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21ST Century Law Enforcement and Public Safety Act

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TITLE I - SUPPORTING LOCAL LAW ENFORCEMENT

SEC. 1001. 21ST CENTURY COMMUNITY POLICING INITIATIVE.

(a) Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by –

(1) inserting “and prosecutor” after “increase police”; and

(2) inserting “to enhance law enforcement access to new technologies, and” after “presence,”.

(b) Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended –

(1) in paragraph (1) –

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following:

“(D) promote higher education among in-service state and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.”;

(2) in paragraph (2) by striking all that follows “SUPPORT SYSTEMS.” and inserting “Grants pursuant to paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.”.

(c) Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended –

(1) in paragraph (2) –

(A) by inserting “integrity and ethics” after “specialized”; and

(B) by inserting “and” after “enforcement officers”;

(2) in paragraph (7) by inserting “school officials, religiously-affiliated organizations,” after “enforcement officers”;

(3) in paragraph (10) by striking “and” that appears at the end;

(4) in paragraph (11) by striking the period that appears at the end and inserting “; and”;

(5) by adding at the end the following:

“(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community’s sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.”.

(d) Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended –

(1) in paragraph (1) –

(A) by inserting “use up to 5 percent of the funds appropriated under subsection (a) to” after “The Attorney General may”;

(B) by inserting **[list]** after “technical assistance to”; and

(C) by inserting **[list]** after “and training to”;

(2) in paragraph (3) –

(A) by striking “the Attorney General may” and inserting “the Attorney General shall”;

(B) by inserting “regional community policing institutes” after “operation of”; and

(C) by inserting “representatives of police labor and management organizations, community residents,” after “supervisors,”.

(e) Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by –

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM. – Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them –

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information -- including non-criminal justice data -- to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) COMMUNITY-BASED PROSECUTION PROGRAM – Grants made under subsection (a) may be used to assist state, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to –

"(1) hire additional prosecutors who will be assigned to community prosecution programs, including (but not limited to) programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such

personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

"(4) LIMITATIONS. –

"(A) At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2); and

“(B) At least 25 percent of the funds made available under this subsection shall be reserved for grants to units of local government with a population of less than 50,000.”.

(f) Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

"(d) RETENTION GRANTS. The Attorney General may use up to 5 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(g) Section 1704(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3(c)) is amended by striking "\$75,000 " and inserting "\$125,000 ".

(h) Section 1709 (1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts."

(i) Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended –

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended–

(i) \$ 1,300,000,000 for fiscal year 2000;

(ii) \$ 1,300,000,000 for fiscal year 2001;

(iii) \$ 1,300,000,000 for fiscal year 2002;

(iv) \$ 1,300,000,000 for fiscal year 2003;

(v) \$ 1,300,000,000 for fiscal year 2004; and

(vi) \$ 1,300,000,000 for fiscal year 2005.";

(2) in subparagraph (B) –

(i) by striking "3 percent" and inserting "5 percent";

(ii) by striking "85 percent" and inserting "\$600,000,000"; and

(iii) by striking "1701(b)," and all that follows through "of part Q." and inserting the following: "1701(b) and (c), \$150,000,000 to grants for the purposes specified in section 1701(d), \$350,000,000 to grants for the purposes specified in section 1701(e), and \$200,000,000 to grants for the purposes specified in section 1701(f)."

SEC. 1002. COMMUNITY PROSECUTION PROGRAM GRANTS.

Subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13861 et seq.) is amended to read as follows:

“SUBTITLE Q--COMMUNITY PROSECUTION PROGRAM GRANTS

“SEC. 31701. GRANT AUTHORIZATION.

“The Attorney General may make grants to State, Indian tribal, or local prosecutors’ offices for the purpose of supporting the creation or expansion of community-based justice programs.

“SEC. 31702. USE OF FUNDS.

“Grants made by the Attorney General under this section shall be used--

“(1) to fund prosecution programs that emphasize the participation of community residents in developing strategies for public safety through partnerships with such entities as police departments, supervisory agencies (such as diversion programs, probation and parole departments), social service organizations, community organizations, local businesses, schools, religiously-affiliated organizations, and elected officials. (Nothing in this paragraph shall be construed as authorizing the disbursement of funds to pervasively sectarian institutions, or as authorizing the use of funds for any sectarian activity, including sectarian worship, instruction or proselytization);

“(2) to fund programs that establish or support existing mechanisms for community participation that include the following activities: identifying local crime problems and priorities, engaging in problem-solving and strategic planning, and maintaining regular communication between the prosecutor’s office and community

residents;

“(3) to fund prosecution programs that include the hiring of community prosecutors and related personnel and utilize an interdisciplinary team approach to prevent, reduce and respond to crime in partnership with communities;

“(4) to fund programs that are proactive in their approach to crime, with an emphasis on prevention, as well as enforcement;

“(5) to fund programs that employ, where appropriate, use of sentencing alternatives that restore the victim, the community and offender; and

“(6) to fund programs that help build local problem-solving capacity through training and technical assistance.

“SEC. 31703. APPLICATIONS.

“(a) ELIGIBILITY- In order to be eligible to receive a grant under this part for any fiscal year, a State, Indian tribal, or local prosecutor, in conjunction with the chief executive officer of the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

“(b) REQUIREMENTS- Each applicant shall include--

“(1) a request for funds for the purposes described in section 31702;

“(2) a description of the communities to be served by the grant, including the nature of crime in the community and a description of quality of life crimes that impact on community safety; and

“(3) assurances that Federal funds received under this part shall be used to

supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section.

“SEC. 31704. AWARD OF GRANTS.

“(a) The Attorney General shall consider the following factors in awarding grants:

 “(1) demonstrated need and evidence of the ability to provide the services described in section 31702; and

 “(2) demonstrated participation with existing community-based programs supported by the Department of Justice, such as Community Policing and the Weed and Seed program.

“(b) To the extent practicable, the Attorney General shall attempt to achieve an equitable geographic distribution of grant awards.

“(c) At least five percent of the funds appropriated to carry out this subtitle in each fiscal year shall be awarded as grants to Indian tribes. To the extent practicable, the Attorney General shall comply with sub-section (a) of this section in awarding such grants.”

“SEC. 31705. REPORTS.

“(a) REPORT TO ATTORNEY GENERAL- State, Indian tribal, and local prosecutors that receive funds under this subtitle shall submit to the Attorney General a report not later than March 1 of each year that describes progress achieved in carrying out this grant program.

“(b) REPORT TO CONGRESS- The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this subtitle which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs

established under this subtitle.

“SEC. 31706. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subtitle \$200,000,000 in fiscal year 2000 and such sums as may be necessary in each subsequent fiscal year through fiscal year 2005.

“SEC. 31707 PERMANENT SET-ASIDE FOR RESEARCH AND EVALUATION.

“The Attorney General shall reserve no less than 1 percent and no more than 3 percent of the sums appropriated to carry out this subtitle in each fiscal year for research and evaluation of this program.”

“SEC. 31708. DEFINITIONS.

“In this subtitle--

“ ‘Indian tribe’ means an Indian tribe included on the list of recognized Indian tribes published by the Secretary of the Interior pursuant to 25 U.S.C. § 479a-1.”

“ ‘State’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.”.

SEC. 1003. RURAL LAW ENFORCEMENT GRANT SET-ASIDES.

(a) DRUG COURTS. -- Part V of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ii et seq.) is amended by –

- (1) renumbering sections 2208 and 2209 as sections 2209 and 2210; and
- (2) inserting after section 2207 the following new section:

“SEC. 2208. Discretionary Rural Set-aside.

“(a) Set-aside. The Attorney General may choose to specify that a portion of the sums reserved and appropriated to carry out this part in each fiscal year, not to exceed ten percent of such sums, shall be awarded for grants to applicants in rural areas that the Attorney General determines are underserved areas.

“(b) Definition. The term ‘rural area’ means an area with a population of 25,000 or less.”

“(c) Reallocation of Unobligated Funds. If any amount so obligated under subsection (a) remains unobligated at the end of the fiscal year, then such amount may be reallocated for distribution to other eligible applicants.”.

(b) BYRNE DISCRETIONARY GRANT PROGRAM.-- Subpart 2 of part E of Title I of the Omnibus Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760 et seq.) is amended by inserting after section 512 the following new section:

“SEC. 513. Discretionary Rural Set-Aside.

“(a) Discretionary Rural Set-aside. The Attorney General may choose to specify that a portion of the sums reserved and appropriated to carry out section 511 in each fiscal year, not to exceed ten percent of such sums, shall be awarded for grants to applicants in rural areas that the Attorney General determines are underserved areas.

“(b) Definition. The term ‘rural area’ means an area with a population of 25,000 or less.

“(c) Reallocation of unobligated funds. If any amount so obligated under

subsection (a) remains unobligated at the end of the fiscal year, then such amount may be reallocated for distribution to other eligible applicants.”.

(c) OTHER DISCRETIONARY RURAL SET-ASIDES. – Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760 et seq.) is amended by inserting after section 102 the following new section:

“Sec. 103. Discretionary Rural Set-Aside.

“(a) Set-aside. With respect to all other discretionary grant programs administered by the Attorney General that relate to criminal or juvenile justice for which no specific legislative authority is given, but for which specific appropriations have been enacted by the Congress (including such programs as the Weed and Seed program, the Juvenile Accountability Incentive Block Grant program and the Enforcing Underage Drinking Law program), the Attorney General may choose to specify that a portion of the sums appropriated to carry out such discretionary grant programs in each fiscal year, not to exceed ten percent of such sums, shall be awarded for grants to applicants in rural areas that the Attorney General determines are underserved areas.

“(b) Definition. The term ‘rural area’ means an area with a population of 25,000 or less.

“(c) Reallocation of unobligated funds. If any amount so obligated under subsection (a) remains unobligated at the end of the fiscal year, then such amount may be reallocated for distribution to other eligible applicants.”

SEC. 1004. AMENDMENTS TO THE POLICE CORPS ACT.

Subtitle A of Title XX of the Violent Crime Control and Law Enforcement Act of 1994

(42 U.S.C. 14091 et seq.) is amended –

(1) in section 200107 --

(A) by redesignating subsections (e) and (f) as subsections (f) and (g); and

(B) by inserting after subsection (c) the following new subsection:

“(d) REIMBURSEMENT OF RECRUITMENT COSTS. -- The Director may make payments to reimburse State lead agencies for costs of recruitment of applicants in accordance with this section.”; and

(2) by inserting after section 200113 the following new section:

“SEC. 200114. STATE ADMINISTRATIVE EXPENSES.

“The Director may make payments to reimburse administrative expenses incurred in the operation of State Police Corps programs, provided that not more than 8 percent of the amount appropriated pursuant to section 200112 may be expended under this section.”.

SEC. 1005. DEA AWARDS TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL. -- Section 3374(c)(2) of Title 5, United States Code, is amended by inserting “and section 4503” after “73”.

(b) EFFECTIVE DATE. -- The amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

accountable and are imposed on offenders for every offense, that escalate in intensity with each subsequent, more serious offense, that are sufficiently flexible to allow for individualized sanctions and services suited to the offender, and that also take equally into account public safety considerations and concern for crime victims. Such sanctions may include counseling; substance abuse or other treatment, including drug testing and treatment supervised by drug courts;

restitution; community service; fines; confinement, including weekend and overnight confinement; or aftercare with drug testing following release from incarceration.”

(c) Subsection (a) of section 20108 of Part A of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)) is amended to read as follows:

“(a) AUTHORIZATIONS. -- There are authorized to be appropriated to carry out this part \$2,753,100,000 for fiscal 2000 and such sums as may be necessary for fiscal years 2001 through 2005.”.

SEC. 1006. PROVISION TO FREE EXISTING PRISON SPACE FOR VIOLENT OFFENDER INCARCERATION.

(a) Subsections (d) and (e) of section 20105 of Part A of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(d) and (e)) are redesignated as subsections “(f)” and “(g)”.

(b) Section 20105 of Part A of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705) is amended by adding the following new subsections:

“(d) GRADUATED SANCTIONS. -- Notwithstanding any other provision of this part, any State or local unit of government which has unexpended funds granted to it under section 20103 or 20104 for the fiscal years 1996 through 1999, may expend not more than 25 percent of such funds for the implementation of graduated sanctions or sentencing alternatives to incarceration, provided that such implementation shall be undertaken by said State or unit for the purpose of freeing suitable existing prison space for the confinement of persons convicted of part 1 violent crimes.

“(e) DEFINITION. -- For purposes of subsection (d), the term ‘graduated sanctions’ means tangible, proportional consequences that hold offenders accountable and are imposed on offenders for every offense, that escalate in intensity with each subsequent, more serious offense, that are suited to the offense, and that also take equally into account public safety considerations and concern for crime victims. Such sanctions may include intensive community supervision, include regular drug testing and treatment supervised by drug courts or other criminal justice agencies; victim and community restitution; and certain, but short-term, incarceration.”

(c) Subsection (a) of section 20108 of Part A of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)) is amended to read as follows:

“(a) AUTHORIZATIONS. -- There are authorized to be appropriated to carry out this part \$2,753,100,000 for fiscal 2000 and such sums as may be necessary for fiscal years 2001 through 2005.”.

**SEC. 1007. REAUTHORIZATION OF BUREAU OF JUSTICE ASSISTANCE AND
THE BYRNE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
GRANT PROGRAMS.**

(a) Paragraph (7)(A) of subsection (b) of section 501 of Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended by inserting "gun tracing," after "techniques,".

(b) Strike paragraph (5) of subsection 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ((42 U.S.C. 3793(a)(5)), and insert the following new

paragraph:

"(5) There are authorized to be appropriated for fiscal year 2000 the sum of \$450,050,000, and for the fiscal years 2001 through and including 2005 such sums as may be necessary to carry out the programs under parts D and E (other than chapter B of subpart 2 of part E) of this title."

SEC. 1008. BODY ARMOR PENALTY ENHANCEMENT.

(a) FINDINGS AND SENSE OF THE CONGRESS.

The Congress finds that persons who commit serious criminal offenses while using or carrying body armor pose a special risk to all Americans. The Congress further finds, however, that the States, not the Federal Government, should regulate such conduct -- unless a person has otherwise committed an offense that may be prosecuted in a court of the United States. Accordingly, it is the sense of the Congress that officials of State and local governments should act quickly to enact penalty enhancements for the use or carriage of body armor that are at least as stringent as those provided for in the Body Armor Penalty Enhancement Act of 1998.

(b) Section 929(a)(1) of title 18, United States Code, is amended to read, as follows:

"(a)(1) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm, or who uses or carries body armor, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking

crime, be sentenced to a term of imprisonment of not less than five years."

(c) Subsection (a) of section 929, title 18, United States Code, is amended by adding a new paragraph (3), as follows:

"(3) For purposes of this subsection, 'body armor' means bullet-resistant apparel or body armor meeting the requirements of Type I-IV of Standard NILECJ-STD-0101.1, as formulated by the United States Department of Justice, as the Attorney General may adopt by regulation."

SEC. 1009. EXTENSION OF BULLETPROOF VEST PARTNERSHIP GRANT ACT.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) by redesignating paragraph (23), as added by the Bulletproof Vest Partnership Grant Act of 1998 (42 U.S.C. 3711 note), as paragraph (18); and

(2) in paragraph (18), as so redesignated, by striking "fiscal years 1999 and 2001" and inserting "fiscal years 1999 through 2005".

TITLE II - 21ST CENTURY TOOLS FOR 21ST CENTURY LAW ENFORCEMENT

SEC. 2001. INTEGRATED INFORMATION TECHNOLOGY ASSISTANCE ACT.

(a) **SHORT TITLE.** -- This section may be cited as the “Integrated Information Technology Assistance Act of 1999”.

(b) **PURPOSE.**-- The purpose of this section is to improve the functioning of the justice system by assisting States, Indian tribal governments, and units of local government in developing and improving integrated justice information sharing systems that allow the necessary exchange of information between components of the justice system, including law enforcement, courts, prosecution, public defense, corrections, and probation and parole, as well as with other governmental agencies, in order to strengthen and improve the justice system.

(c) **GRANT PROGRAM.**-- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

- (1) by redesignating part Z as part AA;
- (2) by redesignating section 2601 as 2701; and
- (3) by inserting after part Y the following new part:

“PART Z - INTEGRATED INFORMATION SYSTEMS ASSISTANCE

“Sec. 2601. Integrated Information Systems Assistance Program

“(a) **General program purpose.** The purpose of this part is to improve the functioning of the justice system by assisting States, Indian tribal governments, and units of local government in developing and improving integrated justice information sharing systems that allow the necessary

exchange of information between components of the justice system, including law enforcement, courts, prosecution, public defense, corrections, and probation and parole, as well as with other governmental agencies, in order to strengthen and improve the justice system.

“(b) The Assistant Attorney General for the Office of Justice Programs may–

“(1) make grants to or enter into cooperative agreements or contracts with public agencies, Indian tribal governments, institutions of higher education, private organizations, non-profit entities, community-based organizations, private individuals, or international agencies, or interagency agreements with other federal agencies, for functions established in and purposes related to this part;

“(2) provide technical assistance and training in support of nationally integrated justice information sharing systems. Technical assistance may include–

“(A) Integration models. The development of flexible models that will define for public agencies, Indian tribal governments, and other public and private entities, integrated justice systems and strategies associated with planning, funding, implementing, and maintaining these systems; and

“(B) Strategic planning assistance. Providing public agencies and Indian tribal governments assistance in developing plans for integrated information systems that involve all criminal justice components, and where appropriate, other governmental agencies;

“(3) work with and establish guidelines for the Office, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime, to ensure that

funding for information technology disbursed under purposes set forth in their governing statutes is used to develop integrated information systems;

“(4) utilize other components of the Office, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime to carry out the functions of this part;

“(5) provide staff support to coordinate the activities of the Office, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime, and other Department of Justice agencies as they relate to the development of a national integrated justice information sharing capability;

“(6) act as a liaison to and where appropriate assist in establishing guidelines for other Department of Justice agencies that provide funding to public agencies or Indian tribal governments for information technology to ensure that funding for information technology disbursed under purposes set forth in their governing statutes is used to develop integrated information systems;

“(7) act as a liaison to and where appropriate assist in establishing guidelines with other federal agencies that provide funding to public agencies or Indian tribal governments for information technology for the purposes of coordinating information systems integration and standards development;

“(8) consult with and utilize services, equipment, personnel, information, and facilities of other federal, State, local, and private agencies and instrumentalities with or without

reimbursement therefor where necessary to accomplish the goals of this part. This authority shall be deemed authority to rely on authorizing legislation of the other federal agencies to carry out the purposes of this part though not expressly contained herein;

“(9) initiate research and development to support the purposes of this part with the National Institute of Justice, the Bureau of Justice Statistics, the Office Juvenile Justice and Delinquency Prevention and other public or private research organizations, including seeking the cooperation of the judicial branches of State, local, and Indian tribal governments in coordinating civil and criminal justice research and development relating to integration of the justice system. The Assistant Attorney General for the Office of Justice Programs may enter into partnerships with the National Science Foundation or other public or private research organizations to develop a research agenda to advance information technology applications, including integration standards development. The Assistant Attorney General for the Office of Justice Programs may also engage in other partnerships that may benefit integrated information technology research and development to accomplish the purposes of this part;

“(10) evaluate and assess the current status of integrated justice within the United States and provide such information for the benefit of developing integrated justice information systems;

“(11) develop a national information resource center for the assessment, evaluation, and development of a national integrated justice system capability and collect, prepare, and disseminate to interested State and local criminal justice agencies information, including recommendations, pertaining to the planning, development, implementation, funding, and

ongoing management of integrated justice information systems. The national resource center shall operate with the best available technology for collaboration and information exchange among justice system practitioners;

“(12) disseminate information on integration approaches and resources to state and local jurisdictions;

“(13) assist public agencies and Indian tribal governments in integrated justice information system planning;

“(14) develop demonstration sites and model sites for integrated justice systems that assist public agencies and Indian tribal governments that have demonstrated and implemented existing best practices to complete the final phases of their integration initiatives. These demonstration project jurisdictions may be used as a basis for establishing peer-to-peer technical assistance relationships for integrated justice, and funding may be made available to support the jurisdictions’ peer-to-peer technical assistance programs and for evaluation of the demonstration projects;

“(15) initiate and coordinate the development, application, and implementation of a voluntary system for creating appropriate national integration standards for the justice system;

“(16) act as liaison to public agencies and Indian tribal governments to facilitate the goal of integrated justice. Liaison functions may include providing forums for broad collaboration on integrated justice information systems planning, implementation, funding, ongoing system administration, standards development, and other areas;

“(17) ensure consideration of enhanced security and privacy related to integrated justice

information sharing systems;

“(18) establish partnerships with public or private agencies and private organizations or individuals in furtherance of the purposes of this part including for the purposes of–

“(A) undertaking information technology education and training programs for criminal justice personnel;

“(B) providing technical assistance for information technology to public agencies and Indian tribal governments;

“(C) undertaking projects that are national or multi-jurisdictional in scope and that address the purposes specified in this section; and

“(D) development, implementation, and proliferation of information technology and integration demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction;

“(19) make recommendations to Congress regarding better coordination of federal agency funding in general to public agencies and Indian tribal governments for information technology; and

“(20) exercise such other powers and functions as may be vested in the Assistant Attorney General for the Office of Justice Programs pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968 or by delegation of the Attorney General.

“(c) Cooperation in developing programs in making grants under this part. The Assistant Attorney General for the Office of Justice Programs shall ensure that model programs carried out pursuant to awards made under this part are developed with the participation of State and local officials from law enforcement, courts, prosecution, public defense, corrections, probation and

parole agencies and recognized experts in the area of integrated information sharing systems.

“Section 2602. Awards

“(a) Purposes for which awards may be used. Awards under this part shall provide technical assistance, strategic planning assistance, equipment and other support for the development, implementation, improvement, update or upgrade of justice information systems to achieve greater integration and improved information sharing among criminal justice agencies, specifically for purposes that may include–

“(1) supporting development of statewide or regional strategic plans for integrating state and local criminal justice information sharing systems, and to the extent they benefit criminal justice, affiliated information systems including health and human services, social services, education, and transportation systems;

“(2) developing information technology-related training for criminal justice agency employees;

“(3) developing, implementing, updating or upgrading computerized information systems of law enforcement, courts, prosecution, public defense, corrections, probation and parole agencies for the purpose of improving information exchange among criminal justice agencies, and to the extent they benefit criminal justice, developing, implementing, updating, or upgrading computerized information systems of affiliated governmental agencies, including health and human services, social services, education, and transportation;

“(4) developing demonstration projects and model sites for integrated justice information systems;

“(5) supporting the creation and operation of integration governance boards; and

“(6) purchasing, updating, or upgrading information technology equipment in a way that will enhance agency efficiency and interoperability, enhance system security and privacy safeguards, and support a fully integrated justice system.

“(b) Award recipient authority. Notwithstanding any other provision of law, recipients of awards under the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, the Victims of Crime Act of 1984, the Violent Crime Control and Law Enforcement Act of 1994, and the Crime Identification Technology Act of 1998 to the extent such award is used to plan, develop, purchase, upgrade, update, or implement an information technology system, may use such awards jointly, provided that --

“(1) the combined funding is used toward the planning, design, purchase, update or upgrade, or implementation of a system that is fully integrated or is capable of being integrated with all components of the criminal justice system (law enforcement, courts, prosecution, public defense, corrections, probation and parole); and

“(2) the system as developed and implemented benefits and supports the purposes of each program from which funding was derived.

“Section 2603. Applications

“(a) Applicants. Applicants may be public agencies, Indian tribal governments, colleges and universities, private nonprofit or for profit agencies, private organizations, private individuals, international organizations, or consortia of eligible applicants.

“(b) To request an award for integration planning under this part, an applicant shall submit an application that contains a statement of the plan objective and identifies the body or bodies that

will oversee the planning process. If the application for an integration planning award is made by a unit of local government or units of local government, the applicant shall demonstrate that the plan takes into account any statewide or regional information technology plans and how those plans work toward achieving a statewide information architecture that will permit interoperability among all components of the justice system.

“(c) To request an award for technical assistance, equipment or other support, an applicant shall submit an application that includes a plan for use of information technology to improve information exchange among criminal justice agencies. This plan shall be prepared after consultation with State, local or Indian tribal government officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, implement, and maintain justice information systems, and shall contain those elements set forth by the Assistant Attorney General for the Office of Justice Programs;

“(d) All applications shall include the following assurances:

“(1) an assurance that the individual(s) who developed the application took into consideration the information needs of all branches of the State or local government, or Indian tribal government;

“(2) an assurance that any information technology equipment or computer applications will be purchased in accordance with and in furtherance of integrated justice system information strategies and architectures of public agencies and Indian tribal governments and will support open system design;

“(3) an assurance that any integration planning and implementation will include consideration of necessary linkages to Federal information systems; and

“(4) an assurance that any integration planning and implementation will include the consideration of planning and implementation of wireless and geomapping technologies.

“Sec. 2604. Grant Limitations

“(a) Federal share. The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2603 of this part for the fiscal year for which the program receives assistance under this part, unless the Assistant Attorney General for the Office of Justice Programs waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of an award. State and local units of government may use cash received under the equitable sharing program to cover the non-Federal portion of the costs of programs funded under this part.

“(b) Administrative and evaluation costs. Not more than 3 percent of a grant made to an eligible State or locality under this part may be used for costs incurred to administer such grant and evaluate the program.

“(c) Nonsupplanting requirement. Funds made available under this part to a governmental entity shall not be used to supplant State or local funds, or in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

“(d) Personnel costs. Notwithstanding any other provision of law, funding under this part may be used to pay for the costs of retaining qualified technical personnel for the development of

specified projects. Regulations shall be promulgated within 180 days of the date of enactment of this part to carry out this provision.

“(e) Priority of awards. Priority will be given to applicants for awards under this part who demonstrate that assistance will be for activities or purchases of equipment or computer applications that are in accordance with or in furtherance of development of integrated justice system information strategies and architectures of public agencies or Indian tribal governments and that support open system design.

“Sec. 2605. Accountability

“(a) Fiscal Requirements. A recipient of funds under this part shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under this part shall represent the best value for the public agency or Indian tribal government at the lowest possible cost and employ the most appropriate technology.

“(b) Administrative Provisions. The administrative provisions of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782-3789) shall apply to the Assistant Attorney General for the Office of Justice Programs under this part in the same manner that such provisions apply to the officials listed in such sections.

“Sec. 2606. Review of Applications

“Financial assistance upon approval of application or amendment. The Assistant Attorney General for the Office of Justice Programs may provide financial assistance to each applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

“(1) the application or amendment thereto is consistent with the requirements of this part;
and

“(2) before the approval of the application and any amendment thereto the Assistant Attorney General for the Office of Justice Programs has made an affirmative finding in writing that the program or project has been reviewed in accordance with this part.

“Sec. 2607. Reporting Requirements

“Each awardee receiving funds under this part shall submit a report to the Assistant Attorney General for the Office of Justice Programs evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Assistant Attorney General for the Office of Justice Programs may prescribe.

“Sec. 2608. National Institute of Justice

“(a) The National Institute of Justice at the request of the Assistant Attorney General for the Office of Justice Programs shall undertake necessary research and development and provide training and technical assistance to accomplish the purposes of this part, and the Assistant Attorney General shall transfer the necessary funds to the Institute for these purposes.

“Sec. 2609. Waiver of the Federal Advisory Committee Act (FACA)

Committees, consortia, focus groups, peer review panels, or other groups convened to undertake the purposes of this part shall be exempt from the requirements of the Federal Advisory Committees under the Federal Advisory Committee Act (5 U.S.C. App. II).”.

(d) CONFORMING AMENDMENTS. -- Section 102 of Title I of the Crime Identification Technology Act of 1998 is amended--

(1) by amending subsection (c)(2) to read as follows:

“(c)(2) Information Sharing. – Such assurances shall include a provision that ensures that a statewide strategy for information sharing systems is underway to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, public defense, corrections, and probation and parole. The strategy shall be prepared in accordance with the requirements under subsections (c) and (d) of section 2603 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968.”; and

(2) by inserting after subsection (f) the following:

“(g) Federal assistance to improve the information sharing capacity of public defenders.-- The Office of Justice Programs shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for public defense information systems as necessary to meet the needs of increased information sharing capability of public defenders under integrated criminal justice information systems funded by this Act.”.

(e) AUTHORIZATION OF APPROPRIATIONS.-- Section 1001(a) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

“(24) There are authorized to be appropriated to carry out part Z \$20,000,000 in fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2005.”.

SEC. 2002. AUTHORIZATION TO LINK STATE AND LOCAL LAW

**ENFORCEMENT TO WORLDWIDE POLICE COMMUNICATIONS
NETWORK.**

The INTERPOL - U.S. National Central Bureau is hereby authorized to provide automation-related equipment and associated support to link state, local and tribal law enforcement agencies to INTERPOL's worldwide police communications network, and to train state and local law enforcement in using this equipment and INTERPOL's investigative capabilities.

SEC. 2003. HIGH-TECHNOLOGY CRIME ACT.

(a) **SHORT TITLE.**-- This section may be cited as the "High Technology Crime Act of 1999".

(b) **AMENDMENTS TO THE COMPUTER FRAUD AND ABUSE ACT.** – Section 1030 of title 18, United States Code, is amended--

(1) in subsection (a), by inserting "or" at the end of paragraph (6);

(2) in subsection (c)--

(A) in paragraph (2)(A) --

(i) by striking "(a)(5)(C)" and inserting " (a)(5)"; and

(ii) by striking "and" after the semicolon;

(B) in paragraph (2)(B), by inserting "or an attempted offense" after "in the case of an offense";

(C) by amending subparagraph (C) of paragraph (2) to read as follows:

"(C) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under subparagraph (A) or (B) of

subsection (a)(5), or an attempt to commit an offense punishable under these subparagraphs, if —

"(i) the offense caused loss aggregating at least \$5,000 in value during any 1-year period to one or more persons;

"(ii) the offense modified or impaired, or potentially modified or impaired, the medical examination, diagnosis, treatment, or care of one or more individuals;

"(iii) the offense caused physical injury to any person;

"(iv) the offense threatened public health or safety; or

"(v) the offense affected computer systems used by or for a government entity in furtherance of the administration of justice, national defense, or national security;"

(D) in paragraph (3)(A) –

(i) by striking ", (a)(5)(A), (a)(5)(B),"; and

(ii) by striking "and" at the end;

(E) in paragraph (3)(B), by striking "(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C)" and inserting "(a)(2), (a)(3), (a)(4), (a)(5), (a)(6)";

(F) by redesignating subparagraph (A) of paragraph (3) as paragraph (3);

(G) by redesignating subparagraph (B) of paragraph (3) as paragraph (4);

and

(H) by adding at the end the following:

"(5) forfeiture to the United States of the offender's interest in any

property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, and any property, real or personal which constitutes or is derived from proceeds traceable to any violation of this section. Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).";

(3) in subsection (d)--

(A) by striking "subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of "; and

(B) by striking "which shall be entered into" and inserting "between";

(4) in subsection (e) --

(A) in paragraph (2)(B), by inserting before the semicolon ", including computers located outside the United States";

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

(C) in paragraph (7), by striking "and" after the semicolon;

(D) in paragraph (8), by striking ", that" and all that follows through "and" and inserting ",";

(E) in paragraph (9), by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(10) the term 'loss' includes the reasonable costs to any victim of responding to the offense, conducting a damage assessment, restoring the system and data to their condition prior to the offense, and any lost revenue or costs incurred because of interruption of service.";

(5) in subsection (g) -

(A) by striking "as defined in subsection (c)(8)(A)" and inserting "under subsection (c)(2)(C)(i)"; and

(B) by striking "damages" and inserting "losses as defined in subsection (e)(10)"; and

(6) by adding at the end the following:

"(i) Civil Forfeiture -- The following shall be subject to forfeiture to the United States and no property right shall exist in them: (1) any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of section 1030 of this chapter; (2) any property, real or personal which constitutes or is derived from proceeds traceable to any violation of this section; except that no property shall be forfeited under this subsection to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge, consent, or willful blindness of that owner. The provisions of section 511(b) - (j) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b)-(j)) shall apply to civil forfeitures under this section."

(c) SENSE OF THE CONGRESS. -- It is the sense of the Congress that --

(1) acts that damage or attempt to damage computers used in the delivery of critical infrastructure services such as telecommunications, energy, transportation, banking and financial services, emergency and government services pose a direct threat to public health and safety, and should be prosecuted as felony violations of the Computer Fraud and Abuse Act;

(2) the Federal Government should have jurisdiction to investigate acts affecting protected computers, as defined in subsection 1030(e)(2)(B) as amended herein, even if the effects of such acts occur wholly outside the United States, as in such instances a sufficient federal nexus is conferred through the interconnected and interdependent nature of computers used in interstate or foreign commerce or communication; and

(3) juveniles suspected of having committed certain violations of the Computer Fraud and Abuse Act should, under appropriate circumstances, be eligible for treatment as adults as is the case with other significant violations of federal criminal law. Thus, we make known our intention, in Title V of this Act, to provide for such treatment of juvenile offenders through appropriate amendments to laws concerning delinquency proceedings in the federal district courts and transfer of juveniles to adult status.

(d) AMENDMENT TO SENTENCING COMMISSION DIRECTIVE. -- Section 805(c) of the Antiterrorism and Effective Death Penalty Act of is amended by striking "is imprisoned for not less than 6 months" and inserting "can be subjected to penalties sufficient to deter such conduct".

(e) PRIVACY PROTECTION ACT. -- Section 101 of Public Law 96-440 (42 U.S.C. 2000aa) is amended –

(1) in subsection (a) –

(A) in paragraph (1), by striking "or" following the semicolon;

(B) in paragraph (2), by striking the period and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) the seizure or examination of work product materials is incidental to the execution of an otherwise lawful search or seizure."; and

(2) in subsection (b) --

(A) in paragraph (3), by striking "or" following the semicolon;

(B) in paragraph (4), by striking the period and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(5) the seizure or examination of documentary materials is incidental to the execution of an otherwise lawful search or seizure.".

(f) DEVICES USED TO REPLICATE COUNTERFEIT COMPUTER SOFTWARE. --

Section 2318(d) of title 18, United States Code, is amended --

(1) by inserting "(1)" before "When";

(2) by inserting ", and any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit label was affixed, or was intended to be affixed" before the period; and

(3) by inserting the following at the end:

"(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than

subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).”.

(g) CONFORMING AMENDMENT.-- Section 492 of title 18, United States Code, is amended by striking “or 1720” and inserting “, 1720 or 2318”.

(h) Section 3123 of title 18, United States Code is amended--

(1) by striking subsection (a) and inserting the following:

“(a) In general.--(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. Such order shall apply to any entity providing wire or electronic communication service in the United States whose assistance is necessary to effectuate the order.

“(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”; and

(2) in subsection (b)(1)(C) by striking “in the case of a trap and trace device,” and inserting “in the case of a trap and trace device authorized under subsection (a)(2) of this

section,”.

(i) Section 3127(2)(A) of title 18, United States Code, is amended to read as follows:

“(A) any district court of the United States (including a magistrate of such a court) or United States Court of Appeals having jurisdiction over the offense being investigated; or”.

(j) TECHNICAL AMENDMENTS.

(1) Section 3123 of Title 18, United States Code is amended--

(A) by inserting “or other facility” after “line” wherever it appears;

(B) by inserting “or applied” after “attached” wherever it appears;

(C) in subsection (b)(1)(C), by inserting “or other identifier” after “the number”; and

(D) in subsection (d)(2), by striking “who has been ordered by the court” and inserting “who is obligated by the order”.

(2) Section 3127 of title 18, United States Code is amended--

(A) by amending paragraph (3) to read as follows:

“(3) the term ‘pen register’ means a device or process which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted by an instrument or facility from which a wire or electronic communication is transmitted, but such term does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider

or any device or process used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;”; and

(B) in paragraph (4)--

(i) by inserting “or process” after “means a device”;

(ii) by inserting “or other identifier” after “number”; and

(iii) by striking “or device” and inserting “or other facility”.

SEC. 2004. ESTABLISHING PERMANENT ONE PERCENT RESEARCH AND EVALUATION SET-ASIDES FOR CERTAIN PROGRAMS.

(a) Section 20108 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708) is amended –

(1) in subsection (b)(3)

(A) by deleting subparagraphs (B) and (C); and

(B) by redesignating subparagraph (D) as subparagraph (B); and

(2) in subsection (a), by inserting at the end the following:

“(3) PERMANENT SET-ASIDE FOR RESEARCH AND EVALUATION. --

The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out this subtitle in each fiscal year for research and evaluation of this program.”

“(4) PERMANENT SET-ASIDE FOR TECHNICAL ASSISTANCE. – The Attorney General shall reserve not less than 2 percent and no more than 3 percent of the sums appropriated to carry out this subtitle in each fiscal year for technical assistance

related to the use of grant funds, and development and implementation of reforms implemented pursuant to this subtitle.”.

(b) Section 1001(a)(16) of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3793(a)(16)) is amended by –

(1) redesignating subparagraphs (A) through (E) as clauses (i) through (v)

respectively;

(2) inserting “(A)” before “There”; and

(3) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under part R in each fiscal year for research and evaluation of this program.”.

(c) Section 1001(a)(17) of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3793(a)(17)) is amended by –

(1) redesignating subparagraphs (A) through (E) as clauses (i) through (v)

respectively;

(2) inserting “(A)” before “There”; and

(3) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under part S in each fiscal year for research and evaluation of this program.”.

(d) Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3793(a)(18)) is amended by –

(1) redesignating subparagraphs (A) through (F) as clauses (i) through (vi)

respectively;

(2) inserting “(A)” before “There”; and

(3) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under part T in each fiscal year for research and evaluation of this program.”.

(e) Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by –

(1) redesignating subparagraphs (A) through (C) as clauses (i) through (iii)

respectively;

(2) inserting “(A)” before “There”; and

(3) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under part U in each fiscal year for research and evaluation of this program.”.

(f) Section 1001(a)(21) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(21)) is amended by –

(1) inserting “(A)” before “There”; and

(2) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under part W in

each fiscal year for research and evaluation of this program.”.

(g) Section 1001(a)(22) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(22)) is amended by –

(1) inserting “(A)” before “There”; and

(2) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under part X in each fiscal year for research and evaluation of this program.”

(h) Section 200112 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14101) is amended by –

(1) inserting “(A)” before “There”; and

(2) inserting at the end the following:

“(B) The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out projects under this subtitle in each fiscal year for research and evaluation of this program.”.

(i) Section 220002 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14171) is amended by inserting at the end the following:

“(i) PERMANENT SET-ASIDE FOR RESEARCH AND EVALUATION. --

The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out this section in each fiscal year for research and evaluation of this program.”

(j) Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181) is amended by inserting at the end the following:

“(e) PERMANENT SET-ASIDE FOR RESEARCH AND EVALUATION. -- The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated to carry out this section in each fiscal year for research and evaluation of this program.”.

SEC. 2005. INCLUSION OF FEDERAL, MILITARY, AND DISTRICT OF COLUMBIA OFFENDERS IN THE DNA IDENTIFICATION INDEX.

(a) EXPANSION OF DNA IDENTIFICATION INDEX. -- Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended to read as follows:

"(2) the Director of the Federal Bureau of Investigation may expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to Federal crimes, crimes under the Uniform Code of Military Justice, and crimes under the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(b) AMENDMENTS TO DNA IDENTIFICATION STATUTE. -- Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended --

(1) in subsection (a) --

(A) by amending paragraph (1) to read as follows:

"(1) DNA identification records of persons convicted of or adjudicated delinquent for crimes;";

(B) in paragraph (2), by striking "and";

(C) in paragraph (3), by striking the period and inserting "; and"; and

(D) by inserting at the end the following:

"(4) analyses of DNA samples voluntarily contributed from relatives of missing persons.";

(2) in subsection (b)(2), by striking ", at regular intervals of not to exceed 180 days," and inserting "semi-annual";

(3) by redesignating subsection (c) as subsection (f); and

(4) by inserting after subsection (b) the following:

"(c) FEDERAL AND DISTRICT OF COLUMBIA CRIMES. -- (1) The Director of the Federal Bureau of Investigation shall include in the index established by this section DNA identification records from persons convicted of or adjudicated delinquent for qualifying crimes under Federal law or the District of Columbia Code, as defined in regulations promulgated by the Director. The Director of the Federal Bureau of Investigation shall also promulgate regulations establishing standards and procedures for the analysis of the DNA samples collected from such persons, and the inclusion of the analyses and DNA identification records relating to those samples in the index. Disclosure of information on such DNA identification records and DNA analyses shall be in conformity with subsection (b)(3). In promulgating regulations under this paragraph, the Director of the Federal Bureau of Investigation shall consult with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under § 11232(a) of the Balanced Budget Act of 1997, and the Chief of Police of the Metropolitan Police Department of the District of Columbia.

"(2) The Bureau of Prisons shall collect a DNA sample from each person who is in its custody on or after the effective date of this subsection and who has been convicted of or adjudicated delinquent for a qualifying crime. The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples from such persons.

"(3) The probation office responsible for a person's supervision shall collect a DNA sample from each person who is on supervised release, parole, or probation on or after the effective date of this subsection and who has been convicted of or adjudicated delinquent for a qualifying crime. The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples from such persons.

"(4) (A) The Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under § 11232(a) of the Balanced Budget Act of 1997 shall collect a DNA sample from each person under the supervision of the Agency or Trustee who is on supervised release, parole, or probation on or after the effective date of this subsection and who has been convicted of a qualifying crime. The Director of the Agency or the Trustee shall specify the time and manner of collection of DNA samples from such persons.

"(B) The Government of the District of Columbia shall have the authority to collect DNA samples from persons who are in the custody of or under supervision by the District of Columbia on or after the effective date of this subsection, including the authority to determine the categories of such persons from whom DNA samples will be collected. For purposes of this subparagraph, 'persons who are in the custody of or under supervision by the District of Columbia' means persons who are in the custody of or under supervision by any agency of the Government of the District of Columbia, other than persons who are under the supervision of the

Trustee appointed under § 11232(a) of the Balanced Budget Act of 1997.

"(5) The agencies responsible for collecting DNA samples under paragraph (2), (3), or (4)

--

"(A) may waive the collection of a sample from a person if another agency has collected or will collect such a sample from the person; and

"(B) may use or authorize the use of such means as are necessary to restrain and collect a sample from a person who refuses to cooperate in the collection of a sample.

"(d) MILITARY OFFENDERS. -- (1) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice (hereafter, 'qualifying military crimes') which are comparable to the crimes specified by the Director of the Federal Bureau of Investigation under subsection (c)(1). The Secretary shall promulgate regulations establishing standards and procedures for --

"(A) the collection of DNA samples from persons convicted of qualifying military crimes;

"(B) the analysis of DNA samples collected from such persons; and

"(C) the inclusion of the analyses of such DNA samples and DNA identification records relating to those samples in the index established by this section.

"(2) (A) A DNA sample shall be collected from each person who is in custody or under supervision on or after the effective date of this subsection and who has been convicted of a qualifying military crime. The Secretary shall collect the sample, or arrange for its collection as provided in subparagraph (B).

"(B) The Secretary may arrange to have a DNA sample collected from a person by the

Bureau of Prisons or another agency responsible for the collection of DNA samples under subsection (c), if the person is or will be in the custody of or under supervision by the Bureau of Prisons or such other agency. The Bureau of Prisons or other agency shall have the authority to collect a sample from such a person and shall exercise this authority as requested by the Secretary.

"(C) The Secretary shall have the powers described in subsection (c)(5) in relation to a person from whom the collection of a DNA sample is required by this subsection.

"(e) CRIMINAL PENALTY. -- A person who refuses to cooperate in the collection of a DNA sample from the person, where the collection of such a sample is required pursuant to subsection (c) or (d), commits a Class A misdemeanor."

(c) CONDITIONS OF RELEASE. -- (1) Section 3563(a) of title 18, United States Code, is amended –

(A) in paragraph (7), by striking "assessments; and" and inserting "assessments;"

(B) in paragraph (8), by striking "1994)." and inserting "1994); and"; and

(C) by inserting immediately after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132)."

(2) Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order as an explicit condition of supervised release that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required pursuant to section 210304 of the Violent Crime Control

and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(3) Section 4209(a) of title 18, United States Code, is amended by inserting before "In every case, the Commission shall also impose" the following: "In every case, the Commission shall impose as a condition of parole that the parolee cooperate in the collection of a DNA sample from the parolee if the collection of such a sample is required pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(4) For any person who has been convicted of or adjudicated delinquent for a Federal crime, a crime under the Uniform Code of Military Justice, or a crime under the District of Columbia Code, if the person is to be released on probation, parole, or supervised release, the sentencing court or other agency responsible for the imposition of release conditions shall impose as a condition of the probation, parole, or supervised release that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is required pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).

(d) EFFECTIVE DATE. -- The amendments made by this section shall take effect 180 days after enactment.

TITLE III - PROTECTING AMERICANS AND SUPPORTING VICTIMS OF CRIME

SUBTITLE A - VIOLENCE AGAINST WOMEN.

SEC. 3001. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.--Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended to read as follows:

“(18) There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T--

“(A) \$188,750,000 for fiscal year 2000;

“(B) such sums as may be necessary for fiscal year 2001;

“(C) such sums as may be necessary for fiscal year 2002;

“(D) such sums as may be necessary for fiscal year 2003;

“(E) such sums as may be necessary for fiscal year 2004; and

“(F) such sums as may be necessary for fiscal year 2005.”.

