

110TH CONGRESS
1ST SESSION

S. 456

AN ACT

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent

crimes, to expand and improve gang prevention programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

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

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

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

Sec. 101. Revision and extension of penalties related to criminal street gang activity.

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

Sec. 201. Violent crimes in aid of racketeering activity.

Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.

Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.

Sec. 204. Statute of limitations for violent crime.

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Sec. 206. Possession of firearms by dangerous felons.

Sec. 207. Conforming amendment.

Sec. 208. Amendments relating to violent crime.

Sec. 209. Publicity campaign about new criminal penalties.

Sec. 210. Statute of limitations for terrorism offenses.

Sec. 211. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.

Sec. 212. Predicate crimes for authorization of interception of wire, oral, and electronic communications.

Sec. 213. Clarification of Hobbs Act.

Sec. 214. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.

Sec. 215. Amendment of sentencing guidelines.

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- Sec. 301. Designation of and assistance for high intensity gang activity areas.
 Sec. 302. Gang prevention grants.
 Sec. 303. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.
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 Sec. 305. Grants to prosecutors and law enforcement to combat violent crime.
 Sec. 306. Expansion and reauthorization of the mentoring initiative for system involved youth.
 Sec. 307. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
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 Sec. 309. Witness protection services.
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 Sec. 313. National youth anti-heroin media campaign.
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TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

- Sec. 401. Short title.
 Sec. 402. Purposes.
 Sec. 403. Definitions.
 Sec. 404. National Commission on Public Safety Through Crime Prevention.
 Sec. 405. Innovative crime prevention and intervention strategy grants.

1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) violent crime and drug trafficking are per-
 4 vasive problems at the national, State, and local
 5 level;

6 (2) according to recent Federal Bureau of In-
 7 vestigation, Uniform Crime Reports, violent crime in
 8 the United States is on the rise, with a 2.3 percent
 9 increase in violent crime in 2005 (the largest in-
 10 crease in the United States in 15 years) and an even
 11 larger 3.7 percent jump during the first 6 months

1 of 2006, and the Police Executive Research Forum
2 reports that, among jurisdictions providing informa-
3 tion, homicides are up 10.21 percent, robberies are
4 up 12.27 percent, and aggravated assaults with fire-
5 arms are up 9.98 percent since 2004;

6 (3) these disturbing rises in violent crime are
7 attributable in part to the spread of criminal street
8 gangs and the willingness of gang members to com-
9 mit acts of violence and drug trafficking offenses;

10 (4) according to a recent National Drug Threat
11 Assessment, criminal street gangs are responsible for
12 much of the retail distribution of the cocaine, meth-
13 amphetamine, heroin, and other illegal drugs being
14 distributed in rural and urban communities through-
15 out the United States;

16 (5) gangs commit acts of violence or drug of-
17 fenses for numerous motives, such as membership in
18 or loyalty to the gang, for protecting gang territory,
19 and for profit;

20 (6) gang presence and intimidation, and the or-
21 ganized and repetitive nature of the crimes that
22 gangs and gang members commit, has a pernicious
23 effect on the free flow of interstate commercial ac-
24 tivities and directly affects the freedom and security
25 of communities plagued by gang activity, dimin-

1 ishing the value of property, inhibiting the desire of
2 national and multinational corporations to transact
3 business in those communities, and in a variety of
4 ways directly and substantially affecting interstate
5 and foreign commerce;

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

10 (8) gangs often intimidate and threaten wit-
11 nesses to prevent successful prosecutions;

12 (9) gangs prey upon and incorporate minors
13 into their ranks, exploiting the fact that adolescents
14 have immature decision-making capacity, therefore,
15 gang activity and recruitment can be reduced and
16 deterred through increased vigilance, appropriate
17 criminal penalties, partnerships between Federal and
18 State and local law enforcement, and proactive pre-
19 vention and intervention efforts, particularly tar-
20 geted at juveniles and young adults, prior to and
21 even during gang involvement;

22 (10) State and local prosecutors and law en-
23 forcement officers, in hearings before the Committee
24 on the Judiciary of the Senate and elsewhere, have
25 enlisted the help of Congress in the prevention, in-

1 vestigation, and prosecution of gang crimes and in
2 the protection of witnesses and victims of gang
3 crimes; and

4 (11) because State and local prosecutors and
5 law enforcement have the expertise, experience, and
6 connection to the community that is needed to assist
7 in combating gang violence, consultation and coordi-
8 nation between Federal, State, and local law enforce-
9 ment and collaboration with other community agen-
10 cies is critical to the successful prosecutions of
11 criminal street gangs and reduction of gang prob-
12 lems.

13 **TITLE I—NEW FEDERAL CRIMI-**
14 **NAL LAWS NEEDED TO FIGHT**
15 **VIOLENT NATIONAL, INTER-**
16 **NATIONAL, REGIONAL, AND**
17 **LOCAL GANGS THAT AFFECT**
18 **INTERSTATE AND FOREIGN**
19 **COMMERCE**

20 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**
21 **LATED TO CRIMINAL STREET GANG ACTIV-**
22 **ITY.**

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

1 **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Definitions.

“522. Criminal street gang prosecutions.

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

“524. Violent crimes in furtherance of criminal street gangs.

“525. Forfeiture.

2 **“§ 521. Definitions**

3 “In this chapter:

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

8 “(A) each of whom has committed at least
9 1 gang crime; and

10 “(B) who collectively commit 3 or more
11 gang crimes (not less than 1 of which is a seri-
12 ous violent felony), in separate criminal epi-
13 sodes (not less than 1 of which occurs after the
14 date of enactment of the Gang Abatement and
15 Prevention Act of 2007, and the last of which
16 occurs not later than 5 years after the commis-
17 sion of a prior gang crime (excluding any time
18 of imprisonment for that individual)).

19 “(2) GANG CRIME.—The term ‘gang crime’
20 means an offense under Federal law punishable by
21 imprisonment for more than 1 year, or a felony of-
22 fense under State law that is punishable by a term

1 of imprisonment of 5 years or more in any of the
2 following categories:

3 “(A) A crime that has as an element the
4 use, attempted use, or threatened use of phys-
5 ical force against the person of another, or is
6 burglary, arson, kidnapping, or extortion.

7 “(B) A crime involving obstruction of jus-
8 tice, or tampering with or retaliating against a
9 witness, victim, or informant.

10 “(C) A crime involving the manufacturing,
11 importing, distributing, possessing with intent
12 to distribute, or otherwise trafficking in a con-
13 trolled substance or listed chemical (as those
14 terms are defined in section 102 of the Con-
15 trolled Substances Act (21 U.S.C. 802)).

16 “(D) Any conduct punishable under—

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

19 “(ii) subsection (a)(1), (d), (g)(1)
20 (where the underlying conviction is a vio-
21 lent felony or a serious drug offense (as
22 those terms are defined in section 924(e)),
23 (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9),
24 (g)(10), (g)(11), (i), (j), (k), (n), (o), (p),

1 (q), (u), or (x) of section 922 (relating to
2 unlawful acts);

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

6 “(iv) section 930 (relating to posses-
7 sion of firearms and dangerous weapons in
8 Federal facilities);

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

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

16 “(vii) section 1084 (relating to trans-
17 mission of wagering information);

18 “(viii) section 1952 (relating to inter-
19 state and foreign travel or transportation
20 in aid of racketeering enterprises);

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

23 “(x) section 1957 (relating to engag-
24 ing in monetary transactions in property

1 derived from specified unlawful activity);

2 or

3 “(xi) sections 2312 through 2315 (re-
4 lating to interstate transportation of stolen
5 motor vehicles or stolen property).

6 “(E) Any conduct punishable under section
7 274 (relating to bringing in and harboring cer-
8 tain aliens), section 277 (relating to aiding or
9 assisting certain aliens to enter the United
10 States), or section 278 (relating to importation
11 of aliens for immoral purposes) of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1324, 1327,
13 and 1328).

14 “(F) Any crime involving aggravated sex-
15 ual abuse, sexual assault, pimping or pandering
16 involving prostitution, sexual exploitation of
17 children (including sections 2251, 2251A, 2252
18 and 2260), peonage, slavery, or trafficking in
19 persons (including sections 1581 through 1592)
20 and sections 2421 through 2427 (relating to
21 transport for illegal sexual activity).

22 “(3) MINOR.—The term ‘minor’ means an indi-
23 vidual who is less than 18 years of age.

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

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

8 **“§ 522. Criminal street gang prosecutions**

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

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

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

23 “(2) for any other serious violent felony, by im-
24 prisonment for not more than 30 years;

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

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

6 **“§ 523. Recruitment of persons to participate in a**
7 **criminal street gang**

8 “(a) PROHIBITED ACTS.—It shall be unlawful to
9 knowingly recruit, employ, solicit, induce, command, co-
10 erce, or cause another person to be or remain as a member
11 of a criminal street gang, or attempt or conspire to do
12 so, with the intent to cause that person to participate in
13 a gang crime, if the defendant travels in interstate or for-
14 eign commerce in the course of the offense, or if the activi-
15 ties of that criminal street gang are in or affect interstate
16 or foreign commerce.

