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S. 2484

To combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1998

Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Schools, Safe Streets, and Secure Borders Act of 1998".

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

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SEC. 2. DEFINITIONS.

In this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) INDIAN TRIBE.—The term ''Indian tribe'' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) JUVENILE.—The term ''juvenile'' has the meaning given that term under applicable State law.

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(5) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, county, township, borough, parish, or other entity exercising governmental power under State law.

(6) VIOLENT CRIME REDUCTION TRUST FUND.—The term ''Violent Crime Reduction Trust Fund'' means the fund established under title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.).

(7) YOUTH.—The term ''youth'' means a person who is not younger than 5 and not older than 18 years of age.

TITLE I—COMBATING VIOLENCE IN SCHOOLS AND PUNISHING JUVENILE CRIME

Subtitle A—Assistance to Schools

SEC. 1001. SCHOOL RESOURCE OFFICERS.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who

operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;''; and

(2) in section 1709, by adding at the end the following: '''school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

''(1) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

''(2) to develop or expand crime prevention efforts for students;

''(3) to educate likely school-age victims in crime prevention and safety;

''(4) to develop or expand community justice initiatives for students;

''(5) to train students in conflict resolution, restorative justice, and crime awareness;

''(6) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

"(7) to assist in developing school policy that addresses crime and to recommend procedural changes.".

SEC. 1002. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories in partnership with the National Law Enforcement and Corrections Technology Center—Southeast of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,250,000 for each of fiscal years 1999, 2000, and 2001.

SEC. 1003. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—From amounts appropriated under subsection (c), the Secretary of Education shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology, or carry out activities related to improving security at the middle and high schools served by the agencies, including obtaining school security assessments, and technical assistance for the development of a comprehensive school security plan from the School Security Technology Center. The Secretary shall give priority to local educational agencies showing the highest security needs as reported by the agency to the Secretary in application for funding made available under this section.

"(b) APPLICABILITY.—The provisions of this part shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999, 2000, and 2001.".

SEC. 1004. SAFE AND SECURE SCHOOL ADVISORY REPORT.

The Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress not later than 1 year after the date of enactment of this Act.

Subtitle B—Federal Prosecution of Serious and Violent Juvenile Offenders

PART 1—REFORM OF FEDERAL JUVENILE SYSTEM

SEC. 1210. 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) JUVENILE DELINQUENCY PROCEEDINGS.—

''(1) IN GENERAL.—A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be—

''(A) surrendered to State authorities;

''(B) proceeded against as a juvenile under this subsection; or

"(C) tried as an adult in the circumstances described in subsections (b) and (c).

"(2) SURRENDER TO STATE ABSENT CERTIFICATION.—

"(A) IN GENERAL.—A juvenile referred to in paragraph (1) may be proceeded against as a juvenile in a court of the United States under this subsection—

"(i) 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 6 months; or

"(ii) if the Attorney General, after investigation, certifies to the appropriate United States district court that—

"(I)(aa) 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

"(bb) the offense charged is described in subsection (b) (2) or (3) or subsection (e); and

"(II) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(B) SURRENDER TO LEGAL AUTHORITIES.—If, where required, the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(3) PUBLIC PROCEEDINGS; ATTENDANCE BY VICTIMS.—

"(A) IN GENERAL.—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.

"(B) CONVENING OF COURT.—For the purposes specified in subparagraph (A), the court—

"(i) may be convened at any time and place within the district; and

"(ii) shall be open to the public, except that the court may exclude all or some

members of the public from the proceedings if—

"(I) required by the interests of justice; or

"(II) other good cause is shown.

"(C) COURT OPEN TO VICTIMS AND RELATIVES.—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—

"(i) required by the interests of justice; or

"(ii) otherwise good cause is shown.

"(D) PROCEDURAL REQUIREMENTS.—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) JUVENILES 16 YEARS AND OLDER PROSECUTED AS ADULTS.—A juvenile alleged to have committed an act on or after the day the juvenile attains the age of 16 years may be prosecuted as an adult—

"(1) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult;

"(2) if the act committed by an adult would be a serious violent felony or a serious drug offense as described in section 3559(c) (2) and (3) or a conspiracy or attempt under section 406 of the Controlled Substances Act (21 U.S.C. 846) or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963) to commit an offense described in section 3559(c)(2); or

"(3) if the act the juvenile is alleged to have committed is not described in paragraph (2), and if committed by an adult would be—

"(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 the Internal Revenue Code of 1986;

"(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), an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), 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).

"(c) JUVENILES UNDER 16 YEARS PROSECUTED AS ADULTS.—

"(1) IN GENERAL.—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, may be prosecuted as an adult if the act, if committed by

an adult, would be an offense described in paragraph (2) or (3) of subsection (b), upon approval of the Attorney General or the designee of the Attorney General, who shall not be at a level lower than a Deputy Assistant Attorney General.

"(2) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), approval shall not be granted under paragraph (1), with respect to a juvenile described in that paragraph 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 the commission of that act in Indian country (as defined in section 1151).

"(B) EXCEPTION.—Subparagraph (A) shall not apply if, before that alleged act was committed, the governing body of the Indian tribe having jurisdiction over the place in which the alleged act was committed notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(d) LIMITATIONS ON JUDICIAL REVIEW.—

"(1) IN GENERAL.—Except as provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c) shall not be reviewable in any court.

"(2) DETERMINATION BY COURT.—In any prosecution of a juvenile under subsection (b)(3) or (c)(1), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant under subsection (a).

"(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 20 days after the date on which the defendant—

"(A) initially appears through counsel; or

"(B) expressly waives the right to counsel and elects to proceed pro se.

"(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence or information that removal to juvenile status would be in the interest of

justice. In making a determination under paragraph (2), 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 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.

"(5) STATUS OF ORDERS.—

"(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status 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 removing a defendant to juvenile status.

"(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

"(6) INADMISSIBILITY OF EVIDENCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), 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.

"(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall not apply, except—

"(i) for impeachment purposes; or

"(ii) in a prosecution for perjury or giving a false statement.

"(7) RULES.—The rules concerning the receipt and admissibility of evidence shall be the same as prescribed in subsection 3142(f) of this title.

"(e) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under subsection (b) or (c) 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.".

SEC. 1211. APPLICABILITY OF STATUTORY MINIMUMS TO JUVENILES 16 YEARS AND OLDER AND LIMITATION AS TO YOUNGER JUVENILES.

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 section 5032 (b)(3) or (e), 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).''.

SEC. 1212. 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. 1213. 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) IN GENERAL.—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) TIMELY ACTION.—The juvenile shall be taken before a judicial officer without unreasonable delay.".

SEC. 1214. 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 3rd 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 such section before those paragraphs the following: "In a proceeding under section 5032(a)—".

SEC. 1215. SPEEDY TRIAL FOR DETAINED JUVENILES PENDING DELINQUENCY PROCEEDINGS; REINSTITUTING DISMISSED CASES.

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. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the offense, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice. The periods of exclusion under section 3161(h) of this title shall apply to this section.''.

SEC. 1216. 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 GENERAL.—

''(1) HEARING.—In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

"(2) REPORT.—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.

"(3) VICTIM IMPACT INFORMATION.—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.

"(4) ORDER OF RESTITUTION.—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.

"(5) RELEASE OR DETENTION.—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) TERM OF PROBATION.—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) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) TERM OF OFFICIAL DETENTION.—

"(1) MAXIMUM TERM.—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—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile attains the age of 26 years.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 of this title shall apply to an order placing a juvenile in detention.

"(d) TERM OF SUPERVISED RELEASE.—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 shall apply to an order placing a juvenile on supervised release.

"(e) CUSTODY OF THE ATTORNEY GENERAL.—

"(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, the court 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.

"(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except 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.

"(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection 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 pertaining to the juvenile.

"(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time. If the juvenile has not been committed for the study, the probation office shall obtain the report under sections 3154 and 3672 and submit the results of the study in like manner and within the same time period.

"(5) EXCLUSION OF TIME.—Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) CONVICTION AS ADULT OF JUVENILES 13, 14, AND 15 YEARS OLD.—With respect to any juvenile prosecuted and convicted as an adult under section 5032(c), the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as

practicable and not later than 1 year after the date of enactment of the Safe Schools, Safe Streets, and Secure Borders Act of 1998.''.

SEC. 1217. ACCESS TO JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding, 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''; and

(B) by striking paragraph (6) and inserting the following:

''(6) inquiries from any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, or, if the victim is deceased, from the immediate family of such victim in order to—

''(A) apprise such victim or representative of the status or disposition of the proceeding;

"(B) effectuate any other provision of law; or

"(C) assist in a victim's or the victim's official representative's, allocution at disposition;";

(2) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following:

"(e) RECORDS AND INFORMATION.—

"(1) JUVENILE DELINQUENCY RECORDS.—If 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 922(x)—

"(A) the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation;

"(B) the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including the name, date of adjudication, court, offenses, and sentence of the juvenile, along with the notation that the matter was a juvenile adjudication; and

"(C) access to the fingerprints, photograph, and other records and information relat-

ing to a juvenile described in this subsection, shall be restricted as prescribed by subsection (a).

''(2) JUVENILES TRIED AS ADULTS.—Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

''(f) ADDITIONAL AUTHORIZATION.—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 in any case in which the same circumstances exist.''.

SEC. 1218. TECHNICAL AMENDMENTS OF SECTION 5034.

Section 5034 of title 18, United States Code, as amended by section 1214, is amended by—

(1) striking ''his'' each place it appears and inserting ''the juvenile's''; and

(2) striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 1219. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

''In this chapter:

''(1) ADULT JAIL OR CORRECTIONAL FACILITY.—The term 'adult jail or correctional facility' 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.

''(2) COMMUNITY-BASED FACILITY, PROGRAM, OR SERVICE.—The term 'community-based facility, program, or service' means, with respect to a juvenile, 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 those programs (which may include medical, educational, vocational, social and psychological guidance, training,

special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services).

"(3) INDIAN TRIBE.—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 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

"(4) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the legally recognized leadership of an Indian tribe, band, nation, pueblo, village, or community.

"(5) JUVENILE.—The term 'juvenile' means—

"(A) a person who has not attained his or her 18th birthday; or

"(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his or her 21st birthday.

"(6) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person prior to the 18th birthday of that person, if the violation—

"(A) would have been a crime if committed by an adult; or

"(B) is a violation of section 922(x).

"(7) PROHIBITED PHYSICAL CONTACT.—

"(A) IN GENERAL.—The term 'prohibited physical contact' means—

"(i) any physical contact between a juvenile and an adult inmate; and

"(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

"(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental.