(b) STATE COALITION GRANTS-Part T of title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to read as follows:

“(1) in section 2001--

“(A) in subsection (b)(5), by inserting “, and the forms of violence and abuse suffered by women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))”.

(c) LAW ENFORCEMENT AND PROSECUTION GRANTS.--Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended --

(1) in section 2001(b)--

(A) by striking “and” at the end of subsection (b)(6);

(B) by striking the period at the end of subsection (b)(7), and inserting “; and”; and

(C) by inserting after subsection (b)(7) the following:

“(8) developing, implementing, or supporting public education campaigns that recognize domestic violence and sexual assault as crimes, so long as the funding of such public education efforts does not detract from the provision of direct services to victims of violent crimes against women.”;

(2) in section 2002(b) --

(A) in paragraph (1), by striking “4 percent” and by inserting “5 percent” before “shall be available for grants to Indian tribal governments;”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5); and

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

“(2) at least 2 percent of the sums remaining after making grants pursuant to paragraph (1) shall be available for grants for State coalitions under section 2003(7), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States each

receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;”;

(3) in section 2003--

(A) by redesignating paragraphs (6), (7) and (8) as paragraphs (8), (9) and (10); and

(B) by inserting after paragraph (5) the following:

“(6) the term ‘courts’ means a public agency having civil or criminal jurisdiction to make adjudications, including such agency’s component bureaus (such as court intake programs for domestic violence victims);

“(7) for purposes of this section, the term “State domestic violence coalition” means a State domestic violence coalition as determined by the Secretary of Health and Human Services under the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.) the term ‘State sexual assault coalition’ means a State sexual assault coalition as determined by the Secretary of Health and Human Services under the Public Health Service Act;”.

(d) REALLOTMENT OF FUNDS--Section 2002(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(e)) is amended by adding at the end the following:

“(3) REALLOTMENT OF FUNDS-

“(A) IN GENERAL.- If, at the end of the 2 year project period, any amount set

aside for law enforcement, prosecution, and courts remains unobligated, the unobligated amount shall be reallocated by a State to support nonprofit, nongovernmental victim services projects, law enforcement projects, or prosecutors projects without regard to subsection (c)(3) of this section.

“(B) GUIDELINES.- The Attorney General shall promulgate guidelines to implement this paragraph.”.

(e) DEFINITIONS.- Section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2) is amended by striking “assisting domestic violence or sexual assault victims through the legal process” and inserting “providing assistance for victims seeking legal, economic, health care or social services, except that the term does not include any program or activity that is targeted primarily for offenders”.

SEC. 3002. ROLE OF THE COURTS.

(a) COURTS AS ELIGIBLE STOP GRANTEES- Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended--

(1) in section 2001--

(A) in subsection (a)--

(i) by inserting “State and local courts,” after “States,”;

(ii) by inserting “tribal courts,” after “Indian tribal governments,”.

(B) in subsection (b)--

(i) in each of paragraphs (1) and (2), by inserting “, judges and other court personnel,” after “law enforcement officers”; and

(ii) in paragraph (3), by inserting “, court,” after “police”; and

(2) in section 2002--

(A) in subsection (a), by inserting “State and local courts,” after “States,”
the second place it appears;

(B) in subsection (c), by amending paragraph (3) to read as follows:

“(3) of the amount granted--

“(A) not less than 25 percent each shall be allocated to police and
prosecutors;

“(B) not less than 30 percent shall be allocated to victim services;
and

“(C) not less than 10 percent shall be allocated for State and local
courts;”; and

(C) in subsection (d)(1), by inserting “court,” after “law enforcement,”.

(b) REAUTHORIZATION OF STATE JUSTICE INSTITUTE GRANTS.- Chapter 1 of
subtitle D of the Violence Against Women Act of 1994 (42 U.S.C. 13991 et seq.) is
amended--

(1) in section 40412--

(A) in paragraph (6), by inserting “stereotyping of individuals with
disabilities (as defined in section 3 of the Americans with Disabilities Act
of 1990 (42 U.S.C. 12102)) who are victims of rape, sexual assault, abuse,
or violence,” before “racial stereotyping”;

(B) in paragraph (13), by inserting “or among individuals with disabilities
(as defined in section 3 of the Americans with Disabilities Act of 1990 (42

U.S.C. 12102)),” after “socioeconomic groups,”;

(C) in paragraph (18), by striking “and” at the end;

(D) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(20) domestic violence and child abuse in custody determinations and stereotypes regarding the fitness of individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) to retain custody of children in domestic violence cases;

“(21) promising practices in the vertical management of domestic violence offender cases; and

“(22) issues relating to violence against and abuse of individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), including the nature of physical, mental, and communications disabilities, the special vulnerability to violence of individuals with disabilities, and the types of violence and abuse experienced by individuals with disabilities.”; and

(2) in section 40414, by amending subsection (a) to read as follows:

“(a) IN GENERAL.- There are authorized to be appropriated to carry out this chapter--

“(1) \$700,000 for fiscal year 2000;

“(2) such sums as may be necessary for fiscal year 2001;

- “(3) such sums as may be necessary for fiscal year 2002;
- “(4) such sums as may be necessary for fiscal year 2003;
- “(5) such sums as may be necessary for fiscal year 2004; and
- “(6) such sums as may be necessary for fiscal year 2005.”.

(c) **FEDERAL JUDICIAL PERSONNEL**- In carrying out section 620(b)(3) of title 28, United States Code, the Federal Judicial Center, shall include in its educational and training programs, including the training programs for newly appointed judges, information on the topics listed in section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this section and the amendments made by this section.

SEC. 3003. GRANTS TO ENCOURAGE ARREST POLICIES.

(a) **REAUTHORIZATION**—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended to read as follows:

“(19) There are authorized to be appropriated to carry out part U--

“(A) \$34,000,000 for fiscal year 2000;

“(B) such sums as may be necessary for fiscal year 2001;

“(C) such sums as may be necessary for fiscal year 2002;

“(D) such sums as may be necessary for fiscal year 2003;

“(E) such sums as may be necessary for fiscal year 2004; and

“(F) such sums as may be necessary for fiscal year 2005.”.

(b) **GRANTS**— Section 2101 of title I of the Omnibus Crime Control and Safe Streets

Act of 1968 (42 U.S.C. 3796hh) is amended--

(1) by inserting after subsection (b)(6) the following:

“(7) To develop, implement, or support public education campaigns that recognize domestic violence and sexual assault as crimes, so long as the funding of such public education efforts does not detract from the provision of direct services to victims.”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) AMOUNTS.--Of the amounts appropriated under this section at least 5 percent shall be used for grants to programs that serve Indian women who are victims of domestic violence, stalking, or sexual assault in Indian country or Alaskan Native villages.”.

SEC. 3004. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

(a) REAUTHORIZATION.--Section 40295(c)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(1)) is amended to read as follows:

“(1) IN GENERAL.--There are authorized to be appropriated to carry out this section--

“(A) \$25,000,000 for fiscal year 2000;

“(B) such sums as may be necessary for fiscal year 2001;

“(C) such sums as may be necessary for fiscal year 2002;

“(D) such sums as may be necessary for fiscal year 2003;

"(E) such sums as may be necessary for fiscal year 2004; and

"(F) such sums as may be necessary for fiscal year 2005.".

(b)AMOUNTS.--Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended by adding at the end the following:

"(d) ALLOTMENT FOR INDIAN TRIBES.--At least 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 3005. EDUCATIONAL INSTITUTIONS AND VIOLENCE AGAINST WOMEN

(a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS--
Part E of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1152 and note) is amended--

(1) in section 826(f)--

(A) in paragraph (1), by inserting “, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim,” after “by a person who is cohabiting with or has cohabitated with the victim,”;

(B) in paragraph (2), by striking “and at the end;

(C) in paragraph (3), by

(i)striking “nonprofit, nongovernmental organization” and inserting “private, nonprofit organization or a public nonprofit organization acting in a nongovernmental capacity”; and

(ii) by striking the period at the end and inserting ”,”; and

(D) by adding at the end the following:

“(4) the terms ‘campus domestic violence’, ‘campus stalking’, and ‘campus sexual assault’ mean acts of domestic violence, stalking, or sexual assault occurring at institutions of higher education and acts of domestic violence, stalking, or sexual assault committed against or by students, faculty, or employees of such institutions or other members of the campus community.”; and

(2) in section 827(d), by --

(A) inserting “, faculty, or” after “students”; and

(B) inserting “or other members of the campus community” after “employees of such institutions”.

(b) REAUTHORIZATION.— Section 826(g) of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1152 (g)) is amended to read as follows:

“(g) For the purpose of carrying out this part, there are authorized to be appropriated—

“(1) such sums as may be necessary for fiscal year 2000;

“(2) such sums as may be necessary for fiscal year 2001;

“(3) such sums as may be necessary for fiscal year 2002;

“(4) such sums as may be necessary for fiscal year 2003;

“(5) such sums as may be necessary for fiscal year 2004; and

“(6) such sums as may be necessary for fiscal year 2005.”.

SEC. 3006. TEN PERCENT SET-ASIDE OF VAWA GRANT FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.

The Violence Against Women Act of 1994 is amended by inserting after Section 40001 the following new section:

“SEC 4002. RESERVATION OF FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE

“With respect to each grant program enacted by this title that is administered by the Attorney General, and with respect to the program of Grants to Combat Violent Crimes Against Women on Campuses, enacted by section 1826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152), the Attorney General may reserve an amount not to exceed ten percent of funds appropriated in each fiscal year to provide training and technical assistance for the purposes of the grant program.”

SEC. 3007. PROTECTION FOR VICTIMS OF TRAFFICKING.

(a) WORKER EXPLOITATION. — (1) Chapter 77 of title 18, United States Code, is amended by adding at the end the following new section:

“1589. Worker Exploitation

“(a) Whoever -

“(1) employs, recruits, harbors, provides, transports, or secures, by any means, any person, knowing or having reason to know that the person is or will be subjected to unlawfully exploitative labor conditions as defined in subsection (b) of this section; or

“(2) knowingly benefits from, or makes use of, the labor of a person held to a condition of involuntary servitude or peonage (as those terms are used in sections 1581 and 1584), shall be fined under this title or imprisoned not more than 10 years, or both.

“(b) As used in this section “unlawfully exploitative labor conditions” means that —

“(1)the labor of a person is obtained or maintained by means of any plan or pattern, including but not limited to false or fraudulent pretenses or misrepresentations, such that the person reasonably believes he has no viable alternative but to perform the labor; and

“(2)at least two acts have occurred within the five years preceding indictment relating to the employment of the person who is subjected to the conditions set forth in subsection (b)(1) of this section that would constitute violations of the following provisions: 29 U.S.C. 206 (except 206(d))(Fair Labor Standards Act - Minimum Wage), 207(Fair Labor Standards Act - Overtime), 211(d)(Fair Labor Standards Act - Homework Provision), 212(c)(Fair Labor Standards Act - Child Labor), 654(Occupational Safety & Health Act), 1811(Migrant & Seasonal Agricultural Worker Protection Act - Farm Labor Contractors) , 1822 (Migrant & Seasonal Agricultural Worker Protection Act - Migrant Worker Wage & Payment), 1823(Migrant & Seasonal Agricultural Worker Protection Act - Migrant Worker Housing Safety), 1832(Migrant & Seasonal Agricultural Worker Protection Act - Seasonal Worker Wage & Payment), and 1841(Migrant & Seasonal Agricultural Worker Protection Act - Motor Vehicle Safety), and 30 U.S.C. 814 (Mine Safety & Health Act), regardless of whether the employer would be a “covered” party were an action brought under these provisions. This section does not apply to labor performed where the employer is a municipal, local, state or federal government, and the relationship is penological rather than pecuniary.”.

(b) The table of sections for chapter 77 of title 18, United States Code, is amended by inserting at the end the following:

“1589. Worker exploitation.”.

(c)AMENDMENT TO THE SENTENCING GUIDELINES.--

(1) IN GENERAL.--Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and its policy statements applicable to persons convicted of offenses involving the trafficking of persons, including peonage, involuntary servitude, slave trade offenses, worker exploitation, and possession and trafficking of false immigration documents to further the exploitation of workers.

(2) REQUIREMENTS.-- In carrying out this subsection, the Sentencing Commission shall:

(A) ensure that the sentencing guidelines and policy statements applicable to the offenses described in subsection (b)(1) are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving worker exploitation to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses;

(C) consider providing sentencing enhancements for those convicted of the offenses described in subsection (b)(1) that--

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; and

(iv) result in the death or bodily injury of any person.

(3) EMERGENCY AUTHORITY.--The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT VISA.

(1) PURPOSE. -- The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking of aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. Trafficking in persons for forced labor or servitude has been identified as a multinational crime problem of growing severity with increasing ties to international organized crime. Traffickers recruit and transport persons, especially women and children, to the United States in order to exploit their labor under horrific conditions through the use of force, violence, debt bondage, or other coercive tactics. Creating a new nonimmigrant visa classification will facilitate the reporting of violations to law enforcement officials by exploited aliens who are not in a lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations, prosecutions, and civil law enforcement proceedings. By providing temporary legal status to aliens who have been severely victimized by trafficking or similar egregious offenses, it also reflects the humanitarian interests of the United States. Finally, the provision gives the Attorney General discretion to convert nonimmigrants under this section to permanent status when it is justified on humanitarian grounds or is

otherwise in the national interest.

(2) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION. --

Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended --

(A) by striking "or" at the end of subparagraph (R),

(B) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(T) subject to 214(m), an alien (and the spouse, children, and parents of the alien if accompanying or following to join the alien) who the Attorney General determines --

"(i) possesses material information concerning criminal or other unlawful activity;

"(ii) is willing to supply or has supplied such information to Federal or State law enforcement officials;

"(iii) would be helpful, were the alien to remain in the United States, to a properly authorized Federal or State investigation or prosecution of the criminal or other unlawful activity; and

"(iv) has suffered severe physical or mental abuse in the United States as a result of the criminal or other unlawful activity.".

(3) CONDITIONS FOR ADMISSION. --

(A) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC.--

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(T) in any fiscal year may not exceed 750.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years.

Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant –

"(A) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission;

"(B) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation or removal, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status; and

"(C) shall abide by any other condition, limitation, or restriction imposed by the Attorney General."

"(2) PROHIBITION OF CHANGE OF STATUS. – Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S) or (T)".

(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS. –

(A) IN GENERAL. -- Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(l)(1) The Attorney General may adjust the status of an alien admitted into the United States under section 101(a)(15)(T) (and the spouse, children, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if --

"(A) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds or is otherwise in the national interest, and

"(B) the alien is not described in sections 212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), or (3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current."

(5) EXCLUSIVE MEANS OF ADJUSTMENT. – Section 245(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255(c)(5)) is amended by striking "section 101(a)(15)(S);" and inserting "section 101(a)(15)(S) or (T);".

(6) EMPLOYMENT AUTHORIZATION FOR COOPERATING ALIEN WITNESSES.-Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(c)) is amended by adding at the end the following: "An alien released under this paragraph is not entitled to employment authorization, but such authorization may be provided under regulation by the Attorney General."

SEC. 3008. BATTERED IMMIGRANT WOMEN.

(a) FINDINGS. --- Congress finds that-

(1) the goal of the immigration protections for battered immigrants included in the

Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994, which means that their abusers are virtually immune from prosecution because their victims can be deported and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.-The purposes of this section are-

(1) to promote criminal prosecutions of all persons who commit acts of battery or extreme cruelty against immigrant women and children;

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State or tribal protection order, domestic violence, and family law statutes; and

(3) to correct erosions of Violence Against Women Act immigration protections that occurred as a result of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(c) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS. --- (1) Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by

adding at the end the following new clause:

"(v) For the purposes of any petition filed under clause (iii), (iv) or (vii) of section 204(a)(1)(A), denaturalization, loss or renunciation, or changes to the abuser's citizenship status after filing of the petition shall not preclude the classification of the eligible self-petitioning spouse, child, son or daughter as an immediate relative."

(2) Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following new clause:

"(iv)(I) For the purposes of petitions filed or approved under clause (ii), (iii), or (vi) of section 204(a)(1)(B), loss of lawful permanent residence status by a spouse or parent after the filing of a petition under that clause shall not preclude approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under section 245(a) and (c) or obtain status as a lawful permanent resident based on the approved self-petition under clauses (ii), (iii) or (vi).

"(II) Upon the lawful permanent resident spouse or parent becoming a United States citizen through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under section 204(a)(1)(B)(ii), (iii), or (vi) on behalf of an alien who has been battered or subjected to extreme cruelty may be deemed to be a petition filed under section 204(a)(1)(A) of this Act even if the acquisition of citizenship occurs after divorce."

(3) Section 201(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)) is amended by adding at the end the following sentence:

"For purposes of this definition, an alien who has filed a petition under clause (iii), (iv) or

(vii) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States Citizen spouse or parent loses United States citizenship after filing the petition."

(d) DETERMINATIONS OF GOOD MORAL CHARACTER. —

(1) CANCELLATIONS OF REMOVAL; SUSPENSIONS OF DEPORTATION.

--- Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended by adding at the end the following:

"(4) GOOD MORAL CHARACTER DETERMINATION.-

"(A) IN GENERAL.-For the purposes of making "good moral character" determinations under this paragraph, the Attorney General is not limited by the criminal court record and may make a finding of good moral character, notwithstanding the existence of a disqualifying criminal act or criminal conviction, when police reports, court documents, or other contemporaneous evidence demonstrate that the alien has been battered or subjected to extreme cruelty. This provision shall apply only in the case of an alien who otherwise qualifies for relief under section 204(a)(1)(A)(iii), (iv) or (vii), but who —

"(i) has been convicted of, or who pled guilty to, violating a court order issued to protect the alien; or

"(ii) was convicted of, or pled guilty to, prostitution, if the alien was forced into prostitution by an abuser; or

"(iii) was convicted of or pled guilty to committing a crime where there was a connection between the commission of the crime and the alien's having been battered or subjected to extreme cruelty; or

"(iv) was convicted of or pled guilty to a domestic violence-related crime

if the Attorney General determines that the alien acted in self-defense.

"(5) INCLUSION OF OTHER ALIENS IN PETITION. --- An alien applying for relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) or this subsection may include-

"(A) the alien's children in the alien's application, if such children are physically present in the United States at the time of the application, and, if the alien is found eligible for suspension, the Attorney General may adjust the status of the alien's children; or

"(B) the alien's parent in the alien child's application in the case of an application filed by an alien child who was abused by a citizen or lawful permanent resident parent and, if the alien is found eligible for suspension, the Attorney General may adjust the status of both the alien child applicant and the alien's parent.

"(6) DETERMINATIONS UNDER SUSPENSION OF DEPORTATION.---

"(A) IN GENERAL. --- For the purposes of making good moral character determinations under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the Attorney General is not limited by the criminal court record and may make a finding of good moral character, notwithstanding the existence of a disqualifying criminal act or criminal conviction, when police reports, court documents, or other contemporaneous evidence demonstrate that the alien has been battered or subjected to extreme cruelty. This provision shall apply only in the case of an alien who otherwise qualifies for relief under section 244(a)(3) of the Immigration and Nationality

Act (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), and who —

"(i) has been convicted of, or who pled guilty to, violating a court, order issued to protect the alien;

"(ii) has been convicted of, or who pled guilty to, prostitution if the alien was forced into prostitution by an abuser;

"(iii) has been convicted of, or pled guilty to committing where there was a connection between the commission of the crime and the alien's having been battered or subjected to extreme cruelty; or

"(iv) was convicted of, or pled guilty to, a domestic violence-related crime if the Attorney General determines that the alien acted in self-defense.

(2) IMMEDIATE RELATIVE STATUS.--- Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

"(vi)(I) For the purposes of making good moral character determinations under this subparagraph, the Attorney General is not limited by the criminal court record and may, in her sole and unreviewable discretion, make a finding of good moral character, notwithstanding the existence of a disqualifying criminal act or criminal conviction, when police reports, court documents, or other contemporaneous evidence demonstrate that the alien has been battered or subjected to extreme cruelty. This provision shall apply only in the case of an alien who otherwise qualifies for relief under section 204(a)(1)(A)(iii), (iv) or (vii), and who —

"(aa) has been convicted of, or who pled guilty to, violating a court order issued to

protect the alien;

"(bb) was convicted of or pled guilty to, prostitution if the alien was forced into prostitution by an abuser;

"(cc) was convicted of, or pled guilty to, committing a crime where there was a connection between the commission of the crime and the alien's having been battered or subjected to extreme cruelty; or

"(dd) was convicted of, or pled guilty to, a domestic violence-related crime, if the Attorney General determines that the alien acted in self-defense."

(3) SECOND PREFERENCE IMMIGRATION STATUS— Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended-

(i) by redesignating clauses (v) and (vi) (as added by this section) as clauses (vi) and (vii), respectively; and

(ii) by inserting after clause (iv) the following new clause:

"(v)(I) For the purposes of making good moral character determinations under this subparagraph, the Attorney General is not limited by the criminal court record and may, in her sole and unreviewable discretion, make a finding of good moral character, notwithstanding the existence of a disqualifying criminal act or criminal conviction, when police reports, court documents, or other contemporaneous evidence demonstrate that the alien has been battered or subjected to extreme cruelty. This provision shall apply only in the case of an alien who otherwise qualifies for relief under section 204(a)(1)(B)(ii), (iii) or (vi), and who —

"(aa) has been convicted of, or who pled guilty to, violating a court order

issued to protect the alien;

"(bb) was convicted of, or pled guilty to, prostitution where the alien was forced into prostitution by an abuser;

"(cc) was convicted of, or pled guilty to, committing a crime where there was a connection between the commission of the crime and the alien's having been battered or subjected to extreme cruelty; or

"(dd) was convicted of, or pled guilty to, a domestic violence-related crime, if the Attorney General determines that the alien acted in self-defense.".

(e) WAIVERS OF INADMISSIBILITY. —

(1) DISCRETIONARY WAIVERS FOR CERTAIN INADMISSIBILITY AND REMOVAL GROUNDS. — Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

"(r) WAIVER OF SECTION 212. — The Attorney General, in the Attorney General's sole and unreviewable discretion, may waive any provision of section 212 (other than paragraphs (3), (10)(A), (10)(D), and (10)(E) of subsection (a)) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if the alien demonstrates a connection between the crime or disqualifying act and battery or extreme cruelty and the alien qualifies for

"(1) status under clause (iii), (iv) or (vii) of section 204(a)(1)(A) or classification under clause (ii), (iii) or (vi) of section 204(a)(1)(B); or

"(2) relief under section 240A(b)(2) or 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996).".

(2) CONFORMING AMENDMENTS. — (A) Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking subclause (ii); and

(B) Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act is amended by striking subclause (IV).

(f) WAIVER OF CERTAIN REMOVAL GROUNDS. — Section 237(a)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)) is amended by inserting at the end the following new clause:

"(iii) WAIVER.-The Attorney General may waive the application of clauses (i) and (ii)-

"(I) upon determination that-

"(aa) the alien was acting in self-defense,

"(bb) the alien was not the primary perpetrator of violence in the relationship,

"(cc) the alien was found to have violated a protection order intended to protect the alien, or

"(dd) the alien committed, was convicted of, or plead guilty to committing a crime where there was a connection between the crime and having been battered or subjected to extreme cruelty, or

"(II) for humanitarian purposes.

"(III) such waiver shall not be available if the alien was the

primary perpetrator of violence in the relationship."

(g) PROCEDURE FOR GRANTING IMMIGRANT STATUS.---

(1) DEFINITION. --- Section 101(a)(35) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(35)) is amended by adding at the end the following: "For the purposes of a self-petition under section 204(a)(1)(A)(iii) or (vii) or 204(a)(1)(B)(ii) or (vi), cancellation of removal under 240A(b)(2), or suspension of deportation under section 244(a)(3) of the Act (as in effect before the Title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the term 'spouse' shall include a United States citizen or lawful permanent resident to whom the alien believed he or she had married and with whom a marriage ceremony was actually performed, and who otherwise meets any applicable requirements under the Act to establish the existence and bona fides of a marriage, but whose marriage is not legitimate solely because of the United States citizen or lawful permanent resident's bigamy."

(2) CONFORMING AMENDMENTS. — Sections 204(a)(1)(A)(iii) and (vii), 204(a)(1)(B)(ii) and (vi), 240A(b)(2)(A) and 244(a)(3) (as in effect before the Title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) are amended by inserting after "spouse" the following clause: ", including a spouse defined under Section 101(a)(35),".

(3) SELF-PETITIONING CHILDREN OF CITIZENS.--- Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

"(iv) An alien who is the child of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section

201(b)(2)(A)(i), and who has resided with or had visitation in the United States with the citizen parent (or has resided with or had visitation within or outside the territory of the United States with the citizen parent at the assigned foreign duty station if the alien's parent is an employee of the Department of State or a member of the United States Uniformed Forces stationed abroad) may file a petition with the Attorney General under this subparagraph for classification of the alien under such section upon such showing and during such period of residence or visitation with the citizen parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent."

(4) SELF-PETITIONING CHILDREN OF LAWFUL PERMANENT RESIDENTS.---

Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B) (iii) is amended to read as follows:

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided with or had visitation in the United States with the alien's permanent resident alien parent (or has resided with or had visitation within or outside the territory of the United States with the lawful permanent resident parent at the assigned foreign duty station if the alien's parent is an employee of the Department of State or a member of the United States Uniformed Forces stationed abroad) may file a petition with the Attorney General under this subparagraph for classification of the alien under such section upon such showing and during such period of residence or visitation with the permanent resident parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent."

(5) FILING OF PETITIONS: --- (a) Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)) is amended by adding at the end the following new clause:

"(viii) An alien who is the spouse, child, son or daughter of an employee of the Department of State or the United States Uniformed Forces stationed abroad and who would be eligible to file a petition under clauses (iii), (iv) or (vi) of this subparagraph if the alien had resided with the alien's spouse or parent in the United States may file such petition with the Attorney General."

(b) Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(B)) is amended by adding at the end the following new clause:

"(vi) An alien who is the spouse, or child of an employee of the Department of State or the United States Armed Forces stationed abroad and who would be eligible to file a petition under clauses (ii), (iii) or (vi) of this subparagraph if the alien had resided with the alien's spouse or parent in the United States may file such petition with the Attorney General."

(6) ADJUSTMENT OF STATUS. --- (1) Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended —

(A) in subsection (a), by inserting ", or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(vii), (B)(ii), (B)(iii), or (B)(vi) of section 204(a)(1)," after "into the United States";

(B) in subsection (c), by inserting at the beginning the following:

"Other than an alien having an approved petition for classification under subparagraph

(A)(iii), (A)(iv), (A)(vii), (B)(ii), (B)(iii), or (B)(vi) of section 204(a)(1), subsection (a) shall not be applicable to".

(2) The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(h) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE. —

(1) REMOVAL PROCEEDINGS. —

(A) IN GENERAL.--- Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

"(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.--- If the basis of the motion is to apply for relief or adjustment of status based on a petition filed under clauses (iii), (iv) or (vii) of section 204(a)(1)(A), clauses (ii), (iii) or (vi) of section 204(a)(1)(B), or section 240A(b)(2) and if the motion is accompanied by evidence of exigent circumstances and by a cancellation of removal application to be filed with the Attorney General, or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen, the motion to reopen may be granted in the Attorney General's sole and unreviewable discretion.

(B) EFFECTIVE DATE.-The amendments made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 state 587).

(2) DEPORTATION PROCEEDINGS.---

(A) IN GENERAL.--- Notwithstanding any limitation imposed by law on motions to reopen deportation proceedings under the Immigration and Nationality Act (as in effect before the Title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), if the basis of the motion is to apply for relief or adjustment of status based on a petition filed under clauses (iii), (iv) or (vii) of section 204(a)(1)(A), clauses (ii), (iii) or (vi) of section 204(a)(1)(B), or section 240A(b)(2) and if the motion is accompanied by evidence of exigent circumstances and by a cancellation of removal application to be filed with the Attorney General, or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen, the motion to reopen may be granted in the Attorney General's sole and unreviewable discretion.

(B) APPLICABILITY.--- Subparagraph (a) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii), (iv) or (vii) of section 204(a)(1)(A) of the Immigration and Nationality Act, clause (ii), (iii) or

(vi) of section 204(A)(1)(B) of such Act, or section 244(a)(3) of such Act (as in effect before) the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by-

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.); or

(II) section 3008 of this Act.

(i) CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS. --- (1)(A)

Paragraph (1) of section 240A(d) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended to read as follows:

"(1) TERMINATION OF CONTINUOUS PERIOD.---

"(A) IN GENERAL. --- Except as provided in subparagraph (B), for purposes of this section, any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served a notice to appear under section 239(a) or when the alien has committed an offense referred to in section 212(a)(2) that renders the alien inadmissible to the United States or removable from the United States under section 237(a)(2) or 237(a)(4), whichever is earliest.

"(B) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD. --- For purposes of subsection (b)(2), the service of a notice to appear referred to in subparagraph (A) shall not be deemed to end any period of continuous physical presence in the United States."

(B) Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by adding at the end the following new subsection:

"(C) Aliens in removal proceedings who applied for cancellation of removal under section 240A(b)(2).".

(C) The amendments made by subparagraphs (A) and (B) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

(2)(A) Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended-

(i) by amending the subparagraph heading to read as follows:

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED
TEMPORARY PROTECTION FROM DEPORTATION AND FOR
BATTERED SPOUSES AND CHILDREN.-";and

(ii) in clause (i)-

(I) by striking "or" at the end of subclause (IV);

(II) by striking the period at the end of subclause (V) and inserting "; or";

and

(III) by adding at the end the following:

"(VI) is an alien who was issued an order to show cause or
was in deportation proceedings prior to April 1, 1997, and who
applied for suspension of deportation under section 244(a)(3)
of the Immigration and Nationality Act (as in effect before the date

of the enactment of this Act).".

(B) The amendments made by subparagraph (A) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(3) Section 240A(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(2)) is amended by adding at the end the following:

"The Attorney General may waive the provisions of this subsection in the case of an alien applying for cancellation of removal as a battered spouse or child provided that the alien demonstrates that the absences were connected to the battery or extreme cruelty forming the basis for the application for cancellation of removal."

(4) Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title II-A effective date of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) is amended by adding at the end the following: "The Attorney General may waive the physical presence requirement for humanitarian purposes if the alien demonstrates a connection between the absences and the battery or extreme cruelty forming the basis of the application for suspension of deportation."

(j) EXCEPTION TO PUBLIC CHARGE GROUNDS OF INADMISSIBILITY.---

Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION.-Subparagraphs (A) and (B) shall not apply to-

"(i) an alien who qualifies for status as a spouse, child, son or daughter of a United States citizen or lawful permanent resident pursuant to clause (iii), (iv),

or (vii) of section 204(a)(1)(A) or clause (ii), (iii) or (vi) of section 204(a)(1)(B);

"(ii) an alien who qualifies for status as the spouse, child, son or daughter of a United States citizen or lawful permanent resident under section 204(a)(1)(A) (i) or (ii) or section 204(a)(1)(B)(i) and who has been battered or subjected to extreme cruelty;

"(iii) an alien who qualifies for status as a spouse, child, son, or daughter of a United States citizen or lawful permanent resident, or as the parent of a child of a United States citizen or lawful permanent resident, pursuant to section 240A(b)(2) or 244(a)(3); or

"(iv) derivatives and immediate relative children of aliens under clause (i) or (ii) of this subparagraph."

(k) EFFECT ON OTHER GOALS. --- Section 287(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1357(g)(10)) is amended by adding at the end the following: "It is the intent of the Congress that none of the provisions in this section have the effect of discouraging crime victim cooperation with law enforcement and prosecutors. Public policy favors encouraging prosecution of criminals and nothing in this section shall be construed to discourage crime victims, including domestic violence victims, from reporting crimes committed against them to police, from cooperating in criminal prosecutions, or from obtaining from courts protection orders or other legal relief under State and Federal laws needed to protect crime victims from ongoing violence."

(l) ENSURING PROTECTION FOR ABUSED CHILDREN AND CHILDREN OF BATTERED IMMIGRANTS. — Section 101(b)(1) of the Immigration and Nationality Act (8

U.S.C. 1101(b)(1)) is amended–

- (1) by striking "or" at the end of subparagraph (E);
- (2) by striking the period at the end of subparagraph (F) and inserting "; or"; and
- (3) by adding at the end the following:

"(G) a child who turns 21 years old remains a child under this section for the purposes of clauses (iii) and (iv) of section 204(a)(1)(A), clauses (ii) and (iii) of section 204(a)(1)(B), section 240A(b)(2), and section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) if, on the date a petition or application was filed by the child or their parent under any of these sections the child —

- (i) met the definition of child in subparagraphs (A) through (F) of this paragraph; and
- (ii) was under the age of 21 on the date the application or petition was filed."

(m) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONING SON OR DAUGHTER OF US CITIZEN — Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), as amended by subsection (d)(2) of this Act, is amended by adding at the end the following:

"(vii) An alien who is the son or daughter of a citizen of the United States, who is a person of good moral character, who is eligible for classification by reason of a relationship described in paragraph (1) of section 203(a), and who resides or has resided, including visitation, in the past with the citizen parent may file a petition with the Attorney General under this clause

for classification of the alien under such section if the alien demonstrates to the Attorney General that during the period of residence or visitation with the citizen parent the alien has been battered by, or has been the subject of extreme cruelty perpetrated by, the alien's citizen parent, and the battery or extreme cruelty occurred before the son or daughter reached the age of 21."

(n) SECOND PREFERENCE STATUS FOR SELF-PETITIONING SON OR DAUGHTER OF LAWFUL PERMANENT RESIDENT — Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(b)) is amended by adding at the end the following:

"(v) An alien who is the son or daughter of lawful permanent resident of the United States, who is a person of good moral character, who is eligible for classification by reason of a relationship described in paragraph (2) of section 203(a), and who resides or has resided, including visitation, in the past with the lawful permanent resident parent may file a petition with the Attorney General under this clause for classification of the alien under such section if the alien demonstrates to the Attorney General that during the period of residence, or visitation, with the lawful permanent resident parent the alien has been battered by, or has been the subject of extreme cruelty perpetrated by, the alien's lawful permanent resident parent, and the battery or extreme cruelty occurred before the son or daughter reached the age of 21."

(o) TREATMENT OF DERIVATIVES. — Section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) is amended by adding at the end the following: "In the case of alien sons and daughters who were included as children in self-petitions filed under sections 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) upon the derivative child's 21st birthday their immigration classification shall be regarded as having been approved, or if not yet approved, may be

approved, for status under section 203(a)(1), (2) or (3), whichever is applicable. The derivative will retain the same priority date as the priority date of the self-petition filed under section 204(a)(1)(A)(iii) or 204(a)(1)(B)(ii) and shall remain eligible for deferred action and work authorization.

(p) STATUTORY CONSTRUCTION ON LEGAL ASSISTANCE FUNDS. — Section 502 of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 1998 (Public Law 105-119) is amended by adding at the end the following:

"(c) This section shall not be construed to prohibit a recipient from —

- (1) using funds derived from a source other than the Legal Services Corporation to provide related legal assistance (as that term is defined in subsection (b)(2)) to any alien has a relationship covered by the domestic violence laws of the State in which the alien who resides or in which an incidence of violence occurred;
- (2) using Legal Services Corporation funds to provide related legal assistance to any alien who has been battered or subjected to extreme cruelty who qualifies for relief under clause (iii), (iv), or (vii) of section 204(a)(1)(A) or clause (ii), (iii), or (vi) of section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B))."

(q) REPORT. — Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives on —

- (1) the number of and processing times of petitions under clauses (iii) and (iv) of section 204(a)(1)(A) (8 U.S.C. 1154(a)(1)(A)) and clauses (ii) and (iii) of section

204(a)(1)(B) (8 U.S.C. 1154(a)(1)(B)) at district offices of the Immigration and Naturalization Service and at the regional office of the Service in St. Albans, Vermont;

(2) the policy and procedures of the Immigration and Naturalization Service by which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can place such alien in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal, the number of requests filed at each district office under this policy and the number of these requests granted broken out by District; and

(3) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that an immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

(r) NONAPPLICABILITY OF SPECIAL RULES RELATING TO THE TREATMENT OF NON-213A ALIENS. — Section 408(f)(6) of the Social Security Act (42 U.S.C. 608(f)(6)) is amended —

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) described in section 421(f) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(f)) but for the fact that

the individual is a non-213A alien."

**SEC. 3009. REAUTHORIZATION AND AMENDMENT OF PROGRAMS UNDER THE
FAMILY VIOLENCE PREVENTION AND SERVICES ACT.**

(a) SECRETARIAL RESPONSIBILITIES.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "one or more employees"; and

(2) by striking "individual" and inserting "individuals".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 310(a) of that Act (42 U.S.C. 10409(a)) is amended by striking all that follows "to carry out this title" and inserting "\$102,300,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2005."

(2) SECRETARY'S SET-ASIDE.—Section 310 of that Act (42 U.S.C. 10409) is amended—

(A) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(B) by inserting after subsection (a) the following subsection:

"(b) SECRETARY'S SET-ASIDE.—Of the amounts appropriated under subsection (a) for each fiscal year, 1.5 percent shall be used by the Secretary for monitoring, stewardship, and administrative activities related to Sections 303, 308, 311, and 316 of this Act (42 U.S.C. 10402, 10407, 10410, and 10416), and shall remain available until expended for such purposes."; and

(C) by inserting after the words "for each fiscal year" in each place where

such words appear in subsections (c), (d), and (e) (as redesignated by subparagraph (A)), the following: "and remaining after the set-aside required by subsection (b)".

(c) STATE DOMESTIC VIOLENCE COALITIONS: ELIMINATION OF SEPARATE AUTHORIZATION OF APPROPRIATIONS.—Section 311 of that Act (42 U.S.C. 10410) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(d) NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.—Section 316(f) of that Act (42 U.S.C. 10416(f)) is amended by striking all that follows "to carry out this section" and inserting "\$1,200,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2005.".

(e) DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.—Section 318(h) of that Act (42 U.S.C. 10418(h)) is amended by striking all that follows "to carry out this section" and inserting "such sums as may be necessary for each of fiscal years 2000 through 2005.".

(f) CULTURALLY APPROPRIATE SEXUAL ASSAULT SERVICES FOR UNDERSERVED POPULATIONS.—That Act is amended by adding the following section:

"SEC. 319. CULTURALLY APPROPRIATE SEXUAL ASSAULT PREVENTION AND TREATMENT SERVICES FOR UNDERSERVED POPULATIONS.

"(a) IN GENERAL.—The Secretary may, directly or by grant or contract, provide for culturally appropriate sexual assault prevention and treatment services for underserved

populations, including ethnic minority populations, rural communities, American Indians and Alaskan Natives, and people with disabilities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2005."

(g) MONITORING VIOLENCE AGAINST WOMEN.—That Act, as amended by subsection (f), is further amended by adding the following section:

"SEC. 320. MONITORING VIOLENCE AGAINST WOMEN.

"(a) NATIONAL SURVEY OF VIOLENCE AGAINST WOMEN.—The Secretary may, directly or by grant or contract, and in cooperation with the Attorney General, conduct a biennial survey of violence against women.

"(b) MONITORING DOMESTIC VIOLENCE AND SEXUAL ASSAULT THROUGH EXISTING DATA.—The Secretary may, directly or by grant or contract, develop programs to use existing data to monitor domestic violence and sexual assault in a State or a local community. Such programs may use data from sources that may include—

"(1) public health agencies;

"(2) public and private social service agencies and organizations;

"(3) criminal justice agencies;

"(4) public agencies and private organizations concerned with domestic violence;

and

"(5) public agencies and private organizations concerned with sexual assault.

"(c) AUGMENTATION OF EXISTING DATA SOURCES.—The Secretary may,

directly or by grant or contract, study and evaluate the use, for purposes of studying violence against women, of existing sources of information other than data that are routinely collected by State and local governments.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,500,000 for fiscal year 2000,\$3,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005."

(h) DEMONSTRATION PROGRAM FOR PREVENTING AND TREATING VIOLENCE AGAINST WOMEN.—That Act, as amended by subsections (f) and (g), is further amended by adding the following section:

**"SEC. 321. DEMONSTRATION PROGRAM FOR PREVENTING AND TREATING
VIOLENCE AGAINST WOMEN.**

"(a) IN GENERAL.—The Secretary shall, directly or by grant or contract, provide for innovative and comprehensive ways to—

"(1) conduct activities designed to prevent domestic violence and sexual assault;

"(2) deliver services to victims of domestic violence and sexual assault, to their families, and to the perpetrators of such violence and assault; and

"(3) provide access to help for victims of domestic violence and sexual assault, to their families, and to the perpetrators of such violence and assault.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,500,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2005."

SUBTITLE B – CHILDREN EXPOSED TO VIOLENCE.

SEC. 3011. CHILD ABUSE MURDERS

Section 1111 of title 18, United States Code, is amended –

(1) in subsection (a) –

(A) by inserting “child abuse,” after “sexual abuse,”; and

(B) by inserting “or perpetrated as part of a pattern or practice of assault or torture against a child or children,” after “robbery,”; and

(2) by inserting at the end the following:

“ (c) For purposes of this section –

“(1) ‘assault’ has the same meaning as in section 113;

“(2) ‘child’ means a person who is below the age of 18 years and is --

“(A) under the perpetrator’s care or control; or

“(B) at least six years younger than the perpetrator;

“(3) ‘child abuse’ means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

“(4) ‘pattern or practice of assault or torture’ means assault or torture engaged in on at least two occasions;

“(5) ‘recklessly causing death or serious bodily injury’ means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury. Recklessness can be inferred from the character, manner, and circumstances of the perpetrator’s conduct;

“(6) ‘serious bodily injury’ has the meaning set forth in section 1365; and

“(7) ‘torture’ means an act, whether or not committed under the color of law, that

otherwise satisfies the definition set forth in section 2340(1).”.

SEC. 3012. SENTENCING ENHANCEMENT FOR CRIMES COMMITTED IN THE PRESENCE OF CHILDREN.

(a) AMENDMENT TO THE FEDERAL SENTENCING GUIDELINES. --

(1) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of crimes of violence that are committed in the presence of a child.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall –

(A) ensure that the sentencing guidelines and policy statements reflect the serious effects on children of exposure to violence, especially in the home, and the need for aggressive and appropriate law enforcement action to prevent such exposure;

(B) consider providing an additional sentencing enhancement for persons convicted of offenses described in paragraph (1) in appropriate circumstances;

(C) as part of the review described in paragraph (1), consult with --

(i) individuals or organizations with experience providing advocacy for or other services to crime victims generally, victims of domestic violence, sexual assault, and stalking, and children who witness violence, including individuals or organizations involved with such

persons in Indian Country and Alaskan Native Villages; and

(ii) individuals or organization representing law enforcement and the federal judiciary;

(D) assure that government-to-government consultation occurs with Indian tribes as to the impacts of sentencing enhancements on tribal members under federal jurisdiction;

(E) assure reasonable consistency with other relevant directives and with other guidelines;

(F) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(G) make any necessary conforming changes to the sentencing guidelines; and

(H) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(3) EMERGENCY AUTHORITY.—The Commission may promulgate guidelines, policy statements or amendments thereto under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(b) STUDY AND REPORT ON EXPOSURE OF CHILDREN TO CRIMES OF VIOLENCE.—Not later than June 1, 2000, the United States Sentencing Commission shall submit a report to Congress on issues relating to the exposure of children to crimes of violence.

The report shall explain the changes, if any, to sentencing policy made by the Sentencing Commission in response to this section and include any recommendations that the Commission may have for retention or modification of current penalty levels, including statutory penalty levels, and for otherwise combating exposure of children to crimes of violence and the serious effects that are associated with such exposure.

SEC. 3013. AMENDMENTS RELATING TO CHILD VICTIMS' AND CHILD WITNESSES' RIGHTS.

(a) Section 3509(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “of physical abuse, sexual abuse, or exploitation”; and

(2) in subparagraph (B), by striking “committed against another person” and inserting “, other than a crime the child committed or to which the child contributed as a co-defendant or charged conspirator”.

(b) Paragraphs (1)(A) and (2)(A) of section 3509(b) of title 18, United States Code, are each amended by inserting “or an offense to which a child is a witness” after “child”.

(c) Section 3509(h)(1) of title 18, United States Code, is amended by striking “involving abuse or exploitation”.

(d) Section 3509 of title 18, United States Code, is amended by inserting “or a person who was a child at the time of the crime” after “child” each place it appears in paragraphs (1), (2), and (3)(A) of subsection (d), the second and third places it appears in subsection (d)(3)(B), the first and third places it appears in subsection (d)(4), and each place it appears in subsection (e).

(e) Section 3509(d) of title 18, United States Code, is amended–

- (1) in paragraph (1)(A), by inserting “, evidence, or other items” after “documents” each place it appears;
- (2) in paragraph (2), by inserting “, evidence, or other items” after “papers”;
- (3) in paragraph (2)(A) and (B), by inserting “, evidence, or other items” after “paper”;
- (4) in paragraph (2)(B), by striking “of it”;
- (5) in paragraph (1)(A), by inserting at the end: “This limitation applies regardless of whether the person continues to act in a capacity described in subparagraph (B) at the time of such disclosure.”;
- (6) in paragraph (4), by striking “or an adult attendant” and inserting “an adult attendant, a victim or witness assistance program”; and
- (7) by adding at the end the following:

“(5) The provisions of this subsection may be applied to proceedings of the Grand Jury, including lists of witnesses and exhibits.”.

(f) Section 3509(i) of title 18, United States Code, is amended by–

- (1) striking “child attendant” and inserting “adult attendant”; and
- (2) adding “if such testimony or deposition is carried out under subsection (b)” before the final period.

