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1 **TITLE XX—RURAL CRIME**

2 **Subtitle A—Drug Trafficking in**

3 **Rural Areas**

4 **SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
5 **MENT AGENCIES.**

6 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
7 1001(a)(9) of title I of the Omnibus Crime Control and
8 Safe Streets Act of 1968 is amended to read as follows:
9 “(9) There are authorized to be appropriated to carry
10 out part O \$_____ for each of fiscal years 1994, 1995,
11 1996, 1997, and 1998.”.

12 (b) **AMENDMENT TO BASE ALLOCATION.**—Section
13 1501(a)(2)(A) of title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968 is amended by striking
15 “\$100,000” and inserting “\$250,000”.

16 **SEC. 1402. RURAL DRUG ENFORCEMENT TASK FORCES.**

17 (a) **ESTABLISHMENT.**—The Attorney General, in
18 consultation with the Governors, mayors, and chief execu-
19 tive officers of State and local law enforcement agencies,
20 may establish a Rural Drug Enforcement Task Force in
21 judicial districts that encompass significant rural lands.
22 Assets seized as a result of investigations initiated by a
23 Rural Drug Enforcement Task Force and forfeited under
24 Federal law shall be used, consistent with the guidelines
25 on equitable sharing established by the Attorney General

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1 and of the Secretary of the Treasury, primarily to enhance
2 the operations of the task force and its participating State
3 and local law enforcement agencies.

4 (b) TASK FORCE MEMBERSHIP.—The Task Forces
5 established under subsection (a) shall be carried out under
6 policies and procedures established by the Attorney Gen-
7 eral. The Attorney General may deputize State and local
8 law enforcement officers and may cross-designate up to
9 100 Federal law enforcement officers, when necessary to
10 undertake investigations pursuant to section 503(a) of the
11 Controlled Substances Act (21 U.S.C. 873(a)) The task
12 forces—

13 (1) shall include representatives from—

14 (A) state and local law enforcement agen-
15 cies;

16 (B) the office of the United States Attor-
17 ney for the judicial district; and

18 (C) the Federal Bureau of Investigation,
19 the Drug Enforcement Administration, the Im-
20 migration and Naturalization Service, and the
21 United States Marshals Service; and

22 (2) may include representatives of other Fed-
23 eral law enforcement agencies, such as the United
24 States Customs Service, United States Park Police,

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1 United States Forest Service, and Bureau of Land
2 Management.

3 **SEC. 1403. RURAL DRUG ENFORCEMENT TRAINING.**

4 (a) SPECIALIZED TRAINING FOR RURAL CFFI-
5 CERS.—The Director of the Federal Law Enforcement
6 Training Center shall develop a specialized course of in-
7 struction devoted to training law enforcement officers
8 from rural agencies in the investigation of drug trafficking
9 and related crimes.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out subsection
12 (a) \$_____ for each of fiscal years 1994, 1995, 1996,
13 1997, and 1998.

14 **SEC. 1404. MORE AGENTS FOR THE DRUG ENFORCEMENT**
15 **ADMINISTRATION.**

16 There are authorized to be appropriated for the hir-
17 ing of additional Drug Enforcement Administration
18 agents \$_____ for each of fiscal years 1994, 1995,
19 1996, 1997, and 1998.

20 **Subtitle B—Drug Free Truck Stops**
21 **and Safety Rest Areas**

22 **SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST**
23 **AREAS.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “Drug Free Truck Stop Act”.

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1 (b) AMENDMENT TO CONTROLLED SUBSTANCES
2 ACT.—

3 (1) IN GENERAL.—Part D of the Controlled
4 Substances Act (21 U.S.C. 801 et seq.) is amended
5 by inserting after section 408 the following new sec-
6 tion:

7 “TRANSPORTATION SAFETY OFFENSES

8 “SEC. 409. (a) DEFINITIONS.—In this section—

9 “‘safety rest area’ means a roadside facility
10 with parking facilities for the rest or other needs of
11 motorists.

12 “‘truck stop’ means a facility (including any
13 parking lot appurtenant thereto) that—

14 “(A) has the capacity to provide fuel or
15 service, or both, to any commercial motor vehi-
16 cle (as defined under section 12019 of the Com-
17 mercial Motor Vehicle Safety Act of 1986 (49
18 U.S.C. App. 2716)) operating in commerce (as
19 defined in that section); and

20 “(B) is located within 2,500 feet of the
21 National System of Interstate and Defense
22 Highways or the Federal-Aid Primary System.

23 “(b) FIRST OFFENSE.—A person who violates section
24 401(a)(1) or section 416 by distributing or possessing
25 with intent to distribute a controlled substance in or on,

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1 or within 1,000 feet of, a truck stop or safety rest area
2 is (except as provided in subsection (b)) subject to—

3 “(1) twice the maximum punishment authorized
4 by section 401(b); and

5 “(2) twice any term of supervised release au-
6 thorized by section 401(b) for a first offense.

7 “(c) SUBSEQUENT OFFENSE.—A person who violates
8 section 401(a)(1) or section 416 by distributing or pos-
9 sessing with intent to distribute a controlled substance in
10 or on, or within 1,000 feet of, a truck stop or a safety
11 rest area after a prior conviction or convictions under sub-
12 section (a) have become final is subject to—

13 “(1) 3 times the maximum punishment author-
14 ized by section 401(b); and

15 “(2) 3 times any term of supervised release au-
16 thorized by section 401(b) for a first offense.”.

17 (2) TECHNICAL AMENDMENTS.—

18 (A) CROSS REFERENCE.—Section 401(b)
19 of the Controlled Substances Act (21 U.S.C.
20 841(b)) is amended by inserting “409,” before
21 “418,” each place it appears.

22 (B) TABLE OF CONTENTS.—The table of
23 contents of the Comprehensive Drug Abuse
24 Prevention and Control Act of 1970 is amended

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1 by striking the item relating to section 409 and
2 inserting the following new item:

“Sec. 409. Transportation safety offenses.”

3 (c) SENTENCING GUIDELINES.—Pursuant to its au-
4 thority under section 994 of title 28, United States Code,
5 and section 21 of the Sentencing Act of 1987 (28 U.S.C.
6 994 note), the United States Sentencing Commission shall
7 promulgate guidelines, or shall amend existing guidelines,
8 to provide an appropriate enhancement of punishment for
9 a defendant convicted of violating section 409 of the Con-
10 trolled Substances Act, as added by subsection (b).

11 **TITLE XXI—PROVISIONS**
12 **RELATING TO POLICE OFFICERS**
13 **Subtitle A—Law Enforcement**
14 **Family Support**

15 **SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

16 (a) IN GENERAL.—Title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
18 et seq.), as amended by section 309(b)(1), is amended—

- 19 (1) by redesignating part S as part T;
20 (2) by redesignating section 1901 as 2001; and
21 (3) by inserting after part R the following new
22 part:

23 **“PART S—FAMILY SUPPORT**

24 **“SEC. 1901. DUTIES.**

25 “The Attorney General shall—

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1 “(1) establish guidelines and oversee the imple-
2 mentation of family-friendly policies within law en-
3 forcement-related offices and divisions in the De-
4 partment of Justice;

5 “(2) study the effects of stress on law enforce-
6 ment personnel and family well-being and dissemi-
7 nate the findings of such studies to Federal, State,
8 and local law enforcement agencies, related organi-
9 zations, and other interested parties;

10 “(3) identify and evaluate model programs that
11 provide support services to law enforcement person-
12 nel and families;

13 “(4) provide technical assistance and training
14 programs to develop stress reduction and family sup-
15 port to State and local law enforcement agencies;

16 “(5) collect and disseminate information re-
17 garding family support, stress reduction, and psy-
18 chological services to Federal, State, and local law
19 enforcement agencies, law enforcement-related orga-
20 nizations, and other interested entities; and

21 “(6) determine issues to be researched by the
22 Department of Justice and by grant recipients.