"(8) SUSTAINED ORAL COMMUNICATION.—

"(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

"(B) EXCEPTION.—The term does not include—

"(i) communication that is accidental or incidental; or

"(ii) sounds or noises that cannot reasonably be considered to be speech.

"(9) STATE.—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, an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

"(10) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as that term is defined in section 16).".

PART 2—INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

SEC. 1220. DETENTION OF JUVENILES PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

"§ 5035. Detention prior to disposition or sentencing

"(a) IN GENERAL.—

"(1) JUVENILES 16 YEARS OF AGE OR OLDER.—(A) A juvenile 16 years of age or older prosecuted pursuant to paragraph (2) or (3) of section 5032(b), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(B)(i) A juvenile 16 years of age or older prosecuted pursuant to section 5032(a), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(ii) If a facility described in subparagraph (B)(i) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(2) JUVENILES LESS THAN 16 YEARS OF AGE.—

"(A) IN GENERAL.—A juvenile less than 16 years of age prosecuted pursuant to this sec-

tion, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(B) UNAVAILABILITY OF CERTAIN FACILITIES.—If a facility described in subparagraph (A) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(b) PROHIBITION.—A juvenile less than 16 years of age prosecuted pursuant to this section shall not be detained prior to disposition or sentencing in any facility in which the juvenile has prohibited physical contact or sustained oral communication with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) PROVISION OF SAFETY, SECURITY, AND OTHER AMENITIES.—Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.".

SEC. 1221. RULES GOVERNING THE COMMITMENT OF JUVENILES.

Section 5039 of title 18, United States Code, is amended to read as follows:

"§ 5039. Commitment

"(a) IN GENERAL.—

"(1) PROHIBITION.—The Attorney General shall not cause any person less than 18 years of age adjudicated delinquent under section 5032(a), or any person less than 16 years of age convicted of an offense to be placed or retained in an adult jail or correctional facility in which the person has prohibited physical contact or sustained oral communication with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

"(2) FACILITIES NEAR HOME.—Whenever possible, the Attorney General shall commit a juvenile described in paragraph (1) to a foster home or community-based facility located in or near the home community of that juvenile. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(b) PROVISION OF AMENITIES.—Each juvenile who has been committed under subsection (a) shall be provided with reasonable safety and security and with adequate

food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.''.

Subtitle C—Assistance to States for Prosecuting and Punishing Juvenile Offenders, and Reducing Juvenile Crime

SEC. 1300. JUVENILE AND VIOLENT OFFENDER INCARCERATION GRANTS.

(a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE FACILITIES.—

(1) DEFINITIONS.—In this subsection:

(A) COLOCATED FACILITY.—The term ''co-located facility'' means the location of adult and juvenile facilities on the same property in a manner consistent with regulations issued by the Attorney General to ensure that adults and juveniles are substantially segregated.

(B) SUBSTANTIALLY SEGREGATED.—The term ''substantially segregated'' means—

(i) complete sight and sound separation in residential confinement;

(ii) use of shared direct care and management staff, properly trained and

certified by the State to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

(iii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.

(C) VIOLENT JUVENILE OFFENDER.—The term ''violent juvenile offender'' means a person under the age of majority pursuant to State law that has been adjudicated delinquent or convicted in adult court of a violent felony as defined in section 924(e)(2)(B) of title 18, United States Code.

(D) QUALIFYING STATE.—The term ''qualifying State'' means a State that has submitted, or a State in which an eligible unit of local government has submitted, a grant application that meets the requirements of paragraphs (3) and (5).

(2) AUTHORITY.—

(A) IN GENERAL.—The Attorney General may make grants in accordance with this subsection to States, units of local government, or any combination thereof, to assist them in planning, establishing, and operating secure facilities, staff-secure facilities, detention centers, and other correctional programs for violent juvenile offenders.

(B) USE OF AMOUNTS.—Grants under this subsection may be used—

(i) for colocated facilities for adult prisoners and violent juvenile offenders; and

(ii) only for the construction or operation of facilities in which violent juvenile offenders are substantially segregated from nonviolent juvenile offenders.

(3) APPLICATIONS.—

(A) IN GENERAL.—The chief executive officer of a State or unit of local government that seeks to receive a grant under this subsection shall submit to the Attorney General an application, in such form and in such manner as the Attorney General may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall provide written assurances that each facility or program funded with a grant under this subsection—

(i) will provide appropriate educational and vocational training, a program of substance abuse testing, and substance abuse treatment for appropriate juvenile offenders; and

(ii) will afford juvenile offenders intensive post-release supervision and services.

(4) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each qualifying State, together with units of local government within the State, shall be allocated for each fiscal year not less than 1.0 percent of the total amount made available in each fiscal year for grants under this subsection.

(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.2 percent of the total amount made

available in each fiscal year for grants under this subsection.

(5) PERFORMANCE EVALUATION.—

(A) EVALUATION COMPONENTS.—

(i) IN GENERAL.—Each facility or program funded under this subsection shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(ii) OUTCOME MEASURES.—The evaluations required by this subsection shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism, and other outcome measures.

(B) PERIODIC REVIEW AND REPORTS.—

(i) REVIEW.—The Attorney General shall review the performance of each grant recipient under this subsection.

(ii) REPORTS.—The Attorney General may require a grant recipient to submit to the Office of Justice Programs, Correc-

tions Programs Office the results of the evaluations required under subparagraph (A) and such other data and information as are reasonably necessary to carry out the responsibilities of the Attorney General under this subsection.

(6) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General shall provide technical assistance and training to grant recipients under this subsection to achieve the purposes of this subsection.

(b) JUVENILE FACILITIES ON TRIBAL LANDS.—

(1) RESERVATION OF FUNDS.—Of amounts made available to carry out section 214 of this Act under section 20108(a)(2)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)(2)(A)), the Attorney General shall reserve, to carry out this subsection, 0.75 percent for each of fiscal years 1999 through 2002.

(2) GRANTS TO INDIAN TRIBES.—Of amounts reserved under paragraph (1), the Attorney General may make grants to Indian tribes or to regional groups of Indian tribes for the purpose of constructing secure facilities, staff-secure facilities, detention centers, and other correctional programs for incar-

ceration of juvenile offenders subject to tribal jurisdiction.

(3) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(4) REGIONAL GROUPS.—Individual Indian tribes from a geographic region may apply for grants under paragraph (2) jointly for the purpose of building regional facilities.

(c) REPORT ON ACCOUNTABILITY AND PERFORMANCE MEASURES IN JUVENILE CORRECTIONS PROGRAMS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall, after consultation with the National Institute of Justice and other appropriate governmental and nongovernmental organizations, submit to Congress a report regarding the possible use of performance-based criteria in evaluating and improving the effectiveness of juvenile corrections facilities and programs.

(2) CONTENTS.—The report required under this subsection shall include an analysis of—

(A) the range of performance-based measures that might be utilized as evaluation criteria, including measures of recidivism among juveniles who have been incarcerated in facilities or have participated in correctional programs;

(B) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a program or facility);

(C) whether, and to what extent, the data necessary for the Attorney General to utilize performance-based criteria in the Attorney General's administration of juvenile corrections programs are collected and reported nationally; and

(D) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating juvenile corrections programs and

facilities and administering Federal juvenile corrections funds.

SEC. 1301. CERTAIN PUNISHMENT AND GRADUATED SANCTIONS FOR YOUTH OFFENDERS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) youth violence constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent youth violence;

(B) the behavior of youth who become violent offenders often follow a progression, beginning with aggressive behavior in school, truancy, and vandalism, leading to property crimes and then serious violent offenses;

(C) the juvenile justice systems in most States are ill-equipped to provide meaningful sanctions to minor, nonviolent offenders because most of their resources are dedicated to dealing with more serious offenders;

(D) in most States, some youth commit multiple, nonviolent offenses without facing any significant criminal sanction;

(E) the failure to provide meaningful criminal sanctions for first time, nonviolent offenders sends the false message to youth that they can engage in antisocial behavior without suffering any negative consequences and that society is unwilling or unable to restrain that behavior;

(F) studies demonstrate that interventions during the early stages of a criminal career can halt the progression to more serious, violent behavior; and

(G) juvenile courts need access to a range of sentencing options so that at least some level of sanction is imposed on all youth offenders, including status offenders, and the severity of the sanctions increase along with the seriousness of the offense.

(2) PURPOSES.—The purposes of this section are to provide—

(A) assistance to State and local juvenile courts to expand the range of sentencing options for first time, nonviolent offenders; and

(B) a selection of graduated sanctions for more serious offenses.

(b) DEFINITIONS.—In this section:

(1) FIRST TIME OFFENDER.—The term ''first time offender'' means a juvenile against whom formal charges have not previously been filed in any Federal or State judicial proceeding.

(2) NONVIOLENT OFFENDER.—The term ''nonviolent offender'' means a juvenile who is charged with an offense that does not involve the use of force against the person of another.

(3) STATUS OFFENDER.—The term ''status offender'' means a juvenile who is charged with an offense 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 similar State law)).

(c) GRANT AUTHORIZATION.—The Attorney General may make grants in accordance with this section to States, State courts, local courts, units of local government, and Indian tribes, for the purposes of—

(1) providing juvenile courts with a range of sentencing options such that first time juvenile offenders, including status offenders such as truants, vandals, and juveniles in violation of State or local curfew laws, face at least some level of punishment

as a result of their initial contact with the juvenile justice system; and

(2) increasing the sentencing options available to juvenile court judges so that juvenile offenders receive increasingly severe sanctions—

(A) as the seriousness of their unlawful conduct increases; and

(B) for each additional offense.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this section;

(B) a description of the communities to be served by the grant, including the extent of youth crime and violence in those communities;

(C) written assurances that Federal funds received under this subtitle will be used to sup-

plement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(D) a comprehensive plan described in paragraph (3) (in this section referred to as the ''comprehensive plan''); and

(E) any additional information in such form and containing such information as the Attorney General may reasonably require.

(3) IMPLEMENTATION PLAN.—For purposes of paragraph (2), a comprehensive plan shall include—

(A) an action plan outlining the manner in which the applicant will achieve the purposes described in subsection (c)(1);

(B) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in subparagraph (A);

(C) an estimate of the costs of full implementation of the plan; and

(D) a plan for evaluating the impact of the grant on the jurisdiction's juvenile justice system.

(e) GRANT AWARDS.—

(1) CONSIDERATIONS.—In awarding grants under this section, the Attorney General shall consider—

(A) the ability of the applicant to provide the stated services;

(B) the level of youth crime, violence, and drug use in the community; and

(C) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(2) ALLOCATIONS.—

(A) IN GENERAL.—The Attorney General shall allot not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to applicants in each State from which applicants have applied for grants under this section.