**SEC. 3014. TECHNICAL CORRECTIONS TO FORFEITURE STATUTES FOR
SEXUAL EXPLOITATION OF MINORS.**

(a) CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS. – Section 2253

of title 18, United States Code, is amended by striking “or 2423” and inserting “2423, or 2425”.

(b) CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS. – Section 2254 of title 18, United States Code, is amended by striking “or 2423” and inserting “2423, or 2425”.

(c) CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN. – Section 2255(a) of title 18, United States Code, is amended by striking “or 2423” and inserting “2423, or 2425”.

SEC. 3015. AMENDMENT TO RESTITUTION STATUTES.

(a) Section 3663(b)(2) of title 18, United States Code, is amended by striking “including an offense under chapter 109A or chapter 110” and inserting “or any offense under chapter 109A, chapter 110, or chapter 117”.

(b) Section 2253 of title 18, United States Code, is amended by adding at the end the following:

“(p) Victims and restitution—

“(1) The defendant may not use property subject to forfeiture under this section to satisfy an order of restitution. However, if there are identifiable victims entitled to restitution from the defendant under section 2259 or 3663, and the defendant has no assets other than property subject to forfeiture with which to pay restitution to the victims, the government may move to dismiss the forfeiture allegations before entry of a judgment of forfeiture to allow the property to be used by the defendant to pay restitution in whatever manner the court determines to be appropriate if it grants the government’s motion.

“(2) If an order of forfeiture is entered pursuant to this section and the defendant

has no assets other than the forfeited property to pay restitution to identifiable victims who are entitled to restitution, the government shall restore the forfeited property to the victims pursuant to subsection (h)(1) once the ancillary proceeding under subsection (m) has been completed and the costs of the forfeiture action have been deducted. On the motion of the government, the court may enter any order necessary to facilitate the distribution of the property under this subsection.

“(3) For purposes of this subsection, a ‘victim’ is a person other than a person with a legal right, title or interest in the forfeited property sufficient to satisfy the standing requirement of subsection (m)(2) who may nevertheless be entitled to restitution from the forfeited funds pursuant to 28 C.F.R. Part 9.8. A person shall be considered a ‘victim’ if the person is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including any offense constituting the underlying specified unlawful activity.”.

SUBTITLE C – VICTIMS ASSISTANCE.

SEC. 3021. ASSISTANCE FOR FEDERAL LAW ENFORCEMENT VICTIM SERVICES.

Section 1404(c)(1) of the Victims of Crime Act (42 U.S.C. 10603(c)(1)) is amended by –

- (1) striking "and" at the end of subparagraph (A);
- (2) striking the period at the end of subparagraph (B) and inserting ","; and
- (3) adding at the end the following:

"(C) to assist Federal law enforcement agencies in providing services to victims of non-Federal crime;

"(D) for the financial support of services to U.S. citizens who are victims of crime occurring outside the United States; and

"(E) for the establishment of a fellowship or internship program in the Office to utilize the expertise and experience of the victims community to carry out training and technical assistance services and special projects authorized by the subchapter."

SEC. 3022. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

Section 1404(c)(2) of the Victims of Crime Act (42 U.S.C. 10603(c)(2)) is amended to read as follows:

"(2) Of the amount available for grants under this subsection--

(A) not more than 50 percent shall be used for grants under subparagraphs (A) and (E) of paragraph (1); and

(B) not less than 50 percent shall be used for grants under subparagraphs (B), (C) and (D) of paragraph (1)."

SEC. 3023. AMENDMENT TO THE CRIME VICTIMS WITH DISABILITIES ACT.

Section 5 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended to read as follows:

"SEC. 5. National Crime Victimization Survey

" Within one year of the completion of the study ordered under section 4, the Bureau of Justice Statistics shall initiate revisions to the National Crime Victimization Survey, following a period of experimentation and pretesting, designed to systematically

gather data from individuals with developmental disabilities relating to--

“(a) the nature of crimes against such individuals; and

“(b) the specific characteristics of such victims.”.

SEC. 3024. EXPANDED JURISDICTION OVER CHILD BUYING AND SELLING OFFENSES.

Section 2251A(c)(3) of title 18, United States Code, is amended by striking "in any territory or possession of the United States" and inserting "in the special maritime and territorial jurisdiction of the United States or in any commonwealth, territory, or possession of the United States".

SUBTITLE D – HEALTH CARE FRAUD AND ABUSE.

SEC. 3031. ATTORNEY GENERAL’S INJUNCTION AUTHORITY.

Section 1128B of the Social Security Act (42 U.S.C. 1320a-7b) is amended by adding at the end the following new subsection:

“(h) If the Attorney General has reason to believe that a person is engaging about to engage in conduct constituting an offense under this section, the Attorney General may petition an appropriate United States District Court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy that is available by law to the United States or any other person.”.

SEC. 3032. ATTORNEY GENERAL’S AUTHORITY TO SEEK CIVIL PENALTIES.

Section 1128B of the Social Security Act (42 U.S.C. § 1320a-7b). As amended by section 3031 of this Act, is further amended by inserting after subsection (f) the following new subsection:

“(g)(1) The Attorney General may bring an action in the district courts to impose upon any person who carries out any activity in violation of this section with respect to a Federal health care program a civil penalty of \$25,000 to \$50,000 for each such violation, and damages of three times the total remuneration offered, paid, solicited, or received.

“(2) A violation exists under paragraph (1) if one or more purposes of the remuneration is unlawful, and the damages shall be the full amount of such remuneration.

“(3) The procedures for actions under paragraph (1) with regard to subpoenas, statutes of limitation, standards of proof, and collateral estoppel shall be governed by section 3731 of title 31, United States Code,, and the Federal Rules of Civil Procedure shall apply to actions brought under this section.

“(4) This section does not affect the availability of other criminal and civil remedies that may be available for such violations.”.

SEC. 3033. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended –

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) A person who is privy to grand jury information concerning a Federal health care offense, as defined in section 24 of this title –

“(1) received in the course of duty as an attorney for the government; or

“(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the government to use in any investigation or civil proceeding relating to health care fraud or false claims.”.

SEC. 3034. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

Subsection (a) of section 3486 of title 18, United States Code, is amended by inserting after “Federal health care offense”, “, or any allegation of health care fraud or false claims (whether criminal or civil),”.

SEC. 3036. STUDY AND REPORT ON HEALTH CARE FRAUD SENTENCES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.----

Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of health care fraud offenses.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall:

(1) ensure that the sentencing guidelines and policy statements reflect the serious harms associated with health care fraud and the need for aggressive and appropriate law

enforcement action to prevent such fraud;

(2) consider providing increased penalties for persons convicted of health care fraud offenses in appropriate circumstances;

(3) consult with individuals or groups representing health care fraud victims, law enforcement officials, the health care industry, and the federal judiciary as part of the review described in subsection (a);

(4) assure reasonable consistency with other relevant directives and with other guidelines;

(5) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(6) make any necessary conforming changes to the sentencing guidelines; and

(7) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) REPORT.----Not later than December 31, 2000, the United States Sentencing Commission shall submit a report to Congress on issues relating to health care fraud. The report shall explain the changes, if any, to sentencing policy made by the Sentencing Commission in response to this section and include any recommendations that the Commission may have for retention or modification of current penalty levels, including statutory penalty levels, for health care fraud offenses.

**SEC. 3037. PROVISIONS PROTECTING THE INTERESTS OF FALSE CLAIMS
ACT MATTERS IN BANKRUPTCY PROCEEDINGS.**

(a) CERTAIN ACTIONS NOT STAYED BY BANKRUPTCY PROCEEDINGS. – The commencement or continuation of an action under sections 3729 through 3733 of title 31, United States Code, shall not be stayed by section 362(a)(1), (a)(2), (a)(3) or (a)(6) or under section 105(a) of title 11, United States Code.

(b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANKRUPTCY. – No debt owed to the United States for violating sections 3729 through 3733 of title 31, United States Code, or under a compromise or other agreement resolving such a debt shall be discharged under title 11, United States Code.

(c) REPAYMENT OF CERTAIN DEBTS CONSIDERED FINAL. – No transfer on account of a debt owed to the United States for violating sections 3729 through 3733 of title 31, United States Code, or under a compromise or other agreement resolving such a debt shall be avoided under section 544, 545, 547, 548, 549, 553(b) or 724(a) of title 11, United States Code.

**SEC. 3038. EXTENDING ANTI-FRAUD SAFEGUARDS TO THE FEDERAL
EMPLOYEES HEALTH BENEFITS PROGRAM.**

(a) Section 1128B(f)(1) of the Social Security Act (42 U.S.C. § 1320a 7b(f)(1)) is amended by striking “(other than the health insurance program under chapter 89 of title 5, United States Code)”.

**SEC. 3039. PREVENTING AND PUNISHING ABUSE AND NEGLECT OF ELDERLY
AND OTHER RESIDENTS IN NURSING HOMES AND RESIDENTIAL
HEALTH CARE FACILITIES.**

(a) SHORT TITLE. -- This section may be cited as the “Nursing Home Abuse and Neglect Prevention and Punishment Act of 1999”.

(b) PROTECTION OF RESIDENTS IN NURSING HOMES AND OTHER RESIDENTIAL HEALTH CARE FACILITIES. – Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 1348. Pattern of violations resulting in harm to residents of nursing homes and related facilities.

“(a) Offense.--Whoever engages in a pattern of knowing and willful violations of Federal laws, regulations, or rules, or State laws governing the health, safety, or care of individuals residing in a residential health care facility or facilities that results in significant physical or mental harm to one or more such residents, shall be punished as provided in section 1347, except that any organization shall be fined not more than \$2,000,000 per residential health care facility.

“(b) Civil provisions.--

“(1) Civil Penalties.-- The Attorney General may bring an action in a United States district court to impose on any individual or entity that engages in a pattern of violations of Federal laws, regulations, or rules, or State laws, which violations affect the health, safety, or care of individuals residing in a residential health care facility and where such pattern results in physical or mental harm to one or more such residents, a civil penalty of --

“(A) in the case of an individual (other than an owner, operator, officer or manager of such a residential health care facility) up to \$10,000;

“(B) in the case of an individual who is an owner, operator, officer or manager of such a residential health care facility up to \$100,000 for each separate facility involved in the pattern of violations under this section; or

“(C) in the case of a residential health care facility up to \$1,000,000 for each pattern of violations, and in the case of an entity up to \$1,000,000 for each separate residential health care facility involved in the pattern of violations owned or managed by that entity.

“(2) Other appropriate relief.-- If the Attorney General has reason to believe that an individual or entity is engaging in or is about to engage in a pattern of violations of Federal laws, regulations, or rules, or State laws, which violations affect the health, safety, or care of individuals residing in a residential health care facility, and where such pattern results in or has the potential for resulting in physical or mental harm to one or more such residents, the Attorney General may petition an appropriate United States district court for appropriate equitable and declaratory relief to eliminate the pattern.

“(3) Procedures for this subsection. —

“(A) A subpoena requiring the attendance of a witness at a trial or hearing conducted under this subsection may be served at any place in the United States.

“(B) An action brought under paragraph (1) of this subsection may not be brought more than 6 years after the date on which the violation of this subsection occurred.

“(C) The United States shall be required to prove all actions under this subsection by a preponderance of the evidence.

“(D) The Civil Investigative Demand procedures set forth in the Antitrust Civil Process Act (15 U.S.C. 1311-14) and regulations promulgated pursuant thereto shall apply to investigations and actions pursued under this subsection.

“(E) The filing or resolution of a matter under this subsection does not preclude any other remedy that is available to the United States or any other person.

“(c) Prohibition against retaliation.-- Any person who is the subject of retaliation, either directly or indirectly, for reporting conditions that may constitute a violation of this section shall be authorized to bring an action in an appropriate United States district court for damages, attorneys’ fees and other relief.

“(d) Definitions.-- For purposes of this section, the following definitions apply:

“(1) ‘Residential health care facility’ means any facility (including any facility that does not exclusively provide residential health care services) including but not limited to skilled and unskilled nursing facilities and mental health and mental retardation facilities, that receives Federal funds, directly from the Federal government or indirectly from a third party on contract with or receiving a grant or other monies from the Federal government, to provide health care, or that provides health care services in a residential setting and that, in any calendar year in which a violation occurs, is the recipient of benefits or payments in excess of \$10,000 from a Federal Health Care Program.

“(2) ‘Entity’ means any residential health care facility (including facilities that do not exclusively provide residential health care services), any entity that manages a residential health care facility, or any entity that owns, directly or indirectly, a controlling interest or a 50% or greater interest in one or more residential health care facilities, including States, localities and political subdivisions thereof.

“(3) ‘Federal Health Care Program’ means –

(A) any plan or program that provides health benefits,
whether directly, through insurance, or otherwise, which is funded
directly, in whole or in part, by the United States Government; or

(B) any State health care program, as defined in _____
(42 U.S.C. 1320a-7(h)).

“(4) ‘Pattern of violations’ means multiple violations of a single law, regulation,
or rule, or single violations of multiple laws, regulations, or rules, that are widespread,
systemic, repeated, similar in nature, or result from a policy or practice.

“(5) ‘State’ means a state of the United States, the District of Columbia, and any
commonwealth, territory, or possession of the United States.”.

(c) **AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.** -- Section
3486(a)(1) of title 18, United States Code, is amended by inserting after “Federal health care
offense”, “or act or activity involving section 1350 of this title”.

(d) The table of sections for chapter 63 of title 18, United States Code, is amended by
adding at the end:
“1348. Pattern of violations resulting in harm to residents of nursing homes and related
facilities.”.

SUBTITLE E – CONSUMER FRAUD.

SEC. 3051. BLOCKING TELEMARKETING SCAMS.

Chapter 113A of title 18, United States Code, is amended --

(a) by adding at the end the following new section:

"§ 2328. Blocking or termination of service by electronic communication service

"(a) In general. -- Any United States district court (including any magistrate judge of such court), upon application by the Attorney General, may enter an ex parte order directing an electronic communication service to block or terminate service to any telephone number, or to terminate service to any other subscriber number or identity, if the court determines that --

"(1) there is probable cause to believe that a person is committing or about to commit an offense listed in section 2326 of this title in connection with the conduct of telemarketing, and is using that telephone number or subscriber number or identity in furtherance of that offense; and

"(2) such order is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the application is made. Such order may be temporary or permanent, and may include provisions authorizing the electronic communication service to resume service to the telephone number or other subscriber number or identity specified in the order if that number or identity has been reassigned to another subscriber. The order shall be served on an electronic communication service by delivering a copy to the service's principal place of business, and shall be served on a subscriber by delivering a copy to the subscriber personally, by leaving a copy at the subscriber's principal place of business with some person of suitable age and discretion then employed therein or at the subscriber's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing a copy to the subscriber's last known address.

"(b) Hearing. -- Subsequent to the issuance of an order pursuant to subsection (a), any person whose service has been blocked or terminated may move the court to quash or modify the

order. The movant shall have the burden of proof to show good cause therefor. The court shall proceed as soon as practicable to the hearing and determination of such a motion. A proceeding under this subsection is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against any person to whom the court's finding of probable cause in subsection (a) relates, discovery is governed by the Federal Rules of Criminal Procedure.

"(c) Preclusion of causes of action.--No cause of action shall lie in any court against any electronic communication service, its officers, employees, agents, or other specified persons for taking any action, or providing information, facilities, or assistance for such action, in accordance with the terms of a court order under this section.

"(d) Definitions.--For purposes of this section, the term 'electronic communication service' has the definition given such term in section 2510 of this title.";

(b) in section 2325, by inserting "or electronic communications" after "telephone calls";
and

(c) in the table of sections for chapter 113A of title 18, United States Code, by adding at the end the following:

"2328. Blocking or termination of service by electronic communication service".

SUBTITLE F – PENSION-WELFARE AND LABOR-MANAGEMENT

RACKETEERING ACT.

SEC. 3061. FRAUD IN RELATION TO RETIREMENT ARRANGEMENTS.

(a) **IN GENERAL.**--Chapter 63 of title 18, United States Code, as amended by section 3039 of this Act, is further amended by inserting after section 1347 the following:

"§ 1349. Fraud in relation to retirement arrangements.

"(a) Whoever executes, or attempts to execute, a scheme or artifice--

"(1) to defraud any retirement arrangement or other person in connection with the establishment or maintenance of a retirement arrangement; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any retirement arrangement or other person in connection with the establishment or maintenance of a retirement arrangement shall be fined under this title or imprisoned not more than ten years, or both.

"(b) As used in this section, the term 'retirement arrangement' means -

" (1) any employee pension benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974;

" (2) any qualified retirement plan within the meaning of section 4974(c) of the Internal Revenue Code of 1986, including any arrangement which has been represented to be a qualified retirement plan;

"(3) any medical savings account described in section 220 of the Internal Revenue Code of 1986; or

"(4) funds established within the Thrift Savings Fund by the Federal Retirement Thrift Investment Board pursuant to subchapter III of chapter 84 of title 5, United States Code.

"(c) For purposes of this section, the terms "retirement arrangement" shall not include any "governmental plan" as defined in section 3(32) of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)) except as provided in paragraph (4) of subsection (b).

"(d) The Attorney General shall have the responsibility and authority to investigate

violations of this section. Nothing shall preclude the Secretary of Labor and other appropriate federal agencies from investigating violations of this section relating to employee benefit plans subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).".

(b) The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end:

"1349. Retirement Fraud."

SEC. 3062. CIVIL PENALTY FOR VIOLATION OF SECTION 1348.

(a) IN GENERAL.--Chapter 63 of title 18, United States Code, as amended by sections 3039 and 3061 of this Act, is further amended by inserting after section 1349 the following:

"§ 1350. Civil penalty for violation of section 1348.

"(a) Except as provided in subsection (b) of this section, the Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1348 or conspiracy to violate section 1348 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of the greater of the amount of pecuniary gain to the violator, the amount of pecuniary loss sustained by the victim, or \$50,000 for each violation in the case of an individual or \$100,000 in the case of an organization. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy which is available by law to the United States or any other person.

"(b) No civil penalty may be imposed pursuant to subsection (a) with respect to conduct involving a retirement arrangement which is also an employee pension benefit plan subject to

title I of Employee Retirement Income Security Act of 1974 and for which the civil penalties may be imposed under section 502 of Employee Retirement Income Security Act of 1974, (29 U.S.C. 1132). The district court may waive or reduce a penalty under subsection (a) if the district court determines that the violator or other person may not be able to restore all losses to the victims (or to provide other relief ordered in another civil or criminal prosecution related to such conduct, including any penalty or tax imposed on the violator or other person pursuant to the Internal Revenue Code) without severe financial hardship unless such waiver or reduction is granted.

(b) CLERICAL AMENDMENT.--The table of sections for chapter 63 of title 18, United States Code, as amended by sections 3039 and 3061 of this Act, is further amended by inserting after the item relating to section 1349 the following:

"1350. Civil penalty for violation of section 1348."

SEC. 3063. BRIBERY AND GRAFT IN CONNECTION WITH EMPLOYEE BENEFIT PLANS.

(a) Section 1954 of title 18, United States Code, is amended to read as follows:

"§ 1954. Bribery and graft in connection with employee benefit plans

"(a) Whoever--

"(1) being--

"(A) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan; or

"(B) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan; or

"(C) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan; or

"(D) a person who, or an officer, counsel, agent, or employee of an organization which, provides benefit plan services to such plan; or

"(E) a person with actual or apparent influence or decision-making authority in regard to such plan, receives or agrees to receive or solicits, any fee, kickback, commission, gift, loan, money, or thing of value, personally or for any other person, with intent to be influenced with respect to any of his actions, decisions, or duties relating to any question or matter concerning such plan,

"(2) directly or indirectly, gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value, to any person described in subparagraphs (A) through (E) of paragraph (1), with intent to influence any of the actions, decisions or duties of such person relating to any question or matter concerning an employee benefit plan; or

"(3) attempts to give, accept, or receive any thing of value in violation of this subsection, shall be fined under this title or imprisoned for not more than ten years, or both.

"(b) Whoever--

"(1) being any person described in subparagraphs (A) through (E) of paragraph (1) of subsection (a), receives or agrees to receive or solicits, any fee, kickback, commission, gift, loan, money, or thing of value, personally or for any other person, because of any of his actions, decisions or duties relating to any question or

matter concerning such plan;

"(2) directly or indirectly, gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value, to any person described in subparagraphs (A) through (E) of paragraph (1) of subsection (a), because of any of the actions, decisions, or duties of such person relating to any question or matter concerning an employee benefit plan; or

"(3) attempts to give, accept, or receive any thing of value in violation of this subsection, shall be fined under this title or imprisoned for not more than five years, or both.

"(c)(1) This section shall not prohibit the payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as such person, administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, employee organization, or organization providing employee benefit plan services to such plan, or as a person with actual or apparent influence or decision-making authority in regard to such plan.

"(2) This section shall not prohibit the payment to or acceptance in good faith by any employee benefit plan sponsor, or person acting on the sponsor's behalf of any thing of value relating to the sponsor's decision or action to establish, terminate, or modify the governing instruments of an employee benefit plan in a manner which does not violate title I of the Employee Retirement Income Security Act of 1974, or any regulation or order promulgated thereunder, or any other law governing the plan.

"(d) For the purpose of this section --

"(1) the term 'employee benefit plan' means any employee welfare benefit plan or employee pension benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974; and

"(2) the terms 'employee organization,' 'administrator,' and 'employee benefit plan sponsor' mean any employee organization, administrator, or plan sponsor as defined in title I of the Employee Retirement Income Security Act of 1974."

(b) The table of sections for chapter 95 of title 18, United States Code, is amended by amending the item relating to section 1954 to read as follows:

"1954. Bribery and graft in connection with employee benefit plans."

**SEC. 3064. INCREASED PENALTY FOR THEFT AND EMBEZZLEMENT FROM
EMPLOYEE BENEFIT PLANS AND CONNECTED FUNDS.**

Section 664 of Title 18, United States Code, is amended by striking "five years" and inserting "ten years".

**SEC. 3065. PAYMENTS OF THINGS OF VALUE TO PERSONS WITH ACTUAL OR
APPARENT INFLUENCE OR DECISION-MAKING AUTHORITY.**

Subsection (a) of section 302 of the Labor Management Relations Act of 1947 (29 U.S.C. 186(a)) is amended --

(1) by striking the period at the end of paragraph (4) and inserting "; or"; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to any person with actual or apparent influence or decision-making authority

in regard to any labor organization with the intent to influence such person's duties, actions, or decisions relating to any question or matter concerning such labor organization."

SEC. 3066. RECEIPT OF THINGS OF VALUE BY PERSONS WITH ACTUAL OR APPARENT INFLUENCE OR DECISION-MAKING AUTHORITY.

Subsection (b) of section 302 of the Labor Management Relations Act of 1947 (29 U.S.C. 186(b)) is amended--

- (1) in paragraph (1), by inserting "(1) through (4)" after "prohibited by subsection (a)";
- (2) by redesignating paragraph (2) as paragraph (3); and
- (3) by inserting after paragraph (1) the following new paragraph:

"(2) It shall be unlawful for any person with actual or apparent influence or decision-making authority in regard to a labor organization to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value, from any employer, association of employers, or any person who acts as a labor relations expert, advisor, or consultant to an employer, or who acts in the interest of an employer, with intent to be influenced with respect to such person's duties, actions, or decisions relating to any question or matter concerning such labor organization."

SEC. 3067. ATTEMPT TO VIOLATE TAFT-HARTLEY SECTION 302.

Subsection (d)(2) of section 302 of the Labor Management Relations Act of 1947 (29 U.S.C. 186(d)(2)), is amended by inserting ", or willfully attempts to pay, lend, deliver, receive, or accept in violation of," after "willfully violates".

SEC. 3068. FORFEITURE FOR RETIREMENT OFFENSES.

(a) CRIMINAL FORFEITURE.--Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (8) the following new paragraph:

"(9)(A) The court, in imposing sentence on a person convicted of a retirement offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense;

"(B) For purposes of this paragraph, the term "retirement offense" means a violation of, a criminal conspiracy to violate, or a solicitation to commit a crime of violence involving a violation of any of the following provisions if the violation, conspiracy, or solicitation relates to a retirement arrangement as defined in section 1348 of this title:

"(i) section 664, 1001, 1027, 1341, 1343, 1348, 1951, 1952 or 1954 of this title;

or

"(ii) section 411, 501, or 511 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111, 1131 or 1141).".

(b) CIVIL FORFEITURE.--Section 981(a)(1) of title 18, United States Code, is amended by inserting after paragraph (F) the following new paragraph:

"(G) Any property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of a violation of, a criminal conspiracy to violate, or a solicitation to commit a crime of violence involving a retirement offense as that term is defined in section 982(a)(9)(B).".

SEC. 3069. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS AND REGULATORY AGENCIES.

CIVIL FORFEITURE.-- Section 981(e) of title 18, United States Code, is amended --

(1) by amending paragraph (6) to read as follows:

"(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or";

(2) in paragraphs (3), (4) and (5), by striking "in the case of property referred to in subsection (a)(1)(C)" and inserting "in the case of property forfeited in connection with an offense resulting in a pecuniary loss to a financial institution or regulatory agency"; and

(3) in paragraph (7), by striking "in the case of property referred to in subsection (a)(1)(D)" and inserting "in the case of property forfeited in connection with an offense relating to the sale of assets acquired or held by any Federal financial institution or regulatory agency, or person appointed by such agency, as receiver, conservator or liquidating agent for a financial institution".

SEC. 3070. VICTIM RESTITUTION IN CRIMINAL FORFEITURES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following new subsection:

"(r) Victims and restitution

"(1) The defendant may not use property subject to forfeiture under this section to satisfy an order of restitution. However, if there are identifiable victims entitled to restitution from the defendant, and the defendant has no assets other than the property subject to forfeiture with which to pay restitution to the victims, the government may move to dismiss the forfeiture

allegations before entry of a judgment of forfeiture to allow the property to be used by the defendant to pay restitution in whatever manner the court determines to be appropriate if it grants the government's motion. An order of restitution entered pursuant to this paragraph shall contain a provision ensuring that costs associated with the identification, seizure, management, and disposition of the property are recovered by the United States.

"(2) If an order of forfeiture is entered pursuant to this section and the defendant has no assets other than the forfeited property to pay restitution to identifiable victims who are entitled to restitution, the government shall restore the forfeited property to the victims pursuant to subsection (i)(1) once the ancillary proceeding under subsection (n) has been completed and the costs of the forfeiture action have been deducted. On the motion of the government, the court may enter any order necessary to facilitate the distribution of the property under this subsection.

"(3) For purposes of this subsection, a 'victim' is a person other than a person with a legal right, title or interest in the forfeited property sufficient to satisfy the standing requirements of subsection (n)(2) who may nevertheless be entitled to restitution from the forfeited funds pursuant to 28 C.F.R. Part 9.8. A person shall be considered a 'victim' if the person is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity."

SUBTITLE G – ENVIRONMENTAL CRIMES AND ENFORCEMENT ACT.

SEC. 3081. JOINT FEDERAL, STATE, LOCAL, AND TRIBAL ENVIRONMENTAL ENFORCEMENT.

(a) IN GENERAL- Chapter 232 of title 18, United States Code, is amended by inserting

after section 3673 the following:

“§ 3674. Reimbursement of State, local, or tribal government costs for assistance in Federal investigation and prosecution of environmental crimes

“(a) Upon the motion of the United States, any person who is found guilty of a criminal violation of the Federal environmental laws set forth in subsection (b) below, or conspiracy to violate such laws, may be ordered to pay the costs incurred by a State, local, or tribal government or an agency thereof for assistance to the Federal Government's investigation and criminal prosecution of the case. Such moneys shall be paid to the State, local, or tribal government or agency thereof and be used solely for the purpose of environmental law enforcement.

“(b) This section applies to a violation of, or a conspiracy to violate, any of the following provisions of law:

“(1) Section 14(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136l(b)).

“(2) Section 16(b) of the Toxic Substances Control Act (15 U.S.C. 2615(b)).

“(3) Sections 10, 12, 13, and 16 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403, 406, 407, 411).

“(4) Sections 309(c) and 311(b)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c), 1321(b)(5)).

“(5) Section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)).

“(6) Section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a)).

“(7) Section 4109(c) of the Shore Protection Act of 1988 (33 U.S.C. 2609(c)).

“(8) Sections 1423 and 1432 of the Safe Drinking Water Act (42 U.S.C. 300h-2, 300i-1).

“(9) Sections 3008(d), 3008(e), and 3008(i) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6928(d), 6928(e), 6928(i)).

“(10) Section 113(c) of the Clean Air Act (42 U.S.C. 7413(c)).

“(11) Sections 103(b) and 103(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9603(b), 9603(d)).

“(12) Section 325(b)(4) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11045(b)(4)).

“(13) Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).

“(14) Sections 5124, 60123(a), and 60123(b) of title 49, United States Code.”.

(b) CLERICAL AMENDMENT- The table of sections for chapter 232 of title 18, United States Code, is amended by adding at the end the following new item:

“3674. Reimbursement of State, local, or tribal government costs for assistance in Federal investigation and prosecution of environmental crimes.”.

SEC. 3082. PROTECTION OF GOVERNMENT EMPLOYEES AND THE PUBLIC.

(a) IN GENERAL- Chapter 39 of title 18, United States Code, is amended by adding the following new section:

“§ 838. Protection of government employees and the public from environmental crimes

“(a)(1) Any person who commits a criminal violation of a Federal environmental law

identified in this subsection that is the direct or proximate cause of serious bodily injury to or the death of any other person, including a Federal, State, local, or tribal government employee performing official duties as a result of the violation, shall be subject to imprisonment for not more than 20 years, a fine of not more than \$500,000, or both, and, if the defendant is an organization, to a fine of not more than \$2,000,000.

“(2) The provisions of law to which this subsection applies are--

“(A) section 309(c)(2), 309(c)(4), or 311(b)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)(2), 1319(c)(4), 1321(b)(5));

“(B) section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b));

“(C) section 1423 or 1432 of the Safe Drinking Water Act (42 U.S.C. 300h-2, 300i-1);

“(D) section 3008(d) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6928(d));

“(E) section 113(c)(1) or 113(c)(2) of the Clean Air Act (42 U.S.C. 7413(c)(1), 7413(c)(2));

“(F) section 103(b) or 103(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9603(b), 9603(d));

“(G) section 325(b)(4) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11045(b)(4)); or

“(H) section 5124, 60123(a), or 60123(b) of title 49, United States Code.

“(b)(1) Any person who commits a criminal violation of Federal environmental law

identified in this subsection that is the direct or proximate cause of serious bodily injury to or death of any other person, including a Federal, State, local, or tribal government employee performing official duties as a result of the violation, shall be fined under this title or imprisoned not more than 5 years, or both, but if the defendant is an organization, the defendant may be fined not more than \$1,000,000.

“(2) The provisions of law to which this subsection applies are--

“(A) section 14(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136l(b)); and

“(B) section 16(b) of the Toxic Substances Control Act (15 U.S.C. 2615(b)).

“(c) For purposes of this section, the term ‘serious bodily injury’ means bodily injury which involves--

“(1) unconsciousness;

“(2) extreme physical pain;

“(3) protracted and obvious disfigurement; or

“(4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“(d) For purposes of this section, the term ‘organization’ means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.”.

(b) CLERICAL AMENDMENT- The table of sections for chapter 39 of title 18, United States Code, is amended by inserting at the end the following:

“838. Protection of government employees and the public from environmental crimes.”.

SEC. 3082A. ESTABLISHMENT OF THE STATE, LOCAL AND TRIBAL

ENVIRONMENTAL ENFORCEMENT TRAINING PROGRAM.

The Administrator of the Environmental Protection Agency, as soon as practicable, within the Office of Enforcement and Compliance Assurance, shall establish the State, local, and Tribal Environmental Enforcement Training Program to be administered by the National Enforcement Training Institute within the Office of Criminal Enforcement, Forensics and Training. This Program shall be dedicated to training State, local, and tribal law enforcement personnel in the investigation of environmental crimes at the Federal Law Enforcement Training Center (FLETC) in Glynn County, Georgia, at the EPA-FLETC training center, or at other training sites which are accessible to State, local, and tribal law enforcement. State, local, and tribal law enforcement personnel shall include, among others, the following: inspectors, civil and criminal investigators, technical experts, regulators, government lawyers, and police.

SEC. 3083. STATUTE OF LIMITATIONS.

(a) IN GENERAL- Chapter 213 of title 18, United States Code, is amended by adding after section 3294 the following new section:

“§ 3295A. Felony environmental crimes

“(a) No person shall be prosecuted, tried, or punished for a violation of, or a conspiracy to violate, any of the offenses listed in subsection (b), unless the indictment is returned or the information is filed within 5 years after the offense is committed. However, when a person commits an affirmative act that conceals the offense from any Federal, State, local, or tribal government agency, that person shall not be prosecuted, tried, or punished for a violation of, or a

conspiracy to violate, any of the offenses listed below in subsection (b) unless the indictment is returned or the information is filed within 5 years after the offense is committed, or within 3 years after the offense is discovered by a government agency, whichever is later but in no event later than 8 years after the offense is committed.

“(b) This section applies to a violation of--

“(1) section 309(c)(2), 309(c)(3), 309(c)(4), or 311(b)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)(2), 1319(c)(3), 1319(c)(4), 1321(b)(5));

“(2) section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b));

“(3) section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a));

“(4) section 4109(c) of the Shore Protection Act of 1988 (33 U.S.C. 2609(c));

“(5) section 1423 or 1432 of the Safe Drinking Water Act (42 U.S.C. 300h-2, 300i-1);

“(6) section 3008(d) or 3008(e) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6928(d), 6928(e));

“(7) section 113(c)(1), 113(c)(2), 113(c)(3), or 113(c)(5) of the Clean Air Act (42 U.S.C. 7413(c)(1), 7413(c)(2), 7413(c)(3), 7413(c)(5));

“(8) section 103(b) or 103(d) of the Comprehensive Response, Compensation, and Liability Act (42 U.S.C. 9603(b), 9603(d));

“(9) section 325(b)(4) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11045(b)(4)); or

“(10) section 5124, 60123(a), or 60123(b) of title 49, United States Code.”.

(b) CLERICAL AMENDMENT- The table of sections of chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3294 the following new item:

“3295A. Felony environmental crimes.”.

SEC. 3084. ATTEMPTS.

(a) FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.- Section 14(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136l(b)) is amended by adding at the end the following new paragraph:

“(5) ATTEMPTS- Any person who attempts to commit the conduct that constitutes an offense under paragraph (1) of this subsection shall be subject to the same penalties as those prescribed for such an offense.”.

(b) TOXIC SUBSTANCES CONTROL ACT.- Section 16(b) of the Toxic Substances Control Act (15 U.S.C. 2615(b)), is amended by --

(1) inserting “(1)” before “Any”; and

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

“(2) Any person who attempts to commit the conduct that constitutes any offense under paragraph (1) of this subsection shall be subject to the same penalties as those prescribed for such offense.”.

(c) FEDERAL WATER POLLUTION CONTROL ACT.- Section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) is amended by adding after paragraph (7) the following new paragraph:

“(8) Any person who attempts to commit the conduct that constitutes any offense

under paragraph (2), (3), or (4) of this subsection shall be subject to the same penalties as those prescribed for such offense.”.

(d) OCEAN DUMPING.- Section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)) is amended by --

- (1) striking “and” at the end of paragraph (1);
- (2) striking the period at the end of paragraph (2) and inserting “; and”; and
- (3) adding after paragraph (2) the following new paragraph:

“(3) any person who attempts to commit conduct that constitutes an offense under paragraph (1) of this subsection shall be subject to the same penalties as those prescribed for such offense.”.

(e) MARPOL. - Section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a)) is amended by --

- (1) inserting “(1)” before “A person”; and
- (2) adding at the end the following new paragraph:

“(2) Any person who attempts to commit conduct that constitutes an offense under paragraph (1) of this subsection shall be subject to the same penalties as those prescribed for such offense.”.

(f) SOLID WASTE DISPOSAL ACT.- Section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928) is amended by adding after subsection (h) the following new subsection:

“(i) Any person who attempts to commit the conduct that constitutes any offense under subsection (d) or (e) of this section shall be subject to the same penalties as those prescribed for such offense.”.

(g) CLEAN AIR ACT.- Section 113(c) of the Clean Air Act (42 U.S.C. 7413(c)) is amended by adding after paragraph (6) the following new paragraph:

“(7) Any person who attempts to commit the conduct that constitutes any offense under paragraphs (1), (2), or (3) of this subsection shall be subject to the same penalties as those prescribed for such offense.”.

SEC. 3085. ENVIRONMENTAL CRIMES RESTITUTION.

(a) GENERALLY- Section 3663(a)(1) of title 18, United States Code, is amended by --

(1) striking “or” before “section 46312”; and

(2) inserting “or an environmental crime listed in section 3674 of this title,” after “section 3663A(c),”.

(b) DEFINITION OF “VICTIM”- Subsection 3663(b) of title 18, United States Code, is amended--

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

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) in the case of an offense resulting in pollution of or damage to the environment, pay for removal and remediation of the environmental pollution or damage and restoration of the environment to the extent of the pollution or damage resulting from the offense, and in such a case, the term ‘victim’ in section 3663(a)(2) includes a community or communities, whether or not the members are individually identified.”.

SEC. 3086. PREVENTION OF ALIENATION OR DISPOSAL OF ASSETS NEEDED

**TO REMEDY ENVIRONMENTAL HARMS CAUSED BY
ENVIRONMENTAL CRIMES.**

(a) IN GENERAL- Chapter 39 of title 18, United States Code, is amended by inserting after section 838 the following:

“§ 839. Prejudgment orders to secure payment for environmental damage

“(a) **In general.**-- At the time of the filing of an indictment or information for the violation of any of the statutory provisions set forth in section 838(a) of this title, or at any time thereafter, if, after notice to the defendant, the United States shows probable cause to believe that--

“(1) the defendant will conceal, alienate, or dispose of property, or place property outside the jurisdiction of the Federal district courts; and

“(2) the defendant will thereby reduce or impair the defendant's ability to pay restitution, in whole or in part, including removal and remediation of environmental pollution or damage and restoration of the environment resulting from the statutory violation, the court may order the defendant not to alienate or dispose of any such property, or place such property outside the jurisdiction of the United States district courts, without leave of the court. The Government shall bear the burden of proving, by a preponderance of the evidence, the projected cost for the removal and remediation of the environmental pollution or damage and restoration of the environment.

“(b) **Defenses-** The defendant may establish the following affirmative defenses to a motion by the Government under this section:

“(1) That the defendant possesses other assets sufficient to pay restitution, including the costs of removal and remediation of the environmental pollution or damage and restoration of the environment resulting from the statutory violation, provided that the defendant places those other assets under the control of the court.

“(2) That the defendant has made full restitution, including the removal and remediation of the environmental pollution or damage and restoration of the environment.

“(c) Procedures.- Any proceeding under this section is governed by the Federal Rules of Criminal Procedure.

“(d) Property Defined.- For the purposes of this section, ‘property’ shall include--

“(1) real property, including things growing on, affixed to, and found in land; and

“(2) tangible and intangible personal property, including money, rights, privileges, interests, claims, and securities.

“(e) Expiration of Order. The court may amend an order issued pursuant to this section at any time. In no event, however, shall the order extend beyond sentencing, in the case of a conviction, or a dismissal or acquittal of the prosecution.

“(f) All Writs Act.- Nothing in this section diminishes the powers of the court otherwise available under section 1651 of title 28.”.

(b) Clerical Amendment.- The table of sections for chapter 39 of title 18, United States Code, is amended by adding after the item relating to section 838 the following new item:

“839. Prejudgment orders to secure payment for environmental damage.”.

SUBTITLE H – AIRCRAFT SAFETY ACT.

SEC. 3091. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR

**SPACEVEHICLE PARTS IN INTERSTATE OR FOREIGN
COMMERCE.**

(a) Chapter 2 of title 18, United States Code, is amended --

(1) by adding at the end of section 31 the following:

“‘Aviation quality’ means, with respect to aircraft or spacevehicle parts, that the item has been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law, regulation, or contract.

“‘Aircraft’ means any civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

“‘Part’ means frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

“‘Spacevehicle’ means a man-made device, either manned or unmanned, designed for operation beyond the earth’s atmosphere.

“‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”; and

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

“§ 38. Fraud involving aircraft or spacevehicle parts in interstate or foreign commerce

“(a) Offenses.- Whoever, in or affecting interstate or foreign commerce, knowingly --

“(1) falsifies or conceals a material fact; makes any materially fraudulent representation; or makes or uses any materially false writing, entry, certification, document, record, data plate, label or electronic communication, concerning any aircraft

or spacevehicle part;

“(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or spacevehicle any aircraft or spacevehicle part using or by means of fraudulent representations, documents, records, certifications, depictions, data plates, labels or electronic communications; or

“(3) attempts or conspires to commit any offense described in paragraph (1) or (2), shall be punished as provided in subsection (b).

“(b) Penalties. -- The punishment for an offense under subsection (a) is as follows:

“(1) If the offense relates to the aviation quality of the part and the part is installed in an aircraft or spacevehicle, a fine of not more than \$500,000 or imprisonment for not more than 25 years, or both;

“(2) If, by reason of its failure to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than \$1,000,000 or imprisonment for any term of years or life, or both;

“(3) If the offense is committed by an organization, a fine of not more than \$25,000,000; and

“(4) In any other case, a fine under this title or imprisonment for not more than 15 years, or both.

“(c) Civil Remedies. -- (1) The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person convicted of an offense under this

section to divest himself of any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks; imposing reasonable restrictions on the future activities or investments of any such person, including, but not limited to, prohibiting engagement in the same type of endeavor as used to perpetrate the offense, or ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

“(2) The Attorney General may institute proceedings under this subsection. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

“(3) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

“(d) Criminal Forfeiture. -- (1) The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person shall forfeit to the United States --

“(A) any property constituting, or derived from, any proceeds such person obtained, directly or indirectly, as a result of such offense; and

“(B) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such offense.

“(2) The forfeiture of property under this section, including any seizure and disposition thereof, and any proceedings relating thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection (d) of that section.

“(e) **Construction with Other Laws.** -- This Act shall not be construed to preempt or displace any other remedies, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction of aircraft or spacevehicle parts into commerce.

“(f) **Territorial Scope.** -- This section applies to conduct occurring within or outside the United States.

“(g) **Authorized Investigative Demand Procedures.**--

“(1) **Authorization.**-- (A) In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena --

“(i) requiring the production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control; and

“(ii) requiring a custodian of records to give testimony concerning the production and authentication of such records.

“(B) A subpoena under this subsection shall describe the objects required to be produced and prescribe a return date within a reasonable period of time

within which the objects can be assembled and made available.

“(C) The production of records shall not be required under this section at any place more than 500 miles distant from the place where the subpoena for the production of such records is served.

“(D) Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“(2) Service.--A subpoena issued under this section may be served by any person who is at least 18 years of age and is designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

“(3) Enforcement.--In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony concerning the production and authentication of such

records. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

“(4) Immunity from civil liability.--Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a summons under this section, who complies in good faith with the summons and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.”.

(b) Clerical Amendment.-- The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“38. Fraud involving aircraft or spacevehicle parts in interstate or foreign commerce.”.

SEC. 3092. CONFORMING AMENDMENT.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting “section 38 (relating to aircraft parts fraud),” after “section 32 (relating to destruction of aircraft or aircraft facilities),”.

SUBTITLE I – ANTITRUST.

SEC. 3101. INCREASED MAXIMUM CORPORATE PENALTY FOR ANTITRUST VIOLATIONS.

(a) RESTRAINT OF TRADE AMONG THE STATES.-- Section 1 of the Sherman Act (15 U.S.C.1) is amended by striking “\$10,000,000” and inserting “\$100,000,000”.

(b) MONOPOLIZING TRADE. – Section 2 of the Sherman Act (15 U.S.C. 2) is

amended by striking "\$10,000,000" and inserting "\$100,000,000".

(c) OTHER RESTRAINTS.-- Section 3 of the Sherman Act (15 U.S.C. 3) is amended by striking "\$10,000,000" and inserting "\$100,000,000".

TITLE IV – BREAKING THE CYCLE OF DRUGS, GUNS AND VIOLENCE

SUBTITLE A -- ZERO TOLERANCE DRUG SUPERVISION

SEC. 4001. GRANT AUTHORITY.

The Attorney General may make grants to states and units of local government, state courts, local courts, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that support –

(1) developing and/or implementing comprehensive drug testing policies and practices with regard to criminal justice populations; and

(2) establishing appropriate interventions to illegal drug use for offender populations. Applicants may choose to submit joint proposals with other eligible criminal justice/court agencies for systemic drug testing and intervention programs; in this case, one organization must be designated as the primary applicant.

SEC. 4002. ADMINISTRATION.

(a) CONSULTATION/COORDINATION.-- In carrying out section 4001, the Attorney General shall coordinate with the other Justice Department initiatives that address drug testing and interventions in the criminal justice system.

(b) GUIDELINES. -- The Attorney General may issue guidelines necessary to carry out section 4001.

(c) APPLICATIONS.--In addition to any other requirements that may be specified by the Attorney General, an application for a grant under section 4001 shall --

- (1) reflect a comprehensive approach that recognizes the importance of collaboration and a continuum of testing, treatment, and other interventions;
- (2) include a long-term strategy and detailed implementation plan;
- (3) address the applicant's capability to continue the proposed program following the conclusion of federal support;
- (4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;
- (5) certify that there has been appropriate consultation with affected agencies and key stakeholders throughout the criminal justice system and that there will be continued coordination throughout the implementation of the program; and
- (6) describe the methodology that will be used in evaluating the program.