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

19 “(1) if the person recruited, employed, solicited,
20 induced, commanded, coerced, or caused to partici-
21 pate or remain in a criminal street gang is a
22 minor—

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

1 street gang, to knowingly commit or threaten to commit
2 against any individual a crime of violence that is an of-
3 fense under Federal law punishable by imprisonment for
4 more than 1 year or a felony offense under State law that
5 is punishable by a term of imprisonment of 5 years or
6 more, or attempt or conspire to do so, if the activities of
7 the criminal street gang occur in or affect interstate or
8 foreign commerce.

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

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

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

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

21 **“§ 525. Forfeiture**

22 “(a) CRIMINAL FORFEITURE.—A person who is con-
23 victed of a violation of this chapter shall forfeit to the
24 United States—

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

4 “(2) any property constituting, or derived from,
5 any proceeds obtained, directly or indirectly, as a re-
6 sult of the violation.

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

12 (b) AMENDMENT RELATING TO PRIORITY OF FOR-
13 FEITURE OVER ORDERS FOR RESTITUTION.—Section
14 3663(c)(4) of title 18, United States Code, is amended
15 by striking “chapter 46 or” and inserting “chapter 26,
16 chapter 46, or”.

17 (c) MONEY LAUNDERING.—Section 1956(e)(7)(D) of
18 title 18, United States Code, is amended by inserting “,
19 section 522 (relating to criminal street gang prosecutions),
20 523 (relating to recruitment of persons to participate in
21 a criminal street gang), and 524 (relating to violent crimes
22 in furtherance of criminal street gangs)” before “, section
23 541”.

1 (d) AMENDMENT OF SPECIAL SENTENCING PROVI-
 2 SION PROHIBITING PRISONER COMMUNICATIONS.—Sec-
 3 tion 3582(d) of title 18, United States Code, is amended—

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

6 (2) by inserting “a criminal street gang or” be-
 7 fore “an illegal enterprise”.

8 **TITLE II—VIOLENT CRIME RE-**
 9 **FORMS TO REDUCE GANG VI-**
 10 **OLENCE**

11 **SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING AC-**
 12 **TIVITY.**

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

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

16 (A) by inserting “or in furtherance or in
 17 aid of an enterprise engaged in racketeering ac-
 18 tivity,” before “murders,”; and

19 (B) by inserting “engages in conduct that
 20 would violate section 2241 if the conduct oc-
 21 curred in the special maritime and territorial
 22 jurisdiction of the United States,” before
 23 “maims,”;

24 (2) in paragraph (1), by inserting “conduct
 25 that would violate section 2241 if the conduct oc-

1 curred in the special maritime and territorial juris-
2 diction of the United States, or maiming,” after
3 “kidnapping,”;

4 (3) in paragraph (2), by striking “maiming”
5 and inserting “assault resulting in serious bodily in-
6 jury”;

7 (4) in paragraph (3), by striking “or assault re-
8 sulting in serious bodily injury”;

9 (5) in paragraph (4)—

10 (A) by striking “five years” and inserting
11 “10 years”; and

12 (B) by adding “and” at the end; and

13 (6) by striking paragraphs (5) and (6) and in-
14 serting the following:

15 “(5) for attempting or conspiring to commit
16 any offense under this section, by the same penalties
17 (other than the death penalty) as those prescribed
18 for the offense, the commission of which was the ob-
19 ject of the attempt or conspiracy.”.

20 **SEC. 202. MURDER AND OTHER VIOLENT CRIMES COM-**
21 **MITTED DURING AND IN RELATION TO A**
22 **DRUG TRAFFICKING CRIME.**

23 (a) **IN GENERAL.**—Part D of the Controlled Sub-
24 stances Act (21 U.S.C. 841 et seq.) is amended by adding
25 at the end the following:

1 **“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COM-**
2 **MITTED DURING AND IN RELATION TO A**
3 **DRUG TRAFFICKING CRIME.**

4 “(a) IN GENERAL.—Whoever, during and in relation
5 to any drug trafficking crime, knowingly commits any
6 crime of violence against any individual that is an offense
7 under Federal law punishable by imprisonment for more
8 than 1 year or a felony offense under State law that is
9 punishable by a term of imprisonment of 5 years or more,
10 or threatens, attempts or conspires to do so, shall be pun-
11 ished by a fine under title 18, United States Code, and—

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

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

21 “(3) for a crime of violence that is not a serious
22 violent felony, by imprisonment for not more than
23 20 years; and

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

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

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

5 “(2) any judicial district in which the drug traf-
6 ficking crime may be prosecuted.

7 “(c) DEFINITIONS.—In this section—

8 “(1) the term ‘crime of violence’ has the mean-
9 ing given that term in section 16 of title 18, United
10 States Code; and

11 “(2) the term ‘drug trafficking crime’ has the
12 meaning given that term in section 924(c)(2) of title
13 18, United States Code.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 for the Comprehensive Drug Abuse Prevention and Con-
16 trol Act of 1970 (Public Law 91–513; 84 Stat. 1236) is
17 amended by inserting after the item relating to section
18 423, the following:

“Sec. 424. Murder and other violent crimes committed during and in relation
to a drug trafficking crime.”.

19 **SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION**
20 **AGAINST RELEASE OF PERSONS CHARGED**
21 **WITH FIREARMS OFFENSES.**

22 Section 3142(e) of title 18, United States Code, is
23 amended in the matter following paragraph (3), by insert-
24 ing after “that the person committed” the following: “an

1 offense under subsection (g)(1) (where the underlying con-
 2 viction is a drug trafficking crime or crime of violence (as
 3 those terms are defined in section 924(c)), (g)(2), (g)(3),
 4 (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section
 5 922,”.

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

7 (a) IN GENERAL.—Chapter 213 of title 18, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing:

10 **“§ 3299A. Violent crime offenses**

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

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

“3299A. Violent crime offenses.”.

21 **SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FOR-**
 22 **FEITURE BY WRONGDOING.**

23 The Judicial Conference of the United States shall
 24 study the necessity and desirability of amending section
 25 804(b) of the Federal Rules of Evidence to permit the in-

1 troduction of statements against a party by a witness who
2 has been made unavailable where it is reasonably foresee-
3 able by that party that wrongdoing would make the declar-
4 ant unavailable.

5 **SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FEL-**
6 **ONS.**

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

10 “(1) In the case of a person who violates section
11 922(g) of this title and has previously been convicted by
12 any court referred to in section 922(g)(1) of a violent fel-
13 ony or a serious drug offense shall—

14 “(A) in the case of 1 such prior conviction,
15 where a period of not more than 10 years has
16 elapsed since the later of the date of conviction and
17 the date of release of the person from imprisonment
18 for that conviction, be imprisoned for not more than
19 15 years, fined under this title, or both;

20 “(B) in the case of 2 such prior convictions,
21 committed on occasions different from one another,
22 and where a period of not more than 10 years has
23 elapsed since the later of the date of conviction and
24 the date of release of the person from imprisonment
25 for the most recent such conviction, be imprisoned

1 for not more than 20 years, fined under this title,
2 or both; and

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

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

1 **SEC. 207. CONFORMING AMENDMENT.**

2 The matter preceding paragraph (1) in section
3 922(d) of title 18, United States Code, is amended by in-
4 serting “, transfer,” after “sell”.

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

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

8 (1) in the matter preceding paragraph (1), by
9 striking “, with the intent” and all that follows
10 through “to do so, shall” and inserting “knowingly
11 takes a motor vehicle that has been transported,
12 shipped, or received in interstate or foreign com-
13 merce from the person of another by force and vio-
14 lence or by intimidation, causing a reasonable appre-
15 hension of fear of death or serious bodily injury in
16 an individual, or attempts or conspires to do so,
17 shall”;

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

20 (3) in paragraph (2), by striking “or impris-
21 oned not more than 25 years, or both” and inserting
22 “and imprisoned for any term of years or for life”;
23 and

24 (4) in paragraph (3), by inserting “the person
25 takes or attempts to take the motor vehicle in viola-
26 tion of this section with intent to cause death or

1 cause serious bodily injury, and” before “death re-
2 sults”.

3 (b) CLARIFICATION AND STRENGTHENING OF PROHI-
4 BITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG
5 TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section
6 924(h) of title 18, United States Code, is amended to read
7 as follows:

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

15 (c) AMENDMENT OF SPECIAL SENTENCING PROVI-
16 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-
17 TION.—Section 3582(d) of title 18, United States Code,
18 is amended—

19 (1) by inserting “chapter 26 of this title (crimi-
20 nal street gang prosecutions) or in” after “felony set
21 forth in”; and

22 (2) by inserting “a criminal street gang or” be-
23 fore “an illegal enterprise”.

24 (d) CONSPIRACY PENALTY.—Section 371 of title 18,
25 United States Code, is amended by striking “five years,

1 or both.” and inserting “10 years (unless the maximum
2 penalty for the crime that served as the object of the con-
3 spiracy has a maximum penalty of imprisonment of less
4 than 10 years, in which case the maximum penalty under
5 this section shall be the penalty for such crime), or both.
6 This paragraph does not supersede any other penalty spe-
7 cifically set forth for a conspiracy offense.”.

