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S	25	1	8	3

1 (2) state, with respect to prisoners placed in the
2 project, the number of prisoners who are returned to
3 that jurisdiction and custody and the reasons for
4 such return;

5 (3) describe the nature and scope of educational
6 and training activities provided to prisoners partici-
7 pating in the project;

8 (4) state the number, and describe the scope of,
9 contracts made with public and nonprofit private
10 community-based organizations to carry out such
11 project; and

12 (5) evaluate the effectiveness of the project in
13 accomplishing the purposes described in section
14 4102.

15 **CHAPTER 2—FAMILY UNITY DEMONSTRA-**
16 **TION PROJECT FOR FEDERAL PRIS-**
17 **ONERS**

18 **SEC. 4121. AUTHORITY OF THE ATTORNEY GENERAL.**

19 (a) **IN GENERAL.**—With the funds available to carry
20 out this subtitle for the benefit of Federal prisoners, the
21 Attorney General, acting through the Director of the Bu-
22 reau of Prisons, shall select eligible prisoners to live in
23 community corrections facilities with their children.

24 (b) **GENERAL CONTRACTING AUTHORITY.**—In imple-
25 menting this title, the Attorney General may enter into

1 contracts with appropriate public or private agencies to
2 provide housing, sustenance, services, and supervision of
3 inmates eligible for placement in community correctional
4 facilities under this title.

5 (c) USE OF STATE FACILITIES.—At the discretion of
6 the Attorney General, Federal participants may be placed
7 in State projects, under chapter 1 as defined in subtitle
8 B. For such participants, the Attorney General shall, with
9 funds available under section 4104(b)(2), reimburse the
10 State for all project costs related to the Federal partici-
11 pant's placement, including administrative costs.

12 **SEC. 4122. REQUIREMENTS.**

13 For the purpose of placing Federal participants in
14 a family unity demonstration project under section 4121,
15 the Attorney General shall consult with the Secretary of
16 Health and Human Services regarding the development
17 and operation of the project.

18 **Subtitle 2—Substance Abuse**
19 **Treatment in Federal Prisons**

20 **SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL**
21 **PRISONS.**

22 Section 3621 of title 18, United States Code, is
23 amended—

24 (1) in the last sentence of subsection (b), by
25 striking “, to the extent practicable,”; and

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

3 “(e) SUBSTANCE ABUSE TREATMENT.—

4 “(1) PHASE-IN.—In order to carry out the re-
5 quirement of the last sentence of subsection (b) of
6 this section, that every prisoner with a substance
7 abuse problem have the opportunity to participate in
8 appropriate substance abuse treatment, the Bureau
9 of Prisons shall, subject to the availability of appro-
10 priations, provide residential substance abuse
11 treatment—

12 “(A) for not less than 50 percent of eligi-
13 ble prisoners by the end of fiscal year 1995,
14 with priority for such treatment accorded based
15 on an eligible prisoner’s proximity to release
16 date;

17 B) for not less than 75 percent of eligi-
18 ble prisoners by the end of fiscal year 1996,
19 with priority for such treatment accorded based
20 on an eligible prisoner’s proximity to release
21 date; and

22 “(C) for all eligible prisoners by the end of
23 fiscal year 1997 and thereafter, with priority
24 for such treatment accorded based on an eligi-
25 ble prisoner’s proximity to release date.

1 “(2) INCENTIVE FOR PRISONERS’ SUCCESSFUL
2 COMPLETION OF TREATMENT PROGRAM.—

3 “(A) GENERALLY.—Any prisoner who, in
4 the judgment of the Director of the Bureau of
5 Prisons, has successfully completed a program
6 of residential substance abuse treatment pro-
7 vided under paragraph (1) of this subsection,
8 shall remain in the custody of the Bureau for
9 such time (as limited by subparagraph (B) of
10 this paragraph) and under such conditions, as
11 the Bureau deems appropriate. If the conditions
12 of confinement are different from those the
13 prisoner would have experienced absent the suc-
14 cessful completion of the treatment, the Bureau
15 shall periodically test the prisoner for substance
16 abuse and discontinue such conditions on deter-
17 mining that substance abuse has recurred.

18 “(B) PERIOD OF CUSTODY.—The period
19 the prisoner remains in custody after success-
20 fully completing a treatment program shall not
21 exceed the prison term the law would otherwise
22 require such prisoner to serve, but may not be
23 less than such term minus one year.

24 “(3) REPORT.—The Bureau of Prisons shall
25 transmit to the Committees on the Judiciary of the

1 Senate and the House of Representatives on Janu-
2 ary 1, 1995, and on January 1 of each year there-
3 after, a report. Such report shall contain—

4 “(A) a detailed quantitative and qualitative
5 description of each substance abuse treatment
6 program, residential or not, operated by the
7 Bureau;

8 “(B) a full explanation of how eligibility
9 for such programs is determined, with complete
10 information on what proportion of prisoners
11 with substance abuse problems are eligible; and

12 “(C) a complete statement of to what ex-
13 tent the Bureau has achieved compliance with
14 the requirements of this title.