SEC. 4003. APPLICATIONS.

To request funds under section 4001, interested applicants shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Federal funding shall be awarded on a competitive basis based on criteria established by the Attorney General and specified in program guidelines.

SEC. 4004. FEDERAL SHARE.

The federal share of a grant made under section 4001 may not exceed 75 percent of the total cost of the program described in the application submitted for the fiscal year for which the program receives assistance under section 4001, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-federal share of a grant.

SEC. 4005. GEOGRAPHIC DISTRIBUTION.

The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards under section 4001 is made, with rural and tribal jurisdiction representation.

SEC. 4006. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

(a) TECHNICAL ASSISTANCE AND TRAINING. -- The Attorney General shall provide technical assistance and training in furtherance of the purposes of section 4001.

(b) EVALUATION. -- In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for a rigorous evaluation of the programs that receive support under section 4001.

(c) ADMINISTRATION. -- The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General or through grants, contracts, or cooperative agreements with other entities.

SEC. 4007. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out sections 4001 through 4006 \$125,000,000 for fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2005.

SEC. 4008. PERMANENT SET-ASIDE FOR RESEARCH AND EVALUATION.

The Attorney General shall reserve not less than 1 percent and no more than 3 percent of the sums appropriated under section 4007 in each fiscal year for research and evaluation of this program.

SEC. 4009. ADDITIONAL REQUIREMENTS FOR THE USE OF FUNDS UNDER

**THE VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-
SENTENCING GRANT PROGRAMS.**

Section 20105(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is amended to read as follows:

“(b) ADDITIONAL REQUIREMENTS. –

“(1) ELIGIBILITY FOR GRANT. – To be eligible to receive a grant under section 20103 or section 20104, a State shall --

“(A) provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights of crime victims; and

“(B) no later than September 1, 1999, have a program of drug testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive drug tests, consistent with guidelines issued by the Attorney General.

“(2) USE OF FUNDS. – Funds provided under section 20103 or section 20104 of this subtitle may be applied to the cost of offender drug testing and appropriate intervention programs during periods of incarceration and criminal justice supervision, consistent with guidelines issued by the Attorney General. Further, such funds may be used by the States to pay the costs of providing to the Attorney General a baseline study on their prison drug abuse problem. Such studies shall be consistent with guidelines issued by the Attorney General.

“(3) SYSTEM OF SANCTIONS AND PENALTIES. – Beginning in fiscal year 2000, and thereafter, States receiving funds pursuant to section 20103 or section 20104 of this

subtitle shall have a system of sanctions and penalties that address drug trafficking within and into correctional facilities under their jurisdiction. Such systems shall be in accordance with guidelines issued by the Attorney General. Beginning in fiscal year 2000, and each year thereafter, any State that the Attorney General determines not to be in compliance with the provisions of this paragraph shall have the funds it would have otherwise been eligible to receive under section 20103 or section 20104 reduced by 10 percent for each fiscal year for which the Attorney General determines it does not comply. Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.”.

SEC. 4010. REAUTHORIZATION OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT PROGRAM.

Paragraph (17) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

“(17) There are authorized to be appropriated to carry out part S \$65,100,000 for fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2005.”.

SEC. 4011. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

“(c) ADDITIONAL USE OF FUNDS. – States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after

release.”.

SEC. 4012. REESTABLISHMENT OF DRUG COURTS.

(a) DRUG COURTS.

(1) IN GENERAL.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part U the following new part:

“PART V--DRUG COURTS

“SEC. 2201. GRANT AUTHORITY.

“The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve--

“(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

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

“(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

“(B) substance abuse treatment for each participant;

“(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

“(D) offender management, and aftercare services such as relapse

prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

“SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

“The Attorney General shall--

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

“(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

“SEC. 2203. DEFINITION.

“In this part, ‘violent offender’ means a person who--

“(1) is charged with or convicted of an offense, during the course of which offense or conduct--

“(A) the person carried, possessed, or used a firearm or dangerous weapon;

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

“(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

“(2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

“SEC. 2204. ADMINISTRATION.

“(a) CONSULTATION. -- The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

“(b) USE OF COMPONENTS. -- The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

“(c) REGULATORY AUTHORITY. -- The Attorney General may issue regulations and guidelines necessary to carry out this part.

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

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

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

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

“(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

“(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

“(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

“(7) specify plans for obtaining necessary support and continuing the proposed

program following the conclusion of Federal support; and

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

“SEC. 2205. APPLICATIONS.

“To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government, or the chief judge of a State or local court or Indian tribal court shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

“SEC. 2206. FEDERAL SHARE.

“The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

“SEC. 2207. GEOGRAPHIC DISTRIBUTION.

“The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

“SEC. 2208. REPORT.

“A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

“SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

“(a) TECHNICAL ASSISTANCE AND TRAINING. -- The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

“(b) EVALUATIONS. -- In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

“(c) ADMINISTRATION. -- The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.”

(b) TECHNICAL AMENDMENT.--The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the matter relating to part U the following:

“Part V--Drug Courts

“Sec. 2201. Grant authority.

“Sec. 2202. Prohibition of participation by violent offenders.

“Sec. 2203. Definition.

“Sec. 2204. Administration.

“Sec. 2205. Applications.

“Sec. 2206. Federal share.

“Sec. 2207. Geographic distribution.

“Sec. 2208. Report.

“Sec. 2209. Technical assistance, training, and evaluation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.--Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended--

(1) in paragraph (3) by inserting "V" between "U" and "W"; and

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

"(20) (A) There are authorized to be appropriated for fiscal year 2000 the sum of \$50,000,000 and for fiscal years 2001 through 2005 such sums as may be necessary to carry out part V.

"(B) The Attorney General shall reserve not less than 1 percent and not more than 3 percent of the sums appropriated for this program in each fiscal year for research and evaluation of this program."

**SEC. 4013. EXCEPTIONS TO TIME LIMITS FOR BYRNE PROGRAM GRANTS
FOR CERTAIN PURPOSES.**

Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)), is amended to read as follows:

"(f) Programs already Receiving Funds. No funds may be awarded under this part to a grant recipient for a program or project for which funds have been awarded under this chapter for 4 years (in the aggregate), including any period occurring before the effective date of this subsection except for grants to State and local governments for the following purposes:

"(1) participating in multi-jurisdictional drug task forces and gang task forces;

"(2) victim assistance programs;

"(3) drug and alcohol abuse treatment in prisons and jails;

"(4) community-based programs for adult and juvenile drug-dependent and alcohol-

dependent offenders;

“(5) monitoring of drug-dependent offenders;

“(6) for those innovative programs that demonstrate new and different approaches to enforcement, prosecution and adjudication of drug and other serious crimes that include all aspects of community-based intervention, surveillance and supervision; and

“(7) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community.”.

SUBTITLE B -- ANTI-DRUG PROVISIONS.

SEC. 4020. NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL- Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"Sec. 165. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE-

"(1) FISCAL YEAR 2003- The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2002, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS- The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4)

of section 104(b) on October 1, 2003, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS- A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND
NONCOMPLIANCE

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS-

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2004- Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2004, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2004- No funds withheld under this section from apportionment to any State after September 30, 2004, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER
COMPLIANCE- If, before the last day of the period for which funds withheld

under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

**"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY
APPORTIONED FUNDS-**

"(A) IN GENERAL- Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS- Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE- If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall lapse."

(b) CONFORMING AMENDMENT- The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"165. National standard to prohibit operation of motor vehicles by intoxicated individuals."

SEC. 4020A. DRUG FREE TEEN DRIVERS.

(a) This section may be cited as the "Drug Free Teenage Drivers Act".

(b) DEMONSTRATION PROGRAM.--The National Highway Traffic Safety

Administration. shall establish a demonstration program in several states to provide voluntary drug testing for all teenager applicatns (or other first time applicants for a driver's license regardless of age) for a driver's license. Information respecting an applicant's chice not to take the drug test or the result of the drug tes on the applicant shall be made available to the applicant's automobile insurance company. If an applicant tests positive in the drug test, the State in which the program is established will not issue a license to the applicant and will require the applicant to complete a State drug treatment program and to not test positive in a drug test before reapplying for a license.

(c) INCENTIVE GRANT PROGRAM.

(1) The Secretary of Transportation shall establish an incentive grant program for States to assist the States in improving their laws relating to controlled substances and driving.

(2) To qualify for a grant under paragraph (1) a state shall carry out the following:

(A) Enact, actively enforce, and publicize a law which makes it illegal to drive in the State with any measurable amount of an illegal controlled substance in the driver's body. An illegal controlled substance is a controlled substance for which an individual does not have a legal written prescription. An individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counseling, and treatment;

(B) Enact, actively enforce, and publicize a law which makes it illegal to drive in the State when driving is impaired by the presence of any drug. The State shall provide that in the enforcement of such law, a driver shall be tested for the

presence of a drug when there is evidence of impaired driving and a driver will have the driver's license suspended. And individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counseling, and treatment;

(C) Enact, actively enforce, and publicize a law which authorizes the suspension of a driver's license if the driver is convicted of any criminal offense relating to drugs; and

(D) Enact a law which provides that beginning driver applicants and other individuals applying for or renewing a driver's license will be provided information about the laws referred to in subparagraphs (A), (B), and (C) and will be required to answer drug-related questions on their applications.

(3) A State may only use a grant under paragraph (1) to implement and enforce the programs described in paragraph (2).

(d) There are authorized to be appropriated from amounts made available from the Trust Fund under section 401 such sums as may be necessary for each fiscal years 1999 through 2005 to out this section.

**SEC. 4021. AMENDMENTS CONCERNING TEMPORARY EMERGENCY
SCHEDULING.**

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811(h)) is amended to read as follows:

"(a)Temporary scheduling to avoid imminent hazards to public safety

"(1) In General

If the Attorney General finds that the control at a substance on a temporary basis is necessary to avoid an imminent hazard to the public safety, the Attorney General may, by order and without regard to the requirements of subsection (b) of this section relating to the Secretary of Health and Human Services and without regard to the findings required under section 202(b) (21 U.S.C. 812(b)), temporarily schedule such substance in accordance with this subsection if no approval is in effect for the substance under section 505(i) of the Federal Food, Drug, and Cosmetic Act (hereafter in this subsection referred to as the FDC Act) (21 U.S.C. 355(i)).

"(A) If the substance is not contained in a drug for which an investigational new drug exemption is in effect under section 505(i) of the FDC Act, the temporary scheduling order shall place such substance in schedule I.

"(B) If the substance is contained in a drug for which an investigational new drug exemption is in effect under section 505(i) of the FDC Act, the temporary scheduling order shall place such substance in schedule II, subject to the conditions set forth in paragraph (6) of this subsection.

"(C) A temporary scheduling order, or order renewing such order, may not take effect before the expiration of thirty days from --

"(i) the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued; and

"(ii) the date the Attorney General has transmitted the notice

required by paragraph (4).

"(2) Duration of temporary scheduling; renewal of orders

"(A) A temporary scheduling order issued under subparagraph (1)(A) of this subsection shall expire at the end of one year from the effective date of the order, except that the Attorney General may, during the pendency of proceedings under subsection (a)(1) of this section with respect to the substance, extend the temporary scheduling order for up to six months.

"(B) A temporary scheduling order issued under subparagraph (1)(B) of this subsection shall expire at the end of 18 months from the effective date of the order, except that, if the Attorney General determines that continuation of the temporary scheduling order is necessary to avoid an imminent hazard to the public safety, the Attorney General may issue a renewal order, 30 days prior to expiration of the temporary scheduling order, extending the original order for an additional 18 months provided the following conditions are met--

"(i) an exemption with respect to such substance remains in effect under section 505(i) of The FDC Act; and

"(ii) the holder of such exemption is actively pursuing the clinical investigation of the substance.

"The Secretary shall certify to the Attorney General whether or not each of conditions (i) and (ii) continue to be met no later than 90 days prior to the date on which the temporary scheduling order is scheduled to expire. As long as both conditions continue to be met, the Attorney General may, every 18 months,

continue to issue orders renewing the temporary scheduling of a particular substance. If either of the foregoing conditions are no longer met for a particular substance, the temporary scheduling of that substance may not be renewed and shall expire 12 months after the date on which such condition fails to be met, except that the Attorney General may, during the pendency of proceedings under subsection (a)(1) of this section with respect to the substance, extend the temporary scheduling for an additional six months.

"(3) Factors determinative of temporary scheduling

"When issuing an order under paragraph (1), the Attorney General shall be required to consider, with respect to the finding of an imminent hazard to the public safety, only those factors set forth in paragraphs (4), (5), and (6) of subsection (c) of this section, including actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

"(4) Consultation with the Secretary of Health and Human Services

"The Attorney General shall transmit notice of an order proposed to be issued under paragraph (1) to the Secretary of Health and Human Services. In issuing an order under paragraph (1), the Attorney General shall take into consideration any comments submitted by the Secretary in response to a notice transmitted pursuant to this paragraph.

"(5) Effect of permanent scheduling proceeds

"An order issued under paragraph (1) with respect to a substance shall be vacated upon the conclusion of a subsequent rule making proceeding initiated

under subsection (a) of this section with respect to such substance.

"(6) Special rules applicable to temporarily scheduled investigational drugs

"(A) In the case of a substance that is temporarily scheduled under subparagraph (1)(B) of this subsection that was controlled under this subchapter prior to its temporary scheduling, any person who manufactures, distributes, dispenses, possesses, or uses such substance within the scope of the exemption under section 505(i) of the FDC Act shall be subject to the same requirements of this subchapter that were in effect prior to the temporary scheduling.

"(B) In the case of a substance that is temporarily scheduled under subparagraph (1)(B) of this subsection that was not controlled under this subchapter prior to its temporary scheduling, any person who manufactures, distributes, dispenses, possesses, or uses such substance within the scope of the exemption under section 505(i) of the FDC Act shall not be required to comply with the requirements of part C of this subchapter, except as provided in this paragraph--

"(i) Such person shall be subject to sections 302, 303, and 304 (21 U.S.C. 822, 823, and 824), relating to registration.

"(ii) Compliance with applicable record keeping and reporting requirements of the FDC Act shall be deemed to be compliance with section 307 (21 U.S.C. 827). Any such person who fails to comply with applicable record keeping and reporting requirements of the FDC Act shall be considered to have failed to comply with section 307 and shall be

subject to applicable penalties under part D of this subchapter in addition to any other penalties provided by law. Records or documents required to be kept for such purposes under the FDC Act shall be deemed records or documents required under this subchapter, and places where such records or documents are kept or required to be kept shall be deemed controlled premises for purposes of administrative inspections and warrants under section 510 (21 U.S.C. +880).

"(iii) A registrant handling an investigational drug that has been temporarily scheduled under this section shall take adequate precautions, including storing the drug in a securely locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to which is limited, to prevent theft or diversion of the drug into illegal channels of distribution.

"(C) Each person that is a sponsor of an investigation of a new drug for which a research exemption is in effect under section 505(i) of the FDC Act with respect to such substance shall be required to certify to the Secretary of Health and Human Services, by one month after the effective date of the temporary scheduling order with respect to the substance, and by the end of each succeeding 6-month period, that such person is able to account for the location and use of all quantities of such substance that are or have been manufactured, distributed, dispensed, possessed, or used under such exemption on or before the date of such certification.

"(D) In the case of a substance that is temporarily scheduled under subparagraph (1)(B) of this subsection, the disclosure of the existence of an exemption under section 505(i) of the FDC Act with respect to such substance shall not be considered to be disclosure prohibited by section 301(j) of the FDC Act or section 1905 of title 18 of the United States Code.

"(E) The manufacture, possession, distribution, or use of such substance within the scope of such exception shall not be subject to any requirements or penalty under State or local law more stringent than the provisions of this chapter or other applicable Federal law.

"(7) Judicial review

"An order issued under paragraph (1) is not subject to judicial review, except that a renewal order issued under subparagraph (2)(B) of this subsection is subject to judicial review in accordance with section 507 (21 U.S.C. 877)."

**SEC. 4022. AMENDMENT TO REPORTING REQUIREMENT FOR
TRANSACTIONS INVOLVING CERTAIN LISTED CHEMICALS.**

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended by-

(a) redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C);

(b) inserting a new subparagraph (A) as follows:

“(A) As used in this section, the term ‘drug product’ means a pharmaceutical substance in dosage form that has been approved under the Food, Drug and Cosmetic Act for distribution in the United States.”; and

(c) adding at the end the following--

“(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person shall not be subject to the reporting requirement established in subparagraph (B):

“(i) distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30 day time period;

“(ii) distributions of drug products by retail distributors to the extent that such distributions are consistent with the activities authorized for a retail distributor as set out in section 102(46) of this title;

“(iii) distributions of drug products to a resident of a Long Term Care Facility (as that term is defined in the regulations of the Attorney General) or distributions of drug products to a Long Term Care Facility for dispensing to or for use by a resident of that facility;

“(iv) distributions of drug products pursuant to a valid prescription (a valid prescription is one which is issued for a legitimate medical purpose by individual practitioner acting in the usual course of his/her professional practice); and

“(v) any method or type of distribution or any method or type of distribution of a specific listed chemical or drug product or of a group of listed chemicals or drug products which the Attorney General has excluded by regulation from this reporting requirement on the basis that such reporting is not necessary to the enforcement of this title or title III.

“(E) The Attorney General may revoke any or all of the exemptions listed in (C) for an individual regulated person if he finds that drug products distributed by that person are being used in violation of this title or title III. The regulated person shall be notified of this revocation, which will be effective upon receipt, as provided in section 1018 (c) (1) of title III and has the right to an expedited hearing as provided in section 1018(c)(2) of title III.”.

SEC. 4023. AMPHETAMINE PENALTY INCREASES.

(a) SENTENCING GUIDELINES FOR AMPHETAMINE OFFENSES.—

(1) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of controlled substances offenses involving amphetamine, its salts, isomers, or salts of its isomers.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall:

(A) amend the Drug Quantity Table (USSG §2D1.1(c)) such that:

(i) offenses involving 250 grams or more of amphetamine, its salts, isomers, or salts of its isomers or 2500 grams or more of a mixture or substance containing a detectable amount of amphetamine, its salts, isomers, or salts of its isomers are assigned a base offense level of at least 32; and

(ii) offenses involving 25 grams or more of amphetamine, its salts, isomers, or salts of its isomers or 250 grams or more of a mixture or substance containing a detectable amount of amphetamine, its salts, isomers, or salts of its isomers are assigned a base offense level of at least 26;

(B) make all necessary conforming changes to the Drug Quantity Table (USSG §2D1.1(c)) to assign base offense levels above and below those specifically specified in subsection (a)(2)(A) for offenses involving other quantities of amphetamine, its salts, isomers, or salts of its isomers or a mixture or substance containing a detectable amount of amphetamine, its salts, isomers, or salts of its isomers; and

(C) make any necessary conforming changes to other sections of the sentencing guidelines.

(3) EMERGENCY AUTHORITY.—The Commission shall promulgate any guidelines or amendments provided for under this section as soon as practicable in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act has not expired.

(b) MAXIMUM PENALTY FOR POSSESSING EQUIPMENT TO MANUFACTURE AMPHETAMINE.—Section 403(d)(2) of the Controlled Substances Act (21 U.S.C. 843(d)(2)) is amended by inserting “or amphetamine” after “methamphetamine”.

SEC. 4024. ANABOLIC AGENTS.

(a) DEFINITION.—Section 102(41) of the Controlled Substances Act (21 U.S.C. 802 (41))

is amended –

(1) in subparagraph (A) –

(A) by amending the matter preceding clause (i) to read as follows:

“(41) The term ‘anabolic agent’ means –

“(A) an anabolic steroid which is any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth and includes-”; and

(B) by striking “growth.” and inserting “growth; or”;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) any other substance, including its salts and isomers, which the Attorney General, after consultation with the Secretary, determines and specifies by regulation as (i) being capable of producing anabolic effects similar to those of testosterone and (ii) which is abused for purposes of increasing muscle mass or strength or to enhance athletic performance.”.

(b) Section 202(c), Schedule III(e), of the Controlled Substances Act (21 U.S.C. 812(c), Schedule III(e)) is amended by striking “Anabolic steroids” and inserting “Anabolic agents”.

SEC. 4025. DRUG PARAPHERNALIA.

(a) IN GENERAL.-- Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended by inserting “packaging,” after “concealing,”.

(b) DETERMINATION OF DRUG PARAPHERNALIA.--Section 422(e)(4) of the

Controlled Substances Act (21 U.S.C. 863(e)(4)) is amended by adding the following after “sale”: “including, but not limited to, whether the item displays any name brand, insignia or other indicator which is associated with illegal drugs or which is used to advertise or identify an illegal drug”.

(c) CLERICAL AMENDMENT.-- Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking all after “as defined in” and inserting “section 422 of this title.”.

**SEC. 4026. COUNTERFEIT SUBSTANCES/IMITATION CONTROLLED
SUBSTANCES.**

(a) Section 102(7) of the Controlled Substances Act (21 U.S.C. 802(7)) is amended by--

- (1) inserting “(A)” after “(7)”;
- (2) designating the text after “a controlled substance” as clause (i);
- (3) inserting “characteristic,” after “number,”;
- (4) striking the period at the end and inserting a semicolon; and
- (5) adding at the end the following:

“(ii) which falsely purports or is represented to be a different controlled substance; or

“(iii) which is manufactured or designed in such a manner, or is distributed, dispensed, or otherwise transferred under such circumstances, such that a reasonable person would believe that the substance is a different controlled substance.

"(B) The term 'imitation controlled substance' means a substance, which is not a controlled substance, that is –

"(i) expressly or impliedly represented to be a controlled substance or to have a stimulant, depressant, narcotic, hallucinogenic or other effect similar to or the same as that of a controlled substance;

"(ii) distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance or has a stimulant, depressant, narcotic, hallucinogenic or other effect similar to or the same as that of a controlled substance; or

"(iii) resembles, or is designed to resemble, the physical appearance or other characteristics of a controlled substance such that a reasonable person would believe that the substance is a controlled substance or has a stimulant, depressant, narcotic, hallucinogenic or other effect similar to or the same as that of a controlled substance.

"(C) The term 'imitation controlled substance' does not include a placebo which is directly applied to the body of a research subject or a patient or which is delivered to a research subject or a person for his own use, by, or pursuant to the order of, a practitioner for a lawful purpose."

(b) Section 102(8) of the Controlled Substances Act (21 U.S.C. 802(8)) is amended by inserting ", an imitation controlled substance," after "controlled substance".

(c) Section 102(11) of the Controlled Substances Act (21 U.S.C. 802(11)) is amended by-

(1) inserting "to deliver an imitation controlled substance or" after "controlled substance or" in the first sentence; and

(2) inserting ", an imitation controlled substance," after "controlled substance" in the second sentence.

(d) Section 102(44) of the Controlled Substances Act (21 U.S.C. 802(44)) is amended by-

(1) striking "or" after "marihuana,"; and

(2) inserting ", anabolic agents, or listed chemicals, or an offense that is punishable by imprisonment for more than one year under any provision of this title or title III" after "stimulant substances".

(e) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) is amended by-

(1) striking "or" at the end of paragraph (1);

(2) striking "create" in paragraph (2) and inserting "manufacture";

(3) inserting "manufacture," after "intent to" in paragraph (2);

(4) striking the period at the end of paragraph (2) and inserting "; or"; and

(5) adding at the end the following paragraph:

"(3) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense, an imitation controlled substance."

(f) Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end new paragraphs (8) and (9) as follows:

"(8)(A) In the case of a counterfeit substance, such person shall be sentenced in accordance with this section based on the controlled substance which the counterfeit substance is represented to be or based on the controlled substance

which is actually contained in the counterfeit substance, whichever provides the greater sentence.

"(B) Paragraph (9)(B) of this subsection may be applied to make a determination that a controlled substance is a counterfeit substance.

"(9)(A) In the case of an imitation controlled substance, such person shall be sentenced to a term of imprisonment or a fine, or both, which does not exceed one-half of the maximum term of imprisonment and fine which would apply under this section to the controlled substance which the imitation controlled substance is represented to be. The minimum period of supervised release for such person shall be one-half of that which would apply under this section to the controlled substance which the imitation controlled substance is represented to be.

"(B) In the case of a violation of this title or title III involving an imitation controlled substance, the following provisions shall apply:

"(i) The trier of fact may consider the following factors in addition to any other factor that may be relevant for purposes of determining whether a substance was an imitation controlled substance. The presence of any two of the following factors shall be prima facie evidence that the substance was an imitation controlled substance; however, the presence of two factors is not required for a determination that a substance is an imitation controlled substance:

"(I) The person in control of the substance expressly or impliedly represents that the substance is a controlled substance or has the effect of a controlled substance;

"(II) The person in control of the substance expressly or impliedly represents that the substance because of its nature or appearance can be sold, delivered or used as a controlled substance or as a substitute for a controlled substance;

"(III) The person in control of the substance utilizes evasive tactics or actions to avoid detection by law enforcement authorities or other authorities such as school authorities;

"(IV) The physical appearance of the substance is, or is designed to be, substantially identical to a specific controlled substance. This may be determined by such factors as color, shape, size, markings, taste, odor, consistency, packaging, labeling, or other identifying characteristics;

"(V) The substance is packaged in a manner normally used for the illegal distribution of controlled substances; or

"(VI) The distribution or attempted distribution includes an exchange or demand for money or other property as consideration, and the amount of the consideration is substantially greater than the reasonable retail market value of the substance.

"(ii) It shall not constitute a defense that the accused believed the imitation controlled substance to actually be a controlled substance."

(g) Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended--

(1) in paragraph (a)(2), by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in paragraph (a)(3), by inserting "or a laboratory supply (as defined in section 402(a) of this title)" after "controlled substance"; and

(3) in paragraph (a)(5) by--

(A) inserting “or substance” after “drug” both places it appears; and

(B) inserting "or an imitation controlled substance" after "counterfeit substance".

(h) Section 506(a) of the Controlled Substances Act (21 U.S.C. 876(a)) is amended by inserting ", imitation controlled substances," after "controlled substances".

(i) Section 509 of the Controlled Substances Act (21 U.S.C. 879) is amended by inserting "imitation controlled substances, or listed chemicals" after "controlled substances".

(j)(1) Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended--

(A) in paragraph (1), by inserting “and imitation controlled substances” after “controlled substances”;

(B) in paragraph (2), by inserting “, imitation controlled substance,” after “controlled substance”;

(C) in paragraph (6), by inserting “, imitation controlled substance,” after “controlled substance”; and

(D) in paragraph (8), by inserting “and imitation controlled substances” after “controlled substances”.

(2) Section 607(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1607(a)(3)) is amended by inserting “, imitation controlled substance,” after “controlled substance”.

(3) Section 607(b) of the Tariff Act of 1930 (19 U.S.C. 1607(b)) is amended by inserting “, ‘imitation controlled substance’,” after “‘controlled substance’”.

(k) Section 1010(a) of the Controlled Substances Act (21 U.S.C. 960(a)) is amended--

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by inserting "or" after "substance,"; and

(3) by inserting after paragraph (3) the following:

"(4) knowingly or intentionally imports or exports a counterfeit substance or an imitation controlled substance,".

(l) Section 2516(1)(e) of title 18, United States Code, is amended by inserting "or a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 851 et seq.)" after "United States".

SEC. 4027. AMENDMENTS TO THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) ADDITIONAL PENALTIES.--Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended--

(1) in paragraph (1)(A)(vi)--

(A) by striking "400 grams" and inserting "40 grams"; and

(B) by striking "or 100 grams" and all that follows through the end of clause (vi) and inserting "(fentanyl) or any of its analogues;"

(2) in paragraph (1)(B)(vi)--

(A) by striking "40 grams" and inserting "4 grams";

(B) by striking "or 10 grams" and all that follows through the end of clause (vi) and inserting "(fentanyl) or any of its analogues;"

(3) in paragraph (1)(D)--

(A) by striking "or in the case of any controlled substance in schedule III"; and

(B) by striking "paragraphs (4) and (5)" and inserting "paragraphs (6) and (7)";

(4) by adding the following new subparagraph at the end of paragraph (1):

"(E) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than ten years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of Title 18, or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of Title 18, or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on

probation of any person sentenced under a provision of this subparagraph which provides for a mandatory term of imprisonment if death or serious bodily injury results.";

(5) in paragraph (2)--

(A) by striking "3 years" and inserting "5 years";

(B) by striking "6 years" and inserting "10 years"; and

(C) by striking "after one or more prior convictions" and all that follows through "have become final," and inserting "after a prior conviction for a felony drug offense has become final,";

(6) in paragraph (3)--

(A) by striking "one year" and inserting "3 years";

(B) by striking "2 years" and inserting "6 years";

(C) by striking "after one or more prior convictions" and all that follows through "have become final," and inserting "after a prior conviction for a felony drug offense has become final,";

(7) by adding the following at the end of paragraph (3): "Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least one year in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment.";

(8) in paragraph (6), by striking "on Federal land";

(9) in paragraphs (1)(A) and (B), by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein."; and

(10) in paragraph (1)(C), by striking ", nor shall a person so sentenced be eligible for parole during the term of such a sentence" in the final sentence.

(b) Section 402(c)(2)(B) of the Controlled Substances Act (21 U.S.C. 842(c)(2)(B)) is amended-

(1) by striking "or" after "marihuana,"; and

(2) by inserting "anabolic agents, or listed chemicals, or for a felony drug offense," after "stimulant substances";

(c) Section 403(d)(1) of the Controlled Substances Act (21 U.S.C. 843(d)(1)) is amended by striking "after one or more prior convictions" and all that follows through "have become final," and inserting "after a prior conviction for a felony drug offense has become final,";

(d) Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended--

(1) in paragraph (1)(F)--

(A) by striking "400 grams" and inserting "40 grams"; and

(B) by striking "or 100 grams" and all that follows through the end of subparagraph (F) and inserting "(fentanyl) or any of its analogues";

(2) in paragraph (2)(F)--

(A) by striking "40 grams" and inserting "4 grams"; and

(B) by striking "or 10 grams" and all that follows through the end of subparagraph (F) and inserting "(fentanyl) or any of its analogues";

(3) in paragraph (4) by--

(A) inserting "or" after "hashish,";

(B) striking "or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving Flunitrazepam)"; and

(C) striking "imprisoned" and all that follows through the end of the paragraph and inserting "sentenced in accordance with section 401(b)(1)(D) of title II.";

(4) by adding at the end new paragraphs (5), (6), (7), (8) and (9) as follows:

"(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E) of title II.

"(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2) of title II.

"(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3) of title II.

"(8) In the case of a violation of subsection (a) of this section involving a counterfeit substance, such person shall be sentenced in accordance with section 401(b)(4) of title II.

"(9) In the case of a violation of subsection (a) of this section involving an imitation controlled substance, such person shall be sentenced in accordance with section 401(b)(5) of title II.";

(5) in paragraphs (1) and (2), by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein."; and

(6) in paragraph (3), by striking ", nor shall a person so sentenced be eligible for parole during the term of such a sentence" in the final sentence.

(e) SENTENCING GUIDELINES--

(1) DIRECTIVE TO THE UNITED STATES SENTENCING

COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of controlled substances offenses.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall:

(A) consider amending the Drug Equivalency Table (USSG §2D1.1) such that:

(i) 1 gram of secobarbital and other schedule I or II depressants is equivalent to at least 4 grams of marijuana;

(ii) 1 gram of a schedule III substance other than anabolic agents is equivalent to at least 4 grams of marijuana;

(iii) 1 unit of anabolic agent is equivalent to at least 10 grams of marijuana;

(iv) 1 gram of a schedule IV substance other than flunitrazepam is equivalent to at least 2.4 grams of marijuana; and

(v) 1 gram of a schedule V substance is equivalent to at least 0.8 grams of marijuana.

(B) amend the Drug Quantity Table (USSG §2D1.1):

(i) to reflect the revised drug equivalency ratios adopted pursuant to this section; and

(ii) to reflect the statutory penalty increases established by this Act including those for schedule III, IV, and V controlled substances, secobarbital, and other schedule I and II depressants;

(C) consider amending the Drug Quantity Table (USSG §2D1.1) to define 1 unit of anabolic agent as 1 cc of injectable anabolic steroid or five tablets of anabolic steroid or the pharmaceutical equivalent quantity of any anabolic agent;

(D) consider providing an additional sentencing enhancement for any defendant convicted of controlled substance offenses who, at the time of the offense was:

(i) a person required to register under section 302 of title II or section 1007 of title III (21 U.S.C. 822 and 957, respectively), or the pertinent regulations of the Attorney General, or was otherwise authorized

by law to manufacture, distribute, dispense, import, export, or conduct other activities with controlled substances; or

(ii) a pharmacist, physician, or other health care professional licensed under federal, state, or local law, or an employee or agent of any such person or of any person described in paragraph (E)(i);

(E) ensure that the sentencing guidelines and policy statements reflect the serious effects of illegal drug manufacturing, possession, and trafficking and the need for aggressive and appropriate law enforcement action to prevent such illegal drug crimes;

(F) consult with law enforcement officials, including those specializing in illegal drug enforcement, and the federal judiciary as part of the review described in subsection (1);

(G) assure reasonable consistency with other relevant directives and with other guidelines;

(H) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(I) make any necessary conforming changes to the sentencing guidelines; and

(J) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(3) EMERGENCY AUTHORITY.—The Commission shall promulgate any guidelines or amendments provided for under this section as soon as practicable in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act has not expired.

(4) REPORT.—Not later than June 1, 2000, the United States Sentencing Commission shall submit a report to Congress detailing the results of its review and explaining the changes to sentencing policy made in response to this Act. The report shall also include any recommendations that the Commission may have for retention or modification of current penalty levels, including statutory penalty levels, and for otherwise combating controlled substances offenses.

SEC. 4029. CONFORMING AMENDMENT CONCERNING MARIJUANA PLANTS.

Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "except in the case of 100 or more marihuana plants" and inserting "except in the case of 50 or more marihuana plants".

SEC. 4030. CONFORMING AMENDMENT RELATING TO FLUNITRAZEPAM PENALTIES.

Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) as redesignated by section 4027 of this Act, is amended --

(1) in subparagraph (C), by striking "1 gram of"; and

(2) in subparagraph (D), by striking "or 30 milligrams of flunitrazepam,".

SEC. 5018. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended --

- (1) in subsection (b), by striking "one year" and inserting "three years";
- (2) in subsection (c), by striking "one year" and inserting "five years"; and
- (3) by amending subsection (e) to read as follows:

"(e) Probation prohibited

"In the case of any sentence imposed under this section, probation shall not be granted."

SEC. 5019. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended --

- (1) in subsection (a), by striking "one year" and inserting "three years";
- (2) in subsection (b), by striking "one year" and inserting "five years"; and
- (3) in subsections (a) and (b), by striking "under twenty-one" and inserting "under eighteen".

SEC. 5020. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended --

- (1) in subsection (a), by striking "one year" and inserting "three years"; and
- (2) in subsection (b), by striking "three years" each time it appears and inserting "five years".

SEC. 5021. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting “or serious drug offense” after “violent felony”.

SEC. 5022. INCREASED PENALTIES FOR USING FEDERAL PROPERTY TO GROW OR MANUFACTURE CONTROLLED SUBSTANCES.

(a) Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on any property in whole or in part owned by or leased to the United States or any department or agency thereof shall be subject to twice the maximum punishment otherwise authorized for the offense."

(b) The United States Sentencing Commission shall amend the sentencing guidelines pursuant to 28 U.S.C. 994 to insure that violations of section 401(b)(5) of the Controlled Substances Act are punished substantially more severely than if the violation had not occurred on federal property.

SEC. 5023. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Section 401(b)(1)(A), (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), (C), and (D)) is amended by striking "Any sentence" each place it appears and inserting "Notwithstanding section 3583 of title 18, any sentence".

**SEC. 5024. TECHNICAL CORRECTION TO ENSURE COMPLIANCE OF
SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL
STATUTES.**

Section 994(a) of title 28, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any federal statute".

**SEC. 6053. EXCLUSION OF PERSONS WHO HAVE BENEFITTED FROM ILLICIT
ACTIVITIES OF DRUG TRAFFICKERS.**

Section 212(a)(2)(C) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C.1182 (a)(2)(C)), is amended to read as follows--

"(C) Controlled substance traffickers.--Any alien who the consular officer or the Attorney General knows or has reason to believe--

"(i) is or has been an illicit trafficker in any controlled substance or in any listed chemical or listed precursor chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or

"(ii) is the spouse, son or daughter of an alien inadmissible under clause (i), has, within the previous five years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible."

**SEC. 6074. ENHANCING PROSECUTIONS IN INTERNATIONAL DRUG AND
MONEY LAUNDERING CASES.**

Section 981 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) Rebuttable presumptions--

"(1) At the trial of an action brought pursuant to subsection (a)(1)(B), there is a presumption, governed by Rule 301 of the Federal Rules of Evidence, that the property is subject to forfeiture if the United States establishes, by a preponderance of the evidence, that such property was acquired during a period of time when the person who acquired the property was engaged in an offense against a foreign nation described in subsection (a)(1)(B) or within a reasonable time after such period, and there was no likely source for such property other than such offense.

"(2) At the trial of an action brought pursuant to subsection (a)(1)(A), there is a presumption, governed by Rule 301 of the Federal Rules of Evidence, that the property was involved in a violation of section 1956 or 1957 of this title if the United States establishes, by a preponderance of the evidence, any 3 of the following factors:

"(A) the property constitutes or is traceable to more than \$10,000 that has been or was intended to be transported, transmitted or transferred to or from a major drug-transit country, a major illicit drug producing country, or a major money laundering country, as those terms are deter-

mined pursuant to sections 481(e) and 490(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e) and 2291j(h));

"(B) the transaction giving rise to the forfeiture occurred in part in a foreign country whose bank secrecy laws have rendered the United States unable to obtain records relating to the transaction by judicial process, treaty or executive agreement;

"(C) a person more than minimally involved in the transaction giving rise to the forfeiture action (i) has been convicted in any State, Federal, or foreign jurisdiction of a felony involving money laundering or the manufacture, importation, sale or distribution of a controlled substance, or (ii) is a fugitive from prosecution for such offense; or

"(D) the transaction giving rise to the forfeiture action was conducted by, to or through a shell corporation not engaged in any legitimate business activity in the United States.

"(3) For the purposes of this paragraph, 'shell corporation' means any corporation that does not conduct any ongoing and significant commercial or manufacturing business or any other form of commercial operation.

"(4) The enumeration of presumptions in this subsection shall not preclude the development of other judicially created presumptions."

SEC. 6101. IMPORT AND EXPORT OF CHEMICALS USED TO PRODUCE ILLICIT DRUGS.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended-

(1) by amending subsection (a) to read as follows:

"(a) Each person who proposes to engage in a transaction involving the importation or exportation of a listed chemical which requires advance notification pursuant to the regulations of the Attorney General or the importation or exportation of a tableting machine or an encapsulating machine shall notify the Attorney General of the importation or exportation not later than 15 days before the transaction is to take place in such form and supplying such information as the Attorney General shall require by regulation; in the case of an importation for transfer or transshipment pursuant to section 1004 of this title, such notice will be made as provided in that section.";

(2) in subsection (c)(1)--

(A) by striking the phrase "(other than a regulated transaction to which the requirement of subsection (a) of this section does not apply by reason of subsection (b) of this section)";

(B) by inserting ", a tableting machine or an encapsulating machine" after "a listed chemical"; and

(C) by inserting ",tableting machine, or encapsulating machine" after "the chemical"; and

(3) in subsection (e)--

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5);

(B) by inserting after paragraph (1) new paragraphs (2) and (3) as follows:

"(2) The Attorney General may by regulation require that the 15 day notification requirement of subsection (a) apply to all imports of a listed chemical, regardless of the status of certain importers of that listed chemical as regular importers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(3) The Attorney General may require that the notification requirement of subsection (a) for certain importations or exportations, including those subject to section 1004 of this title, include additional information to enable a determination to be made that the listed chemical being imported or exported will be used for a legitimate purpose or when such information is needed to satisfy requirements of the importing or exporting country. The Attorney General will provide notice of these additional requirements specifically identifying the listed chemicals and countries involved."

(b) Section 1004 of the Controlled Substances Import and Export Act (21 U.S.C. 954) is amended to read as follows:

"§ 954. Transshipment and in-transit shipment of controlled substances

"(a) Notwithstanding sections 952, 953, 957 and 971 of this title, except as provided

below –

“(1) A controlled substance in schedule I may be imported into the United States--

“(A) for transshipment to another country, or

“(B) for transference or transshipment from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation, if and only if (i) evidence is furnished which enables the Attorney General to determine that the substance being so imported, transferred, or transshipped will be used for scientific, medical, or other legitimate purposes in the country of destination, and (ii) it is so imported, transferred, or transshipped with the prior written approval of the Attorney General (which shall be granted or denied within 21 days of the request) based on a determination that the requirements of this section and the applicable subsections of sections 952 and 953 have been satisfied.

“(2) A controlled substance in schedule II, III, or IV or a listed chemical may be so imported, transferred, or transshipped if and only evidence is furnished which enables the Attorney General to determine that the substance or chemical being so imported, transferred, or transshipped will be used for scientific, medical, or other legitimate purposes in the country of destination and (ii) advance notification is given to the Attorney General not later than 15 days prior to the exportation of the substance or chemical from the foreign port of embarkation (the notification period for imports other than for transfer or transshipment pursuant to section 1002 or 1018 of this title is not affected by this subsection). Such notification shall be in such form and contain such information as the Attorney General may require by regulation.

“(b)(1) Any such importation, transfer or transshipment of a controlled substance shall be subject to the applicable subsections of sections 1002 and 1003 of this title. The importation, transfer, transshipment or exportation of any controlled substance may be suspended on the ground that the controlled substance may be diverted to other than scientific, medical or other legitimate purposes.

“(2) Any such importation, transfer or transshipment of a listed chemical shall be subject to all the requirements of section 1018 of this title, except that in no case shall the 15 day advance notification requirement be waived. The importation, transfer, transshipment or exportation of a listed chemical may be suspended on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance.

“(3) Any such importation, transfer or transshipment of a controlled substance or listed chemical may be suspended if any requirement of subsection (a) is not satisfied. The Attorney General may withdraw a suspension order issued under this paragraph if (A) the requirements of subsection (a) are ultimately satisfied and (B) no grounds exist under paragraphs (1) or (2) of this subsection to suspend the shipment.

“(c) The suspension of any exportation of a controlled substance or listed chemical will be subject to the procedures and requirements established in section 1018(c) of this title.

“(d) Any shipment of a controlled substance or listed chemical which has been imported or is subject to the jurisdiction of the United States whose importation, transfer, transshipment or exportation has been suspended may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any such controlled substance or listed chemical until the suspension order becomes final. However, a court, upon application therefor, may at any time

order the sale of a perishable controlled substance or listed chemical. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a suspension order becoming final, the shipment may be disposed of as follows, at the discretion of the Attorney General and subject to such conditions as the Attorney General may impose:

“(1) The title holder may be allowed to return the shipment to any of the original exporter’s facilities in the country of exportation;

“(2) The shipment may be exported, subject to the requirements of section 1003 or 1018 of this title, as appropriate, to a new consignee;

“(3) The shipment may be surrendered to the Attorney General for appropriate disposition; all costs associated with this disposition will be the responsibility of the title holder, however if there are any proceeds from the disposition, these will be applied to the repayment of the costs and any excess proceeds will be returned to the titleholder;

“(4) If sufficient cause exists, the shipment of controlled substances or listed chemicals (or proceeds of sale deposited in court) may be forfeited to the United States pursuant to section 511 of Title II and may be disposed of in accordance with that section.

Nothing in this section may be used by any party to defend against a forfeiture action against a shipment of controlled substances or listed chemicals initiated by the United States or by any state. This section does not affect the liability of any party for storage and transportation costs incurred by the Government as a result of the suspension of a shipment.”.

(c) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended--

(1) by redesignating paragraphs (5), (6) and (7) as paragraphs (6), (7) and (8);

(2) in the redesignated paragraph (6), by striking "1018(e)(2) or (3)" and inserting "1018(e)(4) or (5)";

(3) in the redesignated paragraph (7), by inserting "or violates section 1004 of this title," after "1007 or 1018 of this title"; and

(4) by inserting after paragraph (4) a new paragraph (5) as follows:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation is not subject to the 15-day advance notification required by section 1018(a) or to any reporting requirements established by the Attorney General pursuant to section 1018(e) (1), (2) or (3) by misrepresenting the actual country of final destination of the listed chemical, or the actual listed chemical being imported or exported; or".

(d) Section 1011 of the Controlled Substances Import and Export Act (21 U.S.C. 961) is amended to read as follows:

§ 1011. Injunctions

"In addition to any other applicable penalty, any person convicted of a felony violation of this title or title II relating to the receipt, distribution, manufacture, importation or exportation of a listed chemical may be enjoined from engaging in any transaction involving a listed chemical for not more than ten years."

SEC. 7006. AMENDMENTS TO DRIVE-BY SHOOTING STATUTE.

(a) Section 36 of title 18, United States Code, is amended -

(1) by amending the title to read "Shooting into a group in furtherance of a major drug offense";

(2) in subsection (a)(1), by striking "punishable under section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c))" and inserting "punishable under section 408(a) of the Controlled Substances Act (21 U.S.C. 848(a))";

(3) by adding "or" at the end of subsection (a)(1);

(4) by striking paragraphs (2) and (3) of subsection (a) and inserting the following:

"(2) an offense punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)) or a conspiracy or attempt to commit such an offense."; and

(5) in paragraphs (1) and (2) of subsection (b), by striking "with the intent to intimidate," and inserting "with the intent to kill, intimidate,".