(B) INDIAN TRIBES.—The Attorney General shall allocate not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to Indian tribes.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Each grant made under this section shall be used to establish programs that—

(A) expand the number of judges, prosecutors, and public defenders for the purpose of imposing sanctions on first time juvenile offenders and status offenders and for establishing restorative justice boards involving members of the community;

(B) provide expanded sentencing options, such as restitution, community service, drug testing and treatment, mandatory job training, curfews, house arrest, mandatory work projects, and boot camps, for status offenders and nonviolent offenders;

(C) increase staffing for probation officers to supervise status offenders and nonviolent offenders to ensure that sanctions are enforced;

(D) provide aftercare and supervision for status and nonviolent offenders, such as drug education and drug treatment, vocational training, job placement, and family counseling;

(E) encourage private sector employees to provide training and work opportunities for status offenders and nonviolent offenders; and

(F) provide services and interventions for status and nonviolent offenders designed, in

tandem with criminal sanctions, to reduce the likelihood of further criminal behavior.

(2) PROHIBITION ON USE OF AMOUNTS.—

(A) DEFINITIONS.—In this paragraph:

(i) ALIEN.—The term ''alien'' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(ii) SECURE DETENTION FACILITY; SECURE CORRECTIONAL FACILITY.—The terms ''secure detention facility'' and ''secure correctional facility'' have the same meanings as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603).

(B) PROHIBITION.—No amounts made available under this subtitle may be used for any program that permits the placement of status offenders, alien juveniles in custody, or non-offender juveniles (such as dependent or neglected children) in secure detention facilities or secure correctional facilities.

(g) GRANT LIMITATIONS.—Not more than 3 percent of the amounts made available to the Attorney General

or a grant recipient under this section may be used for administrative purposes.

(h) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Federal share of a grant made under this section may not exceed 90 percent of the total estimated costs of the program described in the comprehensive plan submitted under subsection (d)(3) for the fiscal year for which the program receives assistance under this section.

(2) WAIVER.—The Attorney General may waive, in whole or in part, the requirements of paragraph (1).

(3) IN-KIND CONTRIBUTIONS.—For purposes of paragraph (1), in-kind contributions may constitute any portion of the non-Federal share of a grant under this section.

(i) REPORT AND EVALUATION.—

(1) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 1999, and October 1 of each year thereafter, each grant recipient under this section shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(2) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2000, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this section, and an evaluation of programs established by grant recipients under this section.

(3) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this section, the Attorney General shall consider—

(A) a comparison between the number of first time offenders who received a sanction for criminal behavior in the jurisdiction of the grant recipient before and after initiation of the program;

(B) changes in the recidivism rate for first time offenders in the jurisdiction of the grant recipient;

(C) a comparison of the recidivism rates and the seriousness of future offenses of first time offenders in the jurisdiction of the grant

recipient that receive a sanction and those who do not;

(D) changes in truancy rates of the public schools in the jurisdiction of the grant recipient; and

(E) changes in the arrest rates for vandalism and other property crimes in the jurisdiction of the grant recipient.

(4) DOCUMENTS AND INFORMATION.—Each grant recipient under this section shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section from the Violent Crime Reduction Trust Fund—

(1) such sums as may be necessary for each of the fiscal years 1999 and 2000; and

(2) $175,000,000 for each of the fiscal years 2001 and 2002.

SEC. 1302. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (in this section referred to as the ''program'') to encourage and support communities who adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (in this section referred to as ''coalitions'');

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint an Administrator (in this section referred to as the ''Administrator'') to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups; and

(x) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate

local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and which receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase

(but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—Two years after the date of implementation of the program established in this section, the General Accounting Office shall submit a report to Congress reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities. The report shall contain an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime. The report shall contain recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund to carry out this section, $3,000,000 in each of fiscal years 1999, 2000, and 2001.

SEC. 1303. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIEN OFFENDERS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by inserting ''or illegal juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by such State or locality'' before the period;

(2) in subsection (b), by inserting ''(including any juvenile alien who has been adjudicated delinquent and has been committed to a correctional fa-

cility)'' before ''who is in the United States unlawfully''; and

(3) by adding at the end the following:

''(f) JUVENILE ALIEN DEFINED.—In this section, the term 'juvenile alien' means an alien (as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1103)) who has been adjudicated delinquent and committed to a correctional facility by a State or locality as a juvenile offender.''.

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.''.

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following:

"(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.".

Subtitle D—Protecting Children From Violence

PART 1—GUN OFFENSES

SEC. 1410. GUN BAN FOR DANGEROUS JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) For purposes of section 922(d), (g), and (s) of this chapter, the term 'act of juvenile delinquency' means an adjudication of delinquency based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent fel-

ony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.''; and

(4) by striking ''What constitutes'' through the end and inserting the following: ''What constitutes a conviction of such a crime or an adjudication of juvenile delinquency shall be determined in accordance with law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of delinquency which has been expunged or set aside for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall not be considered a conviction or adjudication of delinquency.

(b) PROHIBITION.—Section 922 of title 18, United States Code is amended—

(1) in subsection (d)—

(A) by striking ''or'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of juvenile delinquency.";

(2) in subsection (g)—

(A) by striking "or" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of juvenile delinquency."; and

(3) in subsection (s)(3)(B)—

(A) by striking "and" at the end of clause (vi);

(B) by inserting "and" after the semicolon at the end of clause (vii); and

(C) by inserting after clause (vii) the following:

"(viii) has not committed an act of juvenile delinquency.".

SEC. 1411. IMPROVING FIREARMS SAFETY.

(a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) CERTIFICATION REQUIRED IN APPLICATION FOR DEALER'S LICENSE.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that

secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).''.

(c) REVOCATION OF DEALER'S LICENSE FOR FAILURE TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES AVAILABLE.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: ''or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not

be considered to be in violation of the requirement to make available such a device)''.

(d) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(1) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(2) as establishing any standard of care.

SEC. 1412. ENHANCED PENALTIES FOR DISCHARGING OR POSSESSING A FIREARM DURING A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking ''(c)'' and all that follows through ''(2)'' and inserting the following:

''(c) POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—

''(1) TERM OF IMPRISONMENT.—

''(A) IN GENERAL.—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug

trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years; and

"(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) EXCEPTION FOR CERTAIN OFFENSES.—If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall

be sentenced to a term of imprisonment of not less than 30 years.

"(C) EXCEPTION FOR CERTAIN OFFENDERS.—In the case of a second or subsequent conviction under this subsection, a person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

"(D) PROBATION AND CONCURRENT SENTENCES.—Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug

trafficking crime during which the firearm was used, carried, or possessed.

''(2) DEFINITION OF 'DRUG TRAFFICKING CRIME'.—''; and

(2) in paragraph (3)—

(A) by striking ''(3) For'' and inserting the following:

''(3) DEFINITION OF 'CRIME OF VIOLENCE'.—For''; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting ''firearms possession (as described in section 924(c));'' after ''firearms use;''.

SEC. 1413. JUVENILE HANDGUN SAFETY.

(a) JUVENILE HANDGUN SAFETY.—Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (A); and

(3) in subparagraph (A), as redesignated—

(A) by striking ''A person other than a juvenile who knowingly'' and inserting ''A person who knowingly''; and

(B) in clause (i), by striking ''not more than 1 year'' and inserting ''not more than 5 years''.

SEC. 1414. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in this paragraph;''.

SEC. 1415. INCREASED PENALTY FOR TRANSFERRING A FIREARM TO A MINOR FOR USE IN CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924(h) of title 18, United States Code, is amended by striking ''10 years, fined in accordance with this title, or both'' and inserting ''10 years, and if the transferee is a person who is under 18 years of age, imprisoned for a term of not more than 15 years, fined in accordance with this title, or both''.

SEC. 1416. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

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

''(p) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.''.

PART 2—LOCAL GUN VIOLENCE PREVENTION PROGRAMS

SEC. 1421. COMPETITIVE GRANTS FOR CHILDREN'S FIREARM SAFETY EDUCATION.

(a) PURPOSES.—The purposes of this section are—

(1) to award grants to assist local educational agencies, in consultation with community groups and law enforcement agencies, to educate children about and preventing violence; and

(2) to assist communities in developing partnerships between public schools, community organizations, law enforcement, and parents in educating children about preventing gun violence.

(b) DEFINITIONS.—In this section:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the same meaning given such term in section 14101(18) of the Elemen-

tary and Secondary Education Act of 1965 (20 U.S.C. 8701).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(c) ALLOCATION OF COMPETITIVE GRANTS.—

(1) GRANTS BY THE SECRETARY.—For any fiscal year in which the amount appropriated to carry out this section does not equal or exceed $50,000,000, the Secretary of Education is authorized to award competitive grants described under subsection (d).

(2) GRANTS BY THE STATES.—For any fiscal year in which the amount appropriated to carry out this section exceeds $50,000,000, the Secretary shall make allotments to State educational agencies pursuant to paragraph (3) to award competitive grants described in subsection (d).

(3) FORMULA.—Except as provided in paragraph (4), funds appropriated to carry out this section shall be allocated among the States as follows:

(A) 75 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State.

(B) 25 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State that is incarcerated.

(4) MINIMUM ALLOTMENT.—Of the amounts appropriated to carry out this section, 0.50 percent shall be allocated to each State.

(d) AUTHORIZATION OF COMPETITIVE GRANTS.—The Secretary or the State educational agency, as the case may be, is authorized to award grants to eligible local educational agencies for the purposes of educating children about preventing gun violence.

(1) ASSURANCES.—

(A) The Secretary or the State educational agency, as the case may be, shall ensure that not less than 90 percent of the funds allotted under this section are distributed to local educational agencies.

(B) In awarding the grants, the Secretary or the State educational agency, as the case

may be, shall ensure, to the maximum extent practicable—

(i) an equitable geographic distribution of grant awards;

(ii) an equitable distribution of grant awards among programs that serve public elementary school students, public secondary school students, and a combination of both; and

(iii) that urban, rural and suburban areas are represented within the grants that are awarded.

(2) PRIORITY.—In awarding grants under this section, the Secretary or the State educational agency, as the case may be, shall give priority to a local educational agency that—

(A) coordinates with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(B) serves a population with a high incidence of students found in possession of a weapon on school property or students sus-

pended or expelled for bringing a weapon onto school grounds or engaging in violent behavior on school grounds; and

(C) forms a partnership that includes not less than 1 local educational agency working in consultation with not less than 1 public or private nonprofit agency or organization with experience in violence prevention or 1 local law enforcement agency.