15 “(4) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 this subsection _____.

18 “(5) DEFINITIONS.—As used in this
19 subsection—

20 “(A) the term ‘residential substance abuse
21 treatment’ means a course of individual and
22 group activities, lasting between 6 and 12
23 months, in residential treatment facilities set
24 forth from the general prison population—

1 “(i) directed at the substance abuse
2 problems of the prisoner; and

3 “(ii) intended to develop the pris-
4 oner’s cognitive, behavioral, social, voca-
5 tional, and other skills so as to solve the
6 prisoner’s substance abuse and related
7 problems; and

8 “(B) the term ‘eligible prisoner’ means a
9 prisoner who is—

10 “(i) determined by the Bureau of
11 Prisons to have a substance abuse prob-
12 lem; and

13 “(ii) willing to participate in a resi-
14 dential substance abuse treatment pro-
15 gram.”.

16 **Subtitle ⁵ 2—Residential Substance**
17 **Abuse Treatment for State Pris-**
18 **oners**

19 **SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
20 **FOR STATE PRISONERS.**

21 (a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT
22 FOR PRISONERS.—Title I of the Omnibus Crime Control
23 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
24 is amended by inserting after part V (as added by section
25 2201(a)) the following new part:

1 **“PART W—RESIDENTIAL SUBSTANCE ABUSE**
2 **TREATMENT FOR STATE PRISONERS**

3 **“SEC. 2301. GRANT AUTHORIZATION.**

4 “The Attorney General may make grants under this
5 part to States, for the use by States and units of local
6 government for the purpose of developing and implement-
7 ing residential substance abuse treatment programs within
8 State correctional facilities as well as within local correc-
9 tions and detention facilities, as well as within local correc-
10 tional facilities in which inmates are incarcerated for a pe-
11 riod of time sufficient to permit substance abuse treat-
12 ment.

13 **“SEC. 2302. STATE APPLICATIONS.**

14 “(a) IN GENERAL.—(1) To request a grant under
15 this part the chief executive of a State shall submit an
16 application to the Attorney General in such form and con-
17 taining such information as the Attorney General may rea-
18 sonably require.

19 “(2) Such application shall include assurances that
20 Federal funds received under this part shall be used to
21 supplement, not supplant, non-Federal funds that would
22 otherwise be available for activities funded under this part.

23 “(3) Such application shall coordinate the design and
24 implementation of treatment programs between State cor-
25 rectional representatives and the State Alcohol and Drug
26 Abuse agency (and, if appropriate, between representa-

1 tives of local correctional agencies and representatives of
2 either the State alcohol and drug abuse agency or any ap-
3 propriate local alcohol and drug abuse agency).

4 “(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—
5 To be eligible to receive funds under this part, a State
6 must agree to implement or continue to require urinalysis
7 or similar testing of individuals in correctional residential
8 substance abuse treatment programs. Such testing shall
9 include individuals released from residential substance
10 abuse treatment programs who remain in the custody of
11 the State.

12 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER
13 CARE COMPONENT.—

14 “(1) To be eligible for a preference under this
15 part, a State must ensure that individuals who par-
16 ticipate in the substance abuse treatment program
17 established or implemented with assistance provided
18 under this part will be provided with aftercare
19 services.

20 “(2) State aftercare services must involve the
21 coordination of the correctional facility treatment
22 program with other human service and rehabilitation
23 programs, such as educational and job training pro-
24 grams, parole supervision programs, half-way house
25 programs, and participation in self-help and peer

1 group programs, that may aid in the rehabilitation
2 of individuals in the substance abuse treatment
3 program.

4 “(3) To qualify as an aftercare program, the
5 head of the substance abuse treatment program, in
6 conjunction with State and local authorities and or-
7 ganizations involved in substance abuse treatment,
8 shall assist in placement of substance abuse treat-
9 ment program participants with appropriate commu-
10 nity substance abuse treatment facilities when such
11 individuals leave the correctional facility at the end
12 of a sentence or on parole.

13 “(d) STATE OFFICE.—The Office designated under
14 section 507—

15 “(1) shall prepare the application as required
16 under this section; and

17 “(2) shall administer grant funds received
18 under this part, including review of spending, proc-
19 essing, progress, financial reporting, technical assist-
20 ance, grant adjustments, accounting, auditing, and
21 fund disbursement.