(b) The table of sections for chapter 2 of title 18, United States Code, is amended by striking "Drive-by shooting" and inserting "Shooting into a group in furtherance of a major drug offense".

SUBTITLE D – ANTI-DRUG AND ORGANIZED CRIME

MONEY LAUNDERING ACT.

SEC. 4051. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) SCIENTER REQUIREMENT FOR SECTION 1960 VIOLATION.-- Section 1960 of title 18, United States Code, is amended by adding at the end the following:

“(c) For the purposes of proving a violation of this section involving an illegal money transmitting business as defined in subsection (b)(1)(A), it shall be sufficient for the Government to prove that the defendant knew that the money transmitting business lacked a license required by State law. It shall not be necessary to show that the defendant knew that the operation of such a business without the required license was an offense punishable as a felony or misdemeanor.”.

(b) SEIZURE OF ILLEGALLY TRANSMITTED FUNDS.-- Section 981(a)(1)(A) of title 18, United States Code, is amended by striking “or 1957” and inserting “, 1957 or 1960”.

SEC. 4052. RESTRAINT OF ASSETS OF PERSONS ARRESTED ABROAD.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

“(3) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district where the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure. The application for the restraining order shall set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.”.

SEC. 4053. ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.

Section 986 of title 18, United States Code, is amended by adding at the end the following:

“(d) In any civil forfeiture case, or in any ancillary proceeding in any criminal forfeiture case governed by section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)), where --

“(1) financial records located in a foreign country may be material --

“(A) to any claim or to the ability of the Government to respond to such claim; or

“(B) in a civil forfeiture case, to the Government's ability to establish the forfeitability of the property; and

“(2) it is within the capacity of the claimant to waive the claimant's rights under such secrecy laws, or to obtain the records directly so that the records can be made available, the refusal of the claimant to provide the records in response to a discovery request or take the action necessary otherwise to make the records available shall result in the dismissal of the claim with prejudice. This subsection does not affect the claimant's rights to refuse production on the basis of any privilege guaranteed by the Constitution or laws of the United States.”.

SEC. 4054. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended --

(1) by inserting “(1)” after “(b)”;

(2) by redesignating present paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting “, or section 1957” after “or (a)(3)”; and

(4) by adding at the end the following:

“(2) For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, that commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States, if service of process upon such foreign person is made under the Federal Rules of Civil Procedure or the laws of the country where the foreign person is found.

“(3) The court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.”.

SEC. 4055. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

“(6) the term ‘financial institution’ includes any financial institution described in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder, as well as any foreign bank, as defined in paragraph (7) of section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).”.

SEC. 4056. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING.

(a) IN GENERAL. Section 1956(c)(7) of title 18, United States Code, is amended --

(1) in subparagraph (B) --

(A) so that clause (ii) reads as follows:

“(ii) any act or acts constituting a crime of violence;”; and

(B) by inserting after clause (iii) the following:

“(iv) fraud or any scheme to defraud committed against a foreign individual or entity, an individual residing in a foreign country, a foreign government, or foreign governmental entity;

“(v) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

“(vi) smuggling or export control violations involving munitions listed in the United States Munitions List or technologies with military applications as defined in the Commerce Control List of the Export Administration Regulations; or

“(vii) an offense with respect to which the United States would be obligated by a multilateral treaty either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States.”; and

(2) in subparagraph (D) --

(A) by inserting “section 541 (relating to goods falsely classified),” before “section 542”;

(B) by inserting “section 922(1) (relating to the unlawful importation of firearms), section 924(m) (relating to firearms trafficking),” before “section 956”;

(C) by inserting “section 1030 (relating to computer fraud and abuse),” before “1032”;

and

(D) by inserting “any felony violation of the Foreign Agents Registration Act of 1938, as amended,” before “or any felony violation of the Foreign Corrupt Practices Act”.

(3) in paragraph (E), by inserting “the Clean Air Act (42 U.S.C. 7401 et seq.),” after “the Safe Drinking Water Act (42 U.S.C. 300f et seq.),”.

**SEC. 4057. CRIMINAL FORFEITURE FOR MONEY LAUNDERING
CONSPIRACIES.**

Section 982(a)(1) of title 18, United States Code, is amended by inserting “, or a conspiracy to commit any such offense” after “of this title”.

SEC. 4058. SUBPOENAS FOR BANK RECORDS.

Section 986 of title 18, United States Code, is amended --

(1) in subsection (a) --

(A) by striking “section 1956, 1957, or 1960 of this title, section 5322 or 5324 of title 31, United States Code” and inserting “section 981 or 982 of this title”;

(B) by inserting “before or” before “after”;

(C) by striking “in rem”; and

(D) by striking the last sentence; and

(2) in subsection (c), by inserting “or the Federal Rules of Criminal Procedure” after “Procedure”.

SEC. 4060. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

Section 1956(h) of title 18, United States Code, is amended --

(1) by inserting “(1)” before “Any person”; and

(2) by adding at the end the following:

“(2) Any person who commits multiple violations of this section or Section 1957 that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.”.

SEC. 4061. VENUE IN MONEY LAUNDERING CASES.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

“(i) **Venue.** --(1) Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in --

“(A) any district in which the financial or monetary transaction is conducted, or

“(B) any district where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that district to the district where the financial or monetary transaction is conducted.

“(2) A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district where venue would lie for the completed offense under paragraph (1), or in any other district where an act in furtherance of the attempt or conspiracy took place.”.

**SEC. 4062. TECHNICAL AMENDMENT TO RESTORE WIRETAP AUTHORITY
FOR CERTAIN MONEY LAUNDERING OFFENSES.**

Section 2516(1)(g) of title 18, United States Code, is amended by striking “a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions)” and inserting “a violation of section 5322 or 5324 of title 31, United States Code (dealing with the reporting and illegal structuring of currency transactions)”.

**SEC. 4063. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A
FELONY.**

Section 1956(c)(1) of title 18, United States Code, is amended by inserting “, and regardless of whether or not the person knew that the activity constituted a felony” before the semicolon at the end.

SEC. 4064. MONEY PURCHASED ON THE BLACK MARKET.

(a) IN GENERAL. – Section 981(a) of title 18, United States Code, is amended by adding at the end the following:

“(3) A person asserting an innocent owner defense under paragraph (2), or any other provision of law, in currency, monetary instruments or funds purchased from a money broker must be a bona fide purchaser for value without reason to know that the currency, monetary instruments or funds were subject to forfeiture, and must establish that such person took all reasonable affirmative steps to determine the source of the currency, monetary instruments or funds, or to verify that the currency, monetary instruments or funds were not derived from illegal activity.

“(4) For purposes of paragraph (3) --

“(A) the term ‘money broker’ means any person who sells or exchanges currency, monetary instruments or funds, either in the United States or in a foreign country, either independently, or through any parallel market, black market, casa de cambio, or other currency exchange business; and

“(B) what constitutes ‘all reasonable affirmative steps’ depends on the facts and circumstances surrounding the transaction, but if the money broker is a financial institution, as defined in section 20 of this title, the purchaser takes ‘all reasonable affirmative steps’ if the purchaser conducts the transaction at the financial institution during normal business hours in an arms-length transaction and has no reason to know that the currency, monetary instruments, or funds were derived from or used to commit any unlawful activity.”.

(b) APPLICATION. --The amendments made by this section shall apply to any case pending on the effective date of this Act.

SEC. 4065. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL. --Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“§ 2467. Fugitive disentitlement

“Any person who, in order to avoid criminal prosecution, purposely leaves the jurisdiction of the United States, declines to enter or reenter the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court where a criminal case is pending against the person, may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third-party proceedings in any related criminal forfeiture action.”.

(b) TECHNICAL AND CONFORMING AMENDMENT. --The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“2467. Fugitive disentitlement.”.

(c) APPLICATION. --The amendments made by this section shall apply to any case pending on the effective date of this Act.

**SEC. 4066. MONEY LAUNDERING TRANSACTIONS; COMMINGLED
ACCOUNTS.**

(a) SECTION 1956.-- Section 1956 of title 18, United States Code, is amended by adding at the end the following:

“(j) A transaction, transportation, transmission, or transfer of funds shall be considered for the purposes of this section to be one involving the proceeds of specified unlawful activity, or property represented to be the proceeds of specified unlawful activity, if the transaction, transportation, transmission, or transfer involves --

“(1) funds directly traceable to the specified unlawful activity, or represented to be directly traceable to the specified unlawful activity;

“(2) a bank account in which the proceeds of specified unlawful activity, or property represented to be the proceeds of specified unlawful activity, have been commingled with other funds; or

“(3) 2 or more bank accounts, where the proceeds of specified unlawful activity, or property represented to be the proceeds of specified unlawful activity, are deposited into 1 bank account and there is a contemporaneous, related withdrawal from, or debit to, another bank account controlled by the same person, or by a person acting in concert with that person.”.

(b) SECTION 1957.-- Section 1957(f) of title 18, United States Code, is amended by inserting after paragraph (3) the following:

“(4) the term ‘monetary transaction in criminally derived property that is of a value greater than \$10,000’ includes --

“(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than \$10,000 from a bank account in which more than \$10,000 in proceeds of specified unlawful activity have been commingled with other funds;

“(B) a series of monetary transactions in amounts under \$10,000 that exceed \$10,000 in the aggregate and that are closely related to each other in terms of time, the identity of the parties involved, the nature of the transactions and the manner in which they are conducted; and

“(C) any financial transaction described in Section 1956(j)(3) that involves more than \$10,000 in proceeds of specified unlawful activity.”.

(c) TECHNICAL AMENDMENT. Section 1956(c)(7)(F) of title 18, United States Code, is amended by inserting “, as defined in section 24” before the period.

SEC. 4067. FUNGIBLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.-- Section 984 of title 18, United States Code, is amended --

(1) by striking subsection (a) and redesignating the remaining subsections as (a), (b), and (c), respectively;

(2) by striking subsection (b), as redesignated, and inserting the following:

“(b) The provisions of this section may be invoked only if the action for forfeiture was commenced by a seizure or an arrest in rem within 2 years of the offense that is the basis for the forfeiture.”;

(3) by amending subsection (c)(1), as redesignated, to read as follows:

“(c)(1) Subsection (a) does not apply to an action against funds held by a financial institution in an interbank account unless the account holder knowingly engaged in the offense that is the basis for the forfeiture.”;

(4) in subsection (c), as redesignated, by adding at the end the following:

“(3) In this subsection, the term ‘financial institution’ includes a foreign bank, as defined in paragraph (7) of section 1(b) of the International Banking Act of 1978.”; and

(5) by adding at the end the following:

“(d) Nothing in this section is intended to limit the ability of the government to forfeit property under any statute where the property involved in the offense giving rise to the forfeiture or property traceable thereto is available for forfeiture.”.

(b) **RETROACTIVE APPLICATION.**-- The amendments made by this section shall apply retroactively to any transaction occurring on or after October 28, 1992.

SEC. 4068. DISCOVERY PROCEDURE FOR LOCATING LAUNDERED MONEY.

Section 413(m) of the Controlled Substances Act (21 U.S.C. 853(m)) is amended by inserting before the period at the end the following: “to the extent that the provisions of the Rule are consistent with the purposes for which discovery is conducted under this subsection. Because this subsection applies only to matters occurring after the defendant has been convicted and the property of the defendant has been declared forfeited, the provisions of Rule 15 requiring the consent of the defendant and the presence of the defendant at the deposition shall not apply”.

**SEC. 4069. REPATRIATION OF PROPERTY PLACED BEYOND THE
JURISDICTION OF THE COURT.**

(a) **CRIMINAL FORFEITURE.** -- Section 413(p) of the Controlled Substances Act (21 U.S.C. 853(p)) is amended by adding at the end the following: “In the case of property described in paragraph (3), the court may, in addition, order the defendant to return the property to the jurisdiction of the court so that it may be seized and forfeited.”.

(b) **PRE-TRIAL RESTRAINING ORDER.** -- Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

“(4) Pursuant to its authority to enter a pre-trial restraining order under this section, including its authority to restrain any property forfeitable as substitute assets, the court may also order the defendant to repatriate any property subject to forfeiture pending trial, and to deposit that property in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account. Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence for the offense giving rise to the forfeiture under the obstruction of justice provision of section 3C1.1 of the Federal Sentencing Guidelines.”.

SEC. 4070. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “or 2339B” after “2339A”.

SEC. 4071. BULK CASH SMUGGLING.

(a) PURPOSE.-- It is the purpose of this section is to authorize forfeiture of any cash or instruments whose movements are not reported under the terms of the Bank Secrecy Act and its implementing regulations, to emphasize the seriousness of the act of such non-reporting, and to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(b) ENACTMENT OF BULK CASH SMUGGLING OFFENSE.-- Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

“§ 5331. Bulk Cash Smuggling

“(a) Criminal offense.-- Whoever, with the intent to evade a currency reporting requirement under Section 5316, knowingly conceals more than \$10,000 in currency or other monetary instruments on his person or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment pursuant to subsection (b). For purposes of this section, ‘monetary instruments’ has the meaning set forth in this chapter and the regulations promulgated thereunder.

“(b) Penalty.-- A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such offense, shall be imprisoned for not more than 5 years. In addition, the court, in imposing sentence, shall order that the defendant forfeit to the United States, any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d) of this section. The forfeiture of property under this section shall be governed by Section 413 of the Controlled Substances Act (21 U.S.C. § 853). If the property subject to forfeiture is unavailable, and the defendant has no substitute property that may be forfeited pursuant to section 413(p) of the Controlled Substances Act (21 U.S.C. 853(p)), the court shall enter a personal money judgment against the defendant for the amount that would be subject to forfeiture.

“(c) Seizure of smuggling cash.-- Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to subsection (d) of this section, forfeited to the United States. The seizure and forfeiture

shall be governed by the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18. For purposes of this subsection and subsection (b), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container or conveyance used or intended to be used to conceal or transport the currency or other monetary instrument, and any other property used or intended to be used to facilitate the offense, shall be considered property involved in the offense.

“(d) Proportionality of forfeiture.-- Upon a showing by the property owner by a preponderance of the evidence that the currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source, and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense. Such circumstances include, but are not limited to, the following: the value of the currency or other monetary instruments involved in the offense; efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and whether the offense is part of a pattern of repeated violations of this section or any other currency reporting money laundering offense.

(c) CHAPTER ANALYSIS.--The chapter analysis for chapter 53 of title 31, United States Code, is amended by inserting at the end the following:
“5331. Bulk Cash Smuggling”.

(d) CURRENCY REPORTING VIOLATIONS.-- Section 5317(c) of title 31, United States Code, is amended to read as follows:

“(c)(1) The court in imposing sentence for any violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto. Forfeitures under this paragraph shall be governed by the procedures set forth in Section 413 of the Controlled Substances Act (21 U.S.C. § 853), and the guidelines set forth in paragraph (3).

“(2) Any property involved in a violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to subsection (c)(3) of this section, forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to Section 981(a)(1)(A) of title 18.

“(3) Upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source, and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense. Such circumstances include, but are not limited to, the following: the value of the currency or other monetary instruments involved in the offense; efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and whether the offense is part of a pattern of repeated violations.”.

(e) CONFORMING AMENDMENTS.-- (1) Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "of section 5313(a) or 5324(a) of title 31, or";

(2) Section 982(a)(1) of title 18, United States Code, is amended by striking "of 5313(a), 5316, or 5324 of title 31, or".

SEC. 4072. CURRENCY COURIERS.

Section 1957 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(g) Any person who conceals more than \$10,000 in currency in any vehicle, or in any compartment or container within any vehicle, and transports, attempts to transport, or conspires to transport such currency in interstate commerce on any public road or highway, knowing that the currency was derived from some form of unlawful activity, or knowing that the currency was intended to be used to promote some form of unlawful activity, shall be punished as provided in subsection (b). The defendant's knowledge may be established by proof that the defendant was willfully blind to the source or intended use of the currency."

SEC. 4073. VIOLATIONS OF SECTION 6050I.

Sections 981(a)(1)(A) and 982(a)(1) of title 18, United States Code, are amended by inserting ", or of section 6050I of the Internal Revenue Code of 1986 (26 U.S.C. § 6050I)" after "of title 31".

SEC. 4074. FOREIGN JUDGMENTS AGAINST CRIMINALLY DERIVED PROPERTY.

(a) IN GENERAL.-- Chapter 163 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2468. Enforcement of foreign judgment.

"(a) Definitions. – As used in this section --

"(1) 'Foreign nation' shall mean a country that has become a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereafter "the United Nations Convention") or a foreign jurisdiction with which the United States has a treaty or other formal international agreement in effect providing for mutual forfeiture assistance.

"(2) 'Value based confiscation judgment' shall mean a final order of a foreign nation compelling a defendant, as a consequence of his or her criminal conviction for an offense described in Article 3, Paragraph 1, of the United Nations Convention, or any foreign offense described in section 1956(c)(7)(B) of title 18, to pay a sum of money representing the proceeds of such offense, or property the value of which corresponds to such proceeds.

"(b) Review by Attorney General. – A foreign nation seeking to have its value based confiscation judgment registered and enforced by a United States district court under this section must first submit a request to the Attorney General or his or her designee. Such request shall include:

"(1) a summary of the facts of the case and a description of the criminal proceeding which resulted in the value-based confiscation judgment;

"(2) certified copies of the judgment of conviction and value-based confiscation judgment;

"(3) an affidavit or sworn declaration establishing that the defendant received notice of the proceedings in sufficient time to enable him or her to defend against the charges that the value-based confiscation judgment rendered is in force and is not subject to appeal;

"(4) an affidavit or sworn declaration that all reasonable efforts have been undertaken to enforce the value-based confiscation judgment against the defendant's property, if any, in the foreign country; and

"(5) such additional information and evidence as may be required by the Attorney General or his or her designee.

The Attorney General or his or her designee, in consultation with the Secretary of State or his or her designee, shall determine whether to certify the request, and such decision shall be final and not subject to either judicial review or review under the Administrative Procedures Act (5 U.S.C. 551 et seq.).

"(c) **Jurisdiction and venue.** – Where the Attorney General or his or her designee certifies a request under paragraph (b), the foreign nation may file a civil proceeding in United States district court seeking to enforce the foreign value based confiscation judgment as if the judgment had been entered by a court in the United States. In such a proceeding, the foreign nation shall be the plaintiff and the person against whom the value-based confiscation judgment was entered shall be the defendant. Venue shall lie in the district court for the District of Columbia or in any other district in which the defendant or the property that may be the basis for satisfaction of a judgment under this section may be found. The district court shall have personal

jurisdiction over a defendant residing outside of the United States if the defendant is served with process in accordance with Rule 4 of the Federal Rules of Civil Procedure.

"(d) **Entry and enforcement of judgment.** – (1) Except as provided in paragraph (2), the district court shall enter such orders as may be necessary to enforce the value-based confiscation judgment on behalf of the foreign nation where it finds that all of the following requirements have been met:

"(A) the value-based confiscation judgment was rendered under a system which provides impartial tribunals or procedures compatible with the requirements of due process of law;

"(B) the foreign court had personal jurisdiction over the defendant;

"(C) the foreign court had jurisdiction over the subject matter;

"(D) the defendant in the proceedings in the foreign court received notice of the proceedings in sufficient time to enable him or her to defend; and

"(E) the judgment was not obtained by fraud.

Process to enforce a judgment under this section will be in accordance with Rule 69(a) of the Federal Rules of Civil Procedure.

"(e) **Finality of foreign findings.** – Upon a finding by the district court that the conditions set forth in subsection (d) have been satisfied, the court shall be bound by the findings of facts insofar as they are stated in the foreign judgment of conviction and value-based confiscation judgment.

"(f) **Currency conversion.** – Insofar as a value based confiscation judgment requires the payment of a sum of money, the rate of exchange in effect at time when the suit to enforce is

filed by the foreign nation shall be used in calculating the amount stated in the judgment submitted for registration."

(b) CONFORMING AMENDMENT.-- The chapter analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2468. Enforcement of foreign forfeiture judgment."

SEC. 4075. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

“(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation involving (i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act) or (ii) any other conduct described in section 1956(c)(7)(B), within whose jurisdiction such offense would be punishable by death or imprisonment for a term exceeding one year and which would be punishable under the laws of the United States by imprisonment for a term exceeding one year if such act or activity constituting the offense against the foreign nation had occurred within the jurisdiction of the United States, or any property used to facilitate such offense.”.

SEC. 4076. AUTHORIZATION TO SHARE RECOVERED PROPERTY WITH COOPERATING FOREIGN GOVERNMENTS.

(a) IN GENERAL.-- Section 981(i)(1) of title 18, United States Code, is amended by striking "this chapter" and inserting "any provision of federal law".

(b) CONFORMING AMENDMENT.-- Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended by –

- (1) inserting "or" at the end of subparagraph (C);
- (2) striking "; or" at the end of subparagraph (D) and inserting a period; and
- (3) striking subparagraph (E).

SEC. 4077. RESTORING RECOVERED PROPERTY TO VICTIMS.

Section 981(e)(6) of title 18, United States Code, is amended to read as follows:

"(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or".

SEC. 4078. IN PERSONAM JUDGMENTS.

Section 1963(l)(1) of title 18, United States Code, and section 413(n)(1) of the Controlled Substances Act (21 U.S.C. 853(n)(1)) are each amended by adding the following sentence at the end: "To the extent that the order of forfeiture includes only an in personam money judgment against the defendant, no proceeding under this subsection shall be necessary.".

SEC. 4079. USE OF SUBPOENAED RECORDS.

Section 3322(a) of title 18, United States Code, is amended --

- (1) by striking "property described in section 981(a)(1)(C) of such title" and inserting "property described in section 981(a)(1) of such title"; and
- (2) by striking "concerning a banking law violation".

SEC. 4080. CRIMINAL FORFEITURE OF PROPERTY IN GOVERNMENT CUSTODY.

Section 413(f) of the Controlled Substances Act (21 U.S.C. 853(f)) is amended by adding at the end the following: "If property subject to criminal forfeiture under this section is already in

the custody of the United States or any agency thereof, it shall not be necessary to seize or restrain the property for the purpose of criminal forfeiture."

SEC. 4081. RESTRAINT OF PROPERTY SUBJECT TO CRIMINAL FORFEITURE.

Section 413(e)(1) of the Controlled Substances Act (21 U.S.C. 853(e)(1)) is amended by striking "(a)" and inserting "(a) or (p)".

**SEC. 4082. INCLUDING AGENCIES OF TRIBAL GOVERNMENTS IN THE
DEFINITION OF A FINANCIAL INSTITUTION.**

Section 5312(a)(2)(W) of title 31, United States Code, is amended by striking "State or local" and inserting "State, local or tribal".

**SEC. 4084. LIMITATIONS PERIOD FOR CHALLENGES TO CASH SEIZURES BY
PRISONERS.**

Section 981 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k)(1) Any motion to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609), as incorporated by subsection (d), must be filed not later than 2 years after the entry of the declaration of forfeiture. Such motion shall be granted if -

"(A) the moving party had an ownership or possessory interest in the forfeited property, and the Government failed to take reasonable steps to provide such party with notice of the forfeiture; and

"(B) the moving party did not have actual notice of the seizure within sufficient time to file a claim within the time period provided by law.

"(2) If the court grants a motion made under paragraph (1), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 301 of the Tariff Act of 1930, P.L. 91-270 (19 U.S.C. 1602-1612), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(3) If, at the time a motion made under this paragraph (1) is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (2) against a substitute sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

"(4) The institution of forfeiture proceedings under paragraph (2) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was completed before the expiration of such limitations period.

"(5) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

"(6) This subsection shall apply to any forfeiture under this section, and to any civil forfeiture under the Controlled Substances Act, or under any other provision of this title that incorporates the provisions of the customs laws."

**SEC. 4085. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING
ORDERS AND CERTAIN RECORDKEEPING REQUIREMENTS.**

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.--Section 5321(a)(1) of title 31, United States Code, is amended by inserting "or order issued" after "regulation prescribed".

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.--Subsections (a) and (b) of section 5322 of title 31, United States Code, are amended by inserting "or order issued" after "regulation prescribed" each place that term appears.

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER OR CERTAIN RECORDKEEPING REQUIREMENTS.--Section 5324(a) of title 31, United States Code, is amended--

(1) by inserting a comma after "shall";

(2) by striking "section--" and inserting "section, the reporting requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508--"; and

(3) in paragraphs (1) and (2), by inserting ", to file a report required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508" after "regulation prescribed under any such section" each place that term appears.

(d) INCREASE IN CIVIL PENALTIES FOR VIOLATION OF CERTAIN RECORDKEEPING REQUIREMENTS.--

(1) FEDERAL DEPOSIT INSURANCE ACT.--Section 21(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(j)(1)) is amended by striking "\$10,000" and inserting "the greater of--

“(A) the amount (not to exceed \$100,000) involved in the transaction (if any) with respect to which the violation occurred; or

"(B) \$25,000".

(2) PUBLIC LAW 91-508.--Section 125(a) of Public Law 91-508 (12 U.S.C. 1955(a)) is amended by striking "\$10,000" and inserting "the greater of--

"(1) the amount (not to exceed \$100,000) involved in the transaction (if any) with respect to which the violation occurred; or

"(2) \$25,000".

(e) CRIMINAL PENALTIES FOR VIOLATION OF CERTAIN RECORDKEEPING REQUIREMENTS.--

(1) SECTION 126.--Section 126 of Public Law 91-508 (12 U.S.C. 1956) is amended to read as follows:

"SEC. 126. CRIMINAL PENALTY.

"A person that willfully violates this chapter, section 21 of the Federal Deposit Insurance Act, or a regulation prescribed under this chapter or that section 21, shall be fined not more than \$250,000, or imprisoned for not more than 5 years, or both."

(2) SECTION 127.--Section 127 of Public Law 91-508 (12 U.S.C. 1957) is amended to read as follows:

"SEC. 127. ADDITIONAL CRIMINAL PENALTY IN CERTAIN
CASES.

"A person that willfully violates this chapter, section 21 of the Federal Deposit Insurance Act, or a regulation prescribed under this chapter or that section 21, while violating another law of the United States or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period, shall be fined not more than \$500,000, imprisoned for not more than 10 years, or both."

TITLE V - JUVENILE JUSTICE REFORM

SUBTITLE A--FEDERAL PROSECUTIONS TARGETING VIOLENT GANGS, GUN CRIMES AND ILLICIT GUN MARKETS

SEC. 5001. INCREASED PENALTIES UNDER THE RICO LAW FOR GANG AND VIOLENT CRIMES.

Section 1963(a) of title 18, United States Code, is amended by striking "or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both," and inserting "or imprisoned not more than the greater of 20 years or the statutory maximum term of imprisonment (including life) applicable to a racketeering activity on which the violation is based, or both,".

SEC. 5002. PENALTY ENHANCEMENTS RELATING TO VIOLENT CRIMES UNDER 18 U.S.C. 1959.

Section 1959 of title 18, United States Code, is amended –

(1) in subsection (a) --

(A) in paragraph (4) –

(i) by inserting "specified in paragraphs (1) through (3) of this subsection" after "threatening to commit a crime of violence"; and

(ii) by striking "five" and inserting "ten"; and

(B) in paragraph (5), by striking "ten" and inserting "twenty";

(C) in paragraph (6), by striking "three" and inserting "ten"; and

(2) in subsection (b) –

(A) by striking “and” at the end paragraph (1);

(B) by striking the period and inserting “and ;” at the end of paragraph (2);

and

(C) by adding at the end a new paragraph (3) as follows:

“(3) ‘serious bodily injury’ has the meaning set forth in section 2119 of this title.”.

**SEC. 5003. ELIMINATION OF UNJUSTIFIED SCIENTER ELEMENT FOR
CARJACKING.**

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

**SEC. 5004. ELIMINATION OF THE STATUTE OF LIMITATIONS FOR MURDER
AND CERTAIN CLASS A OFFENSES.**

(a) Section 3281 of title 18, United States Code, is amended to read as follows:

“§ 3281. Capital offenses and Class A felonies involving murder

“An indictment for any offense punishable by death or an indictment or information for a Class A felony involving murder (as defined in section 1111 of this title or as defined under applicable State law in the case of an offense under sections 1958, 1959 and 1963(a) of this title involving racketeering activity described in section 1961(1)) of this title) may be found at any time without limitation.”.

(b) The amendment made by subsection (a) shall apply to any offense for which the applicable statute of limitations had not run as of the date of enactment of such subsection.

(c) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3295B. Class A violent and drug trafficking offenses

"Except as provided in section 3281, no person shall be prosecuted, tried, or punished for a Class A felony that is a crime of violence or a drug trafficking crime (as defined in section 924(c) of this title) unless the indictment is returned or the information is filed within 10 years after the commission of the offense."

(d) The amendment made by subsection (c) shall apply to any offense for which the applicable statute of limitations had not run as of the date of enactment of such subsection.

(e) The table of sections for chapter 213 of title 18, United States Code, is amended –

(1) in the item relating to section 3281, by inserting "and Class A felonies involving murder" before the period; and

(2) by adding at the end the following:

"3295B. Class A violent and drug trafficking offenses."

SEC. 5005. FORFEITURE FOR CRIMES OF VIOLENCE, RACKETEERING AND OBSTRUCTION OF JUSTICE.

(a) CIVIL FORFEITURE.--Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(H) Any proceeds of a crime of violence (as defined in Section 16), an offense under chapter 95 (racketeering), or any offense under chapter 73 (obstruction of justice), or a conspiracy to commit such offense, any property used to facilitate such offense, and any property traceable to such property."

(b) CRIMINAL FORFEITURE.--Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(10) The court, in imposing a sentence on a person convicted of a crime of violence (as defined in Section 16), an offense under chapter 95 (racketeering), or any offense under chapter 73 (obstruction of justice), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any proceeds derived from such offense, any property used or intended to be used to commit such offense, and any property traceable to such property."

SUBTITLE B -- PROTECTING WITNESSES TO HELP

PROSECUTE GANGS AND OTHER VIOLENT CRIMINALS

SEC. 5031. INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.

Section 1952 of title 18, United States Code, is amended --

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by inserting after subsection (a) a new subsection (b) as follows:

"(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than ten years, or both; and if serious bodily injury (as defined in section 2119 of this title) results, shall be so fined or imprisoned for not more than twenty years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death."

SEC. 5032. EXPANDING PRETRIAL DETENTION ELIGIBILITY FOR SERIOUS GANG AND OTHER VIOLENT CRIMINALS.

(a) Section 3142(f)(1)(D) of title 18, United States Code, is amended by inserting after the semicolon "for purposes of this subparagraph, the term 'convicted' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency;"

(b) Section 3156(a)(4) of title 18, United States Code, is amended --

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) an offense that is a violation of section 842(i) or 922(g) of this title (relating to possession of explosives or firearms by convicted felons and other categories of prohibited persons)."

(c) Section 3142(g)(3)(B) of title 18, United States Code, is amended--

(1) by inserting "(i)" after "the person"; and

(2) by inserting the following before the semicolon:

", or (ii) was a member of or participated in a criminal street gang, racketeering enterprise, or other criminal organization".

SEC. 5033. CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.

Section 1512 of title 18, United States Code, is amended by adding at the end a new subsection as follows:

"(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy."

SUBTITLE C -- PROTECTING VICTIMS' RIGHTS

SEC. 5041. ACCESS OF VICTIMS AND PUBLIC TO RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended--

(1) in subsection (a), by striking "Throughout and upon" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding pursuant to 5032(a), the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a)(3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (a), by amending paragraph (6) to read as follows:

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, or the victim's official representative's, allocution at disposition.";

(4) in subsection (c), by inserting "other than necessary docketing data" after "relating to the proceeding"; and

(5) by –

(A) striking subsections (d) and (f);

(B) redesignating subsection (e) as subsection (d);

(C) inserting "pursuant to section 5032(b) or (c)" after "adult" in subsection (d) as so designated by subparagraph (B); and

(D) adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 924(a)(6), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to sections 5032(b) or (c), shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances,

then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

**SUBTITLE D -- FEDERAL PROSECUTION OF SERIOUS AND VIOLENT
JUVENILE OFFENDERS**

**SEC. 5051. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN
DISTRICT COURTS.**

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

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

"(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities or proceeded against as a juvenile under this subsection, or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) Such juvenile may be proceeded against as a juvenile in a court of the United States under this subsection for offenses committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, or if the Attorney General after investigation certifies to the appropriate United States district court that--

"(A)(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to such act of alleged juvenile delinquency; or

"(ii) the offense charged is described in subsections (b)(2), (c)(1), or (e) or if committed by an adult would be a violation of section 1030(a)(1) or a felony violation of section 1030(a)(5) that causes physical injury to any person or threatens public health or safety; and

"(B) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(3) If, where required, the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(4) If a juvenile alleged to have committed an act of juvenile delinquency is not surrendered to the authorities of a State pursuant to this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public from the proceedings if required by the interests of justice or if other good cause is shown. Even if all or some of the members of the public are excluded from the proceedings, the proceedings shall be open to victims of the alleged offense and their relatives and legal guardians unless required by the interests of justice or otherwise good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b) A juvenile may be prosecuted as an adult--

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

"(2) if the juvenile is alleged to have committed an act on or after the day the juvenile attains the age of 16 years which if committed by an adult would be any of the following offenses: murder (as described in section 1111, 1114 or 1153); manslaughter other than involuntary manslaughter (as described in section 1112 or 1153); assault with intent to commit murder (as described in section 113(a) or 1153); a felony under chapter 109A consisting of aggravated sexual abuse (as described in section 1153 or 2241); robbery (as described in section 1153, 1951, 2111, 2113, or 2118); carjacking (as described in section 2119); a serious drug offense (as described in section 3559(c)(2)(H)(i)); or a conspiracy or attempt to commit any of the above offenses.

"(c)(1) A juvenile may also be prosecuted as an adult, upon approval of the Attorney General or the Attorney General's designee, and upon the granting of a motion to transfer made in the appropriate district court of the United States, if the juvenile is alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in paragraph (2) of subsection (b) or if the juvenile is alleged to have committed an act on or after the day the juvenile has attained the age of 13 years which if committed by an adult would be any of the following offenses :

“(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

“(B) an offense described in section 844(d), (k), or (l), or paragraph (a)(6) or subsection (b), (g), (h), (j), (k), or (l), of section 924;

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

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

"(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955 or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(2) Any such designee, with respect to a juvenile alleged to have committed an act before the juvenile attained the age of 16 years, shall be at a level not lower than a Deputy Assistant Attorney General.

" (3) Such approval shall not be granted, with respect to a juvenile alleged to have committed an act before the juvenile attained the age of 16 years who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based

solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(d) A determination to approve or not to approve, or to institute or not to institute a prosecution under paragraph (b), (c), or (e) shall not be reviewable in any court except as described in subsection (f).

"(e) In any prosecution under this section the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

"(f)(1) In any proceeding under paragraph (c)(1), the court in which the motion to transfer has been filed shall after a hearing determine whether to issue an order that the defendant should be transferred for prosecution as an adult. The court shall hear and determine the motion on an expedited basis.

"(2) The court shall order the transfer of a defendant for prosecution as an adult under this subsection unless it finds that such transfer would not be in the interests of justice. In making its determination, the court shall consider--

"(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms;

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

"(C) the age and social background of the juvenile;

"(D) the extent and nature of the prior delinquency record of the juvenile;

"(E) the mental condition, intellectual development and psychological maturity of the juvenile;

"(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

"(G) the availability of programs designed to treat the behavioral problems of the juvenile.

"(3) An order of the court made in ruling on a motion to transfer a defendant under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court refusing or declining to transfer a defendant for prosecution as an adult. A court of appeals shall hear and determine such an appeal on an expedited basis.

"(4) No statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution, except for impeachment purposes or in a prosecution for perjury or giving a false statement.

"(5) The rules concerning the receipt and admissibility of evidence shall be the same as prescribed in subsection 3142(f) of this title."

(b) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.--Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) Limitation on applicability of statutory minimums in certain prosecutions of persons under the age of 16.-- Notwithstanding any other provision of law, in the case of a juvenile alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in paragraph 5032(c)(1) or subsection 5032(e) of this title, the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(2) of this title."

(c) CONFORMING AMENDMENT TO DEFINITIONS SECTION.--Section 5031 of title 18, United States Code, is amended by adding at the end the following: "As used in this chapter, the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized Indian tribe."

SEC. 5052. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

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

"§ 5033. Custody prior to appearance before judicial officer

"(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

"(b) The juvenile shall be taken before a judicial officer without unreasonable delay.".

SEC. 5053. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended--

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

(2) by striking "If" at the beginning of the third paragraph and inserting "if";

(3) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively;

and

(4) by inserting at the beginning of the section before those paragraphs the following: "In a proceeding under section 5032(a)--".

SEC. 5054. SPEEDY TRIAL.

Section 5036 of title 18 United States Code, is amended by--

(1) striking "If an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(a)";

(2) striking "thirty" and inserting "45"; and

(3) striking "the court," and all that follows through the end of the section and inserting "the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.".

**SEC. 5055. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES
AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.**

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

"§ 5037. Disposition

"(a) In a proceeding under section 5032(a) of this title, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to section 994 of title 28, the court shall enter an order of restitution pursuant to section 3556 of this title, and place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section

3561(c) of this title if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 of this title are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention (other than supervised release) may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of--

"(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 of this title is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 of this title apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a complete study of the alleged or adjudicated delinquent to ascertain the juvenile's personal traits, capabilities, background, previous delinquency or criminal experience, mental or physical defect, and any other relevant

factors. The Attorney General shall submit to the court the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036 of this title. If the juvenile has not been committed for the study, the probation office shall obtain the report under sections 3154 and 3672 of this title and submit the results of the study in like manner and within the same time period."

SEC. 5056. TECHNICAL AMENDMENTS TO SECTIONS 5031 AND 5034.

(a) SECTION 5031. --Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) SECTION 5034. --Section 5034 of title 18, United States Code, is amended by striking "magistrate" each place it appears and inserting "judicial officer".

SUBTITLE E.-- INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

SEC. 5061. DETENTION OF JUVENILES PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended –

(1) by inserting “or a juvenile being prosecuted as an adult” after “juvenile alleged to be delinquent” each place it appears; and

(2) by striking “Whenever possible” and inserting “Whenever appropriate”.

SEC. 5062. RULES GOVERNING THE COMMITMENT OF JUVENILES.

Section 5039 of title 18, United States Code, is amended –

(1) in the first undesignated paragraph–

(A) by striking “No juvenile” and all that follows through “the Attorney General” and inserting “No person committed to the custody of the Attorney General pursuant to an adjudication of delinquency, and no juvenile committed to the custody of the Attorney General pursuant to a conviction for an offense”; and

(B) by inserting before the period “, except that the Attorney General may place and retain a person 18 years of age or older and adjudicated delinquent under section 5032(a) in an appropriate community-based facility”; and

(2) in the third undesignated paragraph, by striking “Whenever possible” and inserting “Whenever appropriate”.

SUBTITLE F -- OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5071. SHORT TITLE.

Subtitle F through I of this title may be cited as the “Juvenile Justice and Delinquency Prevention Act of 1999”.

SEC. 5072. STATEMENT OF FINDINGS.

(1) The rate of juvenile crime remains unacceptably high;

(2) there is an increasing and urgent need to better understand the causes of crime and violence committed by juveniles and young adults, and to identify those initiatives and strategies that are effective in reducing and preventing juvenile and youth crime and delinquency;

(3) accurate statistical information, collected, analyzed, and disseminated in a timely manner, is necessary to the nation’s ability to fully understand, assess, and address issues related to youth violence;

(4) juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities are overburdened and have not been able to effectively process, detain, sentence, protect, or treat juveniles offenders;

(5) emphasis should be placed on preventing youth from committing crime;

(6) the federal government has a unique and vital role in providing the leadership, focus, and resources needed to successfully address juvenile crime and delinquency;

(7) the high incidence of juvenile crime in the United States results in an enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources; and

(8) juvenile crime constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the federal government to reduce and prevent this type of crime.

SEC. 5073. DECLARATION OF PURPOSE AND POLICY.

(a) The federal government, through enforcement and funding initiatives, plays an essential role in combating juvenile crime and delinquency. The federal government has a unique and comprehensive function that includes fortifying and creating new, stronger, and more effective alliances with states, Indian tribes, cities, counties, and communities in the fight against juvenile crime, its causes, and consequences.

(b) It is the purpose of this Act --

(1) to hold juvenile offenders accountable for their actions by ensuring that accountability-based graduated sanctions are applied for every violation of the law;

(2) to implement a comprehensive and effective effort that provides necessary resources and other support for state, tribal, and local juvenile crime enforcement, intervention, sanction, and prevention initiatives;

(3) to assist state and local communities in effectively and efficiently addressing and preventing juvenile substance-abuse and drug-related juvenile crime;

(4) to promote research, evaluation, and information and data collection procedures and activities that identify and disseminate information on effective programs and initiatives that combat juvenile crime;

(5) to test promising strategies and programs that reduce or prevent juvenile crime and delinquency, and establish flexible demonstration programs that effectively support state and local initiatives to prevent and reduce juvenile crime and delinquency;

(6) to maintain fundamental safeguards to protect juveniles from harm while in custody; and

(7) to provide resources for courts to address violent juveniles and similarly use expanded corrections options for juvenile offenders who pose serious danger to the community and to other, less dangerous juvenile offenders.

SEC. 5074. DEFINITIONS.

(a) Subsection (a) of section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791 et seq.) is amended by adding after paragraph (25) the following new paragraphs:

"(26) the term 'community based' facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of their programs that may include, but are not limited to, medical, educational, vocational, social, and psychological

guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

"(27) the term 'federal juvenile delinquency program' means any juvenile delinquency program that is conducted, directly or indirectly, or is assisted by any federal department or agency;

"(28) the term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity to help prevent juvenile delinquency;

"(29) the term 'combination' as applied to states or units of local government means any grouping or joining together of such states or units for the purpose of preparing, developing, or implementing a program, initiative, or activity under this Title;

"(30) the term 'secure detention facility' means any public or private residential facility that--

"(A) uses construction fixtures to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense;

"(31) the term 'secure correctional facility' means any public or private residential facility that--

"(A) uses construction fixtures to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, or any other individual convicted of a criminal offense;

"(32) the term 'serious crime' means criminal homicide, forcible rape or other sex offenses punishable as a felony, hate crimes, mayhem, kidnaping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, drug trafficking, firearms violations, or arson punishable as a felony;

"(33) the term 'treatment' includes, but is not limited to, medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use;

"(34) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile--

"(A) who was brought before the court and made subject to such order;

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States or to Indian juvenile offenders under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.);

"(C) with respect to whom an appropriate public or private agency, before a disposition of confinement in a secure detention facility or a secure correctional facility, has reviewed the behavior of such juvenile, its causes, the dispositional alternatives available, and has submitted to the court a report and recommendation;

"(35) the term 'jail or lockup for adults' means a locked facility that is used by a state, unit of local government, or any law enforcement authority to detain or confine adults--

"(A) pending the filing of a charge of violating a criminal law;

"(B) awaiting trial on a criminal charge; or

"(C) convicted of violating a criminal law;

"(36) the term 'nonprofit organization' means an organization described in section 501(c)(3) of title 26 of the United States Code that is exempt from taxation under section 501(a) of title 26 of the United States Code;

"(37) the term 'young violent offenders' has the meaning given that term under section 31708 of the Violent Crime Control and Law Enforcement Act of 1994, P.L. No. 103-322 § 31705 (42 U.S.C. 13868);

"(38) the term 'Indian tribe' means an Indian or Alaskan native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to section 479a-1 of title 25, United States Code;

"(39) the term 'Indian tribal government' means the legally recognized leadership of an Indian tribe, band, nation, pueblo, village, or community;

"(40) the term 'prosecutor' means a prosecutor's office or that entity of a state government, or any political subdivision thereof, or of an Indian tribal government, that has, or routinely exercises, direct responsibility for the prosecution of criminal offenders; and

"(41) the term 'Council' means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 2702 of this title."

(b) Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791 et seq.) is amended by -

(1) striking "criminal justice" the first time it appear and inserting "criminal or juvenile justice"; and

(2) striking "the criminal justice system" the last time it appears and inserting "either the criminal or juvenile justice systems."

SUBTITLE G—CONTINUATION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5081. CONTINUATION OF OFFICE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 2001 of this Act, is further amended by -

- (1) redesignating part AA as part BB;
- (2) redesignating section 2701 as section 2801; and
- (3) inserting after part Z the following new part:

“PART AA--OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

“Section 2701. Continuation of office

“(a) Office--The Juvenile Justice and Delinquency Prevention Act of 1974 established the Office of Juvenile Justice and Delinquency Prevention. The Office shall continue in existence and operate under the terms of the Juvenile Justice and Delinquency Prevention Act of 1999.

“(b) Administrator--The Office of Juvenile Justice and Delinquency Prevention shall be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate. The Administrator shall report to and operate under the general supervision and direction of the Assistant Attorney General for the Office of Justice Programs. The Assistant Attorney General for the Office of Justice Programs shall have overall authority for the operation and administration of the Office of Juvenile Justice and Delinquency Prevention.