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

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

19 **SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OF-**
20 **FENSES.**

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

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

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

3 **SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EX-**
4 **CLUSIVE FEDERAL JURISDICTION AS RACK-**
5 **ETEERING PREDICATES.**

6 Section 1961(1)(A) of title 18, United States Code,
7 is amended by inserting “, or would have been so charge-
8 able if the act or threat (other than gambling) had not
9 been committed in Indian country (as defined in section
10 1151) or in any other area of exclusive Federal jurisdic-
11 tion,” after “chargeable under State law”.

12 **SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF**
13 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**
14 **TRONIC COMMUNICATIONS.**

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

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

19 (2) by redesignating paragraph (s) as para-
20 graph (u); and

21 (3) by inserting after paragraph (r) the fol-
22 lowing:

23 “(s) any violation of section 424 of the Con-
24 trolled Substances Act (relating to murder and other

1 violent crimes in furtherance of a drug trafficking
2 crime);

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

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

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

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

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

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

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

1 **“§ 1513A. Interstate tampering with or retaliation**
2 **against a witness, victim, or informant in**
3 **a State criminal proceeding**

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

6 “(1) to travel in interstate or foreign commerce,
7 or to use the mail or any facility in interstate or for-
8 eign commerce, or to employ, use, command, coun-
9 sel, persuade, induce, entice, or coerce any individual
10 to do the same, with the intent to—

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

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

21 “(2) to attempt or conspire to commit an of-
22 fense under subparagraph (A) or (B) of paragraph
23 (1).

24 “(b) PENALTIES.—

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

1 and

2 (2) by inserting after the item relating to sec-
3 tion 1513 the following:

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

4 **SEC. 215. AMENDMENT OF SENTENCING GUIDELINES.**

5 (a) IN GENERAL.—Pursuant to its authority under
6 section 994 of title 28, United States Code, and in accord-
7 ance with this section, the United States Sentencing Com-
8 mission shall review and, if appropriate, amend its guide-
9 lines and policy statements to conform with this title and
10 the amendments made by this title.

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

13 (1) establish new guidelines and policy state-
14 ments, as warranted, in order to implement new or
15 revised criminal offenses under this title and the
16 amendments made by this title;

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

19 (A) whether the guidelines offense levels
20 and enhancements—

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

23 (ii) are adequate in view of the statu-
24 tory increases in penalties contained in this

1 title and the amendments made by this
2 title; and

3 (B) whether any existing or new specific
4 offense characteristics should be added to re-
5 flect congressional intent to increase penalties
6 for the offenses set forth in this title and the
7 amendments made by this title;

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

10 (A) by at least 2 offense levels, if a crimi-
11 nal defendant committing a gang crime or gang
12 recruiting offense was an alien who was present
13 in the United States in violation of section 275
14 or 276 of the Immigration and Nationality Act
15 (8 U.S.C. 1325 and 1326) at the time the of-
16 fense was committed; and

17 (B) by at least 4 offense levels, if such de-
18 fendant had also previously been ordered re-
19 moved or deported under the Immigration and
20 Nationality Act (8 U.S.C. 1101 et seq.) on the
21 grounds of having committed a crime;

22 (4) determine under what circumstances a sen-
23 tence of imprisonment imposed under this title or
24 the amendments made by this title shall run con-
25 secutively to any other sentence of imprisonment im-

1 posed for any other crime, except that the Commis-
2 sion shall ensure that a sentence of imprisonment
3 imposed under section 424 of the Controlled Sub-
4 stances Act (21 U.S.C. 841 et seq.), as added by
5 this Act, shall run consecutively, to an extent that
6 the Sentencing Commission determines appropriate,
7 to the sentence imposed for the underlying drug
8 trafficking offense;

9 (5) account for any aggravating or mitigating
10 circumstances that might justify exceptions to the
11 generally applicable sentencing ranges;

12 (6) ensure reasonable consistency with other
13 relevant directives, other sentencing guidelines, and
14 statutes;

15 (7) make any necessary and conforming
16 changes to the sentencing guidelines and policy
17 statements; and

18 (8) ensure that the guidelines adequately meet
19 the purposes of sentencing set forth in section
20 3553(a)(2) of title 18, United States Code.

1 **TITLE III—INCREASED FEDERAL**
2 **RESOURCES TO DETER AND**
3 **PREVENT SERIOUSLY AT-RISK**
4 **YOUTH FROM JOINING ILLE-**
5 **GAL STREET GANGS AND FOR**
6 **OTHER PURPOSES**

7 **SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH IN-**
8 **TENSITY GANG ACTIVITY AREAS.**

9 (a) DEFINITIONS.—In this section:

10 (1) GOVERNOR.—The term “Governor” means
11 a Governor of a State, the Mayor of the District of
12 Columbia, the tribal leader of an Indian tribe, or the
13 chief executive of a Commonwealth, territory, or pos-
14 session of the United States.

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

20 (3) INDIAN COUNTRY.—The term “Indian coun-
21 try” has the meaning given the term in section 1151
22 of title 18, United States Code.

23 (4) INDIAN TRIBE.—The term “Indian tribe”
24 has the meaning given the term in section 4(e) of

1 the Indian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 450b(e)).

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

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

10 (b) HIGH INTENSITY GANG ACTIVITY AREAS.—

11 (1) DESIGNATION.—The Attorney General,
12 after consultation with the Governors of appropriate
13 States, may designate as high intensity gang activity
14 areas, specific areas that are located within 1 or
15 more States, which may consist of 1 or more munici-
16 palities, counties, or other jurisdictions as appro-
17 priate.

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

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

23 (i) criminal street gang enforcement
24 teams, consisting of Federal, State, tribal,
25 and local law enforcement authorities, for

1 the coordinated investigation, disruption,
2 apprehension, and prosecution of criminal
3 street gangs and offenders in each high in-
4 tensity gang activity area;

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

7 (iii) service providers in the commu-
8 nity, including those experienced at reach-
9 ing youth and adults who have been in-
10 volved in violence and violent gangs or
11 groups, to provide gang-involved or seri-
12 ously at-risk youth with positive alter-
13 natives to gangs and other violent groups
14 and to address the needs of those who
15 leave gangs and other violent groups, and
16 those reentering society from prison; and

17 (iv) evaluation teams to research and
18 collect information, assess data, rec-
19 ommend adjustments, and generally assure
20 the accountability and effectiveness of pro-
21 gram implementation;

22 (B) direct the reassignment or detailing
23 from any Federal department or agency (sub-
24 ject to the approval of the head of that depart-
25 ment or agency, in the case of a department or

1 agency other than the Department of Justice)
2 of personnel to each criminal street gang en-
3 forcement team;

4 (C) direct the reassignment or detailing of
5 representatives from—

6 (i) the Department of Justice;

7 (ii) the Department of Education;

8 (iii) the Department of Labor;

9 (iv) the Department of Health and
10 Human Services;

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

13 (vi) any other Federal department or
14 agency (subject to the approval of the head
15 of that department or agency, in the case
16 of a department or agency other than the
17 Department of Justice) to each high inten-
18 sity gang activity area to identify and co-
19 ordinate efforts to access Federal pro-
20 grams and resources available to provide
21 gang prevention, intervention, and reentry
22 assistance;

23 (D) prioritize and administer the Federal
24 program and resource requests made by the
25 local collaborative working group established

1 under subparagraph (A) for each high intensity
2 gang activity area;

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

7 (F) provide all necessary funding for na-
8 tional and regional meetings of local collabo-
9 rative working groups, criminal street gang en-
10 forcement teams, and educational, community,
11 social service, faith-based, and all other related
12 organizations, as needed, to ensure effective op-
13 eration of such teams through the sharing of
14 intelligence and best practices and for any other
15 related purpose.

16 (3) COMPOSITION OF CRIMINAL STREET GANG
17 ENFORCEMENT TEAM.—Each team established
18 under paragraph (2)(A)(i) shall consist of agents
19 and officers, where feasible, from—

20 (A) the Federal Bureau of Investigation;

21 (B) the Drug Enforcement Administration;

22 (C) the Bureau of Alcohol, Tobacco, Fire-
23 arms, and Explosives;

24 (D) the United States Marshals Service;

25 (E) the Department of Homeland Security;

1 (F) the Department of Housing and Urban
2 Development;

3 (G) State, local, and, where appropriate,
4 tribal law enforcement;

5 (H) Federal, State, and local prosecutors;
6 and

7 (I) the Bureau of Indian Affairs, Office of
8 Law Enforcement Services, where appropriate.

9 (4) CRITERIA FOR DESIGNATION.—In consid-
10 ering an area for designation as a high intensity
11 gang activity area under this section, the Attorney
12 General shall consider—

13 (A) the current and predicted levels of
14 gang crime activity in the area;

15 (B) the extent to which qualitative and
16 quantitative data indicate that violent crime in
17 the area is related to criminal street gang activ-
18 ity, such as murder, robbery, assaults,
19 carjacking, arson, kidnapping, extortion, drug
20 trafficking, and other criminal activity;

21 (C) the extent to which State, local, and,
22 where appropriate, tribal law enforcement agen-
23 cies, schools, community groups, social service
24 agencies, job agencies, faith-based organiza-

1 tions, and other organizations have committed
2 resources to—

3 (i) respond to the gang crime prob-
4 lem; and

5 (ii) participate in a gang enforcement
6 team;

7 (D) the extent to which a significant in-
8 crease in the allocation of Federal resources
9 would enhance local response to the gang crime
10 activities in the area; and

11 (E) any other criteria that the Attorney
12 General considers to be appropriate.