22 **“SEC. 2303. REVIEW OF STATE APPLICATIONS.**

23 “(a) IN GENERAL.—The Attorney General shall
24 make a grant under section 2301 to carry out the projects

1 described in the application submitted under section 2302
2 upon determining that—

3 “(1) the application is consistent with the re-
4 quirements of this part; and

5 “(2) before the approval of the application the
6 Attorney General has made an affirmative finding in
7 writing that the proposed project has been reviewed
8 in accordance with this part.

9 “(b) APPROVAL.—Each application submitted under
10 section 2302 shall be considered approved, in whole or in
11 part, by the Attorney General not later than 90 days after
12 first received unless the Attorney General informs the ap-
13 plicant of specific reasons for disapproval.

14 “(c) RESTRICTION.—Grant funds received under this
15 part shall not be used for land acquisition or construction
16 projects.

17 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
18 ATION.—The Attorney General shall not disapprove any
19 application without first affording the applicant reason-
20 able notice and an opportunity for reconsideration.

21 **“SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.**

22 “(a) ALLOCATION.—Of the total amount appro-
23 priated under this part in any fiscal year—

24 “(1) 0.4 percent shall be allocated to each of
25 the participating States; and

1 “(2) of the total funds remaining after the allo-
2 cation under paragraph (1), there shall be allocated
3 to each of the participating States an amount which
4 bears the same ratio to the amount of remaining
5 funds described in this paragraph as the State pris-
6 on population of such State bears to the total prison
7 population of all the participating States.

8 “(b) FEDERAL SHARE.—The Federal share of a
9 grant made under this part may not exceed 75 percent
10 of the total costs of the projects described in the applica-
11 tion submitted under section 2302 for the fiscal year for
12 which the projects receive assistance under this part.

13 **“SEC. 2305. EVALUATION.**

14 “Each State that receives a grant under this part
15 shall submit to the Attorney General an evaluation not
16 later than March 1 of each year in such form and contain-
17 ing such information as the Attorney General may reason-
18 ably require.”.

19 (b) TECHNICAL AMENDMENT.—The table of contents
20 of title I of the Omnibus Crime Control and Safe Streets
21 Act of 1968 (42 U.S.C. 3711 et seq.), is amended by in-
22 serting after the matter relating to part V (as added by
23 section 2201(b)) the following:

 “PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
 PRISONERS

 “Sec. 2301. Grant authorization.

 “Sec. 2302. State applications.

"Sec. 2303. Review of State applications.

"Sec. 2304. Allocation and distribution of funds.

"Sec. 2305. Evaluation."

1 (c) DEFINITIONS.—Section 901(a) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3791(a)) is amended by adding after paragraph (24) (as
4 added by section 2101(c)) the following:

5 “(25) the term ‘residential substance abuse
6 treatment program’ means a course of individual
7 and group activities, lasting between 6 and 12
8 months, in residential treatment facilities set apart
9 from the general prison population—

10 “(A) directed at the substance abuse prob-
11 lems of the prisoner; and

12 “(B) intended to develop the prisoner’s
13 cognitive, behavioral, social, vocational, and
14 other skills so as to solve the prisoner’s sub-
15 stance abuse and related problems.”.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
17 1001(a) of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
19 ing at the end the following new paragraph:

20 “(18) There are authorized to be appropriated
21 \$_____ for each of the fiscal years 1994, 1995, and
22 1996 to carry out the projects under part W.”.

194-201

to combat substance abuse

10 **Subtitle ~~2~~¹—Hope in Youth**
11 **Program**

12 **SEC. 1099A. PROGRAM AUTHORITY.**

13 (a) IN GENERAL.—The Secretary of Health and
14 Human Services (in this subtitle referred to as the “Sec-
15 retary”) may make grants to eligible service providers in
16 one or more political subdivisions of a State containing
17 an area designated as an empowerment zone, as author-
18 ized under the Omnibus Budget Reconciliation Act of
19 1993 (Public Law 103-66), that have submitted an ap-
20 proved plan to establish advisory organizations in low-in-
21 come communities within the political subdivision contain-
22 ing an empowerment zone which will serve as umbrella
23 agencies for strategic planning and evaluation of service

1 programs serving the low-income communities in which
2 the advisory organization operates.

3 (b) COORDINATION WITH THE OUNCE OF PREVEN-
4 TION COUNCIL.—The Secretary may coordinate with the
5 Ounce of Prevention Council in making grants under sub-
6 section (a).