“(c) Functions--The Office of Juvenile Justice and Delinquency Prevention shall establish and administer policies, initiatives, and programs to address the prevention, reduction, control, and prosecution of juvenile crime; the juvenile justice system; youth violence; and other purposes consistent with the Juvenile Justice and Delinquency Prevention Act of 1999. Actions taken by the Administrator of the Office of Juvenile Justice and Delinquency Prevention to fulfill these functions shall be exercised with the approval of the Assistant Attorney General for the Office of Justice Programs.

“(d) The Administrator is authorized to transfer funds appropriated under this part to any agency of the Federal government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Administrator finds to be exceptionally effective or for which the Administrator finds there exists exceptional need.

“Section 2702. Coordinating Council on Juvenile Justice and Delinquency Prevention.

“(a) Establishment; membership.

“(1) There is hereby established, as an independent organization in the executive branch of the Federal government, a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

“(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

“(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

“(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

“(iii) Three members shall be appointed by the President.

“(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)--

“(I) 1 shall be appointed for a term of 1 year;

“(II) 1 shall be appointed for a term of 2 years;

“(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

“(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

“(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

“(b) Chairman and Vice Chairman. The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

“(c) Functions.

“(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs), all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles, shall make recommendations to the President and to the Congress, at least annually, with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the requirements of section 2804(b) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

“(d) Meetings. The Council shall meet at least quarterly.

“(e) Appointment of personnel or staff support by Administrator. The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this subchapter.

“(f) Expenses of Council members; reimbursement. Members appointed under subsection (a)(2) of this section shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

“(g) Authorization of appropriations. There are authorized to be appropriated, to remain available until expended, such sums as may be necessary to carry out this section.

“Section 2703. Administration

“(a) Withholding Grant Funds--Whenever the Administrator of the Office of Juvenile Justice and Delinquency Prevention, after giving reasonable notice and opportunity for a hearing to a recipient of financial assistance under the Juvenile Justice and Delinquency Prevention Act of 1999 (hereinafter, “Act”), finds that the program or activity for which the grant, contract, or agreement involved has been so changed that it no longer complies with this Title or finds that in the operation of such program or activity there is failure to substantially comply with the provisions of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to initiate such actions and proceedings to withhold grant funds as appropriate.

“(b) Confidentiality of Program Records--Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to the Juvenile Justice and Delinquency Prevention Act of 1999 may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this Act. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

“(c) Restriction on Use of Funds--No funds paid to any public or private agency, institution, or individual under this Act, either directly or through a state or local agency, may be used for construction unless:

“(1) the Administrator of the Office of Juvenile Justice and Delinquency Prevention determines that such use is necessary to carry out the purposes of the Act;

“(2) such funds provide no more than 50 percent of the costs of any given construction project; and

“(3) construction projects are limited to the construction of innovative, community-based facilities for 20 or fewer persons.

“Section 2704. Continuation of rules, authorities, and proceedings

“(a) Continuing Status until Otherwise Affected--All orders, determinations, rules, regulations, policies, and instructions of or pertaining to the Office of Juvenile Justice and Delinquency Prevention that are in effect on the date of enactment of the Juvenile Justice and Delinquency Prevention Act of 1999 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the Attorney General, or the Assistant Attorney General for the Office of Justice Programs, or the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as appropriate, with respect to their functions under this Act or by operation of law. Further, unless otherwise specified or established in accordance with section 3301 of this Act, all research, evaluations, and studies operating under grants, cooperative agreements, or contracts awarded or administered by the Office of Juvenile Justice and Delinquency Prevention underway at the date of enactment of the Juvenile Justice and

Delinquency Prevention Act of 1999 shall continue to be administered by the Office of Juvenile Justice and Delinquency Prevention until their scheduled expiration.

“(b) Obligations by the Assistant Attorney General for the Office of Justice Programs of Previously Appropriated, Unused or Reversionary Funds, or Presently Appropriated Funds for the Continuation of Projects or Purposes of this Act--The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 2000, and otherwise obligate previously appropriated, unused or reversionary funds, or funds appropriated for the fiscal year beginning October 1, 2000, for the continuation of projects authorized under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) in accordance with the provisions of that Act, as in effect on the day of enactment of the Juvenile Justice and Delinquency Prevention Act of 1999, or for purposes consistent with the provisions of such Act.

“(c) Carry Over of Management and Administration Funds--All funds appropriated for the management and administration expenses of the Office of Juvenile Justice and Delinquency Prevention, and remaining available for use at the time of enactment of the Juvenile Justice and Delinquency Prevention Act of 1999, shall be carried over for use until expended for the management and administration expenses of the Office of Juvenile Justice and Delinquency Prevention.

“(d) Pending Suits, Actions, or Other Proceedings Unaffected--The enactment of the Juvenile Justice and Delinquency Prevention Act of 1999 shall not affect any suit, action, or other

proceeding commenced by or against the government of the United States before the date of enactment of said title.

“(e) Appropriated Funds Available for Audit Matters and Continuing Programs and Projects--Nothing in the Juvenile Justice and Delinquency Prevention Act of 1999 shall prevent the utilization of funds appropriated for the purposes of this Act for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts awarded under this Act. The final disposition and dissemination of programs and projects approved under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) in accordance within this Title and in effect before the date of enactment of the Juvenile Justice and Delinquency Prevention Act of 1999, which continue in operation beyond the date of enactment of this Act, may be carried out with funds appropriated for purposes of this Act.

“(f) Transfer of Personnel Pursuant to Performance of Functions--Except as otherwise provided for by the Juvenile Justice and Delinquency Prevention Act of 1999, the personnel employed on the date of enactment of such Act by the Office of Juvenile Justice and Delinquency Prevention shall continue to be employed by the Office of Juvenile Justice and Delinquency Prevention.

“(g) Continuation of Incumbent Administrator--Notwithstanding any other provision of law, the individual serving as Administrator of the Office of Juvenile Justice and Delinquency Prevention on the date of enactment of the Juvenile Justice and Delinquency Prevention Act of 1999 shall continue to serve as the Administrator of the Office of Juvenile Justice and Delinquency Prevention in accordance with the terms of the original appointment.”.

SEC. 5082. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding after paragraph (22) the following new paragraph:

“(23) There are authorized to be appropriated, and remain available until expended, such sums as may be necessary for the operations of the Office of Juvenile Justice and Delinquency Prevention as stipulated under the Juvenile Justice and Delinquency Prevention Act of 1999 for the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.”

SUBTITLE H--JUVENILE CRIME AND DELINQUENCY ASSISTANCE

SEC. 5091. FORMULA GRANT ASSISTANCE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 5081 of this Act, is further amended by –

- (1) redesignating part BB as part CC;
- (2) redesignating section 2801 as section 2901; and
- (3) inserting after part AA the following new part:

“PART BB-JUVENILE DELINQUENCY CONTROL AND PREVENTION

FORMULA GRANT PROGRAM

“Section 2801. Authority to make grants and enter into contracts

“The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to award grants to states to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants, cooperative agreements, and contracts with public and private agencies for development and implementation of policies,

initiatives, and programs that are designed to reduce, control, and prevent juvenile crime and violence and improve the juvenile justice system.

“Section 2802. Allocation of funds

“(a) Time; Basis; Amounts--

“(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, appropriated funds are authorized to be allocated annually among the states on the basis of relative population of people under the age of 18. If appropriated funds are not sufficient to permit such allocations, the minimum allocation level shall be adjusted accordingly.

“(2) Subject to the availability of appropriated funds, the amount allocated to each state for a fiscal year shall be not less than \$600,000, except that the amount allocated to the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be not less than \$200,000. If appropriated funds are not sufficient to permit such allocations, the minimum allocation level shall be adjusted accordingly.

“(b) Reallocation of unobligated funds--If any amount so allocated remains unobligated by the recipient at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the states, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for the same period.

“(c) Use of allocated funds for the development of state plans, limitations, and matching requirements--In accordance with regulations promulgated under this part, a portion of any allotment to any state under this part shall be made available to develop a state plan as set forth in

section 2804 of this Title or for other activities associated with such state plan, and to pay that portion of the expenditures that are necessary for efficient administration, including monitoring and evaluation. Not more than 10 percent of the total annual allotment of such state shall be made available for such purposes, except that any amount expended or obligated by such state, or by units of local government or combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by any such state, or by such units of local government or combinations, from state and local funds, as the case may be. The state shall make available needed funds for planning and administration to units of local government or combinations thereof within the state on an equitable basis.

“Section 2803. Administration

“(a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to award grants and cooperative agreements and enter into contracts with public and private agencies, organizations, Indian tribal governments, and individuals to provide technical assistance to states, units of local governments, Indian tribal governments, and combinations thereof, and local private agencies to effectuate implementation of the state plan approved under section 2804 of this Title, not to exceed two percent of the funds available in a fiscal year to implement this part.

“(b) Grants and contracts may be awarded under paragraph (a) only to public and private agencies, organizations, institutions, and individuals that have experience in providing such technical assistance. In providing such technical assistance, the recipient of a grant or a contract

under this subsection shall coordinate its activities with the state agency described in section 2804 of this Title.

“(c) To be eligible to receive grant funds under this part, a state, unit of local government, or Indian tribal government must submit to the Administrator of the Office of Juvenile Justice and Delinquency Prevention an application at such time, in such form, and containing such assurances and information as may be reasonably required.

“(d) The Administrator of the Office of Juvenile Justice and Delinquency Prevention may issue whatever regulations and guidelines are reasonably necessary to implement this part.”

“Section 2804. Requirements

“(a) State planning--To receive formula grants under this part, a state shall submit an application and a plan for carrying out its purposes applicable to a three-year period. Such plan shall be amended annually to include new programs and activities adopted following state plan approval. The state shall submit annual reports to the Administrator of the Office of Juvenile Justice and Delinquency Prevention that shall describe progress in implementing programs contained in the approved state plan and shall describe how state plan requirements were met. Further, in accordance with regulations that the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall prescribe, the plan of a state that is applying for an award under section 2801 of this Title shall:

“(1) designate a state agency responsible for supervising the preparation and administration of the state plan submitted under section 2804(a) of this Title and provide for the creation or designation of an appropriate supervisory board, such as a state advisory group, that includes a balance of public and private sector representation and expertise

from a variety of disciplines in juvenile justice, to establish policies and priorities for the planning, selection, and award of funds received by the state agency pursuant to this Title;

“(2) provide for the active consultation with and participation of units of local government, private agencies, or combinations thereof in the development of a state plan that takes into account the needs and requests of local governments;

“(3) provide for a comprehensive analysis of juvenile delinquency and crime control problems and juvenile justice and delinquency prevention needs and priorities within the state;

“(4) provide that at least 50 percent of all funds received by the state pursuant to this section shall be expended, unless the provisions of this paragraph are waived at the discretion of the Administrator of the Office of Juvenile Justice and Delinquency Prevention for any state in which the services for delinquent or other youth are organized on a statewide basis--

“(A) through programs of units of local government or combinations thereof, to the extent that such programs are consistent with the state plan;

“(B) through programs of local private agencies, to the extent that such programs are consistent with the state plan, except that direct funding of any local private agency by a state shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

“(C) to provide funds for programs for Indian tribes that agree to attempt to comply with the requirements specified in section 2804(b)(1), (3) and (4)

applicable to the detention and confinement of juveniles, in an amount that at least bears the same ratio to the aggregate amount to be expended through programs referred to in section 2804(a)(4)(A) and (B) of this Title as the population under 18 years of age in the geographical areas in which such tribes perform such functions relative to the state population under 18 years of age;

“(5) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of section 2804(b)(1), (3), and (4) are met;

“(6) provide that the chief executive officer of a unit of local government may assign responsibility for the preparation and administration of the local government’s part of a state plan to a multi-disciplinary regional planning agency (hereinafter in this part referred to as the “local agency”) that can most effectively implement the purposes of this part and shall provide for supervision of the programs funded under this Subtitle by that local agency;

“(7) provide for an equitable distribution of the assistance received under section 2802 of this part within the state;

“(8) provide that not less than 75 percent of the funds available to the state under section 2802 of this Title shall be used for the prevention, treatment, and accountability measures that have demonstrated effectiveness or a promise of effectiveness in addressing youth crime and delinquency and improving the systems’ response to it;

“(9) provide assurances that youth in the juvenile justice system are treated equitably on the basis of gender, race, religion, family income, and mentally, emotionally, or physically handicapping conditions;

“(10) provide for the establishment and administration of procedures protecting the rights of recipients of services under this part, and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan;

“(11) provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this part and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the extent feasible, include, without being limited to, such provisions as may be necessary for--

“(A) the preservation of rights, privileges, and benefits (including the continuation of pension rights and other benefits) under existing collective-bargaining agreements or otherwise;

“(B) the continuation of collective-bargaining rights;

“(C) the protection of individual employees against a worsening of their positions with respect to their employment;

“(D) assurances of employment to employees of any state or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of the Title; and

“(E) training and retraining programs;

“(12) provide an appropriate level of funding for the development of an adequate research, training, and evaluation capacity within the state;

“(13) provide assurances that federal funds received under this part shall be used to supplement, not supplant, non-federal funds that would otherwise be available for activities funded under this part; and

“(14) contain such other terms and conditions as the Administrator of the Office of Juvenile Justice and Delinquency Prevention may reasonably promulgate to assure the effectiveness of programs assisted under this part.

“(b) Fundamental juvenile protections--A state receiving funding under this title must:

“(1) provide that juveniles who are accused or adjudicated for offenses that would not be criminal if committed by an adult other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar state law, or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities, except that accused status offenders or nonoffenders in lawful custody can be held in a secure juvenile detention facility for up to 24 hours, exclusive of weekends and holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and holidays, following an initial court appearance;

“(2) provide that the state shall submit an annual report to the Administrator of the Office of Juvenile Justice and Delinquency Prevention containing a review of the progress made by the state to achieve the deinstitutionalization of juveniles described section

2804(b)(1) of this Title and a review of the progress made by the state to provide that such juveniles, if placed in facilities, are placed in facilities that are: (i) the least restrictive alternatives appropriate to the needs of a child and the community; (ii) in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 901(a)(26) of Public Law 90-351 (42 U.S.C. 3791(a)(26));

“(3) provide that juveniles alleged to be or found to be delinquent, and youth within the purview of subparagraph (1), shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because the adult persons have been convicted of a crime or are awaiting trial on criminal charges, or with the part-time or full-time security staff (including management) or direct-care staff of a colocated jail or lockup for adults unless such staff have been properly trained and certified to supervise juveniles;

“(4) provide that--

“(A) no juvenile shall be detained or confined in any jail or lockup for adults, except as provided by regulations promulgated by the Administrator of the Office of Juvenile Justice and Delinquency Prevention, that make exceptions with regard to the detention of juveniles accused of or adjudicated for non-status offenses who are in secure custody in such a facility for purposes of processing or while awaiting transfer to a juvenile facility, release, or court appearance for a period not to exceed six hours. Such exception may be extended to 48 hours, excluding weekends and holidays, provided that this exception is limited to areas that are in compliance with paragraph (3) and--

“(i) are outside a Standard Metropolitan Area and have no existing acceptable alternative placement available;

“(ii) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for a court appearance, transfer, or release within 48 hours, so that a brief (not to exceed 24 hours) delay is excusable;

“(iii) are located where conditions of safety exist (such as severely adverse, life threatening weather conditions that do not allow for reasonably safe travel), in which case the time for a court appearance, transfer to an alternative placement, or release may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel; or

“(B) in the case of a juvenile accused of a non-status offense may be detained or confined in a jail or lockup for adults provided that such jail or lockup for adults is in compliance with paragraph (3) and--

“(i) is outside a Standard Metropolitan Area;

“(ii) the juvenile consents;

“(iii) the parent or legal guardian of the juvenile consents;

“(iv) the counsel for the juvenile concurs;

“(v) the court reviews and approves the detention or confinement;

and;

“(vi) the court approval of such detention or confinement is subject to review every seven days; and

“(5) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion of such groups represented in the general population. However, this paragraph neither establishes nor requires numerical standards or quotas in order for a jurisdiction to achieve or meet this requirement.

“(c) Nonsubmission, nonqualification, or waiver of state plan--

“(1) In the event that any state chooses not to submit a plan, fails to submit a plan, or submits a plan or modification that the Administrator of the Office of Juvenile Justice and Delinquency Prevention, after reasonable notice and opportunity for hearing, determines does not meet the requirements of this part, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall endeavor to make 50 percent of that state's allotment, under the provisions of section 2802, or remaining allotment available to local public and private and nonprofit agencies with that state for purposes described in this part. The Administrator shall make funds that remain available after such disbursement are made, and any other unobligated funds, available on an equitable basis to those states that provide the protections required under subsection 2804(b) of this part.

“(2) The Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized, at the request of a state pursuant to its state plan, to waive, in whole or in part, any state plan requirement and/or implementing regulation as appropriate to test innovative programs and methods to meet the needs of juveniles in the juvenile justice system.

“Section 2805. Failure to meet requirements

"If a state fails to fully meet one or more of the requirements of section 2804(b)(1), (3), (4), or (5) of this title in any fiscal year beginning with fiscal year 1999, the amount allotted under section 2802 of this Title to said state shall be reduced by 50 percent unless the Administrator of the Office of Juvenile Justice and Delinquency Prevention has reasonably determined that the state:

“(1) has substantially met each requirement with respect to which the state had not fully met the requirement; or

“(2) has made, through appropriate change to state law, a commitment to meeting these requirements; and

“(3) has submitted a plan sufficient to fully meet each requirement; and

“(4) has met any other appropriate stipulations the Administrator of the Office of Juvenile Justice and Delinquency Prevention may promulgate by regulation.

“Section 2806. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for training and technical assistance consistent with this part.

“Section 2807. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with part FF, for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for research, statistics, and evaluation activities consistent with this part.

“Section 2808. Authorization of appropriations

"There are authorized to be appropriated to carry out this part, to remain available until expended, such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005."

SEC. 5092. INDIAN TRIBAL GRANTS.

(a) Indian tribal grant program.-- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 5091 of this Act, is further amended by --

- (1) redesignating part CC as part DD;
- (2) redesignating section 2901 as section 3001; and
- (3) inserting after part BB the following new part:

"PART CC--INDIAN TRIBAL GRANTS PROGRAMS

"Section 2901. Authority to make grants and contracts

"The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to award grants and to and enter into cooperative agreements and contracts with Indian tribal governments and other public and private agencies, or combinations thereof, to assist Indian tribal governments in planning, establishing, operating, coordinating, and evaluating projects directly for the development and implementation of policies, initiatives, and programs that are designed to reduce, control, and prevent juvenile crime and delinquency; to assist Indian juveniles who have had contact with, or are at risk of having contact with, the juvenile justice system, including tribal courts; and to improve the juvenile justice system.

"Section 2902. Eligibility requirements

"In order to receive grants under this part, an Indian tribal government shall:

“(1) use such funds for planning, researching, developing, coordinating, implementing, and evaluating initiatives and programs applicable to prevent, control, and reduce juvenile crime and delinquency;

“(2) provide assurances that federal funds received under this part shall be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this part; and

“(3) comply with such other requirements as the Administrator of the Office of Juvenile Justice and Delinquency Prevention may reasonably prescribe to assure the effectiveness of this part.

“Section 2903. Application

“(a) In general.--The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall issue whatever requirements for applications submitted under this part the Administrator of the Office of Juvenile Justice and Delinquency Prevention determines to be appropriate.

“(b) Guideline authority.--The Administrator of the Office of Juvenile Justice and Delinquency Prevention may issue guidelines as necessary to carry out this part.

“Section 2904. Federal share

“The federal share of a grant made under this part shall be 100 percent of the total amount awarded.

“Section 2905. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for training and technical assistance consistent with this part.

"Section 2906. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with Part FF, for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for research, statistics, and evaluation activities consistent with this part.

"Section 2907. Report

"Recipients of federal funds pursuant to this part shall submit to the Administrator of the Office of Juvenile Justice and Delinquency Prevention such reports as may be reasonably requested to describe progress achieved in carrying out programs funded under this part.

"Section 2908. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to remain available until expended such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.

(b). Increase in support for correctional facilities on Indian tribal land.-- _____ (42 U.S.C. 3709) is amended--

(1) in subsection (a)(2), by striking "0.2" and inserting "2.0"; and

(2) in subsection (b), by striking "jails" and inserting "correctional facilities".

SEC. 5093. AT-RISK CHILDREN GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sections 5092 of this Act, is further amended by --

- (1) redesignating part DD as part EE;
- (2) redesignating section 3001 as section 3101; and
- (3) inserting after part CC the following new part:

“PART DD–AT-RISK CHILDREN'S INITIATIVE

“Section 3001. Authority to make grants and enter into contracts

“The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs and in consultation with the Department of Health and Human Services and the Department of Education, is authorized to award grants to states, to be distributed by states for use by local units of government, Indian tribes, and locally based public and private agencies and organizations, for the purpose of developing, implementing, and operating school and community-based programs for the reduction and prevention of truancy, school violence, and juvenile crime.

“Section 3002. Use of funds

“Grants awarded pursuant to section 3001 may be used to support locally based prevention and early intervention efforts to assist juveniles who have had, or who are at risk of having, contact with the juvenile justice system. Funds provided under this part may be used for: truancy reduction; school drop-out prevention; juvenile curfew enforcement; school safety; juvenile mentoring; violence reduction strategies, such as dispute resolution; intensive supervision services; job and life skills training; family strengthening interventions; early childhood services; after-school programs for juveniles and tutoring programs; recreation and parks programs; parent training; health and mental health services; alcohol and substance abuse services; restitution and community services activities; leadership development; accountability and responsibility

education; and other efforts that will lower or prevent truancy, school violence, and juvenile crime. State and local plans shall provide a balance of prevention and early intervention programs based on an analysis and consideration of State and Local resources and needs.

“Section 3003. Eligibility

“(a) To receive funds pursuant to section 3001, the chief executive officer of a state must certify to the Administrator of the Office of Juvenile Justice and Delinquency Prevention that the state complies with the plan requirements set out in section 2804 of this part.

“(b) Further, to receive funds pursuant to section 3001, the chief executive of a state must designate to the Administrator of the Office of Juvenile Justice and Delinquency Prevention a single state agency or official who shall be responsible for the coordination and administration of this part.

“(c) The Administrator of the Office of Juvenile Justice and Delinquency Prevention may issue additional guidelines with respect to state and local eligibility consistent with this part.

“Section 3004. Local planning requirement

“(a) Units of local government participating under this part must utilize a local planning board.

“(b) The board established pursuant to subsection (a) shall--

“(1) be appointed or designated by the chief executive of the participating jurisdiction;

“(2) consist of representatives of the community and a balance of public and private agencies and organizations;

“(3) be responsible for developing, on behalf of the participating jurisdiction, a three-year plan outlining the jurisdiction’s plans and strategies and programs to develop a balanced prevention and early intervention plan consistent with section 3002 of this part; and

“(4) provide the plan referenced in paragraph (3) as part of any application submitted from public or private entities within the participating jurisdiction.

“(c) Plans submitted by participating jurisdictions must be certified by the chief executive officer of the participating jurisdiction and submitted to the state agency or organization designated by the chief executive officer of the state under section 3003(b).

“(d) The plans must show evidence of coordination with other local truancy, school violence, and juvenile crime and delinquency programs.

“(e) The Administrator of the Office of Juvenile Justice and Delinquency Prevention may issue guidelines with respect to local planning requirements consistent with this part.

“Section 3005. Administration

"The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall establish guidelines governing the administration and the manner and content of applications for funding under this part. Such guidelines shall include procedures and methods for the distribution of funds distributed under this part.

“Section 3006. Federal share

"For any grant made under this program, the state/local contribution shall be 50 percent. Further, in-kind contributions, pursuant to the discretion of the Administrator of the Office of Juvenile Justice and Delinquency Prevention, may constitute a portion, or all, of the nonfederal

share of a grant made under this part. With regard to grants to Indian tribes, the Administrator of the Office of Juvenile Justice and Delinquency Prevention may allow other federal funds to constitute all or a portion of the nonfederal share.

“Section 3007. Training and technical assistance

“Two percent of all funds appropriated for this part shall be set aside for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for training and technical assistance consistent with this part.

“Section 3008. Research, statistics, and evaluation.

“Ten percent of all funds appropriated for this part shall be set aside, consistent with Part FF, for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for research, statistics, and evaluation activities consistent with this part.

“Section 3009. Report

“Recipients of federal funds pursuant to this part shall submit to the Administrator of the Office of Juvenile Justice and Delinquency Prevention such reports as may be reasonably requested to describe progress achieved in carrying programs funded under this part.

“Section 3010. Authorization of appropriations

“There are authorized to be appropriated to carry out this part to remain available until expended such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.”.

SEC. 5094. DEVELOPING, TESTING, AND DEMONSTRATING PROMISING PROGRAMS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 5093 of this Act, is further amended by –

- (1) redesignating part EE as part FF;
- (2) redesignating section 3101 as section 3201; and
- (3) inserting after part DD the following new part:

**“PART EE–DEVELOPING, TESTING, AND DEMONSTRATING
PROMISING NEW PROGRAMS**

“Section 3101. Authority to make grants and contracts

“(a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to make grants to states, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, and/or reduction of juvenile crime. Such programs shall be those considered to possess a high probability of improving the juvenile justice system, as well as efforts that may include prevention, early intervention, and/or reduction of juvenile crime and delinquency.

“(b) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to award grants to and enter into cooperative agreements and contracts with public and private agencies, organizations, and individuals to provide technical assistance to

states, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof to effectuate implementation of applications approved under this part.

“Section 3102. Eligibility requirements

Under this part, public and private agencies, Indian tribal governments, or organizations, institutions, individuals are eligible to apply.

“Section 3103. Applications

“(a) Generally--an application shall be submitted at such time, in such form, and containing such information as the Administrator of the Office of Juvenile Justice and Delinquency Prevention may reasonably require.

“(b) Guideline Authority--The Administrator of the Office of Juvenile Justice and Delinquency Prevention may issue guidelines necessary to carry out this part.

“Section 3104. Federal share

“The federal share of a grant made under this part shall be 100 percent of the total amount awarded.

“Section 3105. Geographic distribution

“The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall ensure that, to the extent reasonable and practicable, an equitable geographic distribution of grant awards is made.

“Section 3106. Training and technical assistance

“Two percent of all funds appropriated for this part shall be set aside for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for training and Technical assistance consistent with this part.

“Section 3107. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with part FF, for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for research, statistics, and evaluation activities consistent with this part.

“Section 3108. Report

"Recipients of federal funds pursuant to this part shall submit to the Administrator of the Office of Juvenile Justice and Delinquency Prevention such reports as may be reasonably requested to describe progress achieved in carrying programs funded under this part.

“Section 3109. Authorization of appropriations

"There are authorized to be appropriated to carry out this part, to remain available until expended, such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.”

SEC. 5095. INCENTIVE GRANT PROGRAMS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 5094 of this Act, is further amended by –

- (1) redesignating part FF as part GG;
- (2) redesignating section 3201 as section 3301; and
- (3) inserting after part EE the following new part:

“PART FF–INCENTIVE GRANT PROGRAMS

“Section 3201. Authority to make grants and enter into contracts

"The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs,

is authorized to make grants to states that receive an allocation under section 2802 of this Title, in an amount to be determined based on each qualifying state's proportion of the total population of juveniles in all qualifying states. Such funds may be used by the state acting directly or through grants, cooperative agreements and contracts with public or private agencies, institutions, individuals, or Indian tribes, for program purposes authorized under section 3203 of this Title.

“Section 3202. Eligibility requirements

"The state agency designated under section 2804 of this Title is eligible to apply under this part. The applicant shall provide assurances that the state has, either at the time of application or within 12 months from the time of application,:

“(1) implemented a system of accountability-based graduated sanctions applicable to juveniles within the juvenile justice system designed to hold such juveniles accountable for their actions and to protect local communities from the effects of juvenile crime by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent; and

“(2) designed a system for juvenile delinquency history record information collection, storage, and dissemination that will ensure that such records will be available for such purposes as provided by state or tribal law.

“Section 3203. Applications

“(a) Generally--To request funds under this part, the state agency shall submit an application to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in such form and containing such information as the Administrator of the Office of Juvenile Justice and Delinquency Prevention may reasonably require.

“(b) Specific Requirements--In addition to any other requirements that may be specified by the Administrator of the Office of Juvenile Justice and Delinquency Prevention, an application for a grant under this part shall:

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

“(2) identify related governmental or community initiatives that complement or will be coordinated with the initiative or program;

“(3) certify that there has been appropriate consultation with all affected agencies or governmental entities and that there will be appropriate coordination with said agencies or entities in the implementation of the initiative or program;

“(4) ensure that federal funds received under this part shall be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this section. With regard to grants to Indian tribes, the Administrator of the Office of Juvenile Justice and Delinquency Prevention may allow other federal funds to constitute all or a portion of the nonfederal share; and

“(5) specify plans for obtaining necessary support for continuing the funded program following the conclusion of federal support.

“(c) Guideline Authority--The Administrator of the Office of Juvenile Justice and Delinquency Prevention may issue guidelines as are necessary to carry out this part.

“Section 3204. General uses

"A state, unit of local government, or Indian tribal government that receives a grant pursuant to this part must use the grant funds for one or more of the following purposes:

“(1) for the effectuation of paragraphs (1) and/or (2) of section 3202 of this part;

“(2) for the advancement of initiatives and programs that are designed to prevent or intervene in the unlawful possession, distribution, or sale of a firearms by or to juveniles, including law enforcement and prosecution strategies and programs;

“(3) for the implementation of programs and activities that facilitate the collection, dissemination, and use of data and information regarding juvenile crime;

“(4) for the implementation of new programs and activities that enhance the ability of state and local jurisdictions to track, intervene with, and control serious, violent, and chronic juvenile offenders, such as assessment, aftercare, intensive supervision, SHOCAP programs, and targeted gang intervention programs;

“(5) for the implementation of comprehensive program services in juvenile detention and correctional facilities;

“(6) for any other purpose related to juvenile crime and delinquency prevention, control, and/or reduction as the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall determine, such as rural juvenile crime prevention, innovative local law enforcement and juvenile-focused community policing, gender-specific services, and hate crime prevention and intervention; and

“(7) planned and implemented programs, policies, and procedures that address efforts to prevent and reduce the disproportionate confinement of minority juveniles when it exists within the juvenile justice system.

“Section 3205. Federal share

“The federal share of any individual grant made pursuant to this part may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Administrator of the

Office of Juvenile Justice and Delinquency Prevention, may constitute a portion, or all, of the nonfederal share of a grant made under this part. With regard to grants to Indian tribes, the Administrator of the Office of Juvenile Justice and Delinquency Prevention may allow other federal funds to constitute all or a portion of the nonfederal share.

“Section 3206. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for training and technical assistance consistent with this part.

“Section 3207. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with part FF, for use by the Administrator of the Office of Juvenile Justice and Delinquency Prevention for research, statistics, and evaluation activities consistent with this part.

“Section 3208. Report

"Recipients of federal funds pursuant to this part shall submit to the Administrator of the Office of Juvenile Justice and Delinquency Prevention such reports as may be reasonably requested to describe progress achieved in carrying out programs funded under this part.

“Section 3209. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to remain available until expended such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.”

SEC. 5096. RESEARCH, STATISTICS, AND EVALUATION.

(a) SHORT TITLE.-- This section may be cited as the “Youth Violence Reduction Research Act of 1999”.

(b) RESEARCH, STATISTICS, EVALUATION.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 5095 of this Act, is further amended by –

- (1) redesignating part FF as part HH;
- (2) redesignating section 3301 as section 3401; and
- (3) inserting after part FF the following new part:

“PART GG - RESEARCH, STATISTICS, AND EVALUATION”

“Section 3301. Federal effort

“(a) Research and Evaluation--The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to --

“(1) transfer funds to and enter into agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation to address the reduction, control, and prevention of juvenile crime and delinquency; the juvenile justice system; youth violence; and other purposes consistent with the Juvenile Justice and Delinquency Prevention Act of 1999.

“(2) plan and identify, in consultation with the Director of the National Institute of Justice, the purposes and goals of all grants, contracts, or agreements to be supported under this subsection.

“(b) Statistical Analysis--The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to:

“(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime and delinquency; the juvenile justice system; youth violence; and other purposes consistent with the Juvenile Justice and Delinquency Prevention Act of 1999; and

“(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all grants, contracts, or agreements to be supported under this subsection.

“Section 3302. Authorization of appropriations

“(a) In addition to such sums as are otherwise authorized under provisions enacted by Juvenile Justice and Delinquency Prevention Act of 1999, there are authorized to be appropriated for purposes authorized pursuant to section 3301(a) of this title to be available until expended such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.

“(b) In addition to such sums as are otherwise authorized under provisions enacted by Juvenile Justice and Delinquency Prevention Act of 1999, there are authorized to be appropriated, for purposes authorized pursuant to section 3301(b) of this Title, to be available until expended, such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005.”

SEC. 5097. TRAINING AND TECHNICAL ASSISTANCE.

(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended as amended by section 5096 of this Act, is further amended by –

- (1) redesignating part HH as part II;
- (2) redesignating section 3401 as section 3501; and
- (3) inserting after part GG the following new part:

“PART HH–TRAINING AND TECHNICAL ASSISTANCE

“Section 3401. Authority to make grants and contracts

“(a) Training.--The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to--

“(1) develop and implement programs and initiatives for the purpose of educating representatives and personnel from public and private agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services, in programs and practices consistent with the goals and purposes of the Juvenile Justice and Delinquency Prevention Act of 1999; and

“(2) award grants to, and enter into cooperative agreements and contracts with, public and private agencies, institutions, and organizations, including universities and other academic institutions, for the purpose of educating representatives and personnel from public and private agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services, in programs and practices consistent with the goals of the Juvenile Justice and Delinquency Prevention Act of 1999.

“(b) Technical Assistance.--The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision of the Assistant Attorney General for the Office of Justice Programs, is authorized to --

“(1) develop and implement programs and initiatives for the purpose of providing technical assistance to representatives and personnel from public and private agencies and organizations, including practitioners in the field of juvenile justice, law enforcement the courts, corrections, the schools, and related services, in the establishment, implementation, and operation of programs and practices funded under, and consistent with the Juvenile Justice and Delinquency Prevention Act of 1999; and

“(2) award grants to, and enter into cooperative agreements and contracts with, public and private agencies, institutions, and organizations, including universities and other academic institutions, for the purpose of providing technical assistance to representatives and personnel from public and private agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services in the establishment, implementation, and operation of programs and

practices funded under, and consistent with, the Juvenile Justice and Delinquency Prevention Act of 1999.

“(c) Information Dissemination.--The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision of the Assistant Attorney General for the Office of Justice Programs, is authorized to --

“(1) review reports and data relating to juvenile justice in the United States and internationally, as appropriate, collect data and information from studies and research into all aspects of juvenile delinquency and crime, its causes, prevention, and treatment, and serve as a clearinghouse and information center for the preparation, publication, and dissemination of information regarding juvenile crime and delinquency, including state and local prevention and treatment programs, plans, resources, training and technical assistance programs, resources, and other pertinent data and information; and

“(2) award grants to, and enter into cooperative agreements and contracts with, public and private agencies, institutions, and organizations, including universities and other academic institutions, for the purpose of disseminating information to representatives and personnel from public and private agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services in the establishment, implementation, and operation of programs and practices funded under, and consistent with, the Juvenile Justice and Delinquency Prevention Act of 1999.

“Section 3402. Applications

"The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall establish guidelines governing the manner and content of applications for funding under this part.

"Section 3403. Administration

"The Administrator of the Office of Juvenile Justice and Delinquency Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, shall establish guidelines governing the administration of this part. Such guidelines shall include procedures and methods for the distribution of funds, including the awarding of grants, cooperative agreements and contracts, made under this part.

"Section 3404. Authorization of appropriations

"There are authorized to be appropriated to carry out this part, to be available until expended, such sums as may be necessary for each of the fiscal years 2000, 2001, 2002, 2003, 2004 and 2005."

(b) (b) TECHNICAL AMENDMENT. -- The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(b), is amended by striking the matter relating to Part AA and inserting the following:

"Part AA-- OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"Sec. 2701. Establishment of office.

"Sec. 2702. Conforming amendments.

"Sec. 2703. Authorization of appropriations.

**"Part BB-- JUVENILE DELINQUENCY CONTROL AND PREVENTION FORMULA GRANT
PROGRAM**

"Sec. 2801. Authority to make grants and enter into contracts.

“Sec. 2802. Allocation of funds.

“Sec. 2803. Administration.

“Sec. 2804. Requirements.

“Sec. 2805. Failure to meet requirements.

“Sec. 2806. Training and technical assistance.

“Sec. 2807. Research, statistics, and evaluation.

“Sec. 2808. Authorization of appropriations.

“PART CC--INDIAN TRIBAL GRANTS PROGRAMS

“Sec. 2901. Authority to make grants and contracts.

“Sec. 2902. Eligibility requirements.

“Sec. 2903. Application.

“Sec. 2904. Federal share.

“Sec. 2905. Training and technical assistance.

“Sec. 2906. Research, statistics, and evaluation.

“Sec. 2907. Report.

“Sec. 2908. Authorization of appropriations.

“PART DD--AT-RISK CHILDREN'S INITIATIVE

“Sec. 3001. Authority to make grants and enter into contracts.

“Sec. 3002. Use of funds.

“Sec. 3003. Eligibility.

“Sec. 3004. Local planning requirement.

“Sec. 3005. Administration.

“Sec. 3006. Federal share.

“Sec. 3007. Training and technical assistance.

“Sec. 3008. Research, statistics, and evaluation.

“Sec. 3009. Report.

“Sec. 3010. Authorization of appropriations.

“PART EE--DEVELOPING, TESTING, AND DEMONSTRATING
PROMISING NEW PROGRAMS

“Sec. 3101. Authority to make grants and contracts.

“Sec. 3102. Eligibility requirements.

“Sec. 3103. Applications.

“Sec. 3104. Federal share.

“Sec. 3105. Geographic distribution.

“Sec. 3106. Training and technical assistance.

“Sec. 3107. Research, statistics, and evaluation.

“Sec. 3108. Report.

“Sec. 3109. Authorization of appropriations.

“PART FF--INCENTIVE GRANT PROGRAMS

“Sec. 3201. Authority to make grants and enter into contracts.

“Sec. 3202. Eligibility requirements.

“Sec. 3203. Applications.

“Sec. 3204. General uses.

“Sec. 3205. Federal share.

“Sec. 3206. Training and technical assistance.

“Sec. 3207. Research, statistics, and evaluation.

“Sec. 3208. Report.

“Sec. 3209. Authorization of appropriations.

“PART GG - RESEARCH, STATISTICS, AND EVALUATION”

“Sec. 3301. Federal effort.

“Sec. 3302. Authorization of appropriations.

“PART HH--TRAINING AND TECHNICAL ASSISTANCE

“Sec. 3401. Authority to make grants and contracts.

“Sec. 3402. Applications.

“Sec. 3403. Administration.

“Sec. 3404. Authorization of appropriations.

“PART II -- TRANSITION - EFFECTIVE DATE - REPEALER

“Sec. 3501. Continuation of rules, authorities, and proceedings.”

SUBTITLE I--MISSING AND EXPLOITED CHILDREN

SEC. 5101. EXTENSION OF AUTHORIZATION AND USES OF FUNDS.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415 (42 U.S.C. 5777) is amended by—

(a) striking “1993, 1994, 1995, and 1996” and inserting “2000, 2001, 2002, 2003, 2004 and 2005.”;

(b) designating the subsection beginning with the words “To carry out the provisions of” as subsection (a); and

(c) adding after newly designated subsection (a), the following new subsection--

“(b) Of the funds appropriated under this subchapter, 10 percent shall be set aside for research, statistics, and evaluation consistent with the purposes of this subchapter; and two percent shall be set aside for training consistent with this subchapter.”.”

SEC. 5102. CORRECTIONS.

_____ of _____ (42 U.S.C. 5773 (b)) is amended –

(1) in the matter preceding paragraph (1), by striking “making grants” and inserting “awarding grants or cooperative agreements”; and

(2) in paragraph (1)(B), by striking “ coordinating” and inserting “coordinate”.

TITLE VI - FIGHTING INTERNATIONAL CRIME AND TERRORISM

SUBTITLE A--INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST U.S. NATIONALS ABROAD

SEC. 6001. EXTORTION AGAINST U.S. NATIONALS ABROAD IN FURTHERANCE OF ORGANIZED CRIME.

Section 2332 of title 18, United States Code, is amended--

(1) by redesignating subsection (d) as subsection (e) ;

(2) by inserting after subsection (c) the following:

"(d) Whoever commits or attempts to commit extortion against a national of the United States, while such national is outside the United States, shall be fined under this title or imprisoned not more than twenty years, or both.";

(3) by striking the period at the end of subsection (e), as designated by paragraph (1) of this section, and inserting ", or was intended to further the objectives of an organized criminal group. A certification under this paragraph is not subject to judicial review."; and

(4) by adding at the end the following:

"(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred or to mandate that each potential violation should be the subject of investigation or prosecution by the United States.

"(g) As used in this section, the term --

"(1) 'extortion' means the obtaining of property worth \$100,000 or more from another by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged or destroyed; and

"(2) 'organized criminal group' means an enterprise consisting of a group of individuals associated in fact, as defined in section 1961(4), and which is engaged in or has as a purpose the commission of an act or acts which would constitute racketeering activity, as defined in section 1961, if committed within the United States."

**SEC. 6002. MURDER AND SERIOUS ASSAULTS OF A STATE OR LOCAL
OFFICIAL ABROAD.**

Chapter 51 of title 18, United States Code, is amended by adding at the end a new section 1123 as follows:

"§ 1123. Murder or serious assault of a State or local law enforcement, judicial or other official abroad.

"(a) Whoever, in the circumstances described in subsection (b) --

"(1) kills or attempts to kill an official of a State or a political subdivision thereof shall be punished as provided under sections 1111, 1112, and 1113 of this title; or

"(2) assaults an official of a State or a political subdivision thereof and such assault results in serious bodily injury shall be punished as provided under section 113 of this title.

"(b) The circumstance referred to in subsection (a) is that the official of a State or political subdivision thereof --

"(1) is outside the territorial jurisdiction of the United States; and

"(2) is engaged in, or the prohibited activity occurs on account of the performance by such official, training, technical assistance, or other assistance to the United States or a foreign government in connection with any program funded, in whole or in part, by the federal government.

"(c) **Limitations on prosecution.**--No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. A determination under this paragraph is not subject to judicial review.

"(d) Nothing in this section shall be construed as indicating an intent on the part of Congress to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred or to mandate that each potential violation should be the subject of investigation or prosecution by the United States.

"(e) **Definitions.**--For purposes of this section, --

"(1) the term 'serious bodily injury' shall have the meaning prescribed in section 2119 of this title; and

"(2) the term 'State' shall have the meaning prescribed in section 245(d) of this title."

(b) **CONFORMING AMENDMENT.**-- The table of sections for chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“1123. Murder or serious assault of a State or local law enforcement, judicial or other official abroad.”.

**SUBTITLE B--STRENGTHENING THE AIR, LAND AND SEA BORDERS
OF THE UNITED STATES**

CHAPTER 1 -- VIOLENCE COMMITTED ALONG U.S. BORDER

**SEC. 6011. FELONY PUNISHMENT FOR VIOLENCE COMMITTED ALONG THE
U.S. BORDER.**

(a) IN GENERAL. -- Chapter 27 of title 18, United States Code, is amended by adding at the end a new section 554 as follows:

"554. Violence while eluding inspection or during violation of arrival, reporting, entry or clearance requirements

"(a) Whoever attempts to commit or commits a crime of violence or recklessly operates any conveyance during and in relation to--

"(1) attempting to elude or eluding customs, immigration or agriculture inspection or failing to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States along any border of the United States; or

"(2) an intentional violation of arrival, reporting, entry, or clearance requirements, as set forth in the Agriculture and Food Act of 1981, P.L. 97-98 (7 U.S.C. 150ff, 164a and 2806); the Tariff Act of 1930, P.L. 98-573 (19 U.S.C. 1431, 1433, 1434, and 1459); the Act of August 30, 1890, 26 Stat. 417, chapter 839 (21 U.S.C. 105 and 111); section 91 of title 46, United States Code Appendix;

or the Immigration and Nationality Act, 66 Stat. 163 (8 U.S.C. 1221, 1222, and 1224-1228);

shall be fined under this title or--

"(i) imprisoned for not more than 5 years, or both;

"(ii) imprisoned for not more than 10 years, or both, if bodily injury (as defined in section 1365(g) of this title) results; or

"(iii) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death.

"(b) If two or more persons conspire to commit an offense under subsection (a), and one or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed."

(b) CONFORMING AMENDMENT. -- The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"§ 554. Violence while eluding inspection or during violation of arrival, reporting, entry or clearance requirements."

(c) Section 111 of title 18, United States Code, is amended by --

(1) redesignating subsection (b) as subsection (c); and

(2) inserting after subsection (a) the following:

"(b) **Reckless Endangerment.**-- Whoever knowingly disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs or other laws of the United States along any border of the United States while engaged in or on account of the performance of official duties, and thereby endangers the

safety of any person or property, shall be fined under this title or imprisoned for not more than six months, or both."

CHAPTER 2 -- STRENGTHENING MARITIME LAW ENFORCEMENT

ALONG U.S. BORDERS

SEC. 6021. SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTING A LAWFUL BOARDING, AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.--Chapter 109 of title 18, United States Code, is amended by adding at the end a new section 2237 to read as follows:

"§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding and providing false information

"(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States knowingly or willfully to --

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

"(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

"(b) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order a vessel to heave to.