13 (5) RELATION TO HIDTAS.—If the Attorney
14 General establishes a high intensity gang activity
15 area that substantially overlaps geographically with
16 any existing high intensity drug trafficking area (in
17 this section referred to as a “HIDTA”), the Attor-
18 ney General shall direct the local collaborative work-
19 ing group for that high intensity gang activity area
20 to enter into an agreement with the Executive Board
21 for that HIDTA, providing that—

22 (A) the Executive Board of that HIDTA
23 shall establish a separate high intensity gang
24 activity area law enforcement steering com-
25 mittee, and select (with a preference for Fed-

1 eral, State, and local law enforcement agencies
2 that are within the geographic area of that high
3 intensity gang activity area) the members of
4 that committee, subject to the concurrence of
5 the Attorney General;

6 (B) the high intensity gang activity area
7 law enforcement steering committee established
8 under subparagraph (A) shall administer the
9 funds provided under subsection (g)(1) for the
10 criminal street gang enforcement team, after
11 consulting with, and consistent with the goals
12 and strategies established by, that local collabo-
13 rative working group;

14 (C) the high intensity gang activity area
15 law enforcement steering committee established
16 under subparagraph (A) shall select, from Fed-
17 eral, State, and local law enforcement agencies
18 within the geographic area of that high inten-
19 sity gang activity area, the members of the
20 Criminal Street Gang Enforcement Team, in
21 accordance with paragraph (3); and

22 (D) the Criminal Street Gang Enforcement
23 Team of that high intensity gang activity area,
24 and its law enforcement steering committee,
25 may, with approval of the Executive Board of

1 the HIDTA with which it substantially over-
2 laps, utilize the intelligence-sharing, administra-
3 tive, and other resources of that HIDTA.

4 (c) REPORTING REQUIREMENTS.—

5 (1) IN GENERAL.—Not later than December 1
6 of each year, the Attorney General shall submit a re-
7 port to the appropriate committees of Congress and
8 the Director of the Office of Management and Budg-
9 et and the Domestic Policy Council that describes,
10 for each designated high intensity gang activity
11 area—

12 (A) the specific long-term and short-term
13 goals and objectives;

14 (B) the measurements used to evaluate the
15 performance of the high intensity gang activity
16 area in achieving the long-term and short-term
17 goals;

18 (C) the age, composition, and membership
19 of gangs;

20 (D) the number and nature of crimes com-
21 mitted by gangs and gang members;

22 (E) the definition of the term “gang” used
23 to compile that report; and

1 (F) the programmatic outcomes and fund-
2 ing need of the high intensity gang area,
3 including—

4 (i) an evidence-based analysis of the
5 best practices and outcomes from the work
6 of the relevant local collaborative working
7 group; and

8 (ii) an analysis of whether Federal re-
9 sources distributed meet the needs of the
10 high intensity gang activity area and, if
11 any programmatic funding shortfalls exist,
12 recommendations for programs or funding
13 to meet such shortfalls.

14 (2) APPROPRIATE COMMITTEES.—In this sub-
15 section, the term “appropriate committees of Con-
16 gress” means—

17 (A) the Committee on the Judiciary, the
18 Committee on Appropriations, and the Com-
19 mittee on Health, Education, Labor, and Pen-
20 sions of the Senate; and

21 (B) the Committee on the Judiciary, the
22 Committee on Appropriations, the Committee
23 on Education and Labor, and the Committee on
24 Energy and Commerce of the House of Rep-
25 resentatives.

1 (d) ADDITIONAL ASSISTANT UNITED STATES ATTOR-
2 NEYS.—The Attorney General is authorized to hire 94 ad-
3 ditional Assistant United States attorneys, and non-
4 attorney coordinators and paralegals as necessary, to
5 carry out the provisions of this section.

6 (e) ADDITIONAL DEFENSE COUNSEL.—In each of
7 the fiscal years 2008 through 2012, the Director of the
8 Administrative Office of the United States Courts is au-
9 thorized to hire 71 additional attorneys, nonattorney coor-
10 dinators, and investigators, as necessary, in Federal De-
11 fender Programs and Federal Community Defender Orga-
12 nizations, and to make additional payments as necessary
13 to retain appointed counsel under section 3006A of title
14 18, United States Code, to adequately respond to any in-
15 creased or expanded caseloads that may occur as a result
16 of this Act or the amendments made by this Act. Funding
17 under this subsection shall not exceed the funding levels
18 under subsection (d).

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

21 (1) IN GENERAL.—The Office of Justice Pro-
22 grams of the Department of Justice, after consulting
23 with relevant law enforcement officials, practitioners
24 and researchers, shall establish a National Gang Re-

1 search, Evaluation, and Policy Institute (in this sub-
2 section referred to as the “Institute”).

3 (2) ACTIVITIES.—The Institute shall—

4 (A) promote and facilitate the implementa-
5 tion of data-driven, effective gang violence sup-
6 pression, prevention, intervention, and reentry
7 models, such as the Operation Ceasefire model,
8 the Strategic Public Health Approach, the
9 Gang Reduction Program, or any other prom-
10 ising municipally driven, comprehensive commu-
11 nity-wide strategy that is demonstrated to be
12 effective in reducing gang violence;

13 (B) assist jurisdictions by conducting time-
14 ly research on effective models and designing
15 and promoting implementation of effective local
16 strategies, including programs that have objec-
17 tives and data on how they reduce gang violence
18 (including shootings and killings), using preven-
19 tion, outreach, and community approaches, and
20 that demonstrate the efficacy of these ap-
21 proaches; and

22 (C) provide and contract for technical as-
23 sistance as needed in support of its mission.

24 (3) NATIONAL CONFERENCE.—Not later than
25 90 days after the date of its formation, the Institute

1 shall design and conduct a national conference to re-
2 duce and prevent gang violence, and to teach and
3 promote gang violence prevention, intervention, and
4 reentry strategies. The conference shall be attended
5 by appropriate representatives from criminal street
6 gang enforcement teams, and local collaborative
7 working groups, including representatives of edu-
8 cational, community, religious, and social service or-
9 ganizations, and gang program and policy research
10 evaluators.

11 (4) NATIONAL DEMONSTRATION SITES.—Not
12 later than 120 days after the date of its formation,
13 the Institute shall select appropriate HIGAA areas
14 to serve as primary national demonstration sites,
15 based on the nature, concentration, and distribution
16 of various gang types, the jurisdiction’s established
17 capacity to integrate prevention, intervention, re-
18 entry and enforcement efforts, and the range of par-
19 ticular gang-related issues. After establishing pri-
20 mary national demonstration sites, the Institute
21 shall establish such other secondary sites, to be
22 linked to and receive evaluation, research, and tech-
23 nical assistance through the primary sites, as it may
24 determine appropriate.

1 (5) DISSEMINATION OF INFORMATION.—Not
2 later than 180 days after the date of its formation,
3 the Institute shall develop and begin dissemination
4 of information about methods to effectively reduce
5 and prevent gang violence, including guides, research
6 and assessment models, case studies, evaluations,
7 and best practices. The Institute shall also create a
8 website, designed to support the implementation of
9 successful gang violence prevention models, and dis-
10 seminate appropriate information to assist jurisdic-
11 tions in reducing gang violence.

12 (6) GANG INTERVENTION ACADEMIES.—Not
13 later than 6 months after the date of its formation,
14 the Institute shall, either directly or through con-
15 tracts with qualified nonprofit organizations, estab-
16 lish not less than 1 training academy, located in a
17 high intensity gang activity area, to promote effec-
18 tive gang intervention and community policing. The
19 purposes of an academy established under this para-
20 graph shall be to increase professionalism of gang
21 intervention workers, improve officer training for
22 working with gang intervention workers, create best
23 practices for independent cooperation between offi-
24 cers and intervention workers, and develop training
25 for community policing.

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

6 (8) RESEARCH AGENDA.—The Institute shall
7 establish and implement a core research agenda de-
8 signed to address areas of particular challenge,
9 including—

10 (A) how best to apply and continue to test
11 the models described in paragraph (2) in par-
12 ticularly large jurisdictions;

13 (B) how to foster and maximize the con-
14 tinuing impact of community moral voices in
15 this context;

16 (C) how to ensure the long-term sustain-
17 ability of reduced violent crime levels once ini-
18 tial levels of enthusiasm may subside; and

19 (D) how to apply existing intervention
20 frameworks to emerging local, regional, na-
21 tional, or international gang problems, such as
22 the emergence of the gang known as MS-13.

23 (9) EVALUATION.—The National Institute of
24 Justice shall evaluate, on a continuing basis, com-
25 prehensive gang violence prevention, intervention,

1 suppression, and reentry strategies supported by the
2 Institute, and shall report the results of these eval-
3 uations by no later than October 1 each year to the
4 Committee on the Judiciary of the Senate and the
5 Committee on the Judiciary of the House of Rep-
6 resentatives.