7 **SEC. 1099B. PROGRAM REQUIREMENTS.**

8 Each advisory organization established as described
9 in section 1099B shall—

10 (1) provide a permanent multi-issue forum for
11 public policy discussion which will serve as part of
12 a stable infrastructure of community outreach and
13 support,

14 (2) develop a mechanism by which local support
15 service providers may be evaluated and assessed in
16 the level of service they provide to the community,
17 and which establishes a method for advisory organi-
18 zation participants to review and participate in ef-
19 forts to maintain or increase the quality of services
20 provided by such providers,

21 (3) create a Family Outreach Team approach
22 which provides a youth worker, a parent worker, and
23 a school-parent organizer to provide training in out-
24 reach, mentoring, community organizing and peer
25 counseling and mentoring to locally recruited volun-

1 teers in a particular area. The Family Outreach
2 Team assists such volunteers in outreach, develop-
3 ment and coordination of service delivery from
4 among the service providers in the area, including
5 the schools,

6 (4) establish processes by which local public
7 agencies can effectively involve the private sector in
8 the provision of services that meet the needs of local
9 communities,

10 (5) establish processes of coalition building in
11 which diverse groups within low-income communities
12 attempt to work cooperatively to meet the collective
13 needs of low-income communities, and

14 (6) create a training program to foster commu-
15 nity-based leadership in low-income communities.

16 **SEC. 1099C. ELIGIBLE PROVIDERS.**

17 Consortia of public and private nonprofit local social
18 service organizations that have a proven ability to involve
19 disparate populations of low-income citizens and compet-
20 ing service providers are eligible to receive grants under
21 section 1099A.

22 **SEC. 1099D. APPLICATIONS.**

23 Applications may be submitted, for approval by the
24 Secretary, by eligible service providers at such time and

1 teers in a particular area. The Family Outreach
2 Team assists such volunteers in outreach, develop-
3 ment and coordination of service delivery from
4 among the service providers in the area, including
5 the schools,

6 (4) establish processes by which local public
7 agencies can effectively involve the private sector in
8 the provision of services that meet the needs of local
9 communities,

10 (5) establish processes of coalition building in
11 which diverse groups within low-income communities
12 attempt to work cooperatively to meet the collective
13 needs of low-income communities, and

14 (6) create a training program to foster commu-
15 nity-based leadership in low-income communities.

16 **SEC. 1099C. ELIGIBLE PROVIDERS.**

17 Consortia of public and private nonprofit local social
18 service organizations that have a proven ability to involve
19 disparate populations of low-income citizens and compet-
20 ing service providers are eligible to receive grants under
21 section 1099A.

22 **SEC. 1099D. APPLICATIONS.**

23 Applications may be submitted, for approval by the
24 Secretary, by eligible service providers at such time and

1 in such manner as the Secretary may reasonably require.

2 Such applications shall contain—

3 (1) assurances that selection of participants, or-
4 ganizations, and citizens will not be on the basis of
5 religious preference or affiliation,

6 (2) assurances that participating organizations
7 and citizens will not offer services based on any reli-
8 gious preference or affiliation, and

9 (3) assurances that such service providers will,
10 to the extent practicable, involve participation by
11 citizens not traditionally involved in such activities,
12 including homeless individuals, alcohol- and drug-ad-
13 dicted individuals, and gang involved or violent
14 youth.

15 **SEC. 1099E. EVALUATION.**

16 The Secretary shall commence a program to evaluate
17 the success and effectiveness of this program 2 years after
18 the program has received an appropriation, and such eval-
19 uation shall be completed no later than 1 year after the
20 second program year has been completed. A report thereon
21 shall be submitted to the Congress within 60 days of the
22 completion of the evaluation.

23 **SEC. 1099F. DEFINITION.**

24 As used in this subtitle, the term “State” means a
25 State, the District of Columbia, the Commonwealth of

1 Puerto Rico, the United States Virgin Islands, American
2 Samoa, Guam, and the Northern Mariana Islands.

3 **SEC. 1099G. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated \$_____

5 for fiscal year 1995, and such sums as are necessary for

6 each of fiscal years 1996, 1997, and 1998 to carry out

7 this subtitle.

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1 **TITLE IV—VIOLENCE AGAINST**
2 **WOMEN**
3 **TO BE SUPPLIED**

4 **TITLE V—DRUG COURTS**

5 **SEC. 1041. DRUG COURTS.**

6 (a) IN GENERAL.—Title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
8 et seq.), as amended by section ____ (a), is amended—

9 (1) by redesignating part ____ as part ____;

10 (2) by redesignating section ____ 101 as section
11 ____ 201; and

12 (3) by inserting after part ____ the following
13 new part:

14 **“PART ____—DRUG COURTS**

15 **“SEC. ____ 101. GRANT AUTHORITY.**

16 “The Attorney General may make grants to States,
17 for use by States and units of local government (acting
18 directly or through agreements with public or private enti-
19 ties), for programs that involve—

20 “(1) continuing judicial supervision over offend-
21 ers with substance abuse problems who are not vio-
22 lent offenders; and

23 “(2) the integrated administration of other
24 sanctions and services, which shall include—

208

1 “(A) mandatory periodic testing for the
2 use of controlled substances or other addictive
3 substances during any period of supervised re-
4 lease or probation for each participant;

5 “(B) substance abuse treatment for each
6 participant who requires treatment;

7 “(C) diversion, probation, or other super-
8 vised release involving the possibility of prosecu-
9 tion, confinement, or incarceration based on
10 noncompliance with program requirements or
11 failure to show satisfactory progress; and

12 “(D) programmatic and aftercare services
13 such as relapse prevention, health care, edu-
14 cation, vocational training, job placement, hous-
15 ing placement, and child care or other family
16 support services for each participant who re-
17 quires such services.