23 **“SEC. 1902. GENERAL AUTHORIZATION.**

24 “The Attorney General may make grants to States
25 and local law enforcement agencies and to organizations

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1 representing State or local law enforcement personnel to
2 provide family support services to law enforcement person-
3 nel.

4 **"SEC. 1903. USES OF FUNDS.**

5 “(a) IN GENERAL.—A State or local law enforcement
6 agency or organization that receives a grant under this
7 Act shall use amounts provided under the grant to estab-
8 lish or improve training and support programs for law en-
9 forcement personnel.

10 “(b) REQUIRED ACTIVITIES.—A law enforcement
11 agency or organization that receives funds under this part
12 shall provide at least one of the following services:

13 “(1) Counseling for law enforcement family
14 members.

15 “(2) Child care on a 24-hour basis.

16 “(3) Marital and adolescent support groups.

17 “(4) Stress reduction programs.

18 “(5) Stress education for law enforcement re-
19 cruits and families.

20 “(6) Provide technical assistance and training
21 programs to support any or all of the services de-
22 scribed in paragraphs (1), (2), (3), (4), and (5).

23 “(c) OPTIONAL ACTIVITIES.—A law enforcement
24 agency or organization that receives funds under this part
25 may provide the following services:

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1 “(1) Post-shooting debriefing for officers and
2 their spouses.

3 “(2) Group therapy.

4 “(3) Hypertension clinics.

5 “(4) Critical incident response on a 24-hour
6 basis.

7 “(5) Law enforcement family crisis telephone
8 services on a 24-hour basis.

9 “(6) Counseling for law enforcement personnel
10 exposed to the human immunodeficiency virus.

11 “(7) Counseling for peers.

12 “(8) Counseling for families of personnel killed
13 in the line of duty.

14 “(9) Seminars regarding alcohol, drug use,
15 gambling, and overeating.

16 “(10) Technical assistance and training to sup-
17 port any or all of the services described in para-
18 graphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

19 **“SEC. 1904. APPLICATIONS.**

20 “A law enforcement agency or organization desiring
21 to receive a grant under this part shall submit to the At-
22 torney General an application at such time, in such man-
23 ner, and containing or accompanied by such information
24 as the Attorney General may reasonably require. Such ap-
25 plication shall—

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1 “(1) certify that the law enforcement agency
2 shall match all Federal funds with an equal amount
3 of cash or in-kind goods or services from other non-
4 Federal sources;

5 “(2) include a statement from the highest rank-
6 ing law enforcement official from the State or local-
7 ity or from the highest ranking official from the or-
8 ganization applying for the grant that attests to the
9 need and intended use of services to be provided
10 with grant funds; and

11 “(3) assure that the Attorney General or the
12 Comptroller General of the United States shall have
13 access to all records related to the receipt and use
14 of grant funds received under this part.

15 **“SEC. 1905. AWARD OF GRANTS; LIMITATION.**

16 “(a) GRANT DISTRIBUTION.—In approving grants
17 under this part, the Attorney General shall assure an equi-
18 table distribution of assistance among the States, among
19 urban and rural areas of the United States, and among
20 urban and rural areas of a State.

21 “(b) DURATION.—The Attorney General may award
22 a grant each fiscal year, not to exceed \$100,000 to a State
23 or local law enforcement agency or \$250,000 to a law en-
24 forcement organization for a period not to exceed 5 years.
25 In any application from a State or local law enforcement

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1 agency or organization for a grant to continue a program
2 for the second, third, fourth, or fifth fiscal year following
3 the first fiscal year in which a grant was awarded to such
4 agency, the Attorney General shall review the progress
5 made toward meeting the objectives of the program. The
6 Attorney General may refuse to award a grant if the At-
7 torney General finds sufficient progress has not been made
8 toward meeting such objectives, but only after affording
9 the applicant notice and an opportunity for reconsider-
10 ation.

11 “(c) LIMITATION.—Not more than 5 percent of grant
12 funds received by a State or a local law enforcement agen-
13 cy or organization may be used for administrative pur-
14 poses.

15 **“SEC. 1906. DISCRETIONARY RESEARCH GRANTS.**

16 “The Attorney General may reserve 10 percent of
17 funds to award research grants to a State or local law
18 enforcement agency or organization to study issues of im-
19 portance in the law enforcement field as determined by
20 the Attorney General.

21 **“SEC. 1907. REPORTS.**

22 “A State or local law enforcement agency or organi-
23 zation that receives a grant under this part shall submit
24 to the Attorney General an annual report that includes—

25 “(1) program descriptions;

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1 “(2) the number of staff employed to admin-
2 ister programs;

3 “(3) the number of individuals who participated
4 in programs; and

5 “(4) an evaluation of the effectiveness of grant
6 programs.

7 **“SEC. 1908. DEFINITIONS.**

8 “For purposes of this part—

9 “(1) the term ‘family-friendly policy’ means a
10 policy to promote or improve the morale and well
11 being of law enforcement personnel and their fami-
12 lies; and

13 “(2) the term ‘law enforcement personnel’
14 means individuals employed by Federal, State, and
15 local law enforcement agencies.”.

16 (b) TECHNICAL AMENDMENT.—The table of contents
17 of title I of the Omnibus Crime Control and Safe Streets
18 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
19 tion 309(b)(2), is amended by striking the matter relating
20 to part R and inserting the following:

 “PART S—FAMILY SUPPORT

 “Sec. 1901. Duties.

 “Sec. 1902. General authorization.

 “Sec. 1903. Uses of funds.

 “Sec. 1904. Applications.

 “Sec. 1905. Award of grants; limitation.

 “Sec. 1906. Discretionary research grants.

 “Sec. 1907. Reports.

 “Sec. 1908. Definitions.

 “PART V—TRANSITION; EFFECTIVE DATE; REPEALS

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"Sec. 2001. Continuation of rules, authorities, and privileges."

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
4 tion 309(b)(3), is amended—

5 (1) in paragraph (3) by striking "and R" and
6 inserting "R, and S"; and

7 (2) by adding at the end the following new
8 paragraph:

9 "(13) There are authorized to be appropriated to
10 carry out part S \$_____ for each of fiscal years 1995,
11 1996, 1997, 1998, and 1999."

12 **TITLE XXII—Improved Training**
13 **and Technical Automation**

14 **SEC. 1031. IMPROVED TRAINING AND TECHNICAL AUTOMA-**
15 **TION.**

16 (a) GRANTS.—

17 (1) IN GENERAL.—The Attorney General shall,
18 subject to the availability of appropriations, make
19 grants to State and local criminal justice agencies
20 and to nonprofit organizations for the purposes of
21 improving law enforcement agency efficiency through
22 computerized automation and technological improve-
23 ments.

24 (2) TYPES OF PROGRAMS.—Grants under this
25 section may include programs to—

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1 (A) increase use of mobile digital termi-
2 nals;

3 (B) improve communications systems;

4 (C) accomplish paper-flow reduction;

5 (D) establish or improve ballistics identi-
6 fication programs;

7 (E) increase the application of automated
8 fingerprint identification systems and their
9 communications on an interstate and intrastate
10 basis; and

11 (F) improve computerized collection of
12 criminal records.

13 (3) FUNDING.—No funds under this subtitle
14 may be used to implement any cryptographic or digi-
15 tal telephony programs.