7 (10) FUNDS.—The Attorney General shall use
8 not less than 3 percent, and not more than 5 per-
9 cent, of the amounts made available under this sec-
10 tion to establish and operate the Institute.

11 (g) USE OF FUNDS.—Of amounts made available to
12 a local collaborative working group under this section for
13 each fiscal year that are remaining after the costs of hir-
14 ing a full time coordinator for the local collaborative
15 effort—

16 (1) 50 percent shall be used for the operation
17 of criminal street gang enforcement teams; and

18 (2) 50 percent shall be used—

19 (A) to provide at-risk youth with positive
20 alternatives to gangs and other violent groups
21 and to address the needs of those who leave
22 gangs and other violent groups through—

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

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

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

8 (C) to support and provide technical assist-
9 ance to research in criminal justice, social serv-
10 ices, and community gang violence prevention
11 collaborations.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$75,000,000 for each of fiscal years 2008 through 2012.
15 Any funds made available under this subsection shall re-
16 main available until expended.

17 **SEC. 302. GANG PREVENTION GRANTS.**

18 (a) AUTHORITY TO MAKE GRANTS.—The Office of
19 Justice Programs of the Department of Justice may make
20 grants, in accordance with such regulations as the Attor-
21 ney General may prescribe, to States, units of local gov-
22 ernment, tribal governments, and qualified private enti-
23 ties, to develop community-based programs that provide
24 crime prevention, research, and intervention services that
25 are designed for gang members and at-risk youth.

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

3 (1) preventing initial gang recruitment and in-
4 volvement among younger teenagers;

5 (2) reducing gang involvement through non-
6 violent and constructive activities, such as commu-
7 nity service programs, development of nonviolent
8 conflict resolution skills, employment and legal as-
9 sistance, family counseling, and other safe, commu-
10 nity-based alternatives for high-risk youth;

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

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

17 (5) identifying and fostering protective factors
18 that buffer children and adolescents from gang in-
19 volvement;

20 (6) developing and identifying investigative pro-
21 grams designed to deter gang recruitment, involve-
22 ment, and activities through effective intelligence
23 gathering;

24 (7) developing programs and youth centers for
25 first-time nonviolent offenders facing alternative

1 penalties, such as mandated participation in commu-
2 nity service, restitution, counseling, and education
3 and prevention programs;

4 (8) implementing regional, multidisciplinary ap-
5 proaches to combat gang violence through coordi-
6 nated programs for prevention and intervention (in-
7 cluding street outreach programs and other peace-
8 making activities) or coordinated law enforcement
9 activities (including regional gang task forces and
10 regional crime mapping strategies that enhance fo-
11 cused prosecutions and reintegration strategies for
12 offender reentry); or

13 (9) identifying at-risk and high-risk students
14 through home visits organized through joint collabo-
15 rations between law enforcement, faith-based organi-
16 zations, schools, and social workers.

17 (c) GRANT REQUIREMENTS.—

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

20 (2) CONSULTATION AND COOPERATION.—Each
21 recipient of a grant under this section shall have in
22 effect on the date of the application by that entity
23 agreements to consult and cooperate with local,
24 State, or Federal law enforcement and participate,

1 as appropriate, in coordinated efforts to reduce gang
2 activity and violence.

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

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

9 (2) an assessment of the effectiveness of the
10 crime prevention, research, and intervention activi-
11 ties of the recipient, based on data collected by the
12 grant recipient;

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

15 (4) evidence of consultation and cooperation
16 with local, State, or Federal law enforcement or, if
17 the grant recipient is a government entity, evidence
18 of consultation with an organization engaged in any
19 activity described in subsection (b); and

20 (5) such other information as the Attorney
21 General may require.

22 (e) DEFINITION.—In this section, the term “units of
23 local government” includes sheriffs departments, police
24 departments, and local prosecutor offices.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated for grants under this
 3 section \$35,000,000 for each of the fiscal years 2008
 4 through 2012.

5 **SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**
 6 **HOODS INITIATIVE TO IMPROVE ENFORCE-**
 7 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**
 8 **GANGS.**

9 (a) IN GENERAL.—While maintaining the focus of
 10 Project Safe Neighborhoods as a comprehensive, strategic
 11 approach to reducing gun violence in America, the Attor-
 12 ney General is authorized to expand the Project Safe
 13 Neighborhoods program to require each United States at-
 14 torney to—

15 (1) identify, investigate, and prosecute signifi-
 16 cant criminal street gangs operating within their dis-
 17 trict; and

18 (2) coordinate the identification, investigation,
 19 and prosecution of criminal street gangs among Fed-
 20 eral, State, and local law enforcement agencies.

21 (b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-
 22 BORHOODS.—

23 (1) IN GENERAL.—The Attorney General may
 24 hire Assistant United States attorneys, non-attorney

1 coordinators, or paralegals to carry out the provi-
2 sions of this section.

3 (2) ENFORCEMENT.—The Attorney General
4 may hire Bureau of Alcohol, Tobacco, Firearms, and
5 Explosives agents for, and otherwise expend addi-
6 tional resources in support of, the Project Safe
7 Neighborhoods/Firearms Violence Reduction pro-
8 gram.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated
11 \$20,000,000 for each of fiscal years 2008 through
12 2012 to carry out this section. Any funds made
13 available under this paragraph shall remain available
14 until expended.

15 **SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FED-**
16 **ERAL BUREAU OF INVESTIGATION TO INVES-**
17 **TIGATE AND PROSECUTE VIOLENT CRIMINAL**
18 **STREET GANGS.**

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

24 (b) NATIONAL GANG ACTIVITY DATABASE.—

1 (1) IN GENERAL.—The Attorney General shall
2 establish a National Gang Activity Database to be
3 housed at and administered by the Department of
4 Justice.

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

7 (A) be designed to disseminate gang infor-
8 mation to law enforcement agencies throughout
9 the country and, subject to appropriate con-
10 trols, to disseminate aggregate statistical infor-
11 mation to other members of the criminal justice
12 system, community leaders, academics, and the
13 public;

14 (B) contain critical information on gangs,
15 gang members, firearms, criminal activities, ve-
16 hicles, and other information useful for inves-
17 tigators in solving and reducing gang-related
18 crimes;

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

21 (i) identify gang members involved in
22 crimes;

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

- 1 (iii) coordinate law enforcement re-
2 sponse to gang violence;
3 (iv) enhance officer safety;
4 (v) provide realistic, up-to-date figures
5 and statistical data on gang crime and vio-
6 lence;
7 (vi) forecast trends and respond ac-
8 cordingly; and
9 (vii) more easily solve crimes and pre-
10 vent violence; and

11 (D) be subject to guidelines, issued by the
12 Attorney General, specifying the criteria for
13 adding information to the database, the appro-
14 priate period for retention of such information,
15 and a process for removing individuals from the
16 database, and prohibiting disseminating gang
17 information to any entity that is not a law en-
18 forcement agency, except aggregate statistical
19 information where appropriate.

20 (3) USE OF RISS SECURE INTRANET.—From
21 amounts made available to carry out this section, the
22 Attorney General shall provide the Regional Infor-
23 mation Sharing Systems such sums as are necessary
24 to use the secure intranet known as RISSNET to
25 electronically connect existing gang information sys-

1 tems (including the RISSGang National Gang Data-
2 base) with the National Gang Activity Database,
3 thereby facilitating the automated information ex-
4 change of existing gang data by all connected sys-
5 tems without the need for additional databases or
6 data replication.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—In addition to amounts oth-
9 erwise authorized, there are authorized to be appro-
10 priated to the Attorney General \$10,000,000 for
11 each of fiscal years 2008 through 2012 to carry out
12 this section.

13 (2) AVAILABILITY.—Any amounts appropriated
14 under paragraph (1) shall remain available until ex-
15 pended.

16 **SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCE-**
17 **MENT TO COMBAT VIOLENT CRIME.**

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

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

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

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

1 “(5) to hire additional prosecutors to—

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

3 and

4 “(B) reduce backlogs; and

5 “(6) to fund technology, equipment, and train-
6 ing for prosecutors and law enforcement in order to
7 increase accurate identification of gang members
8 and violent offenders, and to maintain databases
9 with such information to facilitate coordination
10 among law enforcement and prosecutors.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
12 31707 of the Violent Crime Control and Law Enforcement
13 Act of 1994 (42 U.S.C. 13867) is amended to read as
14 follows:

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

16 “There are authorized to be appropriated
17 \$20,000,000 for each of the fiscal years 2008 through
18 2012 to carry out this subtitle.”.

19 **SEC. 306. EXPANSION AND REAUTHORIZATION OF THE**
20 **MENTORING INITIATIVE FOR SYSTEM IN-**
21 **VOLVED YOUTH.**

22 (a) EXPANSION.—Section 261(a) of the Juvenile Jus-
23 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
24 5665(a)) is amended by adding at the end the following:

1 “The Administrator shall expand the number of sites re-
2 ceiving such grants from 4 to 12.”