18 **“SEC. ____102. PROHIBITION OF PARTICIPATION BY VIO-**
19 **LENT OFFENDERS.**

20 “The Attorney General shall—

21 “(1) issue regulations and guidelines to ensure
22 that the programs authorized in this part do not
23 permit participation by violent offenders; and

24 “(2) immediately suspend funding for any grant
25 under this part if the Attorney General finds that

209

1 violent offenders are participating in any program
2 funded under this part.

3 **"SEC. ____103. DEFINITION.**

4 "In this part, 'violent offender' means a person
5 who—

6 "(1) is charged with or convicted of an offense,
7 during the course of which offense or conduct—

8 "(A) the person carried, possessed, or used
9 a firearm or dangerous weapon;

10 "(B) there occurred the death of or serious
11 bodily injury to any person; or

12 "(C) there occurred the use of force
13 against the person of another,

14 without regard to whether any of the circumstances
15 described in subparagraph (A), (B), or (C) is an ele-
16 ment of the offense or conduct of which or for which
17 the person is charged or convicted; and

18 "(2) has no prior convictions for a felony crime
19 of violence involving the use or attempted use of
20 force against a person with the intent to cause death
21 or serious bodily harm.

22 **"SEC. ____104. ADMINISTRATION.**

23 "(a) CONSULTATION.—The Attorney General shall
24 consult with the Secretary of Health and Human Services

210

1 and any other appropriate officials in carrying out this
2 part.

3 “(b) USE OF COMPONENTS.—The Attorney General
4 may utilize any component or components of the Depart-
5 ment of Justice in carrying out this part.

6 “(c) REGULATORY AUTHORITY.—The Attorney Gen-
7 eral may issue regulations and guidelines necessary to
8 carry out this part.

9 “(d) APPLICATIONS.—In addition to any other re-
10 quirements that may be specified by the Attorney General,
11 an application for a grant under this part shall—

12 “(1) include a long-term strategy and detailed
13 implementation plan;

14 “(2) explain the applicant’s inability to fund the
15 program adequately without Federal assistance;

16 “(3) certify that the Federal support provided
17 will be used to supplement, and not supplant, State
18 and local sources of funding that would otherwise be
19 available;

20 “(4) identify related governmental or commu-
21 nity initiatives which complement or will be coordi-
22 nated with the proposal;

23 “(5) certify that there has been appropriate
24 consultation with all affected agencies and that there

216

1 will be appropriate coordination with all affected
2 agencies in the implementation of the program;

3 “(6) certify that participating offenders will be
4 supervised by one or more designated judges with re-
5 sponsibility for the drug court program;

6 “(7) specify plans for obtaining necessary sup-
7 port and continuing the proposed program following
8 the conclusion of Federal support; and

9 “(8) describe the methodology that will be used
10 in evaluating the program.

11 **“SEC. ____105. APPLICATIONS.**

12 “(a) IN GENERAL.—To request funds under this
13 part, the chief executive of a State or unit of local govern-
14 ment shall submit an application to the Attorney General
15 in such form and containing such information as the At-
16 torney General may reasonably require.

17 “(b) APPROVAL.—An application under subsection
18 (a) shall be considered to have been approved, in whole
19 or in part, not later than 90 days after the application
20 is first received unless the Attorney General informs the
21 applicant in writing of specific reasons for disapproval.

22 “(c) RECONSIDERATION OF DISAPPROVAL.—The At-
23 torney General shall not disapprove any application sub-
24 mitted to the Attorney General without first affording the

212

1 applicant reasonable notice and an opportunity for recon-
2 sideration.

3 **"SEC. ____106. FEDERAL SHARE.**

4 "The Federal share of a grant made under this part
5 may not exceed 75 percent of the total costs of the projects
6 described in the application submitted under section
7 ____102 for the fiscal year for which the projects receive
8 assistance under this part.

9 **"SEC. ____107. GEOGRAPHIC DISTRIBUTION.**

10 "The Attorney General shall ensure that, to the ex-
11 tent practicable, an equitable geographic distribution of
12 grant awards is made.