16 (b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

17 (1) 1. GENERAL.—The Attorney General shall,
18 subject to the availability of appropriations—

19 (A) expand and improve investigative and
20 managerial training courses for State and local
21 law enforcement agencies; and

22 (B) develop and implement, on a pilot
23 basis with no more than 10 participating cities,
24 an intelligent information system that gathers,
25 integrates, organizes, and analyzes information

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1 in active support of investigations by Federal.
2 State, and local law enforcement agencies of
3 violent serial crimes.

4 (2) IMPROVEMENT OF FACILITIES.—The im-
5 provement described in subsection (a) shall include
6 improvements of the training facilities of the Federal
7 Bureau of Investigation Academy at Quantico, Vir-
8 ginia.

9 (3) INTELLIGENT INFORMATION SYSTEM.—The
10 intelligent information system described in para-
11 graph (1)(B) shall be developed and implemented by
12 the Federal Bureau of Investigation and shall utilize
13 the resources of the Violent Criminal Apprehension
14 Program.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated for fiscal year 1994—

17 (1) \$_____ to carry out subsection (a);

18 (2) \$_____ to carry out subsection (b)(1);

19 and

20 (3) \$_____ to carry out subsection (b)(2).

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1 TITLE XXIII—DNA IDENTIFICATION

4 SEC. 1001. SHORT TITLE.

5 This subtitle may be cited as the “DNA Identification
6 Act of 1994”.

7 SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAIL- 8 ABILITY OF DNA ANALYSES FOR LAW EN- 9 FORCEMENT IDENTIFICATION PURPOSES.

10 (a) DRUG CONTROL AND SYSTEM IMPROVEMENT
11 GRANT PROGRAM.—Section 501(b) of title I of the Omni-
12 bus Crime Control and Safe Streets Act of 1968 (42
13 U.S.C. 3751(b)) is amended—

14 (1) by striking “and” at the end of paragraph
15 (20);

16 (2) by striking the period at the end of para-
17 graph (21) and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(22) developing or improving in a forensic lab-
21 oratory a capability to analyze deoxyribonucleic acid
22 (hereinafter in this title referred to as ‘DNA’) for
23 identification purposes.”.

24 (b) STATE APPLICATIONS.—Section 503(a) of title I
25 of the Omnibus Crime Control and Safe Streets Act of

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1 1968 (42 U.S.C. 3753(a)) is amended by adding at the
2 end the following new paragraph:

3 “(12) If any part of funds received from a
4 grant made under this part is to be used to develop
5 or improve a DNA analysis capability in a forensic
6 laboratory, a certification that—

7 “(A) DNA analyses performed at such lab-
8 oratory will satisfy or exceed then current
9 standards for a quality assurance program for
10 DNA analysis. issued by the Director of the
11 Federal Bureau of Investigation under section
12 1003 of the DNA Identification Act of 1994;

13 “(B) DNA samples obtained by, and DNA
14 analyses performed at, such laboratory will be
15 accessible only—

16 “(i) to criminal justice agencies for
17 law enforcement identification purposes;

18 “(ii) in judicial proceedings, if other-
19 wise admissible pursuant to applicable
20 statutes or rules;

21 “(iii) for criminal defense purposes, to
22 a defendant, who shall have access to sam-
23 ples and analyses performed in connection
24 with the case in which such defendant is
25 charged; or

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1 “(iv) if personally identifiable infor-
2 mation is removed, for a population statis-
3 tics database, for identification research
4 and protocol development purposes, or for
5 quality control purposes; and

6 “(C) such laboratory, and each analyst
7 performing DNA analyses at such laboratory,
8 will undergo, at regular intervals of not to ex-
9 ceed 180 days, external proficiency testing by a
10 DNA proficiency testing program meeting the
11 standards issued under section 1003 of the
12 DNA Identification Act of 1994.”.

13 (c) DNA IDENTIFICATION GRANTS.—

14 (1) PART X.—Title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (42 U.S.C.
16 3711 et seq.), as amended by section 2802(a), is
17 amended—

18 (A) by redesignating part X as part Y;

19 (B) by redesignating section 2401 as sec-
20 tion 2501; and

21 (C) by inserting after part W the following
22 new part:

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1 **"PART X—DNA IDENTIFICATION GRANTS**

2 **"SEC. 2401. GRANT AUTHORIZATION.**

3 "The Director may make funds available under this
4 part to States and units of local government, or combina-
5 tions thereof, to carry out all or a substantial part of a
6 program or project intended to develop or improve the ca-
7 pability to analyze deoxyribonucleic acid (referred to in
8 this part as "DNA") in a forensic laboratory.

9 **"SEC. 2402. APPLICATIONS.**

10 "To request a grant under this part, the chief execu-
11 tive officer of a State or unit of local government shall
12 submit an application in such form as the Director may
13 require.

14 **"SEC. 2403. APPLICATION REQUIREMENTS.**

15 "No grant may be made under this part unless an
16 application has been submitted to the Director in which
17 the applicant certifies that—

18 "(1) DNA analyses performed at the laboratory
19 will satisfy or exceed then current standards for a
20 quality assurance program for DNA analysis issued
21 by the Director of the Federal Bureau of Investiga-
22 tion under section 1003 of the DNA Identification
23 Act of 1993.

24 "(2) DNA samples obtained by and DNA anal-
25 yses performed at the laboratory shall be made avail-
26 able only—

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1 “(A) to criminal justice agencies for law
2 enforcement identification purposes:

3 “(B) in judicial proceedings, if otherwise
4 admissible pursuant to applicable statutes or
5 rules;

6 “(C) for criminal defense purposes, to a
7 defendant, who shall have access to samples
8 and analyses performed in connection with the
9 case in which the defendant is charged; or

10 “(D) if personally identifiable information
11 is removed, for a population statistics database,
12 for identification research and protocol develop-
13 ment purposes, or for quality control purposes;
14 and

15 “(3) the laboratory and each analyst perform-
16 ing DNA analyses at the laboratory shall undergo,
17 at regular intervals not exceeding 180 days, external
18 proficiency testing by a DNA proficiency testing pro-
19 gram that meets the standards issued under section
20 1003 of the DNA Identification Act of 1993.

21 **“SEC. 2404. ADMINISTRATIVE PROVISIONS.**

22 “(a) REGULATION AUTHORITY.—The Director may
23 promulgate guidelines, regulations, and procedures, as
24 necessary to carry out the purposes of this part, including
25 limitations on the number of awards made during each

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1 fiscal year, the submission and review of applications, se-
2 lection criteria, and the extension or continuation of
3 awards.

4 “(b) AWARD AUTHORITY.—The Director shall have
5 final authority over all funds awarded under this part.

6 “(c) TECHNICAL ASSISTANCE.—To assist and meas-
7 ure the effectiveness and performance of programs and ac-
8 tivities funded under this part, the Director shall provide
9 technical assistance as required.

10 **“SEC. 2405. RESTRICTIONS ON USE OF FUNDS.**

11 “(a) FEDERAL SHARE.—The Federal share of a
12 grant, contract, or cooperative agreement made under this
13 part may not exceed 75 percent of the total costs of the
14 project described in the application submitted for the fis-
15 cal year for which the project receives assistance.

16 “(b) ADMINISTRATIVE COSTS.—A State or unit of
17 local government may not use more than 10 percent of
18 the funds it receives from this part for administrative ex-
19 penses.