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

6 (1) by striking “There are authorized” and in-
7 serting the following:

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

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

10 “(2) AUTHORIZATION OF APPROPRIATIONS FOR
11 MENTORING INITIATIVE.—There are authorized to
12 be appropriated to carry out the Mentoring Initiative
13 for System Involved Youth Program under part E
14 \$4,800,000 for each of fiscal years 2008 through
15 2012.”.

16 **SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**
17 **ATIVE APPROACHES TO GANG ACTIVITY AND**
18 **AFTER-SCHOOL PROGRAMS.**

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

24 (b) CERTAIN APPROACHES.—Approaches under sub-
25 section (a) may include the following:

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

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

6 (3) Teaching parents the importance of a nur-
7 turing family and home environment to keep chil-
8 dren out of gangs.

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

12 (c) MATCHING FUNDS.—

13 (1) IN GENERAL.—The Attorney General may
14 make a grant under this section only if the entity re-
15 ceiving the grant agrees to make available (directly
16 or through donations from public or private entities)
17 non-Federal contributions toward the cost of activi-
18 ties to be performed with that grant in an amount
19 that is not less than 25 percent of such costs.

20 (2) DETERMINATION OF AMOUNT CONTRIB-
21 UTED.—Non-Federal contributions required under
22 paragraph (1) may be in cash or in kind, fairly eval-
23 uated, including facilities, equipment, or services.
24 Amounts provided by the Federal Government, or
25 services assisted or subsidized to any significant ex-

1 tent by the Federal Government, may not be in-
2 cluded in determining the amount of such non-Fed-
3 eral contributions.

4 (d) EVALUATION OF PROJECTS.—

5 (1) IN GENERAL.—The Attorney General shall
6 establish criteria for the evaluation of projects in-
7 volving innovative approaches under subsection (a).

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

10 (A) agrees to conduct evaluations of the
11 approach in accordance with the criteria estab-
12 lished under paragraph (1);

13 (B) agrees to submit to the Attorney Gen-
14 eral reports describing the results of the evalua-
15 tions, as the Attorney General determines to be
16 appropriate; and

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

20 (e) APPLICATION FOR GRANT.—A public or nonprofit
21 private entity desiring a grant under this section shall sub-
22 mit an application in such form, in such manner, and con-
23 taining such agreements, assurances, and information (in-
24 cluding the agreements under subsections (c) and (d) and

1 the plan under subsection (d)(2)(C)) as the Attorney Gen-
 2 eral determines appropriate.

3 (f) REPORT TO CONGRESS.—Not later than February
 4 1 of each year, the Attorney General shall submit to Con-
 5 gress a report describing the extent to which the ap-
 6 proaches under subsection (a) have been successful in re-
 7 ducing the rate of gang activity in the communities in
 8 which the approaches have been carried out. Each report
 9 under this subsection shall describe the various ap-
 10 proaches used under subsection (a) and the effectiveness
 11 of each of the approaches.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated \$5,000,000 to carry out
 14 this section for each of the fiscal years 2008 through
 15 2012.

16 **SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SEC-**
 17 **TION.**

18 (a) ESTABLISHMENT.—

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

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

23 **“(a) IN GENERAL.—**There is established in the
 24 United States Marshals Service a Short-Term State Wit-
 25 ness Protection Section which shall provide protection for

1 witnesses in State and local trials involving homicide or
2 other major violent crimes pursuant to cooperative agree-
3 ments with State and local criminal prosecutor's offices
4 and the United States attorney for the District of Colum-
5 bia.

6 “(b) ELIGIBILITY.—

7 “(1) IN GENERAL.—The Short-Term State Wit-
8 ness Protection Section shall give priority in award-
9 ing grants and providing services to—

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

13 “(B) criminal prosecutor's offices for juris-
14 dictions that include a city, town, or township
15 with an average violent crime rate per 100,000
16 inhabitants that is above the national average.

17 “(2) CALCULATION.—The rate of murders and
18 violent crime under paragraph (1) shall be calculated
19 using the latest available crime statistics from the
20 Federal Bureau of Investigation during 5-year pe-
21 riod immediately preceding an application for protec-
22 tion.”.

23 (2) CHAPTER ANALYSIS.—The chapter analysis
24 for chapter 37 of title 28, United States Code, is

1 amended by striking the items relating to sections
2 570 through 576 and inserting the following:

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

3 (b) GRANT PROGRAM.—

4 (1) DEFINITIONS.—In this subsection—

5 (A) the term “eligible prosecutor’s office”
6 means a State or local criminal prosecutor’s of-
7 fice or the United States attorney for the Dis-
8 trict of Columbia; and

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

12 (2) GRANTS AUTHORIZED.—

13 (A) IN GENERAL.—The Attorney General
14 is authorized to make grants to eligible prosecu-
15 tor’s offices for purposes of identifying wit-
16 nesses in need of protection or providing short
17 term protection to witnesses in trials involving
18 homicide or serious violent felony.

19 (B) ALLOCATION.—Each eligible prosecu-
20 tor’s office receiving a grant under this sub-
21 section may—

22 (i) use the grant to identify witnesses
23 in need of protection or provide witness
24 protection (including tattoo removal serv-
25 ices); or

1 (ii) pursuant to a cooperative agree-
2 ment with the Short-Term State Witness
3 Protection Section of the United States
4 Marshals Service, credit the grant to the
5 Short-Term State Witness Protection Sec-
6 tion to cover the costs to the section of
7 providing witness protection on behalf of
8 the eligible prosecutor's office.

9 (3) APPLICATION.—

10 (A) IN GENERAL.—Each eligible prosecu-
11 tor's office desiring a grant under this sub-
12 section shall submit an application to the Attor-
13 ney General at such time, in such manner, and
14 accompanied by such information as the Attor-
15 ney General may reasonably require.

16 (B) CONTENTS.—Each application sub-
17 mitted under subparagraph (A) shall—

18 (i) describe the activities for which as-
19 sistance under this subsection is sought;
20 and

21 (ii) provide such additional assurances
22 as the Attorney General determines to be
23 essential to ensure compliance with the re-
24 quirements of this subsection.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection \$90,000,000 for each of fiscal years
4 2008 through 2010.

5 **SEC. 309. WITNESS PROTECTION SERVICES.**

6 Section 3526 of title 18, United States Code (Co-
7 operation of other Federal agencies and State govern-
8 ments; reimbursement of expenses) is amended by adding
9 at the end the following:

10 “(c) In any case in which a State government re-
11 quests the Attorney General to provide temporary protec-
12 tion under section 3521(e) of this title, the costs of pro-
13 viding temporary protection are not reimbursable if the
14 investigation or prosecution in any way relates to crimes
15 of violence committed by a criminal street gang, as defined
16 under the laws of the relevant State seeking assistance
17 under this title.”.

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

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

1 **SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PRO-**
2 **GRAM.**

3 (a) STATE GRANTS.—The Attorney General is au-
4 thorized to make grants to States for projects involving—

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

7 (2) the investigation by State and local law en-
8 forcement agencies of family abduction cases;

9 (3) the training of State and local law enforce-
10 ment agencies in responding to family abductions
11 and recovering abducted children, including the de-
12 velopment of written guidelines and technical assist-
13 ance;

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

16 (5) the flagging of school records.

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

21 (c) DEFINITIONS.—In this section:

22 (1) FAMILY ABDUCTION.—The term “family
23 abduction” means the taking, keeping, or concealing
24 of a child or children by a parent, other family mem-
25 ber, or person acting on behalf of the parent or fam-

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

4 (2) evaluate the toll of juvenile crime, particu-
5 larly violent juvenile crime, on communities;

6 (3) consider the appropriateness of life sen-
7 tences without possibility for parole for minor of-
8 fenders in the Federal system; and

9 (4) evaluate issues of recidivism by juveniles
10 who are released from prison or detention after serv-
11 ing determinate sentences.

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

16 (1) include the findings of the Commission;

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

19 (3) make recommendations, if any.

20 (d) REVISION OF GUIDELINES.—If determined ap-
21 propriate by the United States Sentencing Commission,
22 after completing the study under subsection (a) the Com-
23 mission may, pursuant to its authority under section 994
24 of title 28, United States Code, establish or revise guide-
25 lines and policy statements, as warranted, relating to the

1 sentencing of minors under this Act or the amendments
2 made by this Act.

3 **SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAM-**
4 **PAIGN.**

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

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

10 (2) by inserting after subsection (j) the fol-
11 lowing:

12 “(k) PREVENTION OF HEROIN ABUSE.—

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

14 “(A) Heroin, and particularly the form
15 known as ‘cheese heroin’ (a drug made by mix-
16 ing black tar heroin with diphenhydramine),
17 poses a significant and increasing threat to
18 youth in the United States.

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

23 “(C) Since the initial discovery of cheese
24 heroin on Dallas school campuses in 2005, at

1 least 21 minors have died after overdosing on
2 cheese heroin in Dallas County.

3 “(D) The number of arrests involving pos-
4 session of cheese heroin in the Dallas area dur-
5 ing the 2006–2007 school year increased over
6 60 percent from the previous school year.

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

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

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

16 “(2) PREVENTION OF HEROIN ABUSE.—In con-
17 ducting advertising and activities otherwise author-
18 ized under this section, the Director shall promote
19 prevention of youth heroin use, including cheese her-
20 oin.”.