(3) PEER REVIEW; CONSULTATION.—

(A) IN GENERAL.—

(i) PEER REVIEW BY PANEL.—Before grants are awarded, the Secretary shall submit grant applications to a peer review panel for evaluation.

(ii) COMPOSITION OF PANEL.—The panel shall be composed of not less than 1 representative from a local educational agency, State educational agency, a local law enforcement agency, and a public or private nonprofit organization with experience in violence prevention.

(B) CONSULTATION.—The Secretary shall submit grant applications to the Attorney General for consultation.

(e) ELIGIBLE GRANT RECIPIENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible grant recipient is a local educational agency that may work in partnership with 1 or more of the following:

(A) A public or private nonprofit agency or organization with experience in violence prevention.

(B) A local law enforcement agency.

(C) An institution of higher education.

(2) EXCEPTION.—A State educational agency may, with the approval of a local educational agency, submit an application on behalf of such local educational agency or a consortium of such agencies.

(f) LOCAL APPLICATIONS; REPORTS.—

(1) APPLICATIONS.—Each local educational agency that wishes to receive a grant under this section shall submit an application to the Secretary and the State educational agency that includes—

(A) a description of the proposed activities to be funded by the grant and how each activity will further the goal of educating children about preventing gun violence;

(B) how the program will be coordinated with other programs that educate children

about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.); and

(C) the age and number of children that the programs will serve.

(2) REPORTS.—Each local educational agency that receives a grant under this section shall submit a report to the Secretary and to the State educational agency not later than 18 months after the grant is awarded and submit an additional report to the Secretary and to the State not later than 36 months after the grant is awarded. Each report shall include information regarding—

(A) the activities conducted to educate children about gun violence;

(B) how the program will continue to educate children about gun violence in the future; and

(C) how the grant is being coordinated with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free

Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(g) AUTHORIZED ACTIVITIES.—

(1) REQUIRED ACTIVITIES.—Grants authorized under subsection (d) shall be used for the following activities:

(A) Supporting existing programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(B) Educating children about the effects of gun violence.

(C) Educating children to identify dangerous situations in which guns are involved and how to avoid and prevent such situations.

(D) Educating children how to identify threats and other indications that their peers are in possession of a gun and may use a gun, and what steps they can take in such situations.

(E) Developing programs to give children access to adults to whom they can report in a confidential manner about problems relating to guns.

(2) PERMISSIBLE ACTIVITIES.—Grants authorized under subsection (d) may be used for the following:

(A) Encouraging schoolwide programs and partnerships that involve teachers, students, parents, administrators, other staff, and members of the community in reducing gun incidents in public elementary and secondary schools.

(B) Establishing programs that assist parents in helping educate their children about firearm safety and the prevention of gun violence.

(C) Providing ongoing professional development for public school staff and administrators to identify the causes and effects of gun violence and risk factors and student behavior that may result in gun violence, including training sessions to review and update school crisis response plans and school policies for preventing the presence of guns on school grounds and facilities.

(D) Providing technical assistance for school psychologists and counselors to provide timely counseling and evaluations, in accord-

ance with State and local laws, of students who possess a weapon on school grounds.

(E) Improving security on public elementary and secondary school campuses to prevent outside persons from entering school grounds with firearms.

(F) Assisting public schools and communities in developing crisis response plans when firearms are found on school campuses and when gun-related incidents occur.

(h) STATE APPLICATIONS; ACTIVITIES AND REPORTS.—

(1) STATE APPLICATIONS.—

(A) Each State desiring to receive funds under this section shall, through its State educational agency, submit an application to the Secretary of Education at such time and in such manner as the Secretary shall require. Such application shall describe—

(i) the manner in which funds under this section for State activities and competitive grants will be used to fulfill the purposes of this section;

(ii) the manner in which the activities and projects supported by this section will

be coordinated with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(iii) the manner in which States will ensure an equitable geographic distribution of grant awards; and

(iv) the criteria which will be used to determine the impact and effectiveness of the funds used pursuant to this section.

(B) A State educational agency may submit an application to receive a grant under this section under paragraph (1) or as an amendment to the application the State educational agency submits under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(2) STATE ACTIVITIES.—Of appropriated amounts allocated to the States under subsection (c)(2), the State educational agency may reserve not more than 10 percent for activities to further the goals of this section, including—

(A) providing technical assistance to eligible grant recipients in the State;

(B) performing ongoing research into the causes of gun violence among children and methods to prevent gun violence among children; and

(C) providing ongoing professional development for public school staff and administrators to identify the causes and indications of gun violence.

(3) STATE REPORTS.—Each State receiving an allotment under this section shall submit a report to the Secretary and to the Committees on Labor and Human Resources and the Judiciary of the Senate and the Committees on Education and the Workforce and the Judiciary of the House of Representatives, not later than 12 months after receipt of the grant award and shall submit an additional report to those committees not later than 36 months after receipt of the grant award. Each report shall include information regarding—

(A) the progress of local educational agencies that received a grant award under this section in the State in educating children about firearms;

(B) the progress of State activities under paragraph (1) to advance the goals of this section; and

(C) how the State is coordinating funds allocated under this section with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(i) SUPPLEMENT NOT SUPPLANT.—A State or local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for reducing gun violence among children and educating children about firearms, and not to supplant such funds.

(j) DISPLACEMENT.—A local educational agency that receives a grant award under this section shall ensure that persons hired to carry out the activities under this section do not displace persons already employed.

(k) HOME SCHOOLS.—Nothing in this section shall be construed to affect home schools.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for this section

$60,000,000 for each of fiscal years 1999, 2000, and 2001.

SEC. 1422. DISSEMINATION OF BEST PRACTICES VIA THE INTERNET.

(a) MODEL DISSEMINATION.—The Secretary of Education shall include on the Internet site of the Department of Education a description of programs that receive grants under section 1417.

(b) GRANT PROGRAM NOTIFICATION.—The Secretary shall publicize the competitive grant program through its Internet site, publications, and public service announcements.

SEC. 1423. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1994 TO PROVIDE COUNSELING AFTER GUN-RELATED VIOLENCE.

Section 4116(a)(1) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7116) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and by inserting after subparagraph (B) the following:

"(C) to the extent practicable, provide—

"(i) timely counseling (without requiring the hiring of additional staff);

"(ii) evaluations of any student, in accordance with State and local law, who possesses a weapon on school grounds or who threatens to bring or use a weapon on school grounds; and

"(iii) advice to public school students, staff, and administrators after an incident of violence on school grounds;".

SEC. 1424. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF CITIES.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the "YCGII") to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) SELECTION.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) IDENTIFICATION OF INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) SHARING OF INFORMATION.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through on-line computer access, as soon as such capability is available.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) USE OF GRANT FUNDS.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

SEC. 1425. GRANT PRIORITY FOR TRACING OF GUNS USED IN CRIMES BY JUVENILES.

Section 517 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763) is amended by adding at the end the following:

''(c) PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or relating to juveniles who are involved or at risk of involvement in gangs, the Director shall give priority to a public agency that includes in its application a description of strategies or programs of that public agency (either in effect or proposed) that provide cooperation between Federal, State, and local law enforcement authorities, through the use of firearms and ballistics identification systems, to disrupt illegal sale or transfer of firearms to or between juveniles through tracing the sources of guns used in crime that were provided to juveniles.''.

PART 3—JUVENILE GUN COURTS

SEC. 1431. DEFINITIONS.

In this part:

(1) FIREARM.—The term ''firearm'' has the same meaning as in section 921 of title 18, United States Code.

(2) FIREARM OFFENDER.—The term ''firearm offender'' means any individual charged with an offense involving the illegal possession, use, transfer, or threatened use of a firearm.

(3) JUVENILE GUN COURT.—The term ''juvenile gun court'' means a specialized division within a State or local juvenile court system, or a specialized docket within a State or local court that considers exclusively cases involving juvenile firearm offenders.

(4) LOCAL COURT.—The term ''local court'' means any section or division of a State or municipal juvenile court system.

SEC. 1432. GRANT PROGRAM.

The Attorney General may provide grants in accordance with this part to States, State courts, local courts, units of local government, and Indian tribes for court-based juvenile justice programs that target juvenile firearm offenders through the establishment of juvenile gun courts.

SEC. 1433. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this part, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, 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 application submitted in accordance with subsection (a) shall include—

(1) a request for a grant to be used for the purposes described in this part;

(2) a description of the communities to be served by the grant, including the extent of juvenile crime, juvenile violence, and juvenile firearm use and possession in such communities;

(3) written assurances that Federal funds received under this part will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(4) a comprehensive plan described in subsection (c) (hereafter in this part referred to as the ''comprehensive plan''); and

(5) any additional information in such form and containing such information as the Attorney General may reasonably require.

(c) COMPREHENSIVE PLAN.—For purposes of subsection (b), a comprehensive plan as described in this subsection includes—

(1) a description of the juvenile crime and violence problems in the jurisdiction of the applicant, including gang crime and juvenile firearm use and possession;

(2) an action plan outlining the manner in which the applicant would use the grant amounts in accordance with this part;

(3) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in paragraph (2); and

(4) a description of the plan of the applicant for evaluating the performance of the juvenile gun court.

SEC. 1434. GRANT AWARDS.

(a) CONSIDERATIONS.—In awarding grants under this part, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the level of juvenile crime, violence, and drug use in the community; and

(3) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(b) DIVERSITY.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this part to applicants in each State from which applicants have applied for grants under this subtitle.

(c) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this part for grants to Indian tribes.

SEC. 1435. USE OF GRANT AMOUNTS.

Each grant made under this part shall be used to—

(1) establish juvenile gun courts for adjudication of juvenile firearm offenders;

(2) grant prosecutorial discretion to try, in a gun court, cases involving the illegal possession, use, transfer, or threatened use of a firearm by a juvenile;

(3) require prosecutors to transfer such cases to the gun court calendar not later than 30 days after arraignment;

(4) require that gun court trials commence not later than 60 days after transfer to the gun court;

(5) facilitate innovative and individualized sentencing (such as incarceration, house arrest, victim impact classes, electronic monitoring, restitution, and gang prevention programs);

(6) provide services in furtherance of paragraph (5);

(7) limit grounds for continuances and grant continuances only for the shortest practicable time;

(8) ensure that any term of probation or supervised release imposed on a firearm offender in a juvenile gun court, in addition to, or in lieu of, a term of incarceration, shall include a prohibition on firearm possession during such probation or supervised release and that violation of that prohibition shall result in, to the maximum extent permitted under State law, a term of incarceration; and

(9) allow transfer of a case or an offender out of the gun court by agreement of the parties, subject to court approval.