13 **"SEC. ____108. REPORT.**

14 "A State or unit of local government that receives
15 funds under this subtitle during a fiscal year shall submit
16 to the Attorney General a report in March of the following
17 year regarding the effectiveness of this part.

18 **"SEC. ____109. TECHNICAL ASSISTANCE, TRAINING, AND**
19 **EVALUATION.**

20 "(a) TECHNICAL ASSISTANCE AND TRAINING.—The
21 Attorney General may provide technical assistance and
22 training in furtherance of the purposes of this part.

23 "(b) EVALUATIONS.—In addition to any evaluation
24 requirements that may be prescribed for grantees, the At-
25 torney General may carry out or make arrangements for

213

1 evaluations of programs that receive support under this
2 part.

3 “(c) ADMINISTRATION.—The technical assistance,
4 training, and evaluations authorized by this section may
5 be carried out directly by the Attorney General, in collabo-
6 ration with the Secretary of Health and Human Services,
7 or through grants, contracts, or other cooperative arrange-
8 ments with other entities.”.

9 (b) TECHNICAL AMENDMENT.—The table of contents
10 of title I of the Omnibus Crime Control and Safe Streets
11 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
12 tion ____ (b), is amended by striking the matter relating
13 to part ____ and inserting the following:

“PART ____—DRUG COURTS

- “Sec. ____101. Grant authority.
- “Sec. ____102. Prohibition of participation by violent offenders.
- “Sec. ____103. Definition.
- “Sec. ____104. Administration.
- “Sec. ____105. State applications.
- “Sec. ____106. Local applications and distribution of funds.
- “Sec. ____107. Allocation and distribution of funds.
- “Sec. ____108. Report.
- “Sec. ____109. Technical assistance, training, and evaluation.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
15 1001(a) of title I of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
17 tion ____ (c), is amended—

18 (1) in paragraph (3) by striking “and ____”
19 and inserting “____, and ____”; and

24

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

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

6 **SEC. 1042. STUDY BY THE GENERAL ACCOUNTING OFFICE.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall study and assess the effectiveness and
9 impact of grants authorized by part _____ of title I of the
10 Omnibus Crime Control and Safe Streets Act of 1968 as
11 added by section 1041, and report to Congress the results
12 of the study on or before January 1, 1997.

13 (b) DOCUMENTS AND INFORMATION.—The Attorney
14 General and grant recipients shall provide the Comptroller
15 General with all relevant documents and information that
16 the Comptroller General deems necessary to conduct the
17 study under subsection (a), including the identities and
18 criminal records of program participants.

19 (c) CRITERIA.—In assessing the effectiveness of the
20 grants made under programs authorized by part _____ of
21 the Omnibus Crime Control and Safe Streets Act of 1968,
22 the Comptroller General shall consider, among other
23 things—

24 (1) recidivism rates of program participants;

25

- 1 (2) completion rates among program partici-
2 pants;
3 (3) drug use by program participants; and
4 (4) the costs of the program to the criminal jus-
5 tice system.

6 **TITLE VI—DEATH PENALTY**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Federal Death Penalty
9 Act of 1994”.

10 **SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPO- 11 SITION OF THE SENTENCE OF DEATH.**

12 (a) IN GENERAL.—Part II of title 18, United States
13 Code, is amended by inserting after chapter 227 the fol-
14 lowing new chapter:

15 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

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

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

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

16 **“§ 3591. Sentence of death**

17 “(a) A defendant who has been found guilty of—

18 “(1) an offense described in section 794 or sec-
19 tion 2381; or

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

5 “(A) intentionally killed the victim;

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

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

14 “(D) intentionally and specifically engaged
15 in an act of violence, knowing that the act cre-
16 ated a grave risk of death to a person, other
17 than one of the participants in the offense, such
18 that participation in the act constituted a reck-
19 less disregard for human life and the victim
20 died as a direct result of the act,

21 shall be sentenced to death if, after consideration of the
22 factors set forth in section 3592 in the course of a hearing
23 held pursuant to section 3593, it is determined that im-
24 position of a sentence of death is justified, except that no

217
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1 person may be sentenced to death who was less than 18
2 years of age at the time of the offense.