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

22 (a) IN GENERAL.—The National District Attorneys
23 Association may use the services of the National Advocacy
24 Center in Columbia, South Carolina to conduct a national
25 training program for State and local prosecutors for the

1 purpose of improving the professional skills of State and
2 local prosecutors and enhancing the ability of Federal,
3 State, and local prosecutors to work together.

4 (b) TRAINING.—The National Advocacy Center in
5 Columbia, South Carolina may provide comprehensive con-
6 tinuing legal education in the areas of trial practice, sub-
7 stantive legal updates, and support staff training.

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

12 **TITLE IV—CRIME PREVENTION**
13 **AND INTERVENTION STRATE-**
14 **GIES**

15 **SEC. 401. SHORT TITLE.**

16 This title may be cited as the “Prevention Resources
17 for Eliminating Criminal Activity Using Tailored Inter-
18 ventions in Our Neighborhoods Act of 2007” or the
19 “PRECAUTION Act”.

20 **SEC. 402. PURPOSES.**

21 The purposes of this title are to—

22 (1) establish a commitment on the part of the
23 Federal Government to provide leadership on suc-
24 cessful crime prevention and intervention strategies;

1 (2) further the integration of crime prevention
2 and intervention strategies into traditional law en-
3 forcement practices of State and local law enforce-
4 ment offices around the country;

5 (3) develop a plain-language, implementation-
6 focused assessment of those current crime and delin-
7 quency prevention and intervention strategies that
8 are supported by rigorous evidence;

9 (4) provide additional resources to the National
10 Institute of Justice to administer research and devel-
11 opment grants for promising crime prevention and
12 intervention strategies;

13 (5) develop recommendations for Federal prior-
14 ities for crime and delinquency prevention and inter-
15 vention research, development, and funding that
16 may augment important Federal grant programs, in-
17 cluding the Edward Byrne Memorial Justice Assist-
18 ance Grant Program under subpart 1 of part E of
19 title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant
21 programs administered by the Office of Community
22 Oriented Policing Services of the Department of
23 Justice, grant programs administered by the Office
24 of Safe and Drug-Free Schools of the Department
25 of Education, and other similar programs; and

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

3 **SEC. 403. DEFINITIONS.**

4 In this title, the following definitions shall apply:

5 (1) COMMISSION.—The term “Commission”
6 means the National Commission on Public Safety
7 Through Crime Prevention established under section
8 404(a).

9 (2) RIGOROUS EVIDENCE.—The term “rigorous
10 evidence” means evidence generated by scientifically
11 valid forms of outcome evaluation, particularly ran-
12 domized trials (where practicable).

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

15 (A) Family and community settings (in-
16 cluding public health-based strategies).

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

19 (C) School settings (including antigang
20 and general antiviolence strategies).

21 (4) TOP-TIER.—The term “top-tier” means any
22 strategy supported by rigorous evidence of the siz-
23 able, sustained benefits to participants in the strat-
24 egy or to society.

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

3 (a) **ESTABLISHMENT.**—There is established a com-
4 mission to be known as the National Commission on Pub-
5 lic Safety Through Crime Prevention.

6 (b) **MEMBERS.**—

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

9 (A) 3 shall be appointed by the President,
10 1 of whom shall be the Assistant Attorney Gen-
11 eral for the Office of Justice Programs or a
12 representative of such Assistant Attorney Gen-
13 eral;

14 (B) 2 shall be appointed by the Speaker of
15 the House of Representatives, unless the Speak-
16 er is of the same party as the President, in
17 which case 1 shall be appointed by the Speaker
18 of the House of Representatives and 1 shall be
19 appointed by the minority leader of the House
20 of Representatives;

21 (C) 1 shall be appointed by the minority
22 leader of the House of Representatives (in addi-
23 tion to any appointment made under subpara-
24 graph (B));

25 (D) 2 shall be appointed by the majority
26 leader of the Senate, unless the majority leader

1 is of the same party as the President, in which
2 case 1 shall be appointed by the majority leader
3 of the Senate and 1 shall be appointed by the
4 minority leader of the Senate; and

5 (E) 1 member appointed by the minority
6 leader of the Senate (in addition to any ap-
7 pointment made under subparagraph (D)).

8 (2) PERSONS ELIGIBLE.—

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

13 (B) REQUIRED REPRESENTATIVES.—At
14 least—

15 (i) 2 members of the Commission
16 shall be respected social scientists with ex-
17 perience implementing or interpreting rig-
18 orous, outcome-based trials; and

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

21 (3) CONSULTATION REQUIRED.—The President,
22 the Speaker of the House of Representatives, the mi-
23 nority leader of the House of Representatives, and
24 the majority leader and minority leader of the Sen-
25 ate shall consult prior to the appointment of the

1 members of the Commission to achieve, to the max-
2 imum extent possible, fair and equitable representa-
3 tion of various points of view with respect to the
4 matters to be studied by the Commission.

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

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

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

16 (7) EX OFFICIO MEMBERS.—The Director of
17 the National Institute of Justice, the Director of the
18 Office of Juvenile Justice and Delinquency Preven-
19 tion, the Director of the Community Capacity Devel-
20 opment Office, the Director of the Bureau of Justice
21 Statistics, the Director of the Bureau of Justice As-
22 sistance, and the Director of Community Oriented
23 Policing Services (or a representative of each such
24 director) shall each serve in an ex officio capacity on

1 the Commission to provide advice and information to
2 the Commission.

3 (c) OPERATION.—

4 (1) CHAIRPERSON.—At the initial meeting of
5 the Commission, the members of the Commission
6 shall elect a chairperson from among its voting
7 members, by a vote of $\frac{2}{3}$ of the members of the
8 Commission. The chairperson shall retain this posi-
9 tion for the life of the Commission. If the chair-
10 person leaves the Commission, a new chairperson
11 shall be selected, by a vote of $\frac{2}{3}$ of the members of
12 the Commission.

13 (2) MEETINGS.—The Commission shall meet at
14 the call of the chairperson. The initial meeting of the
15 Commission shall take place not later than 30 days
16 after the date on which all the members of the Com-
17 mission have been appointed.

18 (3) QUORUM.—A majority of the members of
19 the Commission shall constitute a quorum to con-
20 duct business, and the Commission may establish a
21 lesser quorum for conducting hearings scheduled by
22 the Commission.

23 (4) RULES.—The Commission may establish by
24 majority vote any other rules for the conduct of

1 Commission business, if such rules are not incon-
2 sistent with this title or other applicable law.

3 (d) PUBLIC HEARINGS.—

4 (1) IN GENERAL.—The Commission shall hold
5 public hearings. The Commission may hold such
6 hearings, sit and act at such times and places, take
7 such testimony, and receive such evidence as the
8 Commission considers advisable to carry out its du-
9 ties under this section.

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

13 (3) WITNESS EXPENSES.—Witnesses requested
14 to appear before the Commission shall be paid the
15 same fees as are paid to witnesses under section
16 1821 of title 28, United States Code. The per diem
17 and mileage allowances for witnesses shall be paid
18 from funds appropriated to the Commission.

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

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

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

3 (A) a review of research on the general ef-
4 fectiveness of incorporating crime prevention
5 and intervention strategies into an overall law
6 enforcement plan;

7 (B) an evaluation of how to more effec-
8 tively communicate the wealth of social science
9 research to practitioners;

10 (C) a review of evidence regarding the ef-
11 fectiveness of specific crime prevention and
12 intervention strategies, focusing on those strate-
13 gies supported by rigorous evidence;

14 (D) an identification of—

15 (i) promising areas for further re-
16 search and development; and

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

20 (E) an assessment of the best practices for
21 implementing prevention and intervention strat-
22 egies;

23 (F) an assessment of the best practices for
24 gathering rigorous evidence regarding the im-

1 plementation of intervention and prevention
2 strategies; and

3 (G) an assessment of those top-tier strate-
4 gies best suited for duplication efforts in a
5 range of settings across the country.

6 (3) INITIAL REPORT ON TOP-TIER CRIME PRE-
7 VENTION AND INTERVENTION STRATEGIES.—

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

- 13 (i) the President;
- 14 (ii) Congress;
- 15 (iii) the Attorney General;
- 16 (iv) the Chief Federal Public Defender
17 of each district;
- 18 (v) the chief executive of each State;
- 19 (vi) the Director of the Administrative
20 Office of the Courts of each State;
- 21 (vii) the Director of the Administra-
22 tive Office of the United States Courts;
- 23 and
- 24 (viii) the attorney general of each
25 State.

1 (B) CONTENTS.—The report under sub-
2 paragraph (A) shall include—

3 (i) the findings and conclusions of the
4 Commission;

5 (ii) a summary of the top-tier strate-
6 gies, including—

7 (I) a review of the rigorous evi-
8 dence supporting the designation of
9 each strategy as top-tier;

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

13 (III) a list of references and
14 other information on where further in-
15 formation on each strategy can be
16 found;

17 (iii) recommended protocols for imple-
18 menting crime and delinquency prevention
19 and intervention strategies generally;

20 (iv) recommended protocols for evalu-
21 ating the effectiveness of crime and delin-
22 quency prevention and intervention strate-
23 gies; and

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

4 (C) CONSULTATION WITH OUTSIDE AU-
5 THORITIES.—In developing the recommended
6 protocols for implementation and rigorous eval-
7 uation of top-tier crime and delinquency preven-
8 tion and intervention strategies under this para-
9 graph, the Commission shall consult with the
10 Committee on Law and Justice at the National
11 Academy of Science and with national associa-
12 tions representing the law enforcement and so-
13 cial science professions, including the National
14 Sheriffs' Association, the Police Executive Re-
15 search Forum, the International Association of
16 Chiefs of Police, the Consortium of Social
17 Science Associations, and the American Society
18 of Criminology.