SEC. 1436. GRANT LIMITATIONS.

Not more than 5 percent of the amounts made available to the Attorney General or a grant recipient under this part may be used for administrative purposes.

SEC. 1437. FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Federal share of a grant made under this part may not exceed 90 percent of the total cost of the program or programs of the grant recipient that are funded by that grant for the fiscal year for which the program receives assistance under this part.

(b) WAIVER.—The Attorney General may waive, in whole or in part, the requirements of subsection (a).

(c) IN-KIND CONTRIBUTIONS.—For purposes of subsection (a), in-kind contributions may constitute any portion of the non-Federal share of a grant under this part.

(d) CONTINUED AVAILABILITY OF GRANT AMOUNTS.—Any amount provided to a grant recipient under this part shall remain available until expended.

SEC. 1438. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than March 1, 1999, and March 1 of each year thereafter, each grant recipient under this part shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than October 1, 1999, and October 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed state-

ment regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this part, and an evaluation of programs established by grant recipients under this part.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this part, the Attorney General shall consider—

(1) the number of juveniles tried in gun court sessions in the jurisdiction of the grant recipient;

(2) a comparison of the amount of time between the filing of charges and ultimate disposition in gun court and nongun court cases;

(3) the recidivism rates of juvenile offenders tried in gun court sessions in the jurisdiction of the grant recipient in comparison to those tried outside of drug courts;

(4) changes in the amount of gun-related and gang-related crime in the jurisdiction of the grant recipient; and

(5) the quantity of firearms and ammunition recovered in gun court cases in the jurisdiction of the grant recipient.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this part shall provide the Attorney Gen-

eral with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this part.

SEC. 1439. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part from the Violent Crime Reduction Trust Fund—

(1) such sums as may be necessary for each of the fiscal years 1999 and 2000;

(2) $50,000,000 for fiscal year 2001; and

(3) $50,000,000 for fiscal year 2002.

PART 4—YOUTH VIOLENCE COURTS

SEC. 1440. CREATION OF YOUTH VIOLENCE COURTS.

Section 210602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively;

(2) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(3) by inserting before paragraph (1), as so designated, the following:

"(a) STATE AND LOCAL COURT ASSISTANCE.—";
and

(4) by adding after subsection (a), as so designated, the following:

"(b) YOUTH VIOLENCE COURTS.—

"(1) AUTHORITY TO MAKE GRANTS AND ENTER INTO CONTRACTS.—

"(A) IN GENERAL.—The Attorney General is authorized to award grants and enter into cooperative agreements and contracts with States, State courts, local courts, units of local government, Indian tribes, and tribal courts to plan, develop, implement, and administer programs to adjudicate and better manage juvenile and youthful violent offenders within State, tribal, and local court systems.

"(B) INITIATIVES.—Initiatives funded under this paragraph may include—

"(i) the establishment of court based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

"(ii) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services as enumerated under the provisions of section 50001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 3796ii), as in effect on the day before the date of enactment of Public Law 104–134;

"(iii) the establishment of courts of specialized or joint jurisdiction as deemed appropriate by a jurisdiction's chief judicial officer; and

"(iv) the establishment of programs aimed at the enhanced and improved adjudication of juvenile offenders, including innovative programs involving the courts, prosecutors, public defenders, probation offices, and corrections agencies.

"(2) APPLICATION.—The Attorney General shall establish guidelines governing the administration of this program. Such guidelines shall include the manner and content of applications for funding

under this program, as well as procedures and methods for the distribution of funds distributed under this program.

"(3) FEDERAL SHARE.—The Federal share of any individual grant made under this program may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Attorney General may constitute a portion, or all, of the non-Federal share of a grant made under this program. With regard to grants to Indian tribes, the Attorney General may allow other Federal funds to constitute all or a portion of the non-Federal share.

"(4) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent reasonable and practicable, an equitable geographic distribution of grant awards is made.

"(5) TRAINING AND TECHNICAL ASSISTANCE.—Two percent of all funds appropriated for this part shall be set aside for use by the Attorney General for training and technical assistance consistent with this program.".

TITLE II—COMBATING GANG VIOLENCE

Subtitle A—Enhanced Penalties for Gang-Related Activities

SEC. 2100. GANG FRANCHISING.

Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL STREET GANGS.

''(a) PROHIBITED ACT.—Whoever travels in interstate or foreign commerce, or causes another to do so, to recruit, solicit, induce, command, or cause to create, or attempt to create a franchise of a criminal street gang shall be punished in accordance with subsection (c).

''(b) DEFINITIONS.—In this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning given that term in section 521.

''(2) FRANCHISE.—The term 'franchise' means an organized group of individuals related by name, moniker, or other identifier, that engages in coordinated violent crime or drug trafficking activities in interstate or foreign commerce with a criminal street gang in another State.

"(c) PENALTIES.—A person who violates subsection (a) shall be imprisoned for not more than 10 years, fined under this title, or both.".

SEC. 2101. ENHANCED PENALTY FOR USE OR RECRUITMENT OF MINORS IN GANGS.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, as amended by section 2100 of this Act, is amended by adding at the end the following:

"§ 523. Sentencing enhancement for use or recruitment of minors

"Pursuant to its authority under section 994(p) of title 28, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate enhancement for the use of minors in a criminal street gang and the recruitment of minors in furtherance of the creation of a criminal street gang franchise.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"522. Interstate franchising of criminal street gangs.
"523. Sentencing enhancement for use or recruitment of minors.".

SEC. 2102. GANG FRANCHISING AS A RICO PREDICATE.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" before "(F)"; and

(2) by inserting ", or (G) an offense under section 522 of this title" before the semicolon at the end.

SEC. 2103. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term "criminal street gang" has the same meaning as in section 521(a) of title 18, United States Code.

(b) SENTENCING ENHANCEMENT.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate enhancement with respect to any offense committed in connection with, or in furtherance of, the activities of a criminal street gang if the defendant is a member of the criminal street gang at the time of the offense.

(c) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishment for substantially the same offense.

SEC. 2104. ENHANCED PENALTY FOR POSSESSION OF FIREARMS IN RELATION TO COUNTS OF VIOLENCE OR DRUG TRAFFICKING CRIMES.

(a) DEFINITIONS.—In this section, the terms ''crime of violence'' and ''drug trafficking crime'' have the same meanings as in section 924(c) of title 18, United States Code.

(b) SENTENCING ENHANCEMENT.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentence enhancement with respect to any defendant who discharges a firearm during or in relation to any crime of violence or any drug trafficking crime.

(c) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishment for substantially the same offense.

SEC. 2105. PUNISHMENT OF ARSONS OR BOMBINGS AT FACILITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting ''or any institution or organization

receiving Federal financial assistance'' after ''or agency thereof,''.

SEC. 2106. ELIMINATION OF STATUTE OF LIMITATIONS FOR MURDER.

(a) IN GENERAL.—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 or as defined under applicable State law in the case of an offense under section 1963(a) involving racketeering activity described in section 1961(1)) may be found at any time without limitation.''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to any offense for which the applicable statute of limitations had not run as of the date of enactment of this Act.

SEC. 2107. EXTENSION OF STATUTE OF LIMITATIONS FOR VIOLENT AND DRUG TRAFFICKING CRIMES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3296. 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 that term is defined in section 924(c)) unless the indictment is returned or the information is filed within 10 years after the commission of the offense.''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to any offense for which the applicable statute of limitations had not run as of the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The chapter analysis 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:

''3296. Class A violent and drug trafficking offenses.''.

SEC. 2108. 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 (other than the penalty of death) applicable to a racketeering activity on which the violation is based, or both,''.

SEC. 2109. INCREASED PENALTY AND BROADENED SCOPE OF STATUTE AGAINST VIOLENT CRIMES IN AID OF RACKETEERING.

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

(1) by inserting ''or commits any other crime of violence'' before ''or threatens to commit a crime of violence'';

(2) in paragraph (4), by inserting ''committing any other crime of violence or for'' before ''threatening to commit a crime of violence'', and by striking ''five'' and inserting ''ten'';

(3) in paragraph (5), by striking ''for not more than ten years'' and inserting ''for any term of years or for life'';

(4) in paragraph (6), by—

(A) striking ''or'' before ''assault resulting in serious bodily injury'';

(B) inserting ''or any other crime of violence'' after ''assault resulting in serious bodily injury''; and

(C) striking ''three'' and inserting ''10''; and

(5) by inserting ''(as defined in section 1365 of this title)'' after ''serious bodily injury'' the first place that term appears.

SEC. 2110. FACILITATING THE PROSECUTION OF CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious bodily harm''.

SEC. 2111. FACILITATION OF RICO PROSECUTIONS.

Section 1962(d) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, it is not necessary to establish that the defendant personally committed an act of racketeering activity.''.

SEC. 2112. 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:

''(G) 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 con-

spiracy 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:

''(7) 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.''.

SEC. 2113. EXPANSION OF DEFINITION OF "RACKETEERING ACTIVITY" TO AFFECT GANGS IN INDIAN COUNTRY.

Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''or, with respect to an act or threat occurring solely in Indian country, as defined in section 1151 of this title, Federal'' after ''chargeable under State''.

SEC. 2114. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by inserting after section 537 the following:

"§ 538. Investigation of serial killings

''(a) AUTHORIZATION UPON REQUEST.—The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense.

''(b) DEFINITIONS.—For purposes of this section:

''(1) KILLING.—The term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

''(2) SERIAL KILLINGS.—The term 'serial killings' means a series of 3 or more killings, at least 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

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

(b) CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 28, United States Code, is amended by inserting after the item for section 537 the following:

''538. Investigation of serial killings.''.

SEC. 2115. INCREASED PENALTIES FOR VIOLENCE IN THE COURSE OF RIOT OFFENSES.

Section 2101(a) of title 18, United States Code, is amended by striking ''paragraph—'' and all that follows through the end of the subsection and inserting ''shall be fined under this title—

''(i) if death results from such act, be imprisoned for any term of years or for life, or both;

''(ii) if serious bodily injury (as defined in section 1365 of this title) results from such act, be imprisoned for not more than 20 years, or both; or

''(iii) in any other case, be imprisoned for not more than 5 years, or both''.

SEC. 2116. EXPANSION OF FEDERAL JURISDICTION OVER CRIMES OCCURRING IN PRIVATE PENAL FACILITIES HOUSING FEDERAL PRISONERS OR PRISONERS FROM OTHER STATES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting before the period at the end the following: '', including privately owned facilities housing Federal prisoners or prisoners who are serving a term of

imprisonment under a commitment order from a State other than the State in which the penal facility is located''.