20 **“SEC. 2406. REPORTS.**

21 “(a) REPORTS TO DIRECTOR.—Each State or unit of
22 local government which receives a grant under this part
23 shall submit to the Director, for each year in which funds
24 from a grant received under this part is expended, a report

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1 at such time and in such manner as the Director may rea-
2 sonably require which contains—

3 “(1) a summary of the activities carried out
4 under the grant and an assessment of whether such
5 activities are meeting the needs identified in the ap-
6 plication submitted under section 2402; and

7 “(2) such other information as the Director
8 may require.

9 “(b) REPORTS TO CONGRESS.—Not later than 90
10 days after the end of each fiscal year for which grants
11 are made under this part, the Director shall submit to the
12 Speaker of the House of Representatives and the Presi-
13 dent pro tempore of the Senate, a report that includes—

14 “(1) the aggregate amount of grants made
15 under this part to each State or unit of local govern-
16 ment for such fiscal year; and

17 “(2) a summary of the information provided in
18 compliance with subsection (a)(1).

19 **“SEC. 2407. EXPENDITURE RECORDS.**

20 “(a) RECORDS.—Each State or unit of local govern-
21 ment which receives a grant under this part shall keep
22 records as the Director may require to facilitate an effec-
23 tive audit.

24 “(b) ACCESS.—The Director, the Comptroller Gen-
25 eral, or their designated agents shall have access, for the

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1 purpose of audit and examination, to any books, docu-
2 ments, and records of States and units of local government
3 which receive grants made under this part if, in the opin-
4 ion of the Director, the Comptroller General, or their des-
5 ignated agents, such books, documents, and records are
6 related to the receipt or use of any such grant.”.

7 (2) TABLE OF CONTENTS.—The table of con-
8 tents of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
10 as amended by section 2802(c), is amended by strik-
11 ing the matter relating to part W and inserting the
12 following:

“PART X—DNA IDENTIFICATION GRANTS

- “Sec. 2401. Grant authorization.
- “Sec. 2402. Applications.
- “Sec. 2403. Application requirements.
- “Sec. 2404. Administrative provisions.
- “Sec. 2405. Restrictions on use of funds.
- “Sec. 2406. Reports.
- “Sec. 2407. Expenditure records.

“PART Y—TRANSITION; EFFECTIVE DATE; REPEALER

- “Sec. 2501. Continuation of rules, authorities, and proceedings.”.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—
14 Section 1001 of the Omnibus Crime Control and
15 Safe Streets Act of 1968 (42 U.S.C. 3793), as
16 amended by section 2802(c), is amended—

17 (A) in paragraph (3) by striking “and W”
18 and inserting “W, and X”; and

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1 (B) adding at the end the following new
2 paragraph:

3 “(18) There are authorized to be appropriated
4 to carry out part X \$_____ for each of fiscal
5 years 1995, 1996, 1997, 1998, and 1999.”.

6 (4) EFFECTIVE DATE.—The amendments made
7 by this section shall take effect on the date that is
8 60 days after the date of enactment of this Act.

9 **SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TEST-**
10 **ING STANDARDS.**

11 (a) PUBLICATION OF QUALITY ASSURANCE AND PRO-
12 FICIENCY TESTING STANDARDS.—(1)(A) Not later than
13 180 days after the date of enactment of this Act, the Di-
14 rector of the Federal Bureau of Investigation shall appoint
15 an advisory board on DNA quality assurance methods
16 from among nominations proposed by the head of the Na-
17 tional Academy of Sciences and professional societies of
18 crime laboratory officials.

19 (B) The advisory board shall include as members sci-
20 entists from State, local, and private forensic laboratories,
21 molecular geneticists and population geneticists not affli-
22 ated with a forensic laboratory, and a representative from
23 the National Institute of Standards and Technology.

24 (C) The advisory board shall develop, and if appro-
25 priate, periodically revise, recommended standards for

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1 quality assurance, including standards for testing the pro-
2 ficiency of forensic laboratories, and forensic analysts, in
3 conducting analyses of DNA.

4 (2) The Director of the Federal Bureau of Investiga-
5 tion, after taking into consideration such recommended
6 standards, shall issue (and revise from time to time)
7 standards for quality assurance, including standards for
8 testing the proficiency of forensic laboratories, and foren-
9 sic analysts, in conducting analyses of DNA.

10 (3) The standards described in paragraphs (1) and
11 (2) shall specify criteria for quality assurance and pro-
12 ficiency tests to be applied to the various types of DNA
13 analyses used by forensic laboratories. The standards shall
14 also include a system for grading proficiency testing per-
15 formance to determine whether a laboratory is performing
16 acceptably.

17 (4) Until such time as the advisory board has made
18 recommendations to the Director of the Federal Bureau
19 of Investigation and the Director has acted upon those
20 recommendations, the quality assurance guidelines adopt-
21 ed by the technical working group on DNA analysis meth-
22 ods shall be deemed the Director's standards for purposes
23 of this section.

24 (b) ADMINISTRATION OF THE ADVISORY BOARD.—

25 (1) For administrative purposes, the advisory board ap-

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1 pointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation.

2 (2) Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a).

3 (3) The DNA advisory board established under this section shall be separate and distinct from any other advisory board administered by the FBI, and is to be administered separately.

4 (4) The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

5 (c) PROFICIENCY TESTING PROGRAM.—(1) Not later than 1 year after the effective date of this Act, the Director of the National Institute of Justice shall certify to the Committees on the Judiciary of the House and Senate that—

6 (A) the Institute has entered into a contract with, or made a grant to, an appropriate entity for establishing, or has taken other appropriate action to ensure that there is established, not later than 2 years after the date of enactment of this Act, a blind external proficiency testing program for DNA analy-

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1 ses, which shall be available to public and private
2 laboratories performing forensic DNA analyses:

3 (B) a blind external proficiency testing program
4 for DNA analyses is already readily available to pub-
5 lic and private laboratories performing forensic DNA
6 analyses; or

7 (C) it is not feasible to have blind external test-
8 ing for DNA forensic analyses.

9 (2) As used in this subsection, the term “blind exter-
10 nal proficiency test” means a test that is presented to a
11 forensic laboratory through a second agency and appears
12 to the analysts to involve routine evidence.

13 (3) Notwithstanding any other provision of law, the
14 Director of the Bureau of Justice Assistance shall make
15 available to the Director of the National Institute of Jus-
16 tice during the first fiscal year in which funds are distrib-
17 uted under this subtitle up to \$250,000 from the funds
18 available under part Y of Title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 to carry out this
20 subsection.

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1 SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EX-
2 CHANGE OF DNA IDENTIFICATION INFORMA-
3 TION.

4 (a) ESTABLISHMENT OF INDEX.—The Director of
5 the Federal Bureau of Investigation may establish an
6 index of—

7 (1) DNA identification records of persons con-
8 victed of crimes;

9 (2) analyses of DNA samples recovered from
10 crime scenes; and

11 (3) analyses of DNA samples recovered from
12 unidentified human remains.

13 (b) INFORMATION.—The index described in sub-
14 section (a) shall include only information on DNA identi-
15 fication records and DNA analyses that are—

16 (1) based on analyses performed by or on be-
17 half of a criminal justice agency in accordance with
18 publicly available standards that satisfy or exceed
19 the guidelines for a quality assurance program for
20 DNA analysis, issued by the Director of the Federal
21 Bureau of Investigation under section 1003;

22 (2) prepared by laboratories, and DNA ana-
23 lysts, that undergo, at regular intervals of not to ex-
24 ceed 180 days, external proficiency testing by a
25 DNA proficiency testing program meeting the stand-
26 ards issued under section 1003; and

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(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) FAILURE TO COMPLY.—The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) are not met.

SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses

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1 shall undergo, at regular intervals of not to exceed
2 180 days, external proficiency testing by a DNA
3 proficiency testing program meeting the standards
4 issued under section 1003.

5 (B) Within 1 year after the date of enactment
6 of this Act, the Director of the Federal Bureau of
7 Investigation shall arrange for periodic blind exter-
8 nal tests to determine the proficiency of DNA analy-
9 sis performed at the Federal Bureau of Investigation
10 laboratory.

11 (C) In this paragraph, "blind external test"
12 means a test that is presented to the laboratory
13 through a second agency and appears to the analysts
14 to involve routine evidence.

15 (2) REPORT.—For 5 years after the date of en-
16 actment of this Act, the Director of the Federal Bu-
17 reau of Investigation shall submit to the Committees
18 on the Judiciary of the House and Senate an annual
19 report on the results of each of the tests described
20 in paragraph (1).

21 (b) PRIVACY PROTECTION STANDARDS.—

22 (1) GENERALLY.—Except as provided in para-
23 graph (2), the results of DNA tests performed for
24 a Federal law enforcement agency for law enforce-
25 ment purposes may be disclosed only—

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1 (A) to criminal justice agencies for law en-
2 forcement identification purposes;

3 (B) in judicial proceedings, if otherwise ad-
4 missible pursuant to applicable statutes or rules;
5 and

6 (C) for criminal defense purposes, to a de-
7 fendant, who shall have access to samples and
8 analyses performed in connection with the case
9 in which such defendant is charged.

10 (2) EXCEPTION.—If personally identifiable in-
11 formation is removed, test results may be disclosed
12 for a population statistics database, for identification
13 research and protocol development purposes, or for
14 quality control purposes.

15 (c) CRIMINAL PENALTY.—(1) A person who—

16 (A) by virtue of employment or official position,
17 has possession of, or access to, individually identifi-
18 able DNA information indexed in a database created
19 or maintained by any Federal law enforcement agen-
20 cy; and

21 (B) willfully discloses such information in any
22 manner to any person or agency not entitled to re-
23 ceive it,

24 shall be fined not more than \$100,000.

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1 (2) A person who, without authorization, willfully ob-
2 tains DNA samples or individually identifiable DNA infor-
3 mation indexed in a database created or maintained by
4 any Federal law enforcement agency shall be fined not
5 more than \$100,000.

6 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Fed-
8 eral Bureau of Investigation to carry out sections 1003,
9 1004, and 1005 \$_____ for each of fiscal years 1995,
10 1996, 1997, 1998, 1999, and 2000.

11 **TITLE XXIV—MOTOR VEHICLE**
12 **THEFT PREVENTION**

13 **SEC. 1901. SHORT TITLE.**

14 This title may be cited as the “Motor Vehicle Theft
15 Prevention Act”.

16 **SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PRO-**
17 **GRAM.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this section, the Attorney General
20 shall develop, in cooperation with the States, a national
21 voluntary motor vehicle theft prevention program (in this
22 section referred to as the “program”) under which—

23 (1) the owner of a motor vehicle may volun-
24 tarily sign a consent form with a participating State
25 or locality in which the motor vehicle owner—

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1 (A) states that the vehicle is not normally
2 operated under certain specified conditions; and

3 (B) agrees to—

4 (i) display program decals or devices
5 on the owner's vehicle; and

6 (ii) permit law enforcement officials in
7 any State to stop the motor vehicle and
8 take reasonable steps to determine whether
9 the vehicle is being operated by or with the
10 permission of the owner, if the vehicle is
11 being operated under the specified condi-
12 tions; and

13 (2) participating States and localities authorize
14 law enforcement officials in the State or locality to
15 stop motor vehicles displaying program decals or de-
16 vices under specified conditions and take reasonable
17 steps to determine whether the vehicle is being oper-
18 ated by or with the permission of the owner.

19 (b) UNIFORM DECAL OR DEVICE DESIGNS.—

20 (1) IN GENERAL.—The motor vehicle theft pre-
21 vention program developed pursuant to this section
22 shall include a uniform design or designs for decals
23 or other devices to be displayed by motor vehicles
24 participating in the program.

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1 (2) TYPE OF DESIGN.—The uniform design
2 shall—

3 (A) be highly visible; and

4 (B) explicitly state that the motor vehicle
5 to which it is affixed may be stopped under the
6 specified conditions without additional grounds
7 for establishing a reasonable suspicion that the
8 vehicle is being operated unlawfully.

9 (c) VOLUNTARY CONSENT FORM.—The voluntary
10 consent form used to enroll in the program shall—

11 (1) clearly state that participation in the pro-
12 gram is voluntary;

13 (2) clearly explain that participation in the pro-
14 gram means that, if the participating vehicle is being
15 operated under the specified conditions, law enforce-
16 ment officials may stop the vehicle and take reason-
17 able steps to determine whether it is being operated
18 by or with the consent of the owner, even if the law
19 enforcement officials have no other basis for believ-
20 ing that the vehicle is being operated unlawfully;

21 (3) include an express statement that the vehi-
22 cle is not normally operated under the specified con-
23 ditions and that the operation of the vehicle under
24 those conditions would provide sufficient grounds for
25 a prudent law enforcement officer to reasonably be-

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1 lieve that the vehicle was not being operated by or
2 with the consent of the owner; and

3 (4) include any additional information that the
4 Attorney General may reasonably require.

5 (d) SPECIFIED CONDITIONS UNDER WHICH STOPS
6 MAY BE AUTHORIZED.—

7 (1) IN GENERAL.—The Attorney General shall
8 promulgate rules establishing the conditions under
9 which participating motor vehicles may be author-
10 ized to be stopped under this section. These condi-
11 tions may not be based on race, creed, color, na-
12 tional origin, gender, or age. These conditions may
13 include—

14 (A) the operation of the vehicle during cer-
15 tain hours of the day; or

16 (B) the operation of the vehicle under
17 other circumstances that would provide a suffi-
18 cient basis for establishing a reasonable sus-
19 picion that the vehicle was not being operated
20 by the owner, or with the consent of the owner.

21 (2) MORE THAN ONE SET OF CONDITIONS.—

22 The Attorney General may establish more than one
23 set of conditions under which participating motor ve-
24 hicles may be stopped. If more than one set of condi-
25 tions is established, a separate consent form and a

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1 separate design for program decals or devices shall
2 be established for each set of conditions. The Attor-
3 ney General may choose to satisfy the requirement
4 of a separate design for program decals or devices
5 under this paragraph by the use of a design color
6 that is clearly distinguishable from other design col-
7 ors.

8 (3) NO NEW CONDITIONS WITHOUT CON-
9 SENT.—After the program has begun, the conditions
10 under which a vehicle may be stopped if affixed with
11 a certain decal or device design may not be ex-
12 panded without the consent of the owner.

13 (4) LIMITED PARTICIPATION BY STATES AND
14 LOCALITIES.—A State or locality need not authorize
15 the stopping of motor vehicles under all sets of con-
16 ditions specified under the program in order to par-
17 ticipate in the program.

18 (e) MOTOR VEHICLES FOR HIRE.—

19 (1) NOTIFICATION TO LESSEES.—Any person
20 who is in the business of renting or leasing motor
21 vehicles and who rents or leases a motor vehicle on
22 which a program decal or device is affixed shall,
23 prior to transferring possession of the vehicle, notify
24 the person to whom the motor vehicle is rented or
25 leased about the program.