19 (f) RECOMMENDATIONS REGARDING DISSEMINATION
20 OF THE INNOVATIVE CRIME PREVENTION AND INTER-
21 VENTION STRATEGY GRANTS.—

22 (1) SUBMISSION.—

23 (A) IN GENERAL.—Not later than 30 days
24 after the date of the final hearing under sub-
25 section (d) relating to a subcategory, the Com-

1 mission shall provide the Director of the Na-
2 tional Institute of Justice with recommenda-
3 tions on qualifying considerations relating to
4 that subcategory for selecting grant recipients
5 under section 405.

6 (B) DEADLINE.—Not later than 13
7 months after the date on which all members of
8 the Commission have been appointed, the Com-
9 mission shall provide all recommendations re-
10 quired under this subsection.

11 (2) MATTERS INCLUDED.—The recommenda-
12 tions provided under paragraph (1) shall include rec-
13 ommendations relating to—

14 (A) the types of strategies for the applica-
15 ble subcategory that would best benefit from
16 additional research and development;

17 (B) any geographic or demographic tar-
18 gets;

19 (C) the types of partnerships with other
20 public or private entities that might be perti-
21 nent and prioritized; and

22 (D) any classes of crime and delinquency
23 prevention and intervention strategies that
24 should not be given priority because of a pre-

1 existing base of knowledge that would benefit
2 less from additional research and development.

3 (g) FINAL REPORT ON THE RESULTS OF THE INNO-
4 VATIVE CRIME PREVENTION AND INTERVENTION STRAT-
5 EGY GRANTS.—

6 (1) IN GENERAL.—Following the close of the 3-
7 year implementation period for each grant recipient
8 under section 405, the Commission shall collect the
9 results of the study of the effectiveness of that grant
10 under section 405(b)(3) and shall submit a public
11 report to the President, the Attorney General, Con-
12 gress, the chief executive of each State, and the at-
13 torney general of each State describing each strategy
14 funded under section 405 and its results. This re-
15 port shall be submitted not later than 5 years after
16 the date of the selection of the chairperson of the
17 Commission.

18 (2) COLLECTION OF INFORMATION AND EVI-
19 DENCE REGARDING GRANT RECIPIENTS.—The Com-
20 mission's collection of information and evidence re-
21 garding each grant recipient under section 405 shall
22 be carried out by—

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

1 (B) visits by representatives of the Com-
2 mission (including at least 1 member of the
3 Commission) to the site where the grant recipi-
4 ent is carrying out the strategy with a grant
5 under section 405, at least once in the second
6 and once in the third year of that grant;

7 (C) a review of the data generated by the
8 study monitoring the effectiveness of the strat-
9 egy; and

10 (D) other means as necessary.

11 (3) MATTERS INCLUDED.—The report sub-
12 mitted under paragraph (1) shall include a review of
13 each strategy carried out with a grant under section
14 405, detailing—

15 (A) the type of crime or delinquency pre-
16 vention or intervention strategy;

17 (B) where the activities under the strategy
18 were carried out, including geographic and de-
19 mographic targets;

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

22 (D) the type and design of the effective-
23 ness study conducted under section 405(b)(3)
24 for that strategy;

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

4 (F) lessons learned regarding implementa-
5 tion of that strategy or of the effectiveness
6 study conducted under section 405(b)(3), in-
7 cluding recommendations regarding which types
8 of environments might best be suited for suc-
9 cessful replication; and

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

13 (h) PERSONNEL MATTERS.—

14 (1) TRAVEL EXPENSES.—The members of the
15 Commission shall be allowed travel expenses, includ-
16 ing per diem in lieu of subsistence, at rates author-
17 ized for employees of agencies under subchapter I of
18 chapter 57 of title 5, United States Code, while
19 away from their homes or regular places of business
20 in the performance of service for the Commission.

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

23 (3) STAFF.—

24 (A) IN GENERAL.—The chairperson of the
25 Commission may, without regard to the civil

1 service laws and regulations, appoint and termi-
2 nate an executive director and such other addi-
3 tional personnel as may be necessary to enable
4 the Commission to perform its duties. The em-
5 ployment of an executive director shall be sub-
6 ject to confirmation by the Commission.

7 (B) COMPENSATION.—The chairperson of
8 the Commission may fix the compensation of
9 the executive director and other personnel with-
10 out regard to the provisions of chapter 51 and
11 subchapter III of chapter 53 of title 5, United
12 States Code, relating to classification of posi-
13 tions and General Schedule pay rates, except
14 that the rate of pay for the executive director
15 and other personnel may not exceed the rate
16 payable for level V of the Executive Schedule
17 under section 5316 of such title.

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

1 (i) CONTRACTS FOR RESEARCH.—

2 (1) NATIONAL INSTITUTE OF JUSTICE.—With a
3 $\frac{2}{3}$ affirmative vote of the members of the Commis-
4 sion, the Commission may select nongovernmental
5 researchers and experts to assist the Commission in
6 carrying out its duties under this title. The National
7 Institute of Justice shall contract with the research-
8 ers and experts selected by the Commission to pro-
9 vide funding in exchange for their services.

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

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

19 (k) TERMINATION.—The Commission shall terminate
20 on the date that is 30 days after the date on which the
21 Commission submits the last report required by this sec-
22 tion.

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

1 **SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVEN-**
2 **TION STRATEGY GRANTS.**

3 (a) GRANTS AUTHORIZED.—The Director of the Na-
4 tional Institute of Justice may make grants to public and
5 private entities to fund the implementation and evaluation
6 of innovative crime or delinquency prevention or interven-
7 tion strategies. The purpose of grants under this section
8 shall be to provide funds for all expenses related to the
9 implementation of such a strategy and to conduct a rig-
10 orous study on the effectiveness of that strategy.

11 (b) GRANT DISTRIBUTION.—

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

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

16 (A) shall be sufficient to ensure that rig-
17 orous evaluations may be performed; and

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

19 (3) EVALUATION SET-ASIDE.—

20 (A) IN GENERAL.—A grantee shall use not
21 less than \$300,000 and not more than
22 \$700,000 of the funds from a grant under this
23 section for a rigorous study of the effectiveness
24 of the strategy during the 3-year period of the
25 grant for that strategy.

26 (B) METHODOLOGY OF STUDY.—

1 (i) IN GENERAL.—Each study con-
2 ducted under subparagraph (A) shall use
3 an evaluator and a study design approved
4 by the employee of the National Institute
5 of Justice hired or assigned under sub-
6 section (c).

7 (ii) CRITERIA.—The employee of the
8 National Institute of Justice hired or as-
9 signed under subsection (c) shall
10 approve—

11 (I) an evaluator that has success-
12 fully carried out multiple studies pro-
13 ducing rigorous evidence of effective-
14 ness; and

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

18 (iii) APPROVAL.—Before a grant is
19 awarded under this section, the evaluator
20 and study design of a grantee shall be ap-
21 proved by the employee of the National In-
22 stitute of Justice hired or assigned under
23 subsection (c).

24 (4) DATE OF AWARD.—Not later than 6 months
25 after the date of receiving recommendations relating

1 to a subcategory from the Commission under section
2 404(f), the Director of the National Institute of Jus-
3 tice shall award all grants under this section relating
4 to that subcategory.

5 (5) TYPE OF GRANTS.—One-third of the grants
6 made under this section shall be made in each sub-
7 category. In distributing grants, the recommenda-
8 tions of the Commission under section 404(f) shall
9 be considered.

10 (6) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated
12 \$18,000,000 to carry out this subsection.

13 (c) DEDICATED STAFF.—

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

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

22 (3) LIAISON.—The employee of the National
23 Institute of Justice hired or assigned under para-
24 graph (1) may be used as a liaison between the
25 Commission and the recipients of a grant under this

1 section. That employee shall be responsible for en-
2 suring timely cooperation with Commission requests.

3 (4) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated \$150,000
5 for each of fiscal years 2008 through 2012 to carry
6 out this subsection.

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

12 (e) COOPERATION WITH THE COMMISSION.—Grant
13 recipients shall cooperate with the Commission in pro-
14 viding them with full information on the progress of the
15 strategy being carried out with a grant under this section,
16 including—

17 (1) hosting visits by the members of the Com-
18 mission to the site where the activities under the
19 strategy are being carried out;

20 (2) providing pertinent information on the lo-
21 gistics of establishing the strategy for which the
22 grant under this section was received, including de-
23 tails on partnerships, selection of participants, and
24 any efforts to publicize the strategy; and

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

Passed the Senate September 21, 2007.

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

S. 456

AN ACT

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.