Subtitle B—Targeting Gang-Related Gun Offenses

SEC. 2200. TRANSFER OF FIREARM TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended by inserting ''or having reasonable cause to believe'' after ''knowing''.

SEC. 2201. INCREASED PENALTY FOR KNOWINGLY RECEIVING FIREARM WITH OBLITERATED SERIAL NUMBER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(k),''; and

(2) in paragraph (2), by inserting ''(k),'' after ''(j),''.

SEC. 2202. AMENDMENT OF THE SENTENCING GUIDELINES FOR TRANSFERS OF FIREARMS TO PROHIBITED PERSONS.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to increase the base offense level for offenses subject to section 2K2.1 of those guidelines (Unlawful Receipt, Pos-

session, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunitions) to assume that a person who transferred a firearm or ammunition and who knew or had reasonable cause to believe that the transferee was a prohibited person is subject to the same base offense level as the transferee. The amended guidelines shall not require the same offense level for the transferor and transferee to the extent that the transferee's base offense level is subject to an additional increase on the basis of a past criminal conviction of either a crime of violence or a controlled substance offense.

SEC. 2203. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.

(a) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, as amended by section 2112, is amended by adding at the end the following:

> ''(H) Any firearm (as defined in section 921(a)(3)) used or intended to be used to commit or to facilitate the commission of any crime of violence (as defined in Section 16 of this title) or any felony under Federal law.''.

(b) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(8) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3)) used or intended to be used to commit or to facilitate the commission of the offense.".

(c) DISPOSAL OF FORFEITED PROPERTY.—Section 981(c) of title 18, United States Code, is amended by adding at the end the following sentence: "Any firearm forfeited pursuant to subsection (a)(1)(H) or section 982(a)(8) of this title shall be disposed of by the seizing agency in accordance with law.".

(d) AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d).—Section 924(d) of title 18, United States Code, is amended by adding the following new paragraph:

"(4) Whenever any firearm is subject to forfeiture under this section because it was involved in or used in a violation of subsection (c), the Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence

or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried.''.

(e) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.—Section 924(d)(1) of title 18, United States Code, is amended by adding at the end the following: ''If the Government institutes an administrative forfeiture action within the 120-day period, and a claim is then filed that requires that a judicial forfeiture action be filed in Federal court, the Government must file the judicial action within 120 days of the filing of the claim. The time during which any related criminal indictment or information is pending shall not be counted in calculating any 120-day period referred to in this subsection.''.

Subtitle C—Using and Protecting Witnesses To Help Prosecute Gangs and Other Violent Criminals

SEC. 2300. 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 (c) and (d), respectively; and

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

''(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—

''(1) be fined under this title or imprisoned not more than 10 years, or both;

''(2) if serious bodily injury (as defined in section 1365) results, be so fined or imprisoned for not more than 20 years, or both; and

''(3) if death results, be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.''.

SEC. 2301. EXPANDING PRETRIAL DETENTION ELIGIBILITY FOR SERIOUS GANG AND OTHER VIOLENT CRIMINALS.

(a) IN GENERAL.—Section 3142(f)(1) of title 18, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of subparagraph (D), the term 'convicted' includes a finding, under Federal or State law, that a person has committed an act of juvenile delinquency;".

(b) OFFENSES.—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 at the end the following:

"(D) an offense that is a violation of section 842(i)(1) or 922(g)(1) of this title (relating to possession of explosives or firearms by convicted felons).".

(c) FACTORS.—Section 3142(g)(3)(B) of title 18, United States Code, is amended—

(1) by striking "the person was on probation" and inserting "the person was—

"(i) on probation";

(2) by striking ''local law; and'' and inserting ''local law; or''; and

(3) by adding at the end the following:

''(ii) was a member of or participated in a criminal street gang or racketeering enterprise; and''.

SEC. 2302. 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 the following:

''(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.''.

SEC. 2303. CLARIFICATION OF PROSECUTORIAL AUTHORITY TO ENTER COOPERATION AGREEMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 201 of title 18, United States Code, was enacted in 1962 and was amended in 1986 and again in 1994.

(2) At the time section 201 of title 18, United States Code was enacted, and at each of the times

it was amended, Congress was aware of, and intended to preserve, the traditional law enforcement practice of offering or recommending leniency or other favorable actions with respect to defendants in exchange for truthful testimony or other cooperation in the investigation and prosecution of other offenders.

(3) The finding in paragraph (2) of this subsection is based in part on the fact that several Federal statutes, including the immunity statute, the Sentencing Reform Act, and the Witness Relocation and Protection Act, authorize prosecutors to give things of value, including immunity, leniency, and physical protection, in return for testimony.

(4) In the over 35 years since section 201 of title 18, United States Code was enacted, and consistent with the intent of Congress in enacting and amending that section, no Federal court interpreted that section to prohibit the essential law enforcement tool of obtaining information and testimony through the use of cooperation agreements between prosecutors and defendants, or settlement agreements between civil enforcement attorneys and defendants.

(5) The United States Supreme Court, in numerous decisions since 1962, including Giglio v.

United States and United States v. Mezzanatto, has reviewed and implicitly approved this practice.

(6) Even before the enactment of section 201 of title 18, United States Code, the United States Supreme Court implicitly endorsed this practice when it wrote, in Lisenba v. California, that ''the practice of taking into consideration, in sentencing an accomplice, his aid to the State in turning State's evidence can be no denial of due process to a convicted confederate.''.

(7) On July 1, 1998, a panel of the United States Court of Appeals for the Tenth Circuit ruled, in the case of United States v. Singleton, that the language of section 201(c) of title 18, United States Code, holding criminally liable anyone who ''directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding,'' forbids a prosecutor from promising leniency to a cooperating witness in exchange for testimony, and further ruled that the conviction of a drug dealer and money launderer be thrown out and the case remanded for a new trial.

(8) On July 10, 1998, the Tenth Circuit, on its own motion, vacated the panel decision and ordered that the appeal be reheard en banc in November 1998.

(9) Since then, other Federal courts have excluded testimony or made other rulings adverse to the prosecution based upon the same or similar reasoning as the vacated panel decision in the Singleton case.

(10) Regardless of the eventual ruling of the Tenth Circuit in Singleton, unless there is Federal legislation or a definitive ruling by the United States Supreme Court on this issue, it is likely that accused and convicted offenders across the Nation will continue to challenge charges and convictions, and seek to preclude the admission of truthful testimony in their trials, based on the reasoning in the vacated panel decision, increasing the likelihood that dangerous criminals will be released and that public officials will be deterred from reasonably exercising their discretion in the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to promote effective law enforcement by ensuring that prosecutors and other public officials, including civil enforcement officials, continue to em-

ploy the traditional and important law enforcement tool of obtaining information and testimony by entering into cooperation and settlement agreements in the reasonable exercise of their discretion;

(2) to ensure that truthful testimony secured by such agreements will continue to be admitted into evidence in judicial proceedings notwithstanding the fact that such agreements may have been entered prior to the effective date of this Act; and

(3) to clarify, for the benefit of courts interpreting section 201 of title 18, United States Code, that Congress has never intended to prohibit such agreements and that this Act is intended to endorse a practice that is already lawful rather than to render lawful a practice previously forbidden by an Act of Congress.

(c) AMENDMENT.—Section 201(d) of title 18, United States Code, is amended by adding at the end the following:

''Paragraph (2) of subsection (c) shall also not be construed to apply to an officer or employee of the United States or any agency thereof, or of a State or local government or any agency thereof, who is acting in accordance with official duties to investigate or prosecute any violation of criminal or civil law. Nor shall paragraph (3) of

subsection (c) be construed to apply to a potential witness who demands, seeks, receives, accepts, or agrees to accept anything of value that may be directly or indirectly given, offered, or promised consistent with subsection (c)(2). For the purposes of this subsection, the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.''.

SEC. 2304. ALLOWING A REDUCTION OF SENTENCE FOR PROVIDING USEFUL INVESTIGATIVE INFORMATION ALTHOUGH NOT REGARDING A PARTICULAR INDIVIDUAL.

(a) TITLE 18.—Section 3553(e) of title 18, United States Code, is amended by striking ''substantial assistance in the investigation or prosecution of another person who has committed an offense'' and inserting ''substantial assistance in an investigation of any offense or the prosecution of another person who has committed an offense''.

(b) TITLE 28.—Section 994(n) of title 28, United States Code, is amended by striking ''substantial assistance in the investigation or prosecution of another person who has committed an offense'' and inserting ''substantial assistance in an investigation of any offense or the prosecution of another person who has committed an offense''.

(c) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 35(b) of the Federal Rules of Criminal Procedure

is amended by striking ''substantial assistance in the investigation or prosecution of another person who has committed an offense'' and inserting ''substantial assistance in an investigation of any offense or the prosecution of another person who has committed an offense''.

SEC. 2305. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

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

''(2) Whoever uses physical force or the threat of physical force, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; and

"(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

"(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3)."; and

(D) by striking paragraph (3)(B), as redesignated, and inserting the following:

"(B) an attempt to murder, the use of physical force, the threat of physical force, or an attempt to do so, imprisonment for not more than 20 years."; and

(2) in subsection (b), by striking "or physical force".

SEC. 2306. EXPANSION OF FEDERAL KIDNAPPING OFFENSE TO COVER WHEN DEATH OF VICTIM OCCURS BEFORE CROSSING STATE LINE AND WHEN FACILITY IN INTERSTATE COMMERCE OR THE MAILS ARE USED.

Section 1201(a) of title 18, United States Code, is amended—

(1) by inserting before the semicolon at the end of paragraph (1) the following: ", without regard to whether such person was alive when transported across a State boundary if the person was alive when the transportation began";

(2) by striking "or" at the end of paragraph (4); and

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

"(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. 2307. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or other felony crime of violence against the person" after "murder".

SEC. 2308. CLARIFICATION OF INTERSTATE THREAT STATUTE TO COVER THREATS TO KILL.

Subsections (b) and (c) of section 875 of title 18, United States Code, and the second and third undesignated paragraphs of sections 876 and 877 of title 18, United States Code, are each amended by striking "any threat to injure" and inserting "any threat to kill or injure".

SEC. 2309. CONFORMING AMENDMENT TO LAW PUNISHING OBSTRUCTION OF JUSTICE BY NOTIFICATION OF EXISTENCE OF A SUBPOENA FOR RECORDS IN CERTAIN TYPES OF INVESTIGATIONS.