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1 (2) TYPE OF NOTICE.—The notice required by
2 this subsection shall—

3 (A) be in writing;

4 (B) be in a prominent format to be deter-
5 mined by the Attorney General; and

6 (C) explain the possibility that if the motor
7 vehicle is operated under the specified condi-
8 tions, the vehicle may be stopped by law en-
9 forcement officials even if the officials have no
10 other basis for believing that the vehicle is
11 being operated unlawfully.

12 (3) FINE FOR FAILURE TO PROVIDE NOTICE.—
13 Failure to provide proper notice under this sub-
14 section shall be punishable by a fine not to exceed
15 \$5,000.

16 (f) NOTIFICATION OF POLICE.—As a condition of
17 participating in the program, a State or locality must
18 agree to take reasonable steps to ensure that law enforce-
19 ment officials throughout the State or locality are familiar
20 with the program, and with the conditions under which
21 motor vehicles may be stopped under the program.

22 (g) REGULATIONS.—The Attorney General shall pro-
23 mulgate regulations to implement this section.

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1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized such sums as are necessary to carry out
3 this section.

4 **SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE**
5 **IDENTIFICATION NUMBERS.**

6 (a) BASIC OFFENSE.—Subsection (a) of section 511
7 of title 18, United States Code, is amended to read as
8 follows:

9 “(a) A person who—

10 “(1) knowingly removes, obliterates, tampers
11 with, or alters an identification number for a motor
12 vehicle or motor vehicle part; or

13 “(2) with intent to further the theft of a motor
14 vehicle, knowingly removes, obliterates, tampers
15 with, or alters a decal or device affixed to a motor
16 vehicle pursuant to the Motor Vehicle Theft Preven-
17 tion Act,

18 shall be fined under this title, imprisoned not more than
19 5 years, or both.”.

20 (b) EXCEPTED PERSONS.—Paragraph (2) of section
21 511(b) of title 18, United States Code, is amended—

22 (1) by striking “and” after the semicolon in
23 subparagraph (B);

24 (2) by striking the period at the end of sub-
25 paragraph (C) and inserting “; and”; and

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1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(D) a person who removes, obliterates,
4 tampers with, or alters a decal or device affixed
5 to a motor vehicle pursuant to the Motor Vehi-
6 cle Theft Prevention Act, if that person is the
7 owner of the motor vehicle, or is authorized to
8 remove, obliterate, tamper with or alter the
9 decal or device by—

10 “(i) the owner or his authorized
11 agent;

12 “(ii) applicable State or local law; or

13 “(iii) regulations promulgated by the
14 Attorney General to implement the Motor
15 Vehicle Theft Prevention Act.”.

16 (c) DEFINITION.—Section 511 of title 18, United
17 States Code, is amended by adding at the end thereof the
18 following:

19 “(d) For purposes of subsection (a) of this section,
20 the term ‘tampers with’ includes covering a program decal
21 or device affixed to a motor vehicle pursuant to the Motor
22 Vehicle Theft Prevention Act for the purpose of obstruct-
23 ing its visibility.”.

24 (d) UNAUTHORIZED APPLICATION OF A DECAL OR
25 DEVICE.—

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1 (1) IN GENERAL.—Chapter 25 of title 18, Unit-
2 ed States Code, is amended by adding after section
3 511 the following new section:

4 **“§ 511A. Unauthorized application of theft prevention**
5 **decal or device**

6 “(a) Whoever affixes to a motor vehicle a theft pre-
7 vention decal or other device, or a replica thereof, unless
8 authorized to do so pursuant to the Motor Vehicle Theft
9 Prevention Act, shall be punished by a fine not to exceed
10 \$1,000.

11 “(b) For purposes of this section, the term ‘theft pre-
12 vention decal or device’ means a decal or other device de-
13 signed in accordance with a uniform design for such de-
14 vices developed pursuant to the Motor Vehicle Theft Pre-
15 vention Act.”.

16 (2) TECHNICAL AMENDMENT.—The chapter
17 analysis for chapter 25 of title 18, United States
18 Code, is amended by adding after the item relating
19 to section 511 the following new item:

“511A. Unauthorized application of theft prevention decal or device.”.

20 **TITLE XXV—VICTIMS OF CRIME**

21 **Subtitle A—Victims of Crime**

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

23 (a) IN GENERAL.—Rule 32 of the Federal Rules of
24 Criminal Procedure is amended by—

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1 (1) striking "and" following the semicolon in
2 subdivision (c)(3)(C);

3 (2) striking the period at the end of subdivision
4 (c)(3)(D) and inserting "and";

5 (3) inserting after subdivision (c)(3)(D) the
6 following:

7 "(E) if sentence is to be imposed for a
8 crime of violence or sexual abuse, address the
9 victim personally if the victim is present at the
10 sentencing hearing and determine if the victim
11 wishes to make a statement and to present any
12 information in relation to the sentence.";

13 (4) in the second to last sentence of subdivision
14 (c)(3)(D), striking "equivalent opportunity" and in-
15 serting in lieu thereof "opportunity equivalent to
16 that of the defendant's counsel";

17 (5) in the last sentence of subdivision (c)(4) by
18 striking "and (D)" and inserting in lieu thereof
19 "(D), and (E)";

20 (6) in the last sentence of subdivision (c)(4) in-
21 serting "the victim," before "or the attorney for the
22 Government."; and

23 (7) adding at the end the following:

24 "(f) DEFINITIONS.—For purposes of this rule—

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1 “(1) ‘victim’ means any individual against
2 whom an offense for which a sentence is to be im-
3 posed has been committed, but the right of allocu-
4 tion under subdivision (c)(3)(D) may be exercised
5 instead by—

6 “(A) a parent or legal guardian in case the
7 victim is below the age of eighteen years or in-
8 competent; or

9 “(B) one or more family members or rel-
10 atives designated by the court in case the victim
11 is deceased or incapacitated;

12 if such person or persons are present at the sentenc-
13 ing hearing, regardless of whether the victim is
14 present; and

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

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall become effective on December 1,
22 1994.

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1 SEC. 102. SENSE OF THE SENATE CONCERNING THE RIGHT
2 OF A VICTIM OF A VIOLENT CRIME OR SEX-
3 UAL ABUSE TO SPEAK AT AN OFFENDER'S
4 SENTENCING HEARING AND ANY PAROLE
5 HEARING.

6 It is the sense of the Senate that—

7 (1) the law of a State should provide for a vic-
8 tim's right of allocution at a sentencing hearing and
9 at any parole hearing if the offender has been con-
10 victed of a crime of violence or sexual abuse;

11 (2) such a victim should have an opportunity
12 equivalent to the opportunity accorded to the offend-
13 er's counsel to address the sentencing court or pa-
14 role board and to present information in relation to
15 the sentence imposed or to the early release of the
16 offender; and

17 (3) if the victim is not able to or chooses not
18 to testify at a sentencing hearing or parole hearing,
19 the victim's parents, legal guardian, or family mem-
20 bers should have the right to address the court or
21 board.

22 **Subtitle B—Crime Victims' Fund**

23 SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.

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

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

3 “(2) the next \$10,000,000 deposited in the
4 Fund shall be available for grants under section
5 1404A.”;

6 (2) striking paragraph (3) and inserting the
7 following:

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

10 “(A) 48.5 percent shall be available for
11 grants under section 1403;

12 “(B) 48.5 percent shall be available for
13 grants under section 1404(a); and

14 “(C) 3 percent shall be available for grants
15 under section 1404(c).”;

16 (3) striking paragraph (4) and inserting the
17 following:

18 “(4) The Director may retain any portion of
19 the Fund that was deposited during a fiscal year
20 that is in excess of 110 percent of the total amount
21 deposited in the Fund during the preceding fiscal
22 year as a reserve for use in a year in which the
23 Fund falls below the amount available in the pre-
24 vious year. Such reserve may not exceed
25 \$20,000,000.”; and

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1 (4) striking paragraph (5).