3 “(b) A defendant who has been found guilty of—

4 “(1) an offense referred to in section 408(c)(1)
5 of the Controlled Substances Act (21 U.S.C.
6 848(c)(1)), committed as part of a continuing crimi-
7 nal enterprise offense under the conditions described
8 in subsection (b) of that section which involved not
9 less than twice the quantity of controlled substance
10 described in subsection (b)(2)(A) or twice the gross
11 receipts described in subsection (b)(2)(B); or

12 “(2) an offense referred to in section 408(c)(1)
13 of the Controlled Substances Act (21 U.S.C.
14 848(c)(1)), committed as part of a continuing crimi-
15 nal enterprise offense under that section, where the
16 defendant is a principal administrator, organizer, or
17 leader of such an enterprise, and the defendant, in
18 order to obstruct the investigation or prosecution of
19 the enterprise or an offense involved in the enter-
20 prise, attempts to kill or knowingly directs, advises,
21 authorizes, or assists another to attempt to kill any
22 public officer, juror, witness, or members of the fam-
23 ily or household of such a person,

24 shall be sentenced to death if, after consideration of the
25 factors set forth in section 3592 in the course of a hearing

216
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1 held pursuant to section 3593, it is determined that im-
2 position of a sentence of death is justified, except that no
3 person may be sentenced to death who was less than 18
4 years of age at the time of the offense.

5 **“§ 3592. Mitigating and aggravating factors to be con-**
6 **sidered in determining whether a sen-**
7 **tence of death is justified**

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

12 “(1) IMPAIRED CAPACITY.—The defendant’s ca-
13 pacity to appreciate the wrongfulness of the defend-
14 ant’s conduct or to conform conduct to the require-
15 ments of law was significantly impaired, regardless
16 of whether the capacity was so impaired as to con-
17 stitute a defense to the charge.

18 “(2) DURESS.—The defendant was under un-
19 usual and substantial duress, regardless of whether
20 the duress was of such a degree as to constitute a
21 defense to the charge.

22 “(3) MINOR PARTICIPATION.—The defendant is
23 punishable as a principal in the offense, which was
24 committed by another, but the defendant’s participa-
25 tion was relatively minor, regardless of whether the

1 participation was so minor as to constitute a defense
2 to the charge.

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

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

9 “(6) DISTURBANCE.—The defendant committed
10 the offense under severe mental or emotional dis-
11 turbance.

12 “(7) VICTIM’S CONSENT.—The victim consented
13 to the criminal conduct that resulted in the victim’s
14 death.

15 “(8) OTHER FACTORS.—Other factors in the
16 defendant’s background, record, or character or any
17 other circumstance of the offense that mitigate
18 against imposition of the death sentence.

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

220
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1 “(1) PRIOR ESPIONAGE OR TREASON OF-
2 FENSE.—The defendant has previously been con-
3 victed of another offense involving espionage or trea-
4 son for which a sentence of either life imprisonment
5 or death was authorized by law.

6 “(2) GRAVE RISK TO NATIONAL SECURITY.—In
7 the commission of the offense the defendant know-
8 ingly created a grave risk of substantial danger to
9 the national security.

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

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

16 “(c) AGGRAVATING FACTORS FOR HOMICIDE.—In
17 determining whether a sentence of death is justified for
18 an offense described in section 3591(a)(2), the jury, or
19 if there is no jury, the court, shall consider each of the
20 following aggravating factors for which notice has been
21 given and determine which, if any, exist:

22 “(1) DEATH DURING COMMISSION OF ANOTHER
23 CRIME.—The death, or injury resulting in death, oc-
24 curred during the commission or attempted commis-
25 sion of, or during the immediate flight from the

221
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1 commission of. an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

1 “(2) PREVIOUS CONVICTION OF VIOLENT FEL-
2 ONY INVOLVING FIREARM.—For any offense, other
3 than an offense for which a sentence of death is
4 sought on the basis of section 924(c), the defendant
5 has previously been convicted of a Federal or State
6 offense punishable by a term of imprisonment of
7 more than 1 year, involving the use or attempted or
8 threatened use of a firearm (as defined in section
9 921) against another person.

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

17 “(4) PREVIOUS CONVICTION OF OTHER SERI-
18 OUS OFFENSES.—The defendant has previously been
19 convicted of 2 or more Federal or State offenses,
20 punishable by a term of imprisonment of more than
21 1 year, committed on different occasions, involving
22 the infliction of, or attempted infliction of, serious
23 bodily injury or death upon another person.

24 “(5) GRAVE RISK OF DEATH TO ADDITIONAL
25 PERSONS.—The defendant, in the commission of the

223
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1 offense, or in escaping apprehension for the violation
2 of the offense, knowingly created a grave risk of
3 death to 1 or more persons in addition to the victim
4 of the offense.

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

10 “(7) PROCUREMENT OF OFFENSE BY PAY-
11 MENT.—The defendant procured the commission of
12 the offense by payment, or promise of payment, of
13 anything of pecuniary value.

14 “(8) PECUNIARY GAIN.—The defendant com-
15 mitted the offense as consideration for the receipt,
16 or in the expectation of the receipt, of anything of
17 pecuniary value.

18 “(9) SUBSTANTIAL PLANNING AND
19 PREMEDITATION.—The defendant committed the of-
20 fense after substantial planning and premeditation
21 to cause the death of a person or commit an act of
22 terrorism.