"(c) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case by case basis, by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(d) For purposes of this section--

"(1) 'vessel of the United States', and 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

"(2) the term 'heave to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(3) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

"(e) Any person who intentionally violates the provisions of this section shall be subject to imprisoned for not more than five years, fined as provided in this title, or both.

"(f) A vessel that is used in violation of this section may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale

thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section."

(b) CLERICAL AMENDMENT.--The chapter analysis for chapter 109 of title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information."

SEC. 6022. CIVIL PENALTIES TO SUPPORT MARITIME LAW ENFORCEMENT.

(a) IN GENERAL. -- Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information

"(a) Any person who violates section 2237(a) of title 18, United States Code, shall be liable for a civil penalty of not more than \$25,000.

"(b) A vessel used to violate an order relating to the boarding of a vessel issued under the authority of section 2237 of title 18, United States Code, is also liable in rem and may be seized,

forfeited, and sold in accordance with Customs law, specifically section 1594 of title 19, United States Code." .

(b) CLERICAL AMENDMENT.--The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information."

SEC. 6023. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes, with respect to a vessel or vehicle, a location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches."

CHAPTER 3 -- SMUGGLING OF CONTRABAND AND OTHER ILLEGAL PRODUCTS

SEC. 6031. SMUGGLING CONTRABAND AND OTHER GOODS FROM THE UNITED STATES.

(a) IN GENERAL. -- Chapter 27 of title 18, United States Code, is amended by adding at the end following new section:

"§ 556. Smuggling goods from the United States

"Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the

transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title or imprisoned not more than five years, or both. The term 'United States' as used in this section shall have the same meaning as that provided in section 545 of this title."

(b) Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting before "section 641 (relating to public money, property, or records)," the following: "section 556 (relating to smuggling goods from the United States),";

(c) CONFORMING AMENDMENT. -- The chapter analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"556. Smuggling goods from the United States"; and

(d) Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding the following new subsection:

"(d) Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be forfeited to the United States."

SEC. 6032. CONTROLLING ILLICIT LIQUOR TRAFFICKING.

(a) IN GENERAL. -- Title 18, United States Code, is amended--

(1) in section 546, by--

(A) inserting ", or who owns, under the laws of any State (as defined in section 245(d) of this title) or of the United States any vehicle, aircraft, conveyance or other mode of transportation and" after "vessel of the United States";

(B) inserting "vehicle, aircraft, conveyance or other mode of transportation" after the second occurrence and all subsequent occurrences of "vessel"; and

(C) striking "if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue,";

(2) in section 1261, by striking all that follows the heading and inserting:

"The Secretary of the Treasury shall enforce the provisions of this chapter and may prescribe such rules and regulations as he deems necessary to carry out the provisions of this chapter.";

(3) in section 1956(c)(7)(D) by inserting before "section 549 (relating to removing goods from Customs custody)" the following: "section 546 (relating to smuggling goods into foreign countries),"; and

(4) by adding at the end of chapter 59 the following new section:

"§ 1266. Trafficking in contraband liquor

"(a) It shall be unlawful for any person to ship or transport or attempt to ship or transport, or introduce or attempt to introduce, more than 360 liters of distilled spirits from one State into another State or foreign country, or receive or possess more than 360 liters of distilled spirits that have been transported in interstate or foreign commerce in violation of State or Federal law.

"(b)(1) Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than 5 years, or both; in the case of a violation involving more than 15,000 liters of distilled spirits, such person shall be fined under this title or imprisoned not more than 10 years, or both.

"(2) The Secretary of the Treasury shall seize and forfeit, in accordance with section 9703(o) of title 31, any conveyance, liquor, or monetary instrument (as defined in section 5312 of title 31) involved in a violation of this section or any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of this section.

"(3) No property shall be forfeited under this section to the extent of the interest of an owner or lien holder by reason of any act or omission established by that owner or lien holder to have been committed without the knowledge of that owner or lien holder.

"(4) The court, in imposing sentence on a person convicted of violating this section, shall order that person to forfeit to the United States any property described in paragraph (2) involved in such violation. The seizure and forfeiture of such property shall be governed by subsections (b), (c) and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S. C. 853 (b), (c), (e)-(p)).".

"(c) Nothing in this chapter shall be construed to affect the concurrent jurisdiction of a State to enact and enforce liquor laws, to provide for the confiscation of liquor and other property seized for violation of such laws, and to provide for penalties for the violation of such laws.

"(d) For purposes of this section, 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.".

(b) CONFORMING AMENDMENT.--The table of sections for chapter 59 of title 18, United States Code, is amended by inserting at the end:

"1266. Trafficking in contraband liquor."

SEC. 6033. CUSTOMS DUTIES.

(a) IN GENERAL.-- Section 542 of title 18, United States Code, is amended--

(1) by inserting at the end of the title the following: ", theft, embezzlement, or misapplication of duties";

(2) by striking " -- " at the end of the second undesignated paragraph and inserting "; or";

(3) by inserting the following after the second undesignated paragraph:

"Whoever embezzles, steals, abstracts, purloins, willfully misapplies, willfully permits to be misapplied, or wrongfully converts to his own use, or to the use of another, moneys, funds, credits, assets, securities or other property intrusted to his or her custody or care, or to the custody or care of another for the purpose of paying any lawful duties--"; and

(4) by striking "two years" and inserting "five years".

(b) CONFORMING AMENDMENT.-- The table of sections for chapter 27 of title 18, United States Code, is amended by striking "542. Entry of goods by means of false statements." and inserting the following:

"542. Entry of goods by means of false statements, theft, embezzlement, or misapplication of duties."

SEC. 6034. FALSE CERTIFICATIONS RELATING TO EXPORTS.

(a) IN GENERAL.--Chapter 27 of title 18, United States Code, is amended by adding at the end the following new section:

"§555. False certifications relating to exports

"Whoever knowingly transmits in interstate or foreign commerce any false or fraudulent certificate of origin, invoice, declaration, affidavit, letter, paper, or statement, whether written or otherwise, which represents explicitly or implicitly that goods, wares, or merchandise to be exported qualify for purposes of any international trade agreement to which the United States is a signatory shall be fined under this title or imprisoned not more than five years, or both."

(b) CONFORMING AMENDMENT.--The chapter analysis for chapter 27 of title 18, United States Code, is amended by inserting the following at the end:

"555. False certifications relating to exports."

SUBTITLE C--DENYING SAFE HAVEN TO INTERNATIONAL CRIMINALS

CHAPTER 1 -- STRENGTHENING EXTRADITION TO ENSURE

INTERNATIONAL CRIMINALS ARE BROUGHT TO JUSTICE

SEC. 6041. EXTRADITION FOR OFFENSES NOT COVERED BY A LIST TREATY.

Chapter 209 of title 18, United States Code, is amended by adding at the end a new section 3197 as follows:

"§ 3197. Extradition for offenses not covered by a list treaty.

"(a) Where a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within its jurisdiction, and there is an extradition treaty in force between the United States and the foreign government, but the treaty does not provide for extradition for the offense with which the person has been

charged or for which the person has been convicted, the Attorney General may authorize the filing of a complaint for extradition as set forth in subsections (b) and (c) below. Any such complaint shall be filed pursuant to section 3184, and the procedures of sections 3184 and 3186 and the terms of the relevant extradition treaty shall apply as if the offense were a 'crime provided for by such treaty' as described in section 3184.

"(b) The Attorney General may authorize the filing of such a complaint only upon a certification--

"(1) by the Attorney General, that in the judgment of the Attorney General, the offense for which extradition is sought is a serious offense as defined in subsection (e), and submission of the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

"(2) by the Secretary of State, that in the judgment of the Secretary of State, submission of the request would be consistent with the foreign policy interests of the United States. In making this certification the Secretary of State may consider whether the facts and circumstances of the request then known appear likely to present any significant impediment to the ultimate surrender of the person if found extraditable.

Any decision or exercise of authority by the Attorney General or the Secretary of State pursuant to this subsection is not subject to judicial review.

"(c) In cases of urgency, the Attorney General may, with the concurrence of the Secretary of State and prior to any formal certification under subsection (b), authorize the

filing of a complaint seeking the provisional arrest and detention of the person sought prior to the receipt of documents or other proof in support of the request for extradition. Any provision regarding provisional arrest in the relevant treaty shall apply. The complaint shall be filed in the same manner as provided in section 3184, and upon such complaint, the judicial officer may issue an order for the provisional arrest and detention of the person as provided in that section.

"(d) Before issuing a warrant of surrender under sections 3184 and 3186, the Secretary of State may impose conditions upon the surrender of the person, and may require such assurances of compliance with those conditions, as are deemed appropriate. In addition, the Secretary shall demand, as a condition of the person's extradition in every case, an assurance the Secretary deems satisfactory that the person shall not be tried or punished for an offense other than that for which the person has been extradited, absent the consent of the United States.

"(e) As used in this section, 'serious offense' means conduct which is--

"(1) an offense described in any multilateral treaty to which the United States is a party that obligates parties either to extradite alleged offenders found in their territory or submit the case to their competent authorities for prosecution; or

"(2) conduct which, if it occurred in the United States, would constitute one or more of the following offenses--

"(A) a crime of violence (as defined in section 16 of this title),

"(B) the distribution, manufacture, importation or exportation of a controlled substance (as defined in the Controlled Substances Act, P.L. 91-513 (21 U.S.C. 802));

"(C) bribery of a public official; misappropriation, embezzlement or theft of public funds by or for the benefit of a public official;

"(D) obstruction of justice, including payment of bribes to jurors or witnesses;

"(E) the laundering of monetary instruments, as described in section 1956 of this title, provided the value of the monetary instruments involved is in excess of \$100,000;

"(F) fraud, theft, embezzlement, or commercial bribery if the property which is the object of the offense or offenses has a value in excess of \$100,000;

"(G) counterfeiting, if the obligations, securities or other items counterfeited, have an apparent value in excess of \$100,000;

"(H) a conspiracy or attempt to commit any of the foregoing offenses, or aiding and abetting a person who commits such offenses; or

"(I) a crime against children covered by chapter 109A or 117 or section 2251, 2251A, 2252, 2252A, or 2260 of this title."

SEC. 6042. EXTRADITION ABSENT A TREATY.

Chapter 209 of title 18, United States Code, is amended by adding at the end a new section 3198 as follows:

"§ 3198. Extradition absent a treaty.

"(a) Where a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within its jurisdiction, and there is no extradition treaty in force between the United States and the foreign government, the Attorney General may authorize the filing of a complaint for extradition as set forth in subsections (b) and (c). Any such complaint shall be filed pursuant to section 3184 and all procedures of sections 3184 and 3186 shall be followed as if the offense were a 'crime provided for by such treaty' as described in section 3184.

"(b) The Attorney General may authorize the filing of such a complaint only upon a certification--

"(1) by the Attorney General, that in the judgment of the Attorney General, the offense for which extradition is sought is a serious offense as defined in subsection (h), and submission of the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

"(2) by the Secretary of State, that in the judgment of the certifying official, based on information then known--

"(A) submission of the request would be consistent with the foreign policy interests of the United States;

"(B) the facts and circumstances of the request, including humanitarian considerations, do not appear likely to present a significant

impediment to the ultimate surrender of the person if found extraditable;
and

"(C) the country submitting the request is not doing so in order to
try or punish the person sought based primarily on the person's race,
religion, nationality, or political opinions.

The authorities and responsibilities of the Attorney General set forth in this subsection may be delegated only to the Deputy Attorney General. The authorities and responsibilities of the Secretary of State set forth in this subsection may be delegated only to the Deputy Secretary of State. The authorities and responsibilities set forth in this subsection are not subject to judicial review.

"(c) In cases of urgency, the Attorney General may, with the concurrence of the Secretary of State and prior to any formal certification under subsection (b), authorize the filing of a complaint seeking the provisional arrest and detention of the person sought prior to the receipt of documents or other proof in support of the request for extradition. The complaint shall be filed in the same manner as provided in section 3184, and upon such complaint, the judicial officer may issue an order for the provisional arrest and detention of the person. The judicial officer may order that a person detained pursuant to this subsection be released from custody if within forty-five days of the arrest the formal request for extradition and documents in support of it are not received by the Department of State.

"(d) Upon the filing of a complaint for extradition and receipt of documents or other proof in support of the foreign government's request for extradition, the judicial

officer shall hold a hearing to determine whether the person is extraditable. The judicial officer shall find a person extraditable if the officer finds:

"(1) probable cause to believe that the person before the judicial officer is the person sought in the foreign state;

"(2) probable cause to believe that the person before the judicial officer committed the offense for which such person is sought, or was duly convicted of that offense in the requesting state; and

"(3) that the conduct upon which the request for extradition is based, if it occurred within the United States, would be a serious offense, as defined in subsection (i), punishable by imprisonment for more than ten years under the laws of the United States, the laws of the majority of the States in the United States, or the laws in the State in which the fugitive is found; and

"(4) no defense to extradition under subsection (e) has been established.

"(e) The judicial officer shall not find the person extraditable if the person has established that the offense for which extradition is sought either is an offense for which the person is being proceeded against, or has been tried or punished, in the United States, or is a political offense. For purposes of this section a political offense does not include --

"(1) a murder or other violent crime against the person of a Head of State of a foreign state, or of a member of the Head of State's family;

"(2) an offense for which both the United States and the requesting state have the obligation pursuant to a multilateral international agreement to extradite

the person sought or to submit the case to their competent authorities for decision as to prosecution; or

"(3) a conspiracy or attempt to commit any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses.

"(f) Issues regarding humanitarian concerns, the nature of the judicial system of the requesting state, and whether the foreign state is seeking extradition of a person for the purpose of prosecuting or punishing the person because of such person's race, religion, nationality or political opinions shall not be considered by the judicial officer at the hearing, but rather shall be reserved for consideration exclusively by the Secretary of State as described above in subsection (b)(2). Notwithstanding the certification requirements described above in that subsection, the Secretary of State may, within his or her sole discretion, consider such issues again in exercising authority to surrender the person following the procedures set forth in section 3184 and 3186, and impose conditions on surrender including those provided in subsection (g).

"(g) The Secretary of State may impose conditions upon the surrender of the person, and may require such assurances of compliance with those conditions, as are deemed appropriate. In addition, the Secretary shall demand, as a condition of the person's extradition --

"(1) in every case, an assurance the Secretary deems satisfactory that the person shall not be tried or punished for an offense other than that for which the person has been extradited, absent the consent of the United States; and

"(2) in a case in which the offense for which extradition is sought is punishable by death in the requesting state and is not so punishable under the applicable laws in the United States, an assurance the Secretary deems satisfactory that the death penalty shall not be imposed, or if imposed, shall not be carried out.

"(h) As used in this section, 'serious offense' means conduct which is--

"(1) an offense described in any multilateral treaty to which the United States is a party that obligates parties either to extradite alleged offenders found in their territory or submit the case to their competent authorities for prosecution; or

"(2) conduct which, if it occurred in the United States, would constitute one or more of the following offenses--

"(A) a crime of violence (as defined in section 16 of this title),

"(B) the distribution, manufacture, importation or exportation of a controlled substance (as defined in section 802 of Title 21);

"(C) bribery of a public official; misappropriation, embezzlement or theft of public funds by or for the benefit of a public official;

"(D) obstruction of justice, including payment of bribes to jurors or witnesses;

"(E) the laundering of monetary instruments, as described in section 1956 of this title, provided the value of the monetary instruments involved is in excess of \$100,000;

"(F) fraud, theft, embezzlement, or commercial bribery if the property which is the object of the offense or offenses has a value in excess of \$100,000;

"(G) counterfeiting, if the obligations, securities or other items counterfeited, have an apparent value in excess of \$100,000;

"(H) a conspiracy or attempt to commit any of the foregoing offenses, or aiding and abetting a person who commits such offenses;" or

"(I) a crime against children covered by chapter 109A or 117 or section 2251, 2251A, 2252, 2252A, or 2260 of this title."

SEC. 6043. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 3181(a) of title 18, United States Code, is amended by inserting ", other than section 3197 and section 3198," after "The provisions of this chapter".

(b) Section 3186 of title 18, United States Code, is amended by striking "or 3185" and inserting ", 3185, 3197 or 3198".

(c) The table of sections for chapter 209 of title 18, United States Code, is amended by inserting at the end:

"3197. Extradition for offenses not covered by a list treaty.

"3198. Extradition absent a treaty."

CHAPTER 2 -- STRENGTHENING IMMIGRATION LAWS TO EXCLUDE INTERNATIONAL CRIMINALS FROM THE UNITED STATES

SEC. 6051. EXCLUSION OF PERSONS FLEEING PROSECUTION IN OTHER COUNTRIES.

(a) Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding the following new subparagraph:

"(H) UNLAWFUL FLIGHT TO AVOID PROSECUTION.--Any alien who is coming to the United States solely, principally, or incidentally to avoid lawful prosecution in a foreign country for a crime involving moral turpitude (other than a purely political offense) is inadmissible."

(b) Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended by adding the following new paragraph:

"(4) ALIENS SOUGHT FOR PROSECUTION.--Notwithstanding paragraphs (1) and (2) of this subsection, any alien who is found removable under section 212(a)(2)(H) (or section 212(a)(2)(H) as applied pursuant to section 237(a)(1)(A)), shall be removed to the country seeking his or her prosecution unless, in the discretion of the Attorney General, such removal is determined to be impracticable, inadvisable, or impossible. In such case, removal shall be directed according to paragraphs (1) and (2) of this subsection."

SEC. 6052. EXCLUSION OF PERSONS INVOLVED IN RACKETEERING AND ARMS TRAFFICKING.

(a) Section 212 of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182), is amended in subsection (a)(2)--

(1) by redesignating subparagraphs (D), (E) and (F) as subparagraphs (F), (G) and (I), respectively; and

(2) by inserting after subparagraph (C) new subparagraphs (D) and (E) to read as follows:

"(D) Racketeering activities.--Any alien who the consular officer or the Attorney General knows or has reason to believe--

"(i) is or has been engaged in activities which if engaged in within the United States would constitute 'pattern of racketeering activity' as defined in 18 U.S.C. § 1961(l) and (5), or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity; or

"(ii) is the spouse, son or daughter of an alien inadmissible under clause (i), has, within the previous five years, obtained any financial or other benefit from such illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

"(E) Trafficking in firearms, nuclear or explosive materials, or chemical or biological weapons.--Any alien who the consular officer or the Attorney General knows or has reason to believe --

"(i) is or has been engaged in illicit trafficking of firearms (as defined in section 921 of title 18, United States Code), nuclear materials (as defined in section 831 of title 18, United States Code), explosive materials (as defined in section 841 of title 18, United States Code), or chemical

weapons (as defined in section 229F of title 18, United States Code), or biological weapons; or has been a knowing assister, abettor, conspirator, or colluder with others in such illicit activity; or

"(ii) is the spouse, son or daughter of an alien inadmissible under clause (i), has, within the previous five years, obtained any financial or other benefit from such illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity,

is inadmissible."

(b) Section 212(h) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182), is amended, in the matter preceding paragraph (1), as follows:

(1) strike "The Attorney General" through "of subsection (a)(2)"; and

(2) insert in lieu thereof: "The Attorney General may, as a matter of discretion, waive the application of subparagraphs (A)(i)(I), (B), (C)(ii), (D)(ii), E(ii), (F) and (G) of subsection (a)(2),"

(3) insert before "if--" ", and subparagraph (D)(i) of such subsection insofar as it relates to an offense other than an aggravated felony".

(c) Section 212(h)(1)(A)(i) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182), is amended by striking "(D)(i) or (D)(ii)" and inserting "(F)(i) or (F)(ii)".

SEC. 6054. EXCLUSION OF PERSONS INVOLVED IN INTERNATIONAL ALIEN SMUGGLING.

Section 212 of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182),
is amended:

(a) by amending subsection (a)(6)(E)(i) to read as follows:

"(E) SMUGGLERS.--(i) Any alien who at any time has--

"(a) knowingly encouraged, induced, assisted, abetted, or aided any other
alien to enter or try to enter the United States in violation of law, or

"(b) knowingly encouraged, induced, assisted, abetted, or aided any other
alien to enter or try to enter any other country and who knew or reasonably should
have known that such entry or attempted entry was likely to be in furtherance of
the entry or attempted entry by such alien into the United States in violation of law,

is inadmissible.";

(b) in subsection (a)(6)(E)(ii), by inserting before the period at the end of the last
sentence: "or to enter any other country in furtherance of any entry or attempted entry into the
United States in violation of law"; and

(c) in subsection (d)(11), by inserting before the period at the end of the last sentence: "or
to enter any other country in furtherance of an entry or attempted entry into the United States in
violation of law".

CHAPTER 3 -- ADDITIONAL TOOLS TO DENY SAFE HAVEN TO INTERNATIONAL CRIMINALS

SEC. 6061. TEMPORARY TRANSFER OF PERSONS IN CUSTODY FOR PROSECUTION.

(a) IN GENERAL.--Chapter 306 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 4116. Temporary transfer for prosecution

"(a) When a person is in pretrial detention or is otherwise being held in custody in a foreign country based upon a violation of the law in that foreign country, and that person is found extraditable to the United States by the competent authorities of that foreign country while still in such pretrial detention or custody, the Attorney General shall have the authority to request the temporary transfer of that person to the United States in order to face prosecution in a State or Federal criminal proceeding, to maintain the custody of such person while the person is in the United States, and to return such person to the foreign country at the conclusion of the criminal prosecution, including any imposition of sentence. The Attorney General shall make such a request only if she determines, after consultation with the Secretary of State, that the return of such person to the foreign country in question would be consistent with United States international obligations. Any decision, or exercise of authority by the Attorney General under this subsection is not subject to judicial review.

"(b) When a person is in pretrial detention or is otherwise being held in custody in the United States based upon a violation of State or Federal law, and that person is found extraditable to a foreign country while still in such pretrial detention or custody pursuant to the provisions of section 3184, 3197, or 3198 and a determination is made by the Secretary of State and the Attorney General that such person shall be surrendered, the Attorney General shall have the authority to temporarily transfer that person to that foreign

country in order to face prosecution, to transport such person from the United States in custody, and to return such person in custody to the United States from the foreign country. When the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in this paragraph if the appropriate State authorities give their consent. The Attorney General shall make such a request only if the Attorney General determines, after consultation with the Secretary of State, that the return of such person to the foreign country in question would be consistent with United States international obligations. Any decision, or exercise of authority by the Attorney General under this subsection is not subject to judicial review. With regard to persons in pretrial detention, temporary transfer under this section results in an interruption in their pretrial detention status, and the right to challenge the conditions of confinement pursuant to section 3142(f) does not extend to the right to challenge the conditions of confinement in a foreign country while there temporarily pursuant to this section.

"(c) The Attorney General may exercise the authority described in paragraphs (a) and (b) absent a prior finding that the person in custody is extraditable, if the person, any appropriate State authorities in a case under paragraph (b), and the foreign country give their consent.

"(d) Where the temporary transfer to or from the United States of a person in custody for the purpose of prosecution is provided for by this section, that person shall be returned to the United States or to the foreign country from which the person is transferred on completion of the proceedings upon which the transfer was based. In no event shall the return of such person require extradition proceedings or proceedings under the

immigration laws. In addition, notwithstanding any other provision of law, a person temporarily transferred to the United States pursuant to this section shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act of 1952, as amended, including the right to apply for or be granted asylum or withholding of deportation.

"(e) For purposes of this section, 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States."

(b) CONFORMING AMENDMENT.-- The chapter analysis for chapter 306 of title 18, United States Code, is amended by inserting the following at the end:

"4116. Temporary transfer for prosecution."

SEC. 6062. TRANSFER OF FOREIGN PRISONERS TO SERVE SENTENCES IN COUNTRY OF ORIGIN.

(a) Section 4100(b) of title 18, United States Code, is amended by striking "An offender" the second place it appears and inserting "Unless otherwise provided by treaty, an offender".

(b) Section 4108 of title 18, United States code, is amended —

(1) in subsection (a), by striking "in the country in which the sentence was imposed"; and

(2) by adding at the end a new subsection (f) as follows:

"(f) Consent verification proceedings may be conducted by wire or electronic communication with the consent of the offender and the Attorney General."

SEC. 6063. TRANSIT OF FUGITIVES FOR PROSECUTION IN FOREIGN COUNTRIES.

(a) IN GENERAL. -- Chapter 305 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 4087. Transit through the United States of persons wanted in a foreign country

"The Attorney General may, in consultation with the Secretary of State, permit the temporary transit through the United States of a person wanted for prosecution or imposition of sentence in a foreign country. A determination by the Attorney General to permit or not to permit such temporary transit is not subject to judicial review. When such permission is granted, Federal law enforcement personnel may hold the person in custody during such person's transit of the United States. Notwithstanding any other provision of law, persons who transit the United States pursuant to this section shall be required to have only such documents as the Attorney General shall determine, shall not be considered to be admitted or paroled into the United States, and shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act of 1952, as amended, including the right to apply for or be granted asylum or withholding of deportation."

(b) CONFORMING AMENDMENT.-- The chapter analysis for chapter 305 of title 18, United States Code, is amended by inserting the following at the end:

"4087. Transit through the United States of persons wanted in a foreign country."

**SUBTITLE D--SEIZING AND FORFEITING THE ASSETS OF
INTERNATIONAL CRIMINALS**

**SEC. 6071. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-MONEY
LAUNDERING ORDERS.**

(a) REPORTING VIOLATIONS.-- Section 5324(a) of title 31, United States Code, is amended --

(1) by inserting ", or the reporting requirements imposed by an order issued pursuant to section 5326" before the dash that precedes paragraph (1); and

(2) in paragraphs (1) and (2), by inserting ", or a report required under any order issued pursuant to section 5326" before the semi-colon.

(b) PENALTIES.-- Sections 5321(a)(1), 5322(a) and 5322(b) of title 31, United States Code, are each amended by inserting "or order issued" after "or a regulation prescribed".

SEC. 6072. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND.

(a) Title 19, United States Code, is amended by adding the following new section 1583:

"§ 1583. Examination of outbound mail

"(a) For the purposes of ensuring compliance with the Customs laws and the laws enforced by the United States Customs Service, including but not limited to section 5316 of title 31 (Bank Secrecy Act), sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18 (relating to obscenity and child pornography), section 953 of title 21 (drug smuggling), sections 2401-20 of Title 50 Appendix (Export Administration Act of 1979), section 2778 of Title 22 (Arms Export Control Act), and sections 1701 et. seq. of Title 50 (International Emergency Economic Powers Act), a Customs officer may stop and search subject to the provisions of this section, at the border and without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service.

"(b) Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, or mail with respect to which the

sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to subsections (d) and (e), upon reasonable cause to suspect that such mail contains monetary instruments (as defined in section 1956 of title 18); a weapon of mass destruction (as defined in section 2332a of title 18); a drug or other substance listed in schedule I, II, III, or IV in section 912 of title 21; national defense and related information transmitted in violation of 18 U.S.C. 793 to 798; any merchandise mailed in violation of sections 1715 or 1716 of title 18; merchandise mailed in violation of chapters 71 (obscenity) or 110 (child pornography) of title 18; merchandise mailed in violation of sections 2401 to 2420 of title 50 Appendix (Export Administration Act of 1979); merchandise mailed in violation of section 2778 of title 22 (Arms Export Control Act); merchandise mailed in violation of section 1701 et seq. of title 50 (International Emergency Economic Powers Act); or merchandise mailed in violation of section I et seq. of title 50 Appendix (Trading With The Enemy Act).

"(d) No person acting under authority of this section shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to reading,

"(1) A search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure, or

"(2) The sender or addressee has given written authorization.

"(e) The procedures for the search of mail sealed against inspection pursuant to this section shall be determined in and governed by a written agreement which shall be entered into between the Department of the Treasury and the United States Postal Service and shall provide, among other matters, for the presence of employees of each agency, including a Customs officer, at any search of such mail, at the locations at which mail will be searched, and for avoiding any undue delay in the movement of such mail."

(b) CONFORMING AMENDMENT. Section 3623 (d) of title 39, United States Code, is amended to read as follows:

"(d) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate of each such class shall be uniform through the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee, or pursuant to Section 1583 of Title 19."

**SEC. 6073. FORFEITURE OF PROPERTY USED TO VIOLATE FEDERAL
EXPLOSIVES LAWS.**

(a) Section 981(a)(1) of title 18, United States Code, as amended by section 5017(a) of this Act, is further amended by adding at the end the following new subparagraph:

"(J) Any conveyance, chemicals, laboratory equipment, or other material, article, apparatus, device or thing made, possessed, fitted, used or intended to be used to commit a

violation of 18 U.S.C. 842 (a)(1), (a)(3), (b), (c), (d), (h), (i), (l), (m), and (n), and 844 (d) through (m), or a conspiracy to commit any such offense, and any property traceable to such property."

(b) Section 982(a) of title 18, United States Code, as amended by section 5017(b) of this Act, is further amended by adding at the end the following new paragraph:

"(12) The court, in imposing sentence on a person convicted of an offense punishable under chapter 40 (relating to explosives), or a conspiracy to commit such an offense, shall order the person to forfeit to the United States any conveyance, chemicals, laboratory equipment, or other material, article, apparatus, device or thing made, possessed, fitted, used or intended to be used to commit such offense, and any property traceable to such property."

**SEC. 6075. ADMINISTRATIVE SUMMONS AUTHORITY UNDER THE BANK
SECRECY ACT.**

Section 5318(b)(1) of title 31, United States Code, is amended to read as follows:

"(1) **Scope of power.** -- The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a), (i) for the purpose of determining compliance with the rules of this subchapter or any regulations issued hereunder, or (ii) for the purpose of civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.) or any regulations under any such provision."

**SEC. 6077. EXEMPTING FINANCIAL ENFORCEMENT DATA FROM
UNNECESSARY DISCLOSURE.**

(a) Section 203 of the International Emergency Powers Act (50 U.S.C. 1702(a)), is amended--

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Exemptions From Disclosure.-- Information obtained under this title before or after the enactment of this section may be withheld only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with any transaction prohibited under this title, including license applications, licenses or other authorizations, information or evidence obtained in the course of any investigation, and information obtained or furnished under this title in connection with international agreements, treaties, or obligations shall be withheld from public disclosure, and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of such information is determined by the President to be in the national interest."

(b) Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)) is amended--

(1) by redesignating paragraphs (2), (3) and (4) as paragraphs (3), (4) and (5); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Exemptions from disclosure.--Information obtained under this title before or after the enactment of this section may be withheld only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with any transaction prohibited under this title, including license applications, licenses or other authorizations, information or evidence obtained in

the course of any investigation, and information obtained or furnished under this title in connection with international agreements, treaties, or obligations shall be withheld from public disclosure, and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of such information is determined by the President to be in the national interest."

**SEC. 6078. CIVIL PENALTIES UNDER THE INTERNATIONAL EMERGENCY
ECONOMIC POWERS ACT.**

INCREASED CIVIL PENALTY.--Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)) is amended by striking "\$10,000" and inserting "\$50,000".

**SEC. 6079. ATTEMPTED VIOLATIONS OF THE TRADING WITH THE ENEMY
ACT.**

Section 16 of the Trading with the Enemy Act (50 U.S.C. APP. 16) is amended--

(a) by inserting in subsection (a) "or attempt to violate" after "violate" each time it appears; and

(b) by inserting in subsection (b)(1) "or attempts to violate" after "violates".

TITLE E--RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

CHAPTER 1 -- COMPUTER AND HIGH-TECH CRIME

**SEC. 6081. ENHANCED AUTHORITY TO INVESTIGATE COMPUTER FRAUD AND
ATTACKS ON COMPUTER SYSTEMS.**

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "a felony violation of section 1030 (relating to computer fraud and attacks on computer systems)" before "section 1992 (relating to wrecking trains)".

SEC. 6082. JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.

Section 1029 of title 18, United States Code, is amended by adding at the end a new paragraph (g) as follows:

"(g) Any person who, outside the jurisdiction of the United States, engages in any act which, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the same penalties as if that offense had been committed in the United States, if the act --

"(1) involves an access device issued, owned, managed or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) causes, or if completed would have caused, a transfer of funds from or a loss to an entity listed in paragraph (1).".

CHAPTER 2 – ALIEN SMUGGLING

SEC. 6091. FORFEITURE FOR ALIEN SMUGGLING.

(a) CIVIL FORFEITURE.-- Section 274(b) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1324(b)), is further amended--

(1) by amending paragraphs (1) and (2) to read as follows:

"(b) SEIZURE AND FORFEITURE.

"(1) The following property shall be subject to seizure and forfeiture:

(A) any conveyance, including any vessel, vehicle, or aircraft, which has been or is being used in the commission of a violation of subsection (a); and

(B) any property, real or personal, (i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of subsection (a), or (ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of subsection (a).

"(2) Any property subject to forfeiture to the United States under this section may be seized by the Attorney General in the manner set forth in Section 981(b) of title 18, United States Code."; and

(2) in paragraphs (4) and (5) by striking "a conveyance" and "conveyance" each place the phrase or word appears and inserting "property".

(b) CORRECTION TO CRIMINAL FORFEITURE PROVISION FOR ALIEN SMUGGLING AND OTHER IMMIGRATION OFFENSES. – Section 982(a)(7) of title 18, United States Code, is amended --

(1) by striking "(A)," by striking all of subparagraph (B), and by redesignating clauses (i) and (ii)(I) and (II) as subparagraphs (A) and (B)(i) and (ii) respectively;

(2) by inserting "sections 274(a), 274A(a)(1) or 274A(a)(2) of the Immigration and Nationality Act of 1952 (8 U.S.C. §§ 1324(a), 1324A(a)(1) and 1324A(a)(2)), " before "section 1425" the first time it appears;

(3) in subparagraph (A), as redesignated by this section, by striking "a violation of, or a conspiracy to violate, subsection (a)" and inserting "the offense of which the person is convicted"; and

(4) in subparagraph (B)(i) and (ii), as redesignated by this section, by striking "a violation of, or a conspiracy to violate, subsection (a)" and all that follows through "of this title" and inserting "the offense of which the person is convicted".

SUBTITLE F--PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

SEC. 6111. STREAMLINED PROCEDURES FOR EXECUTION OF MUTUAL LEGAL ASSISTANCE REQUESTS.

(a) IN GENERAL.--Chapter 117 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1790. Assistance to foreign authorities

"(a) The Attorney General may present a request made by a foreign government for assistance with respect to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than one judicial district, to a judge or judge magistrate of –

"(1) any one of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

"(2) the United States District Court for the District of Columbia.

A judge or judge magistrate to whom a request for assistance is presented shall have the authority to issue such orders as appear to be necessary to execute the request including, but not limited to, orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

"(b) A person appointed shall have the power to –

"(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

"(2) administer any necessary oath; and

"(3) take testimony or statements and receive evidence and information.

"(c) A person ordered pursuant to subparagraph (b)(i) to appear outside the district in which that person resides or is found may, within 10 days of receipt of such order –

"(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

"(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

"(d) The judge or judge magistrate may transfer the request, or that portion requiring the person's appearance, to the other district if –

"(1) the inconvenience to the person is substantial; and

"(2) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with paragraphs (a) and (b).".

(b) CONFORMING AMENDMENT.--The chapter analysis for chapter 117 of Title 28, United States Code, is amended by inserting the following at the end:
"1790. Assistance to foreign authorities."

SEC. 6112. TEMPORARY TRANSFER OF INCARCERATED WITNESSES.

Section 3508 of title 18, United States Code, is amended--

(1) by amending the title to read as follows: "Temporary transfer of witnesses in custody"; and

(2) by striking all that follows paragraph (a) and inserting the following:

"(b) When the testimony of a person who is serving a sentence, in pretrial detention, or otherwise being held in custody in the United States, is needed in a foreign criminal proceeding, the Attorney General shall have the authority to temporarily transfer that person to the foreign country for the purpose of giving such testimony, to transport such person from the United States in custody, to make appropriate arrangements for custody for such person while outside the United States, and to return such person in custody to the United States from the foreign country. When the person is being held in custody for a violation of State

law, the Attorney General may exercise the authority described in this paragraph if the appropriate State authorities give their consent.

"(c) Where the transfer to or from the United States of a person in custody for the purpose of giving testimony is provided for by treaty or convention, by this section, or both, that person shall be returned to the United States, or to the foreign country from which the person is transferred. In no event shall the return of such person require any request for extradition or extradition proceedings, or require that a person be subject to deportation or exclusion proceedings under the laws of either country.

"(d) Where there is an international agreement between the United States and the foreign country in which the witness is being held in custody or to which the witness will be transferred from the United States, and which provides for the transfer, custody and return of such witnesses, the terms and conditions of that international agreement shall apply. Where there is no such international agreement, the Attorney General may exercise the authority described in paragraphs (a) and (b) if both the foreign country and the witness give their consent.

"(e) Notwithstanding any other provision of law, persons held in custody in a foreign country who are transferred to the United States pursuant to this section for the purpose of giving testimony shall not thereby or for so long as they are present in the United States pursuant to such transfer be entitled to apply for or

obtain any right or remedy under the Immigration and Nationality Act of 1952, as amended, including the right to apply for or be granted asylum or withholding of deportation or any right to remain in the United States under any other law.

Persons so transferred may be summarily removed from the United States upon order by the Attorney General. Nothing in this section shall be construed to create any substantive or procedural right or benefit to remain in the United States that is legally enforceable in a court of law of the United States or of a State by any party against the United States or its agencies or officers.

"(f) The Attorney General shall not take any action under this section to transfer or return a person to a foreign country unless the Attorney General determines, after consultation with the Secretary of State, that such transfer or return would be consistent with United States international obligations. A determination by the Attorney General under this subsection shall not be subject to judicial review by any court."

(4) CONFORMING AMENDMENT.--The chapter analysis for chapter 223 of title 18, United States Code, is amended by amending the item relating to section 3508 to read as follows: "3508. Temporary transfer of witnesses in custody."

SEC. 6113. TRAINING OF FOREIGN LAW ENFORCEMENT AGENCIES.

Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), as amended, is amended --

(1) in paragraph (4), by striking "or";

(2) in paragraph (6), by striking the period at the end and inserting "; or"; and

(3) by adding the following new paragraph:

"(7) With respect to assistance, including training, provided for antiterrorism purposes."

SEC. 6114. DISCRETIONARY AUTHORITY TO USE FORFEITURE PROCEEDS.

Section 524(c)(1) of title 28, United States Code, is amended

(1) in the second subparagraph designated as subparagraph (I), by --

(A) striking "institutions." and inserting "institutions; and"; and

(B) redesignating that subparagraph as subparagraph (J);

(2) by inserting the following new subparagraph (K) immediately following subparagraph (J) as designated by this section:

"(K) at the discretion of the Attorney General, payments to return forfeited property repatriated to the United States by a foreign government or others acting at the direction of a foreign government, and interest earned on such property, subject to the following conditions:

"(i) a final foreign judgment entered against a foreign government or those acting at its direction, which foreign judgment was based on the measures, such as seizure and repatriation of property, that resulted in deposit of the funds into the Fund;

"(ii) such foreign judgment was entered and presented to the Attorney General within five years of the date that the property was repatriated to the United States;

"(iii) the foreign government or those acting at its direction vigorously defended its actions under its own laws; and

"(iv) the amount of the disbursement does not exceed the amount of funds deposited to the Fund, plus interest earned on such funds pursuant to section 524(c)(5),

less any awards and equitable shares paid by the Fund to the foreign government or those acting at its direction in connection with a particular case."; and

(3) by striking "and" at the end of subparagraph (H).

**SUBTITLE G--STREAMLINING THE INVESTIGATION AND PROSECUTION
OF INTERNATIONAL CRIMES IN U.S. COURTS**

**SEC. 6121. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT
AGENCIES IN INTERNATIONAL CRIME CASES.**

The Attorney General is authorized to obligate, as necessary expenses, from any appropriate appropriation account available to the Department of Justice in fiscal year 1999 and thereafter, the cost of reimbursement to state, local or tribal law enforcement agencies for translation services and related expenses, including transportation expenses, in cases involving extradition or requests for mutual legal assistance from foreign countries.

**SEC. 6122. SAFE CONDUCT FOR FOREIGN WITNESSES TESTIFYING IN U.S.
COURTS.**

(1) IN GENERAL.--Chapter 305 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 4088. Safe conduct for witnesses temporarily in the United States.

"(a) The Attorney General may determine that when a person located outside the United States is requested by a Magistrate judge or federal law enforcement officer to appear and provide testimony or answer questions in the United States in connection with any state or federal criminal matter, the person shall not be subject to service of process, or

be detained or subjected to any restriction of personal liberty, by reason of any acts or convictions which preceded the person's departure from the foreign jurisdiction.

"(b) The Attorney General may specify in any grant of safe conduct the appropriate duration and conditions thereof. Absent contrary direction by the Attorney General, the safe conduct provided for by this section shall cease seven days after –

"(1) the person completes their testimony or their answers to the questions;

"(2) the requesting Magistrate judge or federal law enforcement officer has notified either the person or the appropriate authorities in the foreign jurisdiction that the person's presence in the United States is no longer required; or

"(3) when the person leaves the United States;

whichever occurs first.

"(c) Absent contrary direction by the Attorney General, persons granted safe conduct--

"(1) shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act of 1952, as amended, for so long as they are present in the United States pursuant to such grants; and

"(2) may be summarily removed from the United States at the expiration of the safe conduct period upon order of the Attorney General, and such orders shall not be subject to administrative or judicial review.

"(d) A determination by the Attorney General to grant, deny, or condition safe conduct under this section is not subject to judicial review.

"(e) To the extent the provisions of an applicable mutual legal assistance treaty are inconsistent with this section, the treaty provisions shall apply

"(f) For purposes of this section, the term--

"(1) 'Magistrate judge' has the meaning prescribed in Rule 54 of the Federal Rules of Criminal Procedure;

"(2) 'federal law enforcement officer' has the meaning prescribed in section 115 of this title: and

"(3) 'state' means a state of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

(2) CONFORMING AMENDMENT.--The chapter analysis for Chapter 305 of title 18, United States Code, is amended by inserting the following at the end:

"4088. Safe conduct for witnesses temporarily in the United States."

SEC. 6123. PROHIBITING FUGITIVES FROM BENEFITTING FROM TIME SERVED ABROAD.

Section 3585 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) **Exclusion for time served abroad.**--Notwithstanding subsection (b), a defendant shall receive no credit for any time spent in official detention in a foreign country where --

"(1) the defendant fled from, or remained outside of, the United States to avoid prosecution or imprisonment;

"(2) the United States officially requested the defendant's return to the United States for prosecution or imprisonment; and

"(3) the defendant is in custody in the foreign country pending surrender to the United States for prosecution or imprisonment."

SEC. 6124. SUSPENSION OF STATUTE OF LIMITATIONS FOR COLLECTION OF EVIDENCE LOCATED ABROAD.

Section 3292(b) of title 18, United States Code, is amended to read as follows:

"(b) Except as provided in subsection (c) of this section, a period of suspension under this section shall begin on the date on which the official request is made and end on the date on which the foreign court or authority, having taken final action on the request, the decision or results are delivered to the requesting United States authority."

SEC. 6125. CLARIFICATION OF DISCRETIONARY NATURE OF PAYMENTS TO INFORMANTS.

Subparagraph (a)(2)(B) of section 619 of the Tariff Act of 1930, as amended (19 U.S.C. 1619), is further amended by inserting "in the sole discretion of the Secretary or his designee," after the semicolon.

SUBTITLE H – TERRORISM

SEC. 6131. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

(a)(1) **FINDINGS.**—The Congress finds that—

(A) certain biological agents and toxins have the potential to pose a severe threat to the nation's public health and safety, and thereby affect interstate and foreign commerce;

(B) the Secretary of Health and Human Services has published a list of biological agents and toxins that pose a severe threat to the nation's public health and safety as an Appendix to Part 72 of Title 42 of the Code of Federal Regulations;

(C) biological agents and toxins can be used as weapons by individuals or organizations for the purpose of domestic or international terrorism or for other criminal purposes;

(D) terrorists and other criminals can also harm national security, drain the limited resources of all levels of government devoted to thwarting biological weapons, and damage interstate and foreign commerce by threatening to use, and by falsely reporting efforts to use, biological agents and toxins as weapons;

(E) the Biological Weapons Convention requires the United States to take necessary measures within the United States to prohibit and prevent the development, production, stockpiling, acquisition or retention of biological agents and toxins of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(F) the mere possession of biological agents and toxins is a potential danger which impacts our obligations under the Biological Weapons Convention and affects interstate and foreign commerce; and

(G) persons in possession of harmful biological agents and toxins should handle them in a safe manner and, in the case of agents and toxins listed by the Department of Health and Human Services as posing a severe threat to the nation's public health and safety, report their possession and the purpose for their possession to the appropriate federal agency in order to ensure that such possession is for peaceful scientific research or development.

(2) **PURPOSES.**—The purposes of this section are to—

(A) strengthen our implementation of the Biological Weapons Convention and to ensure that biological agents and toxins are possessed for only peaceful purposes;

(B) establish penalties for the false reporting of violations of the biological weapons statute (18 U.S.C. 175-178);

(C) improve the statutory definitions relating to biological weapons; and

(D) provide a death penalty for violations of section 175(a) of title 18, United States Code, where death results from the offense.

(b)(1) **ADDITIONAL MEASURES.**—Section 175 of title 18, United States Code, is amended by adding the following at the end:

"(c) Additional prohibitions relating to biological agents, toxins, and delivery systems.—

"(1) Unlawful possession.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. Knowledge of whether the type or quantity of any biological agent, toxin, or delivery system is reasonably justified by a peaceful purpose is not an element of the offense. For purposes of this paragraph, the terms ‘biological agent’ and ‘toxin’ do not encompass any biological agent or toxin that is in its naturally occurring environment, provided that such agent or toxin has not been cultivated, or collected or otherwise extracted from its natural source.