2 (b) CONFORMING CROSS REFERENCE.—Section
3 1402(g)(1) of the Victims of Crime Act of 1984 (42
4 U.S.C. 10601(g)(1)) is amended by striking “(d)(2)(D)”
5 and inserting “(d)(2)”.

6 (c) AMOUNTS AWARDED AND UNSPENT.—Section
7 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C.
8 10601(e)) is amended to read as follows:

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

16 **SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSA-**
17 **TION TO CERTAIN FEDERAL PROGRAMS.**

18 Section 1403 of the Victims of Crime Act of 1984
19 (42 U.S.C. 10602) is amended by adding at the end the
20 following new subsection:

21 “(e) Notwithstanding any other law, if the compensa-
22 tion paid by an eligible crime victim compensation pro-
23 gram would cover costs that a Federal program, or a fed-
24 erally financed State or local program, would otherwise
25 pay,—

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

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

6 **SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**
7 **PENSATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **TITLE XXVI—PROTECTIONS FOR**
7 **THE ELDERLY**

8 **SEC. 2001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT**
9 **PROGRAM.**

10 (a) GRANT.—The Attorney General shall, subject to
11 the availability of appropriations, award a grant to an eli-
12 gible organization to assist the organization in paying for
13 the costs of planning, designing, establishing, and operat-
14 ing a Missing Alzheimer's Disease Patient Alert Program,
15 which shall be a locally based, proactive program to pro-
16 tect and locate missing patients with Alzheimer's disease
17 and related dementias.

18 (b) APPLICATION.—To be eligible to receive a grant
19 under subsection (a), an organization shall submit an ap-
20 plication to the Attorney General at such time, in such
21 manner, and containing such information as the Attorney
22 General may require, including, at a minimum, an assur-
23 ance that the organization will obtain and use assistance
24 from private nonprofit organizations to support the pro-
25 gram.

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1 (c) ELIGIBLE ORGANIZATION.—The Attorney Gen-
2 eral shall award the grant described in subsection (a) to
3 a national voluntary organization that has a direct link
4 to patients, and families of patients, with Alzheimer's dis-
5 ease and related dementias.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$_____ for each of fiscal years 1995, 1996, and 1997.

9 **SEC. 2002. CRIMES AGAINST THE ELDERLY.**

10 (a) IN GENERAL.—Pursuant to its authority under
11 the Sentencing Reform Act of 1984 and section 21 of the
12 Sentencing Act of 1987 (including its authority to amend
13 the sentencing guidelines and policy statements) and its
14 authority to make such amendments on an emergency
15 basis, the United States Sentencing Commission shall en-
16 sure that the applicable guideline range for a defendant
17 convicted of a crime of violence against an elderly victim
18 is sufficiently stringent to deter such a crime, to protect
19 the public from additional crimes of such a defendant, and
20 to adequately reflect the heinous nature of such an of-
21 fense.

22 (b) CRITERIA.—In carrying out subsection (a), the
23 United States Sentencing Commission shall ensure that—

24 (1) the guidelines provide for increasingly se-
25 vere punishment for a defendant commensurate with

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1 the degree of physical harm caused to the elderly
2 victim;

3 (2) the guidelines take appropriate account of
4 the vulnerability of the victim; and

5 (3) the guidelines provide enhanced punishment
6 for a defendant convicted of a crime of violence
7 against an elderly victim who has previously been
8 convicted of a crime of violence against an elderly
9 victim, regardless of whether the conviction occurred
10 in Federal or State court.

11 (c) DEFINITIONS.—In this section—

12 “crime of violence” means an offense under sec-
13 tion 113, 114, 1111, 1112, 1113, 1117, 2241, 2242,
14 or 2244 of title 18, United States Code.

15 “elderly victim” means a victim who is 65 years
16 of age or older at the time of an offense.

17 **TITLE XXVII—SENIOR CITIZENS**
18 **AGAINST MARKETING SCAMS**

19 **SEC. 3901. SHORT TITLE.**

20 This Act may be cited as the “Senior Citizens
21 Against Marketing Scams Act of 1994”.

22 **SEC. 3903. ENHANCED PENALTIES FOR TELEMARKETING**
23 **FRAUD.**

24 (a) OFFENSE.—Part I of title 18, United States
25 Code, is amended—

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1 (1) by redesignating chapter 113A as chapter
2 113B; and

3 (2) by inserting after chapter 113 the following
4 new chapter:

5 **"CHAPTER 113A—TELEMARKETING FRAUD**

"Sec.

"2325. Definition.

"2326. Enhanced penalties.

"2327. Mandatory restitution.

6 **"§ 2325. Definition**

7 "In this chapter, 'telemarketing'—

8 "(1) means a plan, program, promotion, or
9 campaign that is conducted to induce—

10 "(A) purchases of goods or services; or

11 "(B) participation in a contest or sweep-
12 stakes,

13 by use of 1 or more interstate telephone calls initi-
14 ated either by a person who is conducting the plan,
15 program, promotion, or campaign or by a prospec-
16 tive purchaser or contest or sweepstakes participant;
17 but

18 "(2) does not include the solicitation of sales
19 through the mailing of a catalog that—

20 "(A) contains a written description or il-
21 lustration of the goods or services offered for
22 sale;

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1 “(B) includes the business address of the
2 seller;

3 “(C) includes multiple pages of written
4 material or illustration; and

5 “(D) has been issued not less frequently
6 than once a year,

7 if the person making the solicitation does not solicit
8 customers by telephone but only receives calls initi-
9 ated by customers in response to the catalog and
10 during those calls take orders without further solici-
11 tation.

12 **“§ 2326. Enhanced penalties**

13 “An offender that is convicted of an offense under
14 1028, 1029, 1341, 1342, 1343, or 1344 in connection with
15 the conduct of telemarketing—

16 “(1) may be imprisoned for a term of 5 years
17 in addition to any term of imprisonment imposed
18 under any of those sections, respectively; and

19 “(2) in the case of an offense under any of
20 those sections that—

21 “(A) victimized ten or more persons over
22 the age of 55; or

23 “(B) targeted persons over the age of 55,

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1 may be imprisoned for a term of 10 years in addi-
2 tion to any term of imprisonment imposed under any
3 of those sections, respectively.

4 **“§ 2327. Mandatory restitution**

5 “(a) IN GENERAL.—Notwithstanding section 3663.
6 and in addition to any other civil or criminal penalty au-
7 thorized by law, the court shall order restitution for any
8 offense under this chapter.

9 “(b) SCOPE AND NATURE OF ORDER.—

10 “(1) DIRECTIONS.—The order of restitution
11 under this section shall direct that—

12 “(A) the defendant pay to the victim
13 (through the appropriate court mechanism) the
14 full amount of the victim’s losses as determined
15 by the court, pursuant to paragraph (2); and

16 “(B) the United States Attorney enforce
17 the restitution order by all available and reason-
18 able means.

19 “(2) ENFORCEMENT BY VICTIM.—An order of
20 restitution may be enforced by a victim named in the
21 order to receive the restitution as well as by the
22 United States Attorney, in the same manner as a
23 judgment in a civil action.

