed in ac-  
2       cordance with this part.

3       “(b) APPROVAL.—Each application submitted under  
4       section 1702 shall be considered approved, in whole or in  
5       part, by the Director not later than 45 days after first  
6       received unless the Director informs the applicant of spe-  
7       cific reasons for disapproval.

8       “(c) RESTRICTION.—Grant funds received under this  
9       part shall not be used for land acquisition or construction  
10      projects, other than alternative facilities described in sec-  
11      tion 1701(b).

12      “(d) DISAPPROVAL NOTICE AND RECONSIDER-  
13      ATION.—The Director shall not disapprove any application  
14      without first affording the applicant reasonable notice and  
15      an opportunity for reconsideration.

16      **“SEC. 1704. LOCAL APPLICATIONS.**

17      “(a) IN GENERAL.—(1) To request funds under this  
18      part from a State, the chief executive of a unit of local  
19      government shall submit an application to the office des-  
20      ignated under section 1701(b).

21      “(2) Such application shall be considered approved,  
22      in whole or in part, by the State not later than 45 days  
23      after such application is first received unless the State in-  
24      forms the applicant in writing of specific reasons for dis-  
25      approval.

1       “(3) The State shall not disapprove any application  
2 submitted to the State without first affording the appli-  
3 cant reasonable notice and an opportunity for reconsider-  
4 ation.

5       “(4) If such application is approved, the unit of local  
6 government is eligible to receive such funds.

7       “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-  
8 MENT.—A State that receives funds under section 1701  
9 in a fiscal year shall make such funds available to units  
10 of local government with an application that has been sub-  
11 mitted and approved by the State within 45 days after  
12 the Director has approved the application submitted by  
13 the State and has made funds available to the State. The  
14 Director shall have the authority to waive the 45-day re-  
15 quirement in this section upon a finding that the State  
16 is unable to satisfy such requirement under State statutes.

17 **“SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.**

18       “(a) STATE DISTRIBUTION.—Of the total amount ap-  
19 propriated under this part in any fiscal year—

20               “(1) 0.4 percent shall be allocated to each of  
21 the participating States; and

22               “(2) of the total funds remaining after the allo-  
23 cation under paragraph (1), there shall be allocated  
24 to each of the participating States an amount which  
25 bears the same ratio to the amount of remaining

1 funds described in this paragraph as the number of  
2 young offenders of such State bears to the number  
3 of young offenders in all the participating States.

4 “(b) LOCAL DISTRIBUTION.—(1) A State that re-  
5 ceives funds under this part in a fiscal year shall distribute  
6 to units of local government in such State for the purposes  
7 specified under section 1701 that portion of such funds  
8 which bears the same ratio to the aggregate amount of  
9 such funds as the amount of funds expended by all units  
10 of local government for correctional programs in the pre-  
11 ceding fiscal year bears to the aggregate amount of funds  
12 expended by the State and all units of local government  
13 in such State for correctional programs in such preceding  
14 fiscal year.

15 “(2) Any funds not distributed to units of local gov-  
16 ernment under paragraph (1) shall be available for ex-  
17 penditure by such State for purposes specified under sec-  
18 tion 1701.

19 “(3) If the Director determines, on the basis of infor-  
20 mation available during any fiscal year, that a portion of  
21 the funds allocated to a State for such fiscal year will not  
22 be used by such State or that a State is not eligible to  
23 receive funds under section 1701, the Director shall award  
24 such funds to units of local government in such State giv-

1 ing priority to the units of local government that the Di-  
2 rector considers to have the greatest need.

3 “(c) GENERAL REQUIREMENT.—Notwithstanding  
4 the provisions of subsections (a) and (b), not less than  
5 two-thirds of funds received by a State under this part  
6 shall be distributed to units of local government unless the  
7 State applies for and receives a waiver from the Director  
8 of the Bureau of Justice Assistance.

9 “(d) FEDERAL SHARE.—The Federal share of a  
10 grant made under this part may not exceed 75 percent  
11 of the total costs of the projects described in the applica-  
12 tion submitted under section 1702(a) for the fiscal year  
13 for which the projects receive assistance under this part.