"(2) Unsafe handling.—

"(A) In general.—Whoever, with conscious disregard of an unreasonable risk to public health and safety, handles an item knowing it to be a biological agent, toxin, or delivery system in a manner which grossly deviates from accepted norms, shall be fined under this title, imprisoned for not more than one year, or both.

"(B) Aggravated offense.—Whoever in the course of a violation of subparagraph (A) causes bodily injury (as defined in section 1365(g)(4) of this title) to any individual (other than the perpetrator) shall be fined under this title or imprisoned not more than 10 years, or both; and, if death results from the offense, shall be fined under this title or imprisoned for any term of years or for life, or both fined and imprisoned.

"(d) False information.—

"(1) Criminal violation.—Whoever communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning the existence of activity which would constitute a violation of subsection (a) or (c) shall be fined under this title or imprisoned not more than five years, or both.

"(2) Civil penalty.—Whoever communicates information, knowing the information to be false, concerning the existence of activity which would constitute a violation of subsection (a) or (c) is liable to the United States Government for a civil penalty of the greater of \$10,000 or the

amount of money expended by the United States Government in responding to the false information.

"(e) Reporting, transfer and possession of select agents.—

"(1) Obligation to report.—Any person who has possession of a select agent shall report such possession to the designated agency, in the manner prescribed by the designated agency, within 72 hours of the effective date of the regulation issued by that agency pursuant to this paragraph or within 72 hours of subsequently obtaining possession of the agent or toxin; provided that, if such person is a registered entity, the reporting, if any, shall be in the manner as otherwise directed by regulation by the designated agency. If a person complies with this provision, there is no obligation for any employee of such person to file a separate report concerning the employee's possession of a select agent in the workplace of such person.

"(2) Criminal penalty for willful failure to report.—Any person who willfully fails to make the report required by subsection (e)(1) within the prescribed period shall be fined under this title, imprisoned for not more than 3 years, or both. As used in this paragraph, the term 'willfully' means an intentional violation of a known duty to report.

"(3) Civil penalty for failure to report.—Any person who fails to make the report required by subsection (e)(1) within the prescribed period is liable to the United States Government for a civil penalty of \$5,000.

"(4) Penalty for possession of unreported select agents.—Any person who possesses a select agent for which a report required by subsection (e)(1) has not been made shall be fined under this title, imprisoned for not more than one year, or both.

"(5) Unauthorized transfer of select agents.—Whoever knowingly transfers a select agent to any person who is not a registered entity shall be fined under this title or imprisoned not more than five years, or both. For purposes of this paragraph, the term 'transfers' does not encompass the transfer of a select agent within the workplace between employees of the same registered entity, or between employees of any person who has filed the report required by paragraph (1), if the transfer is authorized by such entity or person.

"(6) Possession of select agents by restricted individuals.—

"(A) Prohibition on possession.—No restricted individual shall knowingly possess or attempt to possess any biological agent or toxin which is a select agent.

"(B) Penalty.—Any individual who violates subparagraph (A) shall be fined under this title or imprisoned for not more than five years, or both.

"(C) Employers of Individuals Who Possess Select Agents.—Employers of individuals who will possess select agents in the course of their employment shall require such individuals, prior to being given access to select agents, to complete a form in which the individual affirms or denies the existence of each of the restrictions set forth in

paragraph (8) of section 178 of this title. In the case of individuals already employed at the time of the enactment of this provision who possess select agents in the course of their employment, employers shall, within 90 days of enactment of this provision, require those individuals to complete such a form. Such form shall be retained by the employer for at least five years after the individual terminates his employment with that employer.

"(D) Employees.—

"(i) Whoever wilfully and knowingly falsifies or conceals a material fact or makes any materially false, fictitious, or fraudulent statement or representation in completing the form required under subparagraph (C) shall be fined under this title or imprisoned not more than 5 years or both.

"(ii) The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent in the workplace of his employer if the basis for the prohibition relates solely to subparagraphs (A), (B)(i), or (E) of paragraph (8) of section 178 of this title and the employer makes a determination, in writing, that, in the employer's judgment, the conduct or event underlying the prohibition is an insufficient basis to prohibit that individual's access to and possession of any select agent in the employer's workplace. Any such determination by the employer

shall be retained for at least five years after that individual terminates his employment with that employer.

"(iii) The prohibition of subparagraph A does not apply to possession by a restricted individual of a select agent in the workplace of his employer if the basis for the prohibition relates solely to subparagraphs (B)(ii) or (G) of paragraph (8) of section 178 of this title and is more than five years old (not counting time served while in custody), and the employer makes a determination, in writing, that, in the employer's judgment, the conduct or event underlying the prohibition is now too remote in time and an insufficient basis to prohibit that individual's access to and possession of any select agent in the employer's workplace. Any such determination by the employer shall be retained for at least five years after that individual terminates his employment with that employer;

"(iv) For the purposes of this subparagraph, the term 'employer' means any person who is a registered entity or has filed the report required by section 175(e)(1) of this title and employs a restricted individual, provided that the restricted individual has no controlling ownership interest or senior managerial position in such person;

"(E) Non-permanent resident aliens.—The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent if the basis for the prohibition relates solely to subparagraph (F) of paragraph (8) of section 178 of this title, and the restricted individual has received a waiver from the designated agency. The designated agency may issue a waiver if it determines, in consultation with the Attorney General, that a waiver is in the public interest, except no such waiver shall be issued to an alien who is illegally or unlawfully present in the United States.

"(f) Reimbursement of costs.—

"(1) Convicted defendant.—

"(A) Subsection (a), (c), or (e).—The court shall order any person convicted of an offense under subsection (a), (c) or (e) to reimburse the United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposal of any property that was seized in connection with an investigation of the commission of such offense by that person.

"(B) Subsection (d)(1).—The court shall order any person convicted of an offense under subsection (d)(1) to reimburse the United States for any expenses incurred by the United States incident to the investigation of the commission by that person of such offense, including

the cost of any response made by any federal military or civilian agency to protect public health or safety.

"(2) Owner liability.—The owner or possessor of any property seized and forfeited under this chapter shall be liable to the United States for any expenses incurred incident to the seizure and forfeiture, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized and forfeited property.

"(3) Jointly and severally liable.—A person ordered to reimburse the United States for expenses under this chapter shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses."

(2) TECHNICAL CLARIFICATION.—Section 176(a)(1)(A) of title 18, United States Code, is amended by striking "exists by reason of" and inserting "pertains to".

(3)(A) REGULATIONS.—

(i) Within 60 days of the date of enactment of this Act, the President shall designate the agency responsible for prescribing the regulation required by section 175(e)(1) of title 18, United States Code;

(ii) The designated agency shall issue proposed rules not later than 90 days after the date of the President's designation; and

(iii) The designated agency shall issue final rules not later than 270 days after the date of the enactment of this Act.

(B) INSPECTIONS.—The designated agency may inspect the facilities of any person who files a report required by section 175(e)(1) of title 18, United States Code, to determine whether the person is handling the select agent in a safe manner, whether he is holding such agent for a peaceful purpose, and whether the type and quantity being held are reasonable for that purpose. The designated agency may also inspect any form required by subparagraph (C) and any determination made pursuant to subparagraph (D) of Section 175(e)(6) of title 18, United States Code.

(C) FREEDOM OF INFORMATION ACT EXEMPTION.—Any information provided to the Secretary of Health and Human Services pursuant to regulations issued under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 C.F.R. 72.6) or to the designated agency under section 175(e)(1) of title 18, United States Code, shall not be disclosed under section 552(a) of title 5, United States Code, except that the Secretary or the designated agency may use and disclose such information to protect the public health, and shall also disclose any such relevant information to the Attorney General for use in any investigation or other proceeding to enforce any law relating to select agents or any other law. Any such information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information except as otherwise required or authorized by law.

(D) CLARIFICATION OF THE SCOPE OF THE SELECT AGENT

RULE.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended by—

(i) in subsections (a), (d), (e), inserting—

(I) "and toxins" after "agents" each time it appears; and

(II) "or toxin" after "agent" each time it appears; and

(ii) in subsection (g)(1), striking "the term 'biological agent' has" and inserting "the terms 'biological agent' and 'toxin' have".

(E) EFFECTIVE DATES.—

(i) The effective date for paragraph (C) shall be the same as the effective date for the final rule issued pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).

(ii) The effective date for the changes made by paragraph (D) shall be as if they had been included in the enactment of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).

(c)(1) DEFINITIONAL AMENDMENTS TO 18 U.S.C. 178.—Section 178 of title 18, United States Code, is amended by—

(A) in paragraph (1), striking "means any microorganism, virus, or infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product" and inserting the following:

"means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance";

(B) in paragraph (2), striking "means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including" and inserting the following:

"means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes";

(C) in paragraph (4), striking "recombinant molecule, or biological product that may be engineered as a result of biotechnology" and inserting "recombinant or synthesized molecule"; and

(D)(i) striking the "and" at the end of paragraph (4);

(ii) striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) inserting at the end the following new paragraphs:

"(6) the term 'select agent' means a biological agent or toxin that is on the list established by the Secretary of Health and Human Services pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) (a "select agent" defined in 42 C.F.R. 72.6(j) which is not exempted under 42 C.F.R. 72.6(h) or Appendix A to part 72);

"(7) the term 'registered entity' means a registered facility, or a certified laboratory exempted from registration, pursuant to the regulations promulgated by the Secretary of Health and Human Services under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 C.F.R. 72.6(a), 72.6(h));

"(8) the term 'restricted individual' means an individual who—

"(A) is under indictment for a crime punishable by imprisonment for a term exceeding one year;

"(B) has been convicted in any court of a crime

"(i) punishable by imprisonment for a term exceeding one year but not more than five years; or

"(ii) punishable by imprisonment for a term exceeding five years;

"(C) is a fugitive from justice;

"(D) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(E) has been adjudicated as a mental defective or has been committed to any mental institution;

"(F) is an alien other than an alien lawfully admitted for permanent residence; or

"(G) has been discharged from the Armed Forces of the United States under dishonorable conditions;

"(9) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3));

"(10) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(11) the term 'designated agency' means the agency designated by the President under Subsection (b)(3)(A) of Section 6131 of the 21st Century Law Enforcement and Public Safety Act.".

(2) DEFINITIONAL AMENDMENTS TO 18 U.S.C. 2332a.—Section 2332a of title 18, United States Code, is amended by—

(A) in subsection (a), striking ", including any biological agent, toxin, or vector (as those terms are defined in section 178)"; and

(B) in subparagraph (c)(2)(C), striking "a disease organism" and inserting "any biological agent, toxin, or vector (as those terms are defined in section 178 of this title)".

(d) **DEATH PENALTY.**—Section 175(a) of title 18, United States Code, is amended by inserting ", and if death results may be sentenced to death" after "or both".

SEC. 6132. RAIL AND MASS TRANSPORTATION ANTI-TERRORISM AND VIOLENCE.

(a) **TITLE.**--This section may be cited as the "Rail and Mass Transportation Anti-Terrorism and Violence Prevention Act of 1999".

(b) PURPOSE.--The purpose of this Act is to protect the passengers and employees of railroad carriers and mass transportation systems, and the movement of freight by railroad, from terrorist attacks and other acts of violence.

(c) AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.-- Section 1992 of title 18, United States Code, is amended to read as follows:

"SEC. 1992. Terrorist attacks and other acts of violence against railroad carriers.

"(a) GENERAL PROHIBITIONS.-- Whoever willfully--

"(1) wrecks, derails, sets fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work

or use, without previously obtaining the permission of the carrier, and knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

“(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

“(5) interferes with, disables or incapacitates any dispatcher, locomotive engineer, conductor, or other person while they are employed in dispatching, operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

“(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a railroad carrier or any other person while any of the foregoing are on the property of a railroad carrier;

“(7) causes the release of a hazardous material on the property of a railroad carrier, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

“(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

“(9) attempts, threatens, or conspires to do any of the aforesaid acts-- shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts.

“(b) Provided however, that whoever is convicted of any crime prohibited by this subsection shall be:

“(1) imprisoned for not less than thirty years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

“(2) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

“(3) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

“(c) PROHIBITION AGAINST PROPELLING OBJECTS.-- Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object, or biological agent or toxin for use as a weapon,

or destructive substance, or destructive device at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than five years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

“(d) DEFINITIONS.-- In this section--

“(1) ‘biological agent’ has the meaning given to that term in section 178(1) of this title;

“(2) ‘dangerous weapon’ has the meaning given to that term in section 930 of this title;

“(3) ‘destructive device’ has the meaning given to that term in section 921(a)(4) of this title;

“(4) ‘destructive substance’ has the meaning given to that term in section 31 of this title, except that (A) the term ‘radioactive device’ does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) ‘destructive substance’ includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

“(5) ‘for use as a weapon’ has the meaning given to that term in section 175 of this title;

“(6) ‘hazardous material’ has the meaning given to that term in section 5102(2) of title 49, United States Code;

“(7) ‘high-level radioactive waste’ has the meaning given to that term in section 10101(12) of title 42, United States Code;

“(8) ‘railroad’ has the meaning given to that term in section 20102(1) of title 49, United States Code;

“(9) ‘railroad carrier’ has the meaning given to that term in section 20102(2) of title 49, United States Code;

“(10) ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title;

“(11) ‘spent nuclear fuel’ has the meaning given to that term in section 10101(23) of title 42, United States Code;

“(12) ‘State’ has the meaning given to that term in section 2266 of this title; and

“(13) ‘toxin’ has the meaning given to that term in section 178(2) of this title.”.

(d) CONFORMING AMENDMENT.--In the analysis of chapter 97 of title 18, United States Code, item “1992” is amended to read:

“1992. Terrorist attacks and other acts of violence against railroad carriers.”.

(e) TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.--Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

“SEC. 1993. Terrorist attacks and other acts of violence against mass transportation systems.

“(a) GENERAL PROHIBITIONS.-- Whoever willfully--

“(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

“(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

“(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

“(5) interferes with, disables or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

“(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

“(8) attempts, threatens, or conspires to do any of the aforesaid acts-- shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or ferry was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

“(b) PROHIBITION AGAINST PROPELLING OBJECTS.-- Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object, or biological agent or toxin for use as a weapon, or destructive substance, or destructive device at any mass transportation vehicle or ferry, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than five years, or both, if such act is committed on or against a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

“(c) DEFINITIONS.-- In this section--

“(1) ‘biological agent’ has the meaning given to that term in section 178(1) of this title;

“(2) ‘dangerous weapon’ has the meaning given to that term in section 930 of this title;

“(3) ‘destructive device’ has the meaning given to that term in section 921(a)(4) of this title;

“(4) ‘destructive substance’ has the meaning given to that term in section 31 of this title, except that--

“(A) the term ‘radioactive device’ does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes; and

“(B) ‘destructive substance’ includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

“(5) ‘for use as a weapon’ has the meaning given to that term in section 175 of this title;

“(6) ‘mass transportation’ has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

“(7) ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title;

“(8) ‘State’ has the meaning given to that term in section 2266 of this title; and

“(9) ‘toxin’ has the meaning given to that term in section 178(2) of this title.”.

(f) CONFORMING AMENDMENT.--The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

“1993. Terrorist attacks and other acts of violence against mass transportation systems.”.

(g) INVESTIGATIVE JURISDICTION.--Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

“Sec. 1994. Investigative Jurisdiction.

“The Federal Bureau of Investigation shall lead the investigation of all offenses under this title. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department’s Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession or use of explosives.”.

(h) CONFORMING AMENDMENT.--The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

“1994. Investigative Jurisdiction.”.

TITLE VII – STRENGTHENING FEDERAL CRIMINAL LAWS TO COMBAT VIOLENT AND WHITE-COLLAR CRIME

SUBTITLE A – BOLSTERING FEDERAL LAW TO FIGHT VIOLENT CRIME AND APPREHEND DANGEROUS FUGITIVES

SEC. 7001. FUGITIVE APPREHENSION ACT OF 1999.

(a) Chapter 49 of title 18, United States Code, is amended by adding a new section at the end as follows:

“§ 1075. Administrative Subpoenas to Apprehend Fugitives

“(a) In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data and other tangible and intangible things, which constitute or contain evidence) which the Attorney General finds relevant or material in the investigation. The attendance of witnesses and the production of records may be required from any place in any state or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where he was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“(b) A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

“(c) In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or maybe found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered. Any failure to obey the order of the court may be punishable by the court as contempt thereof. All process in any such case may be served in any judicial district in which the person may be found.

“(d) As used in this section --

“(1) the term ‘fugitive’ means a person who –

“(A) having been accused by complaint, information or indictment under federal law or having been convicted of committing a felony under federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

“(B) having been accused by complaint, information or indictment (or equivalent document) under state law or having been convicted of committing a felony under state law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

“(C) escapes from lawful federal or state custody after having been accused by complaint, information or indictment (or equivalent document under state law) or having been convicted of committing a felony under federal or state law; or

“(D) is in violation of clause (2) or (3) of the first paragraph of section 1073 of this title;

“(2) the term ‘investigation’ means, with respect to a state fugitive described in subparagraph (1)(B) or who has escaped from state custody under subparagraph (1)(C), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a state or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a federal interest sufficient for the exercise of federal jurisdiction pursuant to section 1075;

“(3) the term ‘state’ means a state of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

“(4) the term ‘relevant or material’ means there are articulable facts that show the fugitive’s whereabouts may be discerned from the records sought.

“(e) The provisions of this section shall be construed and applied in a manner consistent with section 2703 of title 18, and section 3402 of title 12, of the United States Code.

“(f) The Attorney General may delegate the authorities provided in this section only pursuant to the issuance of formal guidelines.”.

(b) The table of sections for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”.

SEC. 7002. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) Section 1365(g)(3) of title 18, United States Code, is amended by striking “means bodily injury which involves --” and inserting “means bodily injury which requires medical intervention or involves --”.

(b) Section 113(a)(3) of title 18, United States Code, is amended by striking “with intent to do bodily harm, and”.

(c)(1) Section 113(a)(7) of title 18, United States Code, is amended by striking “to an individual who has not attained the age of 16 years”.

(2) Section 1153 of title 18, United States Code, is amended —

(A) in subsection (a), by striking “an assault against an individual who has not attained the age of 16 years” and inserting “assault resulting in substantial bodily injury”;
and

(B) by adding at the end a new subsection (c) as follows:

“(c) Nothing in this section shall limit the inherent power of Indian tribes to exercise criminal jurisdiction over all Indians with respect to any offense within Indian country, subject to the limitations on punishment set forth in paragraph (7) of section 202 of the Act of April 11, 1969 (25 U.S.C. 1302(7)).”.

(d) Section 1961(1)(A) of title 18, United States Code, is amended by inserting "or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive federal jurisdiction" after "chargeable under State law".

(e) Section 1112(b) of title 18, United States Code, is amended by striking "ten years" and inserting "twenty years".

(f) Section 1153(a) of title 18, United States Code, is amended by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than five years," after "a felony under chapter 109A,".

(g) Section 1163 of title 18, United States Code, is amended in the second paragraph by striking "so".

SEC. 7003. KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended --

(1) by striking "or" at the end of paragraph (4); and

(2) by adding at the end the following new paragraphs:

"(6) an individual travels in interstate or foreign commerce in furtherance of the offense; or

"(7) the mail or a facility in interstate or foreign commerce is used in furtherance of the offense;".

SEC. 7004. OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) Title 18, United States Code, is amended by inserting after chapter 211 the following:

"CHAPTER 212-CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

"§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the armed forces outside the United States

"(a) Whoever, while serving with, employed by, or accompanying the armed forces outside the United States, engages in conduct which would constitute an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

"(b) Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

"(c) No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney

General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval may not be delegated."

"(d)(1) The Secretaries of Defense and Transportation may designate and authorize any person serving in a law enforcement position in the Department of Defense and the Department of Transportation when the Coast Guard is not operating as part of the navy to arrest outside the United States any person described in subsection (a) of this section who there is probable cause to believe engaged in conduct which constitutes a criminal offense under such section.

"(2) A person arrested under paragraph (1) of this section shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

"(A) such person is delivered to authorities of a foreign country under section 3262 of this title; or

"(B) charges are preferred against such person under chapter 47 of title 10 for such conduct.

"§ 3262. Delivery to authorities of foreign countries.

"(a) A person in the custody of the United States for an alleged violation of section 3261(a) of this title may be delivered to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) of this section if --

"(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

"(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

"(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine what officials of a foreign country constitute appropriate authorities for the purpose of this section.

"§ 3263. Regulations

"The Secretary of Defense and the Commandant of the Coast Guard, in consultation with the Secretary of State, shall each issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense and the Coast Guard, respectively.

"§ 3264. Definitions for chapter

"As used in this chapter --

"(1) a person is 'employed by the armed forces outside the United States' --

"(A) if he or she is employed as a civilian employee of a military department or of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

"(B) is present or residing outside the United States in connection with such employment; and

"(C) is not a national of the host nation; and

"(2) a person is 'accompanying the armed forces outside the United States' if he or she --

"(A) is a dependent of a member of the armed forces or of a civilian employee of a military department or of the Department of Defense;

“(B) is residing with the member or civilian employee outside the United States;
and

“(C) is not a national of the host nation.”.

(b) The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Criminal Offenses Committed Outside the United States.....3261".

**SEC. 7005. STATUS KILLINGS OF FEDERAL EMPLOYEES AND
CONSOLIDATION OF 18 U.S.C. 1114 AND 1121.**

(a) Section 1114 of title 18, United States Code, is amended --

(1) by inserting "or because of the status of the victim as such an officer or employee," after "on account of the performance of official duties,"; and

(2) by inserting "or, if the person assisting is an officer or employee of a State, local or Indian tribal government, because of the status of the victim as such an officer or employee," after "on account of that assistance,".

(b) Section 1121 of title 18, United States Code, is amended --

(1) by striking "persons aiding Federal investigations or" in the heading; and

(2) by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b).

**SEC. 7007. THREATS AGAINST FORMER PRESIDENTS AND OTHERS ELIGIBLE
FOR SECRET SERVICE PROTECTION.**

Section 879(a) of title 18, United States Code, is amended —

(1) in paragraph (2), by inserting “a former President,” after “the President-elect,”;

(2) in paragraph (3), by inserting “or a member of the immediate family” after “the spouse”;

(3) by striking “or” at the end of paragraph (2);

(4) by inserting “or” at the end of paragraph (3);

(5) by inserting immediately after paragraph (3) the following new paragraph:

“(4) any other person who is protected pursuant to section 3056(a)(6) of this title;”;

and

(6) by striking “who is protected by the Secret Service as provided by law,”.

SEC. 7009. CLARIFICATION OF INAPPLICABILITY OF 18 U.S.C. 2515 TO CERTAIN DISCLOSURES.

(a) Section 2515 of title 18, United States Code, is amended by adding at the end the following: “This section shall not apply to the disclosure by the United States, a State, or political subdivision in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, (a) intercepted by a person not acting under color of law, or (b) against a person alleged to have violated this chapter.”.

(b) Section 2518(10)(a) of title 18, United States Code, is amended by striking the period at the end of section 2518(10)(a)(iii) and inserting the following: “; except that no suppression may be ordered under the circumstances exempted from the applicability of section 2515.”.

SEC. 7010. PARTICIPATION OF FOREIGN AND STATE GOVERNMENT PERSONNEL UNDER FEDERAL SUPERVISION IN CERTAIN INTERCEPTIONS.

Section 2518(5) of title 18, United States Code, is amended by inserting "(including personnel of a foreign government or of a State or subdivision of a State or of an Indian tribe)" after "Government personnel".

SEC. 7011. IMPROVED LAW ENFORCEMENT ACCESS TO CERTAIN RECORDS.

Section 551 of title 47, United States Code, is amended --

(l) in section (c)(2)(B)--

(A) by striking the comma after "disclosure" and inserting a semicolon; and

(B) by striking ", if the subscriber is notified of such order by the person to whom the order is directed; or";

(2) in subsection (c)(2)(C), by striking the period and inserting ";;";

(3) in subsection (c)(2), by adding at the end the following new subparagraphs:

"(D) to a governmental entity and limited to the name, address, billing records (to the extent they do not reveal cable viewing habits), subscriber number or other subscriber identifier, and length of service of a subscriber or customer, when the governmental entity uses an administrative or trial subpoena authorized by a Federal or State statute or rule of procedure, or a subpoena issued by a Federal or State grand jury. A court shall have authority to order a cable operator or any other person not to notify the subscriber or customer of the existence of a court order or subpoena under this subparagraph or any information disclosed in response thereto; or

"(E) required under chapters 119, 121, or 206 of title 18, United States Code. Such disclosure shall be limited to records relating to the provision of electronic communication service (as defined at 18 U.S.C. 2510(15)). and shall not include records revealing customer cable viewing habits."; and

(4) in subsection (h), by striking "only if, in the court proceeding relevant to such court order --" through the end and inserting the following: "if, in the court proceeding relevant to such court order, such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of having engaged or engaging in criminal activity and that the information sought would be material evidence in the case. A court issuing an order under this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.".

SEC. 7012. REMOVAL OF THE SUNSET PROVISION FOR THE S VISA CLASSIFICATION PROGRAM.

Section 214(k)(2) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1184(k)(2)) is repealed.

SEC. 7013. FEDERAL JUDICIARY SECURITY ACT.

Section 566 (e)(1)(A) of title 28, United States Code, is amended to read as follows:

“(A) provide for the personal protection of, and residential security for, Federal jurists and provide for the personal protection of court officers, witnesses, and other threatened persons in the interest of justice where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding; and”

SEC. 7014. AUTOPSY AUTHORITY.

(a) Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

“§ 530C. Autopsy authority in criminal investigations

“Notwithstanding any other law, the Attorney General or the head of any other federal agency with jurisdiction to detect or investigate an offense or possible offense against the United States, within or outside the United States, may, when deemed necessary or appropriate in the conduct of that investigation, take custody of, and order an autopsy and related scientific or medical tests to be performed on the body of, a deceased victim. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of any applicable law protecting religious beliefs with respect to such autopsies or tests shall be observed. Before ordering an autopsy or related tests under this section, the Attorney General or other federal agency head, as the case may be, shall endeavor to inform the family of the deceased victim, if known, that the autopsy will be performed. After the autopsy and any related tests have been performed, the remains of the deceased victim, if known, shall be returned as soon as practicable to the victim’s family.”.

(b) The table of sections for chapter 31 of title 28, United States Code, is amended by inserting at the end:

“530C. Autopsy authority in criminal investigations.”.

**[SEC. 7015. ADMINISTRATIVE SUMMONS AUTHORITY FOR THE UNITED
STATES SECRET SERVICE’S PROTECTIVE INTELLIGENCE
RESPONSIBILITIES.**

(a) Chapter 203 of Title 18, United States Code, is amended by inserting the following new section directly after section 3056:

"3056A - (a)AUTHORITY. - Pursuant to regulation promulgated by the Secretary of the Treasury in consultation with the Director of the United States Secret Service, the Director, and supervisory level special agents of the United States Secret Service designated by the Director may issue in writing and cause to be served upon a person or entity, a summons requiring the production of records or materials. Any such summons shall be predicated upon a determination that the person or entity may possess, or have control of any document, recording, or other tangible thing, that may be relevant, or may lead to the discovery of information relevant, to the investigation of a threat to the life or safety of the President of the United States or any other person described in section 3056 of this title.

"(b) CONTENTS. -

"(1) The summons shall describe the materials to be produced with reasonably sufficient clarity and particularity to enable the materials to be identified; and

"(2) The summons shall establish a return date that provides a reasonable period of time within which the material can be assembled and made available.

"(c) SERVICE. -

"(1) A summons issued under this section may be served by any person designated in the summons to serve it, and the affidavit of the person serving the summons shall be proof of service;

"(2) A summons may be issued upon a natural person by personal delivery of the summons to the person.

"(3) A summons may be issued upon a domestic or foreign corporation or upon a partnership or other unincorporated association or entity by delivering the summons

personally, or by certified or registered mail, to an officer, managing or general agent, or any other agent authorized by appointment, or by law of any State or jurisdiction, to receive service of process.

"(c) PLACE OF SERVICE. - A summons issued under this section may be served at any place within the United States or any place subject to the laws or the jurisdiction of the United States.

"(d) ENFORCEMENT. -

"(1) In the case of neglect or refusal to obey a summons issued and served pursuant to this section, the Attorney General or a designee of the Attorney General acting on behalf of the Secretary of the Treasury or his designee, or the Director of the United States Secret Service or his designee, may invoke the aid of any court of the United States within which the investigation is pending, the summons was served, or the summoned person carries on business or may be found, to compel compliance with the summons.

"(2) Not later than 10 days after the earlier of the service of a summons, or at any time before the return date specified in the summons, a person or entity served with a summons under this section may file in the district court of the United States for the judicial district in which the investigation is pending, a petition for an order modifying or setting aside the summons, or any prohibition of disclosure order issued by a United States Court under subsection (6).

"(A) The petition shall specify each ground upon which the petitioner relies in seeking relief.

"(B) An order of nondisclosure issued pursuant to subsection (6) shall not be grounds for a petition to modify or set aside the summons.

"(3) The time allowed for initiation of formal criminal proceedings under any applicable statute of limitations shall be tolled while the petition is pending in court or on appeal.

"(4) The district courts of the United States shall have jurisdiction to hear and determine the matters arising under this section. Any failure to obey an order entered under this section by a district judge may be punished as a contempt thereof. Any petition filed or order entered relating to a summons issued and served with an order of nondisclosure pursuant to subsection (6) shall be under seal. All proceedings relating to or arising from a summons or order of nondisclosure issued in connection with the collection of positive foreign intelligence or counterintelligence shall be under seal and in compliance with applicable statutes, regulations, and orders relating to handling of classified information.

"(5) Any person or entity served with a summons issued pursuant to this section shall proceed to assemble the materials requested and shall be prepared to produce them on the date and at the place specified in the summons.

"(e) LIMITATIONS. -

"(1) Except as expressly provided in this section, nothing in this section shall supersede the provisions of any other law of the United States that regulates access to materials by Federal agencies.

"(2) Summons issued under this section shall not require the production of materials, if such materials would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

"(3) Nothing in this section or in any other statute or rule shall be construed to prohibit the use of materials or the information obtained pursuant to this section in any investigation or proceeding.

"(f) PROHIBITION OF DISCLOSURE.-

"(1) Notwithstanding any other provision of Federal, State, or local law, a United States District Court Judge for the district in which the investigation is pending may, upon application of the United States and without notice to a summons recipient, issue an ex parte order, that no person or entity served with a summons pursuant to this section, or their representative, shall disclose to any other person or entity the existence of such summons, for a period of 120 days.

"(2) Such order may be issued on a showing that the materials being sought may be relevant to a legitimate law enforcement inquiry involving a potential threat to the President of the United States or any other person described in section 3056 of this title, or in regard to any threat under section 871 and 879 of this title, and that there is reason to believe that such disclosure may result in-

"(A) endangerment to the life or physical safety of any person;

"(B) flight from prosecution;

"(C) destruction of or tampering with evidence;

"(D) intimidation of potential witnesses; or

"(E) defeating any remedy or penalty provided for violation of the laws of the United States.

"(2) The period of nondisclosure may be renewed for additional 90-day periods pursuant to this subsection.

"(3) Whoever knowingly and willfully discloses or attempts to disclose the existence of a summons in violation of an order issued under this subsection shall be subject to imprisonment up to 5 years or fined as provided under section 3571 of title 18, or both.

"(4) Nothing in this subsection shall prohibit any person from disclosing the service of a summons pursuant to this section to any attorney for purposes of filing a petition pursuant to subsection (4)(B).

"(g) THIRD-PARTY PRODUCTION.-Any third party record keeper, agent, or employee thereof, who, in good faith reliance on an order of nondisclosure issued pursuant to this section, produces any materials and does not disclose such production to the subject of the records shall not be liable to any customer or other person or entity for such nondisclosure.

(b) TECHNICAL AMENDMENT.-The table of sections for chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3056, powers, authorities, and duties of the United States Secret Service, the following:

"Section 3056A Administrative Summons Authority for the United States Secret Service's Protective Intelligence Responsibilities.]

**SUBTITLE B – COMBATING CRIME AND IMPROVING OPERATIONS IN
CORRECTION FACILITIES**

**SEC. 7021. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR
SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.**

Chapter 109A of title 18, United States Code, is amended –

(1) by inserting “or, with respect to any person in the custody of the Attorney General, the Bureau of Prisons, or confined in any institution or facility by direction of the Attorney General” after “in a Federal prison,” in each place it appears;

(2) in section 2243(b)(2), by striking “one year” and inserting “three years”;

(3) in section 2244(a)(4), by striking “six months” and inserting “two years”; and

(4) in section 2244(b), by striking “six months” and inserting “two years”.

**SEC. 7022. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR
CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.**

Section 1791 of title 18, United States Code, is amended –

(1) in paragraphs (1) and (2) of subsection (a), by striking “inmate of a prison” and inserting “individual in the custody of the Attorney General, the Bureau of Prisons, or confined in any institution or facility by direction of the Attorney General”;

(2) by inserting “and” at the end of subsection (d)(2);

(3) by striking “; and” in subsection (d)(3) and inserting a period; and

(4) by striking subsection (d)(4).

**SEC. 7023. REMOVAL OF WIRETAP RESTRICTIONS FROM PRISON
COMMUNICATIONS.**

(a) Section 2511(2)(h) of title 18, United States Code, is amended –

(1) by striking “or” at the end of subparagraph (i);

(2) by striking the period at the end of subparagraph (ii) and inserting “; or”; and

(3) by adding a new subparagraph (iii) as follows:

“(iii) for a law enforcement officer to intercept a wire, oral or electronic communication if at least one party to the communication is an inmate or detainee in the custody of the Attorney General of the United States or of a State or political subdivision thereof.”.

(b) Section 3121(b) of title 18, United States Code, is amended by inserting “if the telephone line or facility is regularly used by an inmate or detainee in the custody of the Attorney General of the United States or of a State or political subdivision thereof, or if the pen register or trap and trace device is used” after “The prohibition of subsection (a) does not apply with respect to the use of a pen register or trap and trace device”.

(c) The Attorney General shall promulgate regulations governing interceptions or tracing activity exempted by subsections (a) and (b) to safeguard communications protected by the attorney-client privilege and the right to counsel under the Constitution of the United States.

**SEC. 7024. IMPROVING EFFICIENCY THROUGH IMPROVED MEDICAL
PAYMENT RULES IN PRISONS AND RELATED FACILITIES.**

(a) EXTENSION OF VETERANS ADMINISTRATION AND CHAMPUS ACCESS TO
MEDICARE INPATIENT HOSPITALS TO THE DEPARTMENT OF JUSTICE--

(1) IN GENERAL.-Section 1866(a)(1) of the Social Security Act (42 U.S.C.

1395cc(a)(1)) is amended-

(A) by striking the period at the end of subparagraph (S) and inserting a
semicolon; and

(B) by adding at the end the following new subparagraph:

“(T) in the case of hospitals which furnish inpatient hospital
services for which payment may be made under this title, if such hospital

furnishes inpatient hospital services for which payment may be made under chapter 301 or chapter 303 of title 18, United States Code, to be a participating provider of medical care under such chapter, in accordance with such admission practices, and such payment methodology and amounts, as are prescribed under joint regulations issued by the Secretary and by the Attorney General in implementation of such chapter, which regulations shall require full payment by the Attorney General of any security costs associated with treatment of patients receiving services pursuant to such chapter."

(2) EFFECTIVE DATE.-The amendments made by paragraph (1) apply to services furnished on and after the effective date of the regulations issued pursuant to such paragraph.

(b) SUBSISTENCE AND MEDICAL CARE FOR PRISONERS.--Chapter 301 of title 18, United States Code, is amended by striking section 4006 and inserting the following in its place:

"4006. Subsistence and medical care for prisoners

"(a) IN GENERAL.- The Attorney General shall acquire subsistence and medical care for persons in the custody of the United States Marshals Service at fair and reasonable prices.

"(b) MEDICAL CARE.- The payments made in the provision of medical care under this section shall not exceed the payments made in the provision of similar health care services paid pursuant to the medicare program under title XVIII of the Social Security Act and the applicable medicaid program, unless specifically authorized by the Attorney General. When payment is made pursuant to this paragraph, it shall be deemed to be full and final payment. This paragraph

shall not apply to medical care provided to persons in the custody of the United States Marshals Service housed in Federal institutions."

SEC. 7025. JUDICIAL DISTRICT DESIGNATION.

Section 113 of title 28, United States Code, is amended by striking "Federal Correctional Institution, Butner" wherever it appears and inserting "Federal Correctional Complex, Butner".

**SUBTITLE C -- IMPROVEMENTS IN FEDERAL LAW RELATING TO WHITE
COLLAR CRIME**

**SEC. 7031. ELIMINATION OF PROOF OF VALUE REQUIREMENT FOR FELONY
THEFT OR CONVERSION OF GRAND JURY MATERIAL.**

Section 641 of title 18, United States Code, is amended by striking "but if the value of such property does not exceed the sum of \$1,000, he" and inserting "but if the value of such property, other than property constituting 'matters occurring before the grand jury' within the meaning of Rule 6(e) of the Federal Rules of Criminal Procedure, does not exceed the sum of \$1000,".

**SEC. 7032. AMENDMENT OF INTERSTATE TRAVEL FRAUD STATUTE TO
COVER TRAVEL BY PERPETRATOR.**

Section 2314 of title 18, United States Code, is amended in the second undesignated paragraph by inserting "travels in or" before "transports or causes to be transported, or induce any person or persons to travel in".

**SEC. 7033. CONFORMING PENALTY AMENDMENT FOR FRAUDS RESULTING IN
SERIOUS INJURY OR DEATH.**

Sections 1341 and 1343 of title 18, United States Code, are each amended by inserting the following before the last sentence:

"If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title or imprisoned not more than 20 years, or both; and if the violation results in death, such person shall be fined under this title, or imprisoned for any term of years or for life, or both."

SUBTITLE D – FEDERAL LAW ENFORCEMENT PROGRAMS.

SEC. 7041. AUTHORITY TO PROVIDE HUMANITARIAN ASSISTANCE TO CERTAIN EMPLOYEES.

(a) For each fiscal year beginning after September 30, 1998, there is authorized to be appropriated for the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI) the amount of \$50,000 each to be expended in the sole discretion of the Administrator, DEA, or the Director, FBI, to pay humanitarian assistance expenses incurred -

(1) by an employee of either agency as a result of serious illness, serious injury, or death occurring while on official business; or,

(2) by an member of the immediate family of such employee, incident to the serious illness, serious injury, or death of such employee occurring while on official business.

(b) The DEA and the FBI are also hereby authorized to utilize government equipment, including vehicles, and incidental materials in humanitarian matters involving the serious injury, serious illness, or death of an employee occurring while on official business when necessary to provide comfort, assistance, or aid to such employees or their immediate families, with the

limitation that such use will be a non-interference basis with the mission and responsibilities of the DEA or the FBI.

(c) The DEA and the FBI are further authorized to promulgate such regulations and procedures as they deem appropriate to carry out the purpose and effect of this authority.

(d) This provision is not to convey or infer any rights or benefits, substantive or procedural in nature, enforceable at law by individuals seeking to compel the payment of any such expenses or the performance of any actions by the DEA or the FBI under this authority.

SEC. 7042. FEDERAL PROSECUTOR ETHICS ACT.

Section 530B of Title 28, United States Code, as added by Title VIII of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is hereby repealed.

SEC. 7043. STRENGTHENING LAW ENFORCEMENT EFFORTS IN U.S. TERRITORIES AND POSSESSIONS.

(a) Chapter 57 of title 5, United States Code, is amended—

(1) in subchapter IV, by adding at the end the following new section:

"§ 5757. Extended assignment incentive

"(a) The head of an Executive agency may pay an extended assignment incentive to an employee if--

"(1) the employee has completed at least 2 years of continuous service in one or more civil service positions located in a territory or possession of the United States;

"(2) the agency determines that replacing the employee with another employee possessing the required qualifications and experience would be difficult; and

"(3) the agency determines it is in the best interest of the Government to encourage the employee to complete a specified additional period of employment with the agency in the territory or possession, except that the total amount of service performed in a particular territory or possession under one or more agreements established under this section may not exceed 5 years.

"(b) The sum of extended assignment incentive payments for a service period may not exceed the greater of--

"(1) an amount equal to 25 percent of the annual rate of basic pay of the employee at the beginning of the service period, times the number of years in the service period; or

"(2) \$25,000 per year in the service period.

"(c)(1) Payment of an extended assignment incentive shall be contingent upon the employee entering into a written agreement with the agency specifying the period of service and other terms and conditions under which the extended assignment incentive is payable.

"(2) The agreement shall set forth the method of payment, including any use of an initial lump-sum payment, installment payments, or a final lump-sum payment upon completion of the entire period of service.

"(3) The agreement shall describe the conditions under which the extended assignment incentive may be canceled prior to the completion of the agreed-upon service period and the effect of the cancellation. The agreement shall require that if, at the time of cancellation of the incentive, the employee has received incentive payments which exceed the amount which bears the same relationship to the total amount to be paid under the agreement as the completed service period bears to the agreed-upon service period, the employee shall repay that excess amount, at a minimum, except that an employee who is involuntarily reassigned to a position stationed outside

the territory or possession or involuntarily separated (not for cause on charges of misconduct, delinquency, or inefficiency) may not be required to repay any excess amounts.

"(d) An agency may not put an extended assignment incentive into effect during a period in which the employee is fulfilling a recruitment or relocation bonus service agreement under section 5753 or for which an employee is receiving a retention allowance under section 5754.

"(e) Extended assignment incentive payments may not be considered part of the basic pay of an employee.

"(f) The Office of Personnel Management may prescribe regulations for the administration of this section, including regulations on an employee's entitlement to retain or receive incentive payments when an agreement is canceled. Neither this section nor implementing regulations may impair any agency's independent authority to administratively determine compensation for a class of its employees."; and

(2) in the analysis, by adding at the end the following:

"5757. Extended assignment incentive."

(b) Section 5307(a)(2)(B) of title 5, United States Code, is amended by striking "or 5755" and inserting "5755, or 5757".

(c) The amendments made by this Act shall take effect on the first day of the first applicable pay period beginning on or after 6 months after the date of enactment of this Act.

SUBTITLE E - IMPROVEMENTS TO FEDERAL SENTENCING LAWS

SEC. 7051. PRISON CREDIT AND AGING PRISONER REFORM.

(a) PRISON CREDITS IN GENERAL.— Section 3585(b) of title 18, United States Code, is amended to read as follows—

“(b) Credit for prior custody. - A defendant shall be given credit toward the service of a term of imprisonment for any time spent in official detention prior to the date the sentence commences only if that official detention is as a result of the offense for which the sentence was imposed and has not been -

“(1) credited toward another sentence; or

“(2) applied in any manner to an undischarged concurrent term of imprisonment.”.

(b) GOOD TIME CREDITS FOR FOREIGN PRISONERS TRANSFERRED TO THE UNITED STATES.—Section 4105(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "by the Bureau of Prisons and deducted from the sentence imposed by the foreign court" after "These credits shall be combined";

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6); and

(3) by inserting after paragraph (2) the following:

"(3) If the term of imprisonment under section 4106A(b)(1)(A) is less than or equal to the total sentence imposed and certified by the foreign authorities on the basis of considerations other than the limitation arising under section 4106A(b)(1)(C), the Bureau of Prisons shall calculate credits for satisfactory behavior at the rate provided in section 3624(b) and computed on the basis of the term of imprisonment under section 4106A(b)(1)(A). If the credits calculated under this paragraph produce a release date that is earlier than the release date otherwise determined under this section, the release date calculated under this paragraph shall apply to the transferred offender.

"(4) Upon release from imprisonment, the offender shall commence service of any period of supervised release established pursuant to section 4106A(b)(1)(A), and the balance of the foreign sentence remaining at the time of release from prison shall not be reduced by credits for satisfactory behavior, or labor, or any other credit that has been applied to establish the offender's release date."

(c) CONFORMING AMENDMENT.—Section 4106A(b)(1)(A) of title 18, United States Code, is amended by striking "release date" and inserting "term of imprisonment".

(d) EXPANSION OF PROVISION ALLOWING FOR RELEASE OF NON-DANGEROUS OFFENDERS WHO HAVE SERVED AT LEAST THIRTY YEARS IN PRISON AND ARE AT LEAST 70 YEARS OLD.—Section 3582(c)(1)(A) of title 18, United States Code, is amended—

(1) by inserting "(and may impose a sentence of probation or supervised release with or without conditions)" after "may reduce the term of imprisonment";

(2) in subparagraph (ii), by inserting "(other than an offense or offenses under chapter 109A of this title)" after "the offense or offenses"; and

(3) in subparagraph (ii), by striking ", pursuant to a sentence imposed under section 3559(c),".

**SEC. 7052. CORRECTION OF ABERRANT STATUTES TO PERMIT IMPOSITION
OF BOTH A FINE AND IMPRISONMENT RATHER THAN ONLY
EITHER PENALTY.**

(a) Section 401 of title 18, United States Code, is amended by inserting "or both," after "fine or imprisonment,";

(b) Section 1705 of title 18, United States Code, is amended by inserting ", or both" after "years";

(c) Sections 1916, 2234, and 2235 of title 18, United States Code, are each amended by inserting ", or both" after "year".