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1 “(3) DEFINITION.—For purposes of this sub-
2 section, the term ‘full amount of the victim’s losses’
3 includes any costs incurred by the victim for—

4 “(A) medical services relating to physical,
5 psychiatric, or psychological care;

6 “(B) physical and occupational therapy or
7 rehabilitation;

8 “(C) necessary transportation, temporary
9 housing, and child care expenses;

10 “(D) lost income;

11 “(E) attorneys’ fees, experts’ fees, inves-
12 tigators’ fees, interpretive services, and court
13 costs; and

14 “(F) any other losses suffered by the vic-
15 tim as a proximate result of the offense.

16 “(4) ORDER MANDATORY.—(A) The issuance of
17 a restitution order under this section is mandatory.

18 “(B) A court may not decline to issue an order
19 under this section because of—

20 “(i) the economic circumstances of the
21 defendant; or

22 “(ii) the fact that a victim has, or is
23 entitled to, receive compensation for his or
24 her injuries from the proceeds of insurance
25 or any other source.

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1 “(C)(i) Notwithstanding subparagraph (A), the
2 court may take into account the economic cir-
3 cumstances of the defendant in determining the
4 manner in which and the schedule according to
5 which the restitution is to be paid.

6 “(ii) For purposes of this subparagraph, the
7 term ‘economic circumstances’ includes—

8 “(I) the financial resources and other as-
9 sets of the defendant;

10 “(II) projected earnings, earning capacity,
11 and other income of the defendant; and

12 “(III) any financial obligations of the de-
13 fendant, including obligations to dependents.

14 “(D) Subparagraph (A) does not apply if—

15 “(i) the court finds on the record that
16 the economic circumstances of the defend-
17 ant do not allow for the payment of any
18 amount of a restitution order, and do not
19 allow for the payment of any amount of a
20 restitution order in the foreseeable future
21 (under any reasonable schedule of pay-
22 ments); and

23 “(ii) the court enters in its order the
24 amount of the victim’s losses, and provides
25 a nominal restitution award.

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1 “(5) MORE THAN 1 OFFENDER.—When the
2 court finds that more than 1 offender has contrib-
3 uted to the loss of a victim, the court may make
4 each offender liable for payment of the full amount
5 of restitution or may apportion liability among the
6 offenders to reflect the level of contribution and eco-
7 nomic circumstances of each offender.

8 “(6) MORE THAN 1 VICTIM.—When the court
9 finds that more than 1 victim has sustained a loss
10 requiring restitution by an offender, the court shall
11 order full restitution of each victim but may provide
12 for different payment schedules to reflect the eco-
13 nomic circumstances of each victim.

14 “(7) PAYMENT SCHEDULE.—An order under
15 this section may direct the defendant to make a sin-
16 gle lump-sum payment or partial payments at speci-
17 fied intervals.

18 “(8) SETOFF.—Any amount paid to a victim
19 under this section shall be set off against any
20 amount later recovered as compensatory damages by
21 the victim from the defendant in—

22 “(A) any Federal civil proceeding; and

23 “(B) any State civil proceeding, to the ex-
24 tent provided by the law of the State.

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1 “(9) EFFECT ON OTHER SOURCES OF COM-
2 PENSATION.—The issuance of a restitution order
3 shall not affect the entitlement of a victim to receive
4 compensation with respect to a loss from insurance
5 or any other source until the payments actually re-
6 ceived by the victim under the restitution order fully
7 compensate the victim for the loss.

8 “(10) CONDITION OF PROBATION OR SUPER-
9 VISED RELEASE.—Compliance with a restitution is-
10 sued under this section shall be a condition of any
11 probation or supervised release of a defendant. The
12 court may revoke probation or a term of supervised
13 release, modify the terms or conditions of probation
14 or a term of supervised release, hold the defendant
15 in contempt pursuant to section 3583(e), or suspend
16 the offender’s eligibility for any grant, contract,
17 loan, professional license, or commercial license pro-
18 vided by an agency of the United States or with ap-
19 propriated funds of the United States if the defend-
20 ant fails to comply with the order. In determining
21 whether to revoke probation or a term of supervised
22 release, modify the terms or conditions of probation
23 or supervised release or hold a defendant serving a
24 term of supervised release in contempt, the court
25 shall consider the defendant’s employment status,

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1 earning ability and financial resources, the willful-
2 ness of the defendant's failure to comply, and any
3 other circumstances that may have a bearing on the
4 defendant's ability to comply.

5 "(c) PROOF OF CLAIM.—

6 "(1) AFFIDAVIT.—Within 60 days after convic-
7 tion and, in any event, not later than 10 days prior
8 to sentencing, the United States Attorney (or the
9 United States Attorney's delegee), after consulting
10 with the victim, shall prepare and file an affidavit
11 with the court listing the amounts subject to restitu-
12 tion under this section. The affidavit shall be signed
13 by the United States Attorney (or the United States
14 Attorney's delegee) and the victim. Should the victim
15 object to any of the information included in the affi-
16 davit, the United States Attorney (or the United
17 States Attorney's delegee) shall advise the victim
18 that the victim may file a separate affidavit and
19 shall provide the victim with an affidavit form which
20 may be used to do so.

21 "(2) OBJECTION.—If, after the defendant has
22 been notified of the affidavit, no objection is raised
23 by the defendant, the amounts attested to in the af-
24 fidavit filed pursuant to paragraph (1) shall be en-
25 tered in the court's restitution order. If objection is

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1 raised, the court may require the victim or the Unit-
2 ed States Attorney (or the United States Attorney's
3 delegee) to submit further affidavits or other sup-
4 porting documents, demonstrating the victim's
5 losses.

6 “(3) ADDITIONAL DOCUMENTATION AND TESTI-
7 MONY.—If the court concludes, after reviewing the
8 supporting documentation and considering the de-
9 fendant's objections, that there is a substantial rea-
10 son for doubting the authenticity or veracity of the
11 records submitted, the court may require additional
12 documentation or hear testimony on those questions.
13 The privacy of any records filed, or testimony heard,
14 pursuant to this section shall be maintained to the
15 greatest extent possible, and such records may be
16 filed or testimony heard in camera.

17 “(4) FINAL DETERMINATION OF LOSSES.—If
18 the victim's losses are not ascertainable by the date
19 that is 10 days prior to sentencing as provided in
20 paragraph (1), the United States Attorney (or the
21 United States Attorney's delegee) shall so inform the
22 court, and the court shall set a date for the final de-
23 termination of the victim's losses, not to exceed 90
24 days after sentencing. If the victim subsequently dis-
25 covers further losses, the victim shall have 60 days

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1 after discovery of those losses in which to petition
2 the court for an amended restitution order. Such
3 order may be granted only upon a showing of good
4 cause for the failure to include such losses in the ini-
5 tial claim for restitutionary relief.

6 “(d) MODIFICATION OF ORDER.—A victim or the of-
7 fender may petition the court at any time to modify a res-
8 titution order as appropriate in view of a change in the
9 economic circumstances of the offender.

10 “(e) REFERENCE TO MAGISTRATE OR SPECIAL MAS-
11 TER.—The court may refer any issue arising in connection
12 with a proposed order of restitution to a magistrate or
13 special master for proposed findings of fact and rec-
14 ommendations as to disposition, subject to a de novo de-
15 termination of the issue by the court.

16 “(f) DEFINITION.—For purposes of this section, the
17 term ‘victim’ includes the individual harmed as a result
18 of a commission of a crime under this chapter, including,
19 in the case of a victim who is under 18 years of age, in-
20 competent, incapacitated, or deceased, the legal guardian
21 of the victim or representative of the victim’s estate, an-
22 other family member, or any other person appointed as
23 suitable by the court, but in no event shall the defendant
24 be named as such representative or guardian.”.

25 (b) TECHNICAL AMENDMENTS.—