23 “(10) CONVICTION FOR TWO FELONY DRUG OF-
24 FENSES.—The defendant has previously been con-
25 victed of 2 or more State or Federal offenses pun-

224
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1 ishable by a term of imprisonment of more than one
2 year, committed on different occasions, involving the
3 distribution of a controlled substance.

4 “(11) VULNERABILITY OF VICTIM.—The victim
5 was particularly vulnerable due to old age, youth, or
6 infirmity.

7 “(12) CONVICTION FOR SERIOUS FEDERAL
8 DRUG OFFENSES.—The defendant had previously
9 been convicted of violating title II or III of the Con-
10 trolled Substances Act for which a sentence of 5 or
11 more years may be imposed or had previously been
12 convicted of engaging in a continuing criminal enter-
13 prise.

14 “(13) CONTINUING CRIMINAL ENTERPRISE IN-
15 VOLVING DRUG SALES TO MINORS.—The defendant
16 committed the offense in the course of engaging in
17 a continuing criminal enterprise in violation of sec-
18 tion 408(c) of the Controlled Substances Act (21
19 U.S.C. 848(c)), and that violation involved the dis-
20 tribution of drugs to persons under the age of 21 in
21 violation of section 418 of that Act (21 U.S.C. 859).

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

24 “(A) the President of the United States,
25 the President-elect, the Vice President, the

225
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1 Vice-President-elect, the Vice-President-des-
2 ignate, or, if there is no Vice President, the of-
3 ficer next in order of succession to the office of
4 the President of the United States, or any per-
5 son who is acting as President under the Con-
6 stitution and laws of the United States;

7 “(B) a chief of state, head of government,
8 or the political equivalent, of a foreign nation;

9 “(C) a foreign official listed in section
10 1116(b)(3)(A), if the official is in the United
11 States on official business; or

12 “(D) a Federal public servant who is a
13 judge, a law enforcement officer, or an em-
14 ployee of a United States penal or correctional
15 institution—

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

18 “(ii) because of the performance of his
19 or her official duties; or

20 “(iii) because of his or her status as
21 a public servant.

22 For purposes of this subparagraph, a ‘law en-
23 forcement officer’ is a public servant authorized
24 by law or by a Government agency or Congress
25 to conduct or engage in the prevention, inves-

226
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1 tigation, or prosecution or adjudication of an
2 offense, and includes those engaged in correc-
3 tions, parole, or probation functions.

4 “(15) PRIOR CONVICTION OF SEXUAL ASSAULT
5 OR CHILD MOLESTATION.—In the case of an offense
6 under chapter 109A (sexual abuse) or chapter 110
7 (sexual abuse of children), the defendant has pre-
8 viously been convicted of a crime of sexual assault
9 or crime of child molestation.

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

13 “(d) AGGRAVATING FACTORS FOR DRUG OFFENSE
14 DEATH PENALTY.—In determining whether a sentence of
15 death is justified for an offense described in section
16 3591(b), the jury, or if there is no jury, the court, shall
17 consider each of the following aggravating factors for
18 which notice has been given and determine which, if any,
19 exist:

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

227
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1 a sentence of life imprisonment or death was author-
2 ized by statute.

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

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

21 “(4) USE OF FIREARM.—In committing the of-
22 fense, or in furtherance of a continuing criminal en-
23 terprise of which the offense was a part, the defend-
24 ant used a firearm or knowingly directed, advised,

227

62

1 authorized, or assisted another to use a firearm to
2 threaten, intimidate, assault, or injure a person.

3 “(5) DISTRIBUTION TO PERSONS UNDER 21.—
4 The offense, or a continuing criminal enterprise of
5 which the offense was a part, involved conduct pro-
6 scribed by section 418 of the Controlled Substances
7 Act (21 U.S.C. 859) which was committed directly
8 by the defendant.

9 “(6) DISTRIBUTION NEAR SCHOOLS.—The of-
10 fense, or a continuing criminal enterprise of which
11 the offense was a part, involved conduct proscribed
12 by section 419 of the Controlled Substances Act (21
13 U.S.C. 860) which was committed directly by the de-
14 fendant.

15 “(7) USING MINORS IN TRAFFICKING.—The of-
16 fense, or a continuing criminal enterprise of which
17 the offense was a part, involved conduct proscribed
18 by section 420 of the Controlled Substances Act (21
19 U.S.C. 861) which was committed directly by the de-
20 fendant.

21 “(8) LETHAL ADULTERANT.—The offense in-
22 volved the importation, manufacture, or distribution
23 of a controlled substance (as defined in section 102
24 of the Controlled Substances Act (21 U.S.C. 802)),
25 mixed with a potentially lethal adulterant, and the