Section 1510(b)(3)(B) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period and inserting "; or" at the end of clause (ii); and

(3) by adding the following new clauses:

"(iii) the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 6050I of the Internal Revenue Code of 1986; and

"(iv) section 286, 287, 669, 1001, 1027, 1035, 1341, 1343, 1347, 1518, or 1954 relating to a Federal health care offense.".

SEC. 2310. 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 $1,000, that person".

Subtitle D—Gang Paraphernalia

SEC. 2400. STREAMLINING PROCEDURES FOR LAW ENFORCEMENT ACCESS TO CLONE NUMERIC PAGERS.

(a) AMENDMENT TO CHAPTER 206.—Chapter 206 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking ''AND TRAP AND TRACE DEVICES'' and inserting: ''TRAP AND TRACE DEVICES, AND CLONE NUMERIC PAGERS'';

(2) in section 3121—

(A) in the section heading, by striking ''and trap and trace device'' and inserting '', trap and trace device, and clone pager'';

(B) in subsection (a)—

(i) by striking ''or a trap and trace device'' each place that term appears and inserting '', a trap and trace device, or a clone pager'';

(ii) after ''3123'' by inserting ''or section 3129''; and

(C) in subsections (b) and (c), by striking ''or trap and trace device'' each place that term appears an inserting '', a trap and trade device or a cone pager'';

(3) in section 3124—

(A) in the section heading, by striking ''or a trap and trace device'' and inserting '', a trap and trace device, or a clone pager'';

(B) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

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

''(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of a paging service or electronic communication service shall furnish such investigative or law enforcement officer, all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order as provided in section 3129(b)(2) of this chapter.'';

(4) in section 3125—

(A) in the section heading, by striking ''and trap and trace device'' and inserting '', trap and trace device, and clone pager'';

(B) in subsection (a)—

(i) by striking ''or trap and trace device'' each place that term appears and inserting '', a trap and trace device, or a clone pager''; and

(ii) by striking ''an order approving the installation or use is issued in accordance with section 3123 of this title'' and inserting ''an application is made for an order approving the installation or use in accordance with section 3123 or section 3128 of this title''; and

(C) in subsection (b), by adding at the end the following: ''In the event such application for the use of a clone pager is denied, or in any other case where the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e).'';

(5) in section 3126—

(A) in the section heading, by striking ''and trap and trace devices'' and inserting '', trap and trace devices, and clone pagers''; and

(B) by striking ''pen register orders and orders for trap and trace devices'' and inserting

"orders for pen registers, trap and trace devices, and clone pagers"; and

(6) in section 3127—

(A) in paragraph (2), by striking "pen register or a trap and trace device" and inserting "pen register, a trap and trace device, or a clone pager";

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(C) by inserting after paragraph (4) the following:

"(5) the term 'clone pager' means a numeric display device that receives transmissions intended for another numeric display paging device.".

(b) APPLICATIONS FOR ORDERS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

"§ 3128. Application for an order for use of a clone pager

"(a) APPLICATION.—(1) An attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(2) A State investigative or law enforcement officer may, if authorized by State law, apply to a court of com-

petent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

"(1) the identify of the attorney for the Government or the State law enforcement or investigative officer making the application and the identify of the law enforcement agency conducting the investigation;

"(2) the identify, if known, of the person using the numeric display paging device to be cloned;

"(3) a description of the numeric display paging device to be cloned;

"(4) the identify, if known, of the person who is the subject of the criminal investigation; and

"(5) an affidavit, sworn to before the court of competent jurisdiction, establishing probable cause for belief that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

"§ 3129. Issuance of an order for use of a clone pager

"(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the juris-

diction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

"(b) CONTENTS OF AN ORDER.—An order issued under this section—

"(1) shall specify—

"(A) the identity, if known, of each individual using the numeric display paging device to be cloned;

"(B) the numeric display paging device to be cloned;

"(C) the identity, if known, of the person who is the subject of the criminal investigation; and

"(D) the offense to which the information likely to be obtained by the clone pager relates; and

"(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

"(c) TIME PERIOD AND EXTENSIONS.—(1) An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days.

"(2) Extensions of an order referred to in paragraph (1) may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). The period of extension shall be for a period not to exceed 30 days.

"(3) Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof, the applicant shall report to the issuing judge the number of numeric pager messages acquired through the use of the clone pager during such period.

"(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

"(1) the order be sealed until otherwise ordered by the court; and

"(2) the person who has been ordered by the court to provide assistance to the applicant not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

"(e) NOTIFICATION.—Within a reasonable time but not later than 90 days after the termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on each individual using the numeric display paging device which was cloned, an inventory including notice of—

"(1) the fact of the entry of the order or the application;

"(2) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

"(3) whether or not information was obtained through the use of the clone pager.

Upon an ex parte showing of good cause, a court of competent jurisdiction may in its discretion postpone the serving of the notice required by this section.".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

"3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.";

(2) by striking the item relating to section 3124 and inserting the following:

"3124. Assistance in installation and use of a pen register, a trap and trace device, or clone pager.";

(3) by striking the item relating to section 3125 and inserting the following:

"3125. Emergency pen register, trap and trace device, and clone pager installation and use.";

(4) by striking the item relating to section 3126 and inserting the following:

"3126. Reports concerning pen registers, trap and trace devices, and clone pagers.";

and

(5) by adding at the end the following:

"3128. Application for an order for use of a clone pager.
"3129. Issuance of an order for use of a clone pager.".

(d) CONFORMING AMENDMENTS.—

(1) Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

"(i) to use a pen register, a trap and trace device, or a clone pager (as those terms are defined for the purposes of chapter 206 (relating to pen registers, trap and trace devices, and clone pagers) of this title); or".

(2) Section 2510(12) of title 18, United States Code, is amended—

(A) in subparagraph (C), by striking "or" at the end;

(B) by inserting "or" after subparagraph (D); and

(C) by adding at the end the following:

"(E) any transmission made through a clone pager (as defined in section 3127(5) of this title).".

(3) Section 705(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking "chapter 119" and inserting "chapters 119 and 206".

SEC. 2401. SENTENCING ENHANCEMENT FOR USING BODY ARMOR IN COMMISSION OF A FELONY.

(a) DEFINITIONS.—In this section—

(1) the term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

(2) the term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(b) SENTENCING ENHANCEMENT.—Pursuant to its authority under section 994(p) of title 28, United States

Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any offense in which the defendant used body armor.

(c) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishment for substantially the same offense.

(d) APPLICABILITY.—No Federal sentencing guideline amendment made under this section shall apply if the Federal crime in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of a person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 2402. SENTENCING ENHANCEMENT FOR USING LASER SIGHTING DEVICES IN COMMISSION OF A FELONY.

(a) DEFINITIONS.—In this section—

(1) the term ''firearm'' has the same meaning as in section 921 of title 18, United States Code; and

(2) the term ''laser-sighting device'' includes any device designed to be attached to a firearm that uses technology, such as laser sighting, red-dot-sighting, night sighting, telescopic sighting, or other similarly effective technology, in order to enhance target acquisition.

(b) SENTENCING ENHANCEMENT.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any serious violent felony or serious drug offense, as defined in section 3559 of this title, in which the defendant—

(1) possessed a firearm equipped with a laser-sighting device; or

(2) possessed a firearm and the defendant possessed a laser-sighting device (capable of being readily attached to the firearm).

(c) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishment for substantially the same offense.

SEC. 2403. GOVERNMENT ACCESS TO LOCATION INFORMATION.

(a) COURT ORDER REQUIRED.—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(g) REQUIREMENTS FOR DISCLOSURE OF LOCATION INFORMATION.—A provider of mobile electronic communication service shall provide to a governmental entity information generated by and disclosing, on a real time basis, the physical location of a subscriber's equipment only if the governmental entity obtains a court order issued upon a finding that there is probable cause to believe that an individual using or possessing the subscriber equipment is committing, has committed, or is about to commit a felony offense.''.

(b) CONFORMING AMENDMENT.—Section 2703(c)(1)(B) of title 18, United States Code, is amended by inserting ''or wireless location information covered by subsection (g) of this section'' after ''(b) of this section''.

SEC. 2404. LIMITATION ON OBTAINING TRANSACTIONAL INFORMATION FROM PEN REGISTERS OR TRAP AND TRACE DEVICES.

Subsection 3123(a) of title 18, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Upon an application made under section 3122, the court may enter an ex parte order—

"(1) 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, based on the certification by the attorney for the Government or the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation; and

"(2) directing that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or other impulses that are not related to the dialing and signaling information utilized in call processing.".

Subtitle E—Grants To Target Gang Crime and Violent Juveniles

PART 1—GRANTS TO PROSECUTORS' OFFICES

SEC. 2510. AUTHORITY TO MAKE GRANTS TO PROSECUTORS TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

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

(3) by adding at the end the following:

''(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

''(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

''(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.''.

SEC. 2511. RECIPIENTS.

Section 31701(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13861(a)) is amended by striking ''or local prosecutors'' and inserting ''local prosecutors, or combination thereof,''.

SEC. 2512. AUTHORIZATION OF APPROPRIATIONS.

Subtitle Q of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13861 et seq.) is amended by striking section 31707 and adding at the end the following:

"SEC. 31709. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle, and to remain available until expended—

''(1) $100,000,000 for fiscal year 1999;

''(2) $100,000,000 for fiscal year 2000; and

''(3) such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

SEC. 2513. TRAINING, TECHNICAL ASSISTANCE, RESEARCH, STATISTICS, AND EVALUATION.

(a) IN GENERAL.—Subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 31701 et seq.) is amended by—

(1) inserting after section 31706, the following new sections:

"SEC. 31707. TRAINING AND TECHNICAL ASSISTANCE.

''Two percent of all funds appropriated for this subtitle shall be set aside for training and technical assistance consistent with this subtitle, including providing funds to training and technical assistance providers to assist organizations listed in section 31701(a) of this subtitle imple-

ment programs authorized under section 31702 of this subtitle.

"SEC. 31708. RESEARCH, STATISTICS, AND EVALUATION.

"Ten percent of all funds appropriated for this subtitle shall be set aside for research, statistics, and evaluation activities consistent with this subtitle."; and

(2) redesignating section 31708 as section 31710.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (108 Stat. 1796) is amended by striking the item relating to sections 31707 and 31708 and inserting the following:

"Sec. 31707. Training and technical assistance.
"Sec. 31708. Research, statistics, and evaluation.
"Sec. 31709. Authorization of appropriations.
"Sec. 31710. Definitions.".