14 “(e) CONSIDERATION.—Notwithstanding subsections  
15 (a) and (b), in awarding grants under this part, the Direc-  
16 tor shall consider as an important factor whether a State  
17 has in effect throughout such State a law or policy  
18 which—

19 “(1) requires that a juvenile who is in posses-  
20 sion of a firearm or other weapon on school property  
21 or convicted of a crime involving the use of a firearm  
22 or weapon on school property—

23 “(A) be suspended from school for a rea-  
24 sonable period of time; and

1           “(B) lose driving license privileges for a  
2           reasonable period of time;

3           “(2) bans firearms and other weapons in a 100-  
4           yard radius of school property, but the State may  
5           allow exceptions for school-sponsored activities, as  
6           well as other reasonable exceptions.

7           “(f) DEFINITION.—For purposes of this part, ‘juve-  
8           nile’ means 18 years of age or younger.

9           **“SEC. 1706. EVALUATION.**

10          “(a) IN GENERAL.—(1) Each State and local unit of  
11          government that receives a grant under this part shall  
12          submit to the Director an evaluation not later than March  
13          1 of each year in accordance with guidelines issued by the  
14          Director and in consultation with the National Institute  
15          of Justice.

16          “(2) The Director may waive the requirement speci-  
17          fied in paragraph (1) if the Director determines that such  
18          evaluation is not warranted in the case of the State or  
19          unit of local government involved.

20          “(b) DISTRIBUTION.—The Director shall make avail-  
21          able to the public on a timely basis evaluations received  
22          under subsection (a).

23          “(c) ADMINISTRATIVE COSTS.—A State and local  
24          unit of government may use not more than 5 percent of

1 funds it receives under this part to develop an evaluation  
2 program under this section.”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents of title I of the Omnibus Crime Control and Safe  
5 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
6 by striking the matter relating to part Q and inserting  
7 the following:

“PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“Sec. 1701. Grant authorization.

“Sec. 1702. State applications.

“Sec. 1703. Review of State applications.

“Sec. 1704. Local applications.

“Sec. 1705. Allocation and distribution of funds.

“Sec. 1706. Evaluation.

“PART U—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

8 (c) DEFINITION.—Section 901(a) of the Omnibus  
9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
10 3791(a)), is amended by adding after paragraph (23) the  
11 following:

12 “(24) The term ‘young offender’ means an indi-  
13 vidual, convicted of a crime, 22 years of age or  
14 younger—

15 “(A) who has not been convicted of—

16 “(i) a crime of sexual assault; or

17 “(ii) a crime involving the use of a  
18 firearm in the commission of the crime;

19 and

1           “(B) who has no prior convictions for a  
2           crime of violence (as defined by section 16 of  
3           title 18, United States Code) punishable by a  
4           period of 1 or more years of imprisonment.”.

5 **SEC. 2102. AUTHORIZATION OF APPROPRIATION.**

6           Section 1001(a) of title I of the Omnibus Crime Con-  
7           trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is  
8           amended by adding after paragraph (10) the following:

9           “(11) There are authorized to be appropriated  
10          \$200,000,000 for each of the fiscal years 1994, 1995, and  
11          1996 to carry out the projects under part Q.”.

12 **SEC. 2103. SENSE OF THE CONGRESS.**

13          It is the sense of the Congress that States should im-  
14          pose mandatory sentences for crimes involving the use of  
15          a firearm or other weapon on school property or within  
16          a 100-yard radius of school property.

17 **TITLE    XXII—JUVENILE    DRUG**  
18 **TRAFFICKING    AND    GANG**  
19 **PREVENTION GRANTS**

20 **SEC. 2201. JUVENILE DRUG TRAFFICKING AND GANG PRE-**  
21 **VENTION GRANTS.**

22          (a) The Omnibus Crime Control and Safe Streets Act  
23          of 1968, is amended by inserting after part Q (as added  
24          by section 2101(a)) the following new part:

1     **“PART R—JUVENILE DRUG TRAFFICKING AND**  
2                     **GANG PREVENTION GRANTS**

3     **“SEC. 1801. GRANT AUTHORIZATION.**

4             “(a) IN GENERAL.—The Director is authorized to  
5 make grants to States and units of local government or  
6 combinations thereof to assist them in planning, establish-  
7 ing, operating, coordinating, and evaluating projects di-  
8 rectly or through grants and contracts with public and pri-  
9 vate agencies for the development of more effective pro-  
10 grams, including education, prevention, treatment and en-  
11 forcement programs to reduce—

12             “(1) the formation or continuation of juvenile  
13 gangs; and

14             “(2) the use and sale of illegal drugs by juve-  
15 niles.

16             “(b) USES OF FUNDS.—The grants made under this  
17 section may be used for any of the following specific  
18 purposes:

19             “(1) to reduce the participation of juveniles in  
20 drug related crimes (including drug trafficking and  
21 drug use), particularly in and around elementary  
22 and secondary schools;

23             “(2) to reduce juvenile involvement in organized  
24 crime, drug and gang-related activity, particularly  
25 activities that involve the distribution of drugs by or  
26 to juveniles;

1           “(3) to develop new and innovative means to  
2 address the problems of juveniles convicted of seri-  
3 ous, drug-related and gang-related offenses;

4           “(4) to reduce juvenile drug and gang-related  
5 activity in public housing projects;

6           “(5) to provide technical assistance and train-  
7 ing to personnel and agencies responsible for the ad-  
8 judicatory and corrections components of the juve-  
9 nile justice system to identify drug-dependent or  
10 gang-involved juvenile offenders and to provide ap-  
11 propriate counseling and treatment to such offend-  
12 ers;

13           “(6) to promote the involvement of all juveniles  
14 in lawful activities, including—

15               “(A) school programs that teach that drug  
16 and gang involvement are wrong; and

17               “(B) programs such as youth sports and  
18 other activities, including girls and boys clubs,  
19 scout troops, and little leagues;

20           “(7) to facilitate Federal and State cooperation  
21 with local school officials to develop education, pre-  
22 vention and treatment programs for juveniles who  
23 are likely to participate in drug trafficking, drug use  
24 or gang-related activities;

1           “(8) to provide pre- and post-trial drug abuse  
2           treatment to juveniles in the juvenile justice system;  
3           with the highest possible priority to providing drug  
4           abuse treatment to drug-dependent pregnant juve-  
5           niles and drug-dependent juvenile mothers;

6           “(9) to provide education and treatment pro-  
7           grams for youth exposed to severe violence in their  
8           homes, schools, or neighborhoods;

9           “(10) to establish sports mentoring and coach-  
10          ing programs in which athletes serve as role models  
11          for youth to teach that athletics provide a positive  
12          alternative to drug and gang involvement;

13          “(11) to develop new programs that specifically  
14          address the unique crime, drug, and alcohol-related  
15          challenges faced by juveniles living at or near Inter-  
16          national Ports of Entry and in other international  
17          border communities, including rural localities;

18          “(12) to identify promising new juvenile drug  
19          demand reduction and enforcement programs, to  
20          replicate and demonstrate these programs to serve  
21          as national, regional or local models that could be  
22          used, in whole or in part, by other public and private  
23          juvenile justice programs, and to provide technical  
24          assistance and training to public or private organiza-  
25          tions to implement similar programs; and

1           “(13) to coordinate violence, gang, and juvenile  
2 drug prevention programs with other existing Fed-  
3 eral programs that serve community youth to better  
4 address the comprehensive needs of such youth.

5           “(c) FEDERAL SHARE.—(1) The Federal share of a  
6 grant made under this part may not exceed 75 percent  
7 of the total costs of the projects described in applications  
8 submitted under this section for the fiscal year for which  
9 the projects receive assistance under this part.

10          “(2) The Director may waive the 25 percent match-  
11 ing requirement under paragraph (1), upon making a de-  
12 termination that such waiver is equitable due to the finan-  
13 cial circumstances affecting the ability of the applicant to  
14 meet such requirements.