PART 2—HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS

SEC. 2520. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term "Governor" means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term "high intensity interstate

gang activity area'' means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources

to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 1999 through 2002, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of the amounts authorized to be appropriated under paragraph (1)—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this sec-

tion as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of the amounts authorized under paragraph (1) are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) DEFINITION OF RURAL STATE.—In this paragraph, the term ''rural State'' has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

TITLE III—COMBATING VIOLENCE ON THE STREETS

Subtitle A—More Police Officers on the Beat

SEC. 3100. MORE POLICE OFFICERS ON THE BEAT.

Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(vii) $1,240,000,000 for fiscal year 2001; and

''(viii) $1,240,000,000 for fiscal year 2002.''.

SEC. 3101. GRANTS FOR EQUIPMENT, TECHNOLOGY, AND SUPPORT SYSTEMS.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by striking subsection (b)(2)(A) and inserting the following:

''(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.''.

SEC. 3102. NATIONAL COMMUNITY POLICE.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended by adding at the end the following:

''SEC. 1710. NATIONAL POLICE TELECOMMUNICATIONS.

''(a) FINDINGS.—Congress finds that—

''(1) police departments and sheriffs confirm that the 911 system is overloaded and that a large percentage of those calls are nonemergency calls;

''(2) many communities have seen increases in their 911 call volumes of between 40 percent and 50 percent annually;

"(3) police officers are forced to spend too much time responding to nonemergency situations, which eliminates time for proactive community policing; and

"(4) efforts to limit the use of 911 by using general telephone numbers and educating the public to reference a general number in the telephone book have been ineffective.

"(b) PURPOSE.—The purposes of this section are—

"(1) to encourage the Federal Communications Commission to reserve the 311 nonemergency number on a national basis for use by public safety agencies in responding to nonemergency police telephone calls; and

"(2) to establish a Federal assistance program to assist States and localities in establishing 311 nonemergency systems and to educate citizens in the use of 911 and 311.

"(c) AUTHORITY TO MAKE 311 NONEMERGENCY GRANTS.—The Attorney General, acting through the Director of the Office of Community Oriented Policing Services, may make grants to States, units of local governments, Indian tribal governments, other public and private entities, and multijurisdictional or regional consortia, to

encourage the use of and to implement 311 nonemergency telecommunication systems for public safety.

"(d) GENERAL REGULATORY AUTHORITY.—The Attorney General may promulgate regulations and guidelines to carry out this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund to carry out this section—

"(1) such sums as may be necessary for each of the fiscal years 1999 through 2000; and

"(2) $10,000,000 in each of the fiscal years 2001 and 2002.".

SEC. 3103. TECHNICAL AMENDMENT.

Section 1001(a)(11)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(B)) is amended by striking "150,000" each place it appears and inserting "100,000".

Subtitle B—Violent Offender Incarceration and Truth-in-Sentencing Grants

SEC. 3200. FORMULA ALLOCATIONS.

Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended—

(1) in subsection (a)(1), by striking subparagraph (B) and inserting the following:

"(B) FORMULA ALLOCATION.—The amount remaining after application of subparagraph (A) shall be allocated as follows:

"(i) 0.75 percent shall be allocated to each State that meets the requirements of section 20103(b), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 20103(b), shall each be allocated 0.05 percent.

"(ii) The amount remaining after application of clause (i) shall be allocated to each State that meets the requirements of section 20103(b), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20103(b) to the Federal Bureau of Inves-

tigation for the 3 years preceding the year in which the determination is made.''; and

(2) by striking subsection (b) and inserting the following:

''(b) ALLOCATION OF TRUTH-IN-SENTENCING GRANTS UNDER SECTION 20104.—The amounts available for grants under section 20104 shall be allocated as follows:

''(1) FORMULA ALLOCATION.—0.75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 20104, shall each be allocated 0.05 percent.

''(2) ADDITIONAL ALLOCATION.—The amount remaining after application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20103(b) to the Federal Bureau of

Investigation for the 3 years preceding the year in which the determination is made.''.

SEC. 3201. EXTENSION OF VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING GRANTS.

(a) VIOLENT OFFENDER INCARCERATION GRANTS.—Section 20108(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(F) $2,750,000,000 for fiscal year 2001; and

''(G) $2,750,000,000 for fiscal year 2002.''; and

(2) in paragraph (2)(A), by striking ''fiscal year,'' and all that follows before the period and inserting the following: ''fiscal year distribute 45 percent for incarceration grants under section 20103, 45 percent for incentive grants under section 20104, and 10 percent for violent juvenile offender incarcer-

ation grants under section 1300 of the Safe Schools, Safe Streets, and Secure Borders Act of 1998''.

(b) TRUTH IN SENTENCING GRANTS.—Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) for hiring professional staff to supervise violent offenders following release from custody and officers of the court to speed the prosecution of violent offenders.''.

Subtitle C—Domestic Violence

SEC. 3300. EXTENSION OF VIOLENCE AGAINST WOMEN ACT.

(a) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—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—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by inserting ''and'' at the end; and

(3) by adding at the end the following:

"(G) $174,000,000 for fiscal year 2001; and

"(H) $174,000,000 for fiscal year 2002.".

(b) EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.—

(1) IN GENERAL.—Section 40151 of the Violent Crime Control and Law Enforcement Act of 1994 (108 Stat. 1920) is amended by striking "Health and Human Services" and inserting "Health Service".

(2) AMENDMENT.—Section 1910A(c) of the Public Health Service Act (42 U.S.C. 300w–10(c)) is amended—

(A) in paragraph (4), by striking "and" at the end; and

(B) by adding at the end the following:

"(6) $45,000,000 for fiscal year 2001; and

"(7) $45,000,000 for fiscal year 2002.".

(c) GRANT FOR NATIONAL DOMESTIC VIOLENCE HOTLINE.—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by adding "and" at the end; and

(3) by adding at the end the following:

"(G) $500,000 for fiscal year 2001; and

"(H) $500,000 for fiscal year 2002.".

(d) GRANTS FOR BATTERED WOMEN'S SHELTERS.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by adding "and" at the end; and

(3) by adding at the end the following:

"(6) $72,500,000 for fiscal year 2001; and

"(7) $72,500,000 for fiscal year 2002.".

(e) VICTIMS OF CHILD ABUSE PROGRAMS.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by adding "and" at the end; and

(3) by adding at the end the following:

"(6) $10,000,000 for fiscal year 2001; and

"(7) $10,000,000 for fiscal year 2002.".

SEC. 3301. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

Section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)) is amended—

(1) by striking ''or a State'' and inserting '', a State''; and

(2) by striking ''through fiscal year 1997'' and inserting '', or a State that has a population density of more than 60 persons per square mile (as determined by the Bureau of the Census of the Department of Commerce)''.

SEC. 3302. PUNISHMENT OF ATTEMPTS TO COMMIT INTERSTATE DOMESTIC VIOLENCE OFFENSE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or attempts to do so,'' after ''thereby causes bodily injury to such spouse or intimate partner,''; and

(2) in paragraph (2), by inserting ''or attempts to do so,'' after ''thereby causes bodily injury to the person's spouse or intimate partner,''.

SEC. 3303. EXPANSION OF INTERSTATE DOMESTIC VIOLENCE OFFENSE TO COVER INTIMIDATION.

Section 2261A of title 18, United States Code, is amended by striking ''injure or harass'' and inserting ''injure, harass, or intimidate''.

SEC. 3304. PUNISHMENT OF INTERSTATE TRAVEL WITH INTENT TO KILL SPOUSE.

(a) Sections 2261(b)(3) and 2262(b)(3) of title 18, United States Code, are each amended by inserting ''(as defined in section 2119(2) of this title)'' after ''serious bodily injury''.

(b) Section 2261A of title 18, United States Code, is amended by striking ''section 1365(g)(3)'' and inserting ''section 2119(2)'';

(c)(1) Section 2261 of title 18, United States Code, is amended—

(A) in subsection (a)(1), by striking ''with the intent to injure, harass, or intimidate'' and inserting ''with the intent to kill, injure, harass, or intimidate''; and

(B) in subsection (a) (1) and (2), by inserting ''or death'' after ''and thereby causes bodily injury''.

(2) Section 2262 of title 18, United States Code, is amended—

(A) in subsection (a)(1), by inserting ''or death'' after ''bodily injury''; and

(B) in subsection (a)(2), by striking ''commits an act that injures'' and inserting ''commits an act that causes bodily injury or death to''.

Subtitle D—Assistance to Local Law Enforcement

SEC. 3400. EXTENSION OF LAW ENFORCEMENT FAMILY SUPPORT FUNDING.

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

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) in subparagraph (D), as redesignated, by striking ''and'' at the end;

(3) in subparagraph (E), as redesignated, by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(F) $7,500,000 for fiscal year 2001; and

''(G) $7,500,000 for fiscal year 2002.''.

SEC. 3401. EXTENSION OF RURAL DRUG ENFORCEMENT AND TRAINING FUNDING.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1001(a)(9) of title I of the Omni-

bus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(9)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(F) $66,000,000 for fiscal year 2001; and

''(G) $66,000,000 for fiscal year 2002.''.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 18103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14082(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $1,000,000 for fiscal year 2001; and

''(7) $1,000,000 for fiscal year 2002.''.

SEC. 3402. EXTENSION OF DNA IDENTIFICATION GRANTS FUNDING.

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 redesignating paragraphs (16) through (22) as paragraphs (12) through (17), respectively.

SEC. 3403. EXTENSION OF BYRNE GRANT FUNDING.

Section 210101 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2061) is amended—

(1) by striking ''through 2000'' and inserting ''through 2002'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) $200,000,000 for fiscal year 2001; and

''(8) $200,000,000 for fiscal year 2002.''.

SEC. 3404. EXTENSION OF TECHNICAL AUTOMATION GRANT FUNDING.

Section 210501(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14151(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(F) for fiscal year 2001, $24,000,000; and

''(G) for fiscal year 2002, $24,000,000;''; and

(2) in paragraph (2)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(F) for fiscal year 2001, $6,000,000; and

''(G) for fiscal year 2002, $6,000,000; and''.

SEC. 3405. EXTENSION OF GRANTS FOR STATE COURT PROSECUTORS.

Section 21602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) in subsection (a)—

(A) by striking ''other criminal justice participants'' and inserting ''other criminal justice

participants, in both the adult and juvenile systems,'';

(B) by striking ''this Act'' and all that follows before the period at the end of the section and inserting ''this Act, the Safe Schools, Safe Streets, and Secure Borders Act of 1998, and amendments thereto'';

(2) by redesignating subsection (d) as subsection (e);

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

''(d) Not less than 