15 **“SEC. 1802. APPLICATIONS.**

16          “A State or unit of local government applying for  
17 grants under this part shall submit an application to the  
18 Director in such form and containing such information as  
19 the Director shall reasonably require.”.

20          (b) CONFORMING AMENDMENT.—The table of con-  
21 tents of title I of the Omnibus Crime Control and Safe  
22 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
23 by inserting after the matter relating to part Q (as added  
24 by section 2101(b)) the following:

“PART R—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

“Sec. 1801. Grant authorization.

“Sec. 1802. Applications.”.

1 **SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1001(a) of title I of the Omnibus Crime Con-  
3 trol and Safe Streets Act of 1968 (42 U.S.C. 3793), is  
4 amended by adding after paragraph (11) (as added by sec-  
5 tion 2102) the following:

6 “(12) There are authorized to be appropriated  
7 \$100,000,000 for each of the fiscal years 1994 and 1995  
8 to carry out the projects under part R.”.

9 **TITLE XXIII—RESIDENTIAL SUB-**  
10 **STANCE ABUSE TREATMENT**  
11 **FOR STATE PRISONERS**

12 **SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**  
13 **FOR STATE PRISONERS.**

14 (a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT  
15 FOR PRISONERS.—Title I of the Omnibus Crime Control  
16 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),  
17 is amended by inserting after part R (as added by section  
18 2201(a)) the following:

19 **“PART S—RESIDENTIAL SUBSTANCE ABUSE**  
20 **TREATMENT FOR STATE PRISONERS**

21 **“SEC. 1901. GRANT AUTHORIZATION.**

22 “The Director of the Bureau of Justice Assistance  
23 (referred to in this part as the ‘Director’) may make  
24 grants under this part to States, for the use by States  
25 and units of local government for the purpose of develop-

1 ing and implementing residential substance abuse treat-  
2 ment programs within State correctional facilities, as well  
3 as within local correctional facilities in which inmates are  
4 incarcerated for a period of time sufficient to permit sub-  
5 stance abuse treatment.

6 **“SEC. 1902. STATE APPLICATIONS.**

7       “(a) IN GENERAL.—(1) To request a grant under  
8 this part the chief executive of a State shall submit an  
9 application to the Director in such form and containing  
10 such information as the Director may reasonably require.

11       “(2) Such application shall include assurances that  
12 Federal funds received under this part shall be used to  
13 supplement, not supplant, non-Federal funds that would  
14 otherwise be available for activities funded under this part.

15       “(3) Such application shall coordinate the design and  
16 implementation of treatment programs between State cor-  
17 rectional representatives and the State Alcohol and Drug  
18 Abuse agency (and, if appropriate, between representa-  
19 tives of local correctional agencies and representatives of  
20 either the State alcohol and drug abuse agency or any ap-  
21 propriate local alcohol and drug abuse agency).

22       “(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—  
23 To be eligible to receive funds under this part, a State  
24 must agree to implement or continue to require urinalysis  
25 or similar testing of individuals in correctional residential

1 substance abuse treatment programs. Such testing shall  
2 include individuals released from residential substance  
3 abuse treatment programs who remain in the custody of  
4 the State.

5 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER  
6 CARE COMPONENT.—

7 “(1) To be eligible for a preference under this  
8 part, a State must ensure that individuals who par-  
9 ticipate in the substance abuse treatment program  
10 established or implemented with assistance provided  
11 under this part will be provided with aftercare serv-  
12 ices.

13 “(2) State aftercare services must involve the  
14 coordination of the correctional facility treatment  
15 program with other human service and rehabilitation  
16 programs, such as educational and job training pro-  
17 grams, parole supervision programs, half-way house  
18 programs, and participation in self-help and peer  
19 group programs, that may aid in the rehabilitation  
20 of individuals in the substance abuse treatment pro-  
21 gram.

22 “(3) To qualify as an aftercare program, the  
23 head of the substance abuse treatment program, in  
24 conjunction with State and local authorities and or-  
25 ganizations involved in substance abuse treatment,

1 shall assist in placement of substance abuse treat-  
2 ment program participants with appropriate commu-  
3 nity substance abuse treatment facilities when such  
4 individuals leave the correctional facility at the end  
5 of a sentence or on parole.

6 “(d) STATE OFFICE.—The Office designated under  
7 section 507 of this title—

8 “(1) shall prepare the application as required  
9 under section 1902, and

10 “(2) shall administer grant funds received  
11 under this part, including review of spending, proc-  
12 essing, progress, financial reporting, technical assist-  
13 ance, grant adjustments, accounting, auditing, and  
14 fund disbursement.

15 **“SEC. 1903. REVIEW OF STATE APPLICATIONS.**

16 “(a) IN GENERAL.—The Director shall make a grant  
17 under section 1901 to carry out the projects described in  
18 the application submitted under section 1902 upon deter-  
19 mining that—

20 “(1) the application is consistent with the re-  
21 quirements of this part; and

22 “(2) before the approval of the application the  
23 Director has made an affirmative finding in writing  
24 that the proposed project has been reviewed in ac-  
25 cordance with this part.

1       “(b) APPROVAL.—Each application submitted under  
2 section 1902 shall be considered approved, in whole or in  
3 part, by the Director not later than 45 days after first  
4 received unless the Director informs the applicant of spe-  
5 cific reasons for disapproval.

6       “(c) RESTRICTION.—Grant funds received under this  
7 part shall not be used for land acquisition or construction  
8 projects.

9       “(d) DISAPPROVAL NOTICE AND RECONSIDER-  
10 ATION.—The Director shall not disapprove any application  
11 without first affording the applicant reasonable notice and  
12 an opportunity for reconsideration.

13 **“SEC. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14       “(a) ALLOCATION.—Of the total amount appro-  
15 priated under this part in any fiscal year—

16               “(1) 0.4 percent shall be allocated to each of  
17 the participating States; and

18               “(2) of the total funds remaining after the allo-  
19 cation under paragraph (1), there shall be allocated  
20 to each of the participating States an amount which  
21 bears the same ratio to the amount of remaining  
22 funds described in this paragraph as the State pris-  
23 on population of such State bears to the total prison  
24 population of all the participating States.

1       “(b) FEDERAL SHARE.—The Federal share of a  
2 grant made under this part may not exceed 75 percent  
3 of the total costs of the projects described in the applica-  
4 tion submitted under section 1902 for the fiscal year for  
5 which the projects receive assistance under this part.

6       **“SEC. 1905. EVALUATION.**

7       “Each State that receives a grant under this part  
8 shall submit to the Director an evaluation not later than  
9 March 1 of each year in such form and containing such  
10 information as the Director may reasonably require.”.

11       (b) CONFORMING AMENDMENT.—The table of con-  
12 tents of title I of the Omnibus Crime Control and Safe  
13 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
14 by inserting after the matter relating to part R (as added  
15 by section 2201(b)) the following:

“PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 1901. Grant authorization.

“Sec. 1902. State applications.

“Sec. 1903. Review of State applications.

“Sec. 1904. Allocation and distribution of funds.

“Sec. 1905. Evaluation.”.

16       (c) DEFINITIONS.—Section 901(a) of the Omnibus  
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
18 3791(a)) is amended by adding after paragraph (24) (as  
19 added by section 2101(c)) the following:

20               “(25) The term ‘residential substance abuse  
21 treatment program’ means a course of individual  
22 and group activities, lasting between 9 and 12

1 months, in residential treatment facilities set apart  
2 from the general prison population—

3 “(A) directed at the substance abuse prob-  
4 lems of the prisoner; and

5 “(B) intended to develop the prisoner’s  
6 cognitive, behavioral, social, vocational, and  
7 other skills so as to solve the prisoner’s sub-  
8 stance abuse and related problems.”.

9 **SEC. 2302. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 1001(a) of title I of the Omnibus Crime Con-  
11 trol and Safe Streets Act of 1968 (42 U.S.C. 3793), is  
12 amended by adding after paragraph (12) (as added by sec-  
13 tion 2202) the following:

14 “(13) There are authorized to be appropriated  
15 \$100,000,000 for each of the fiscal years 1994, 1995, and  
16 1996 to carry out the projects under part S.”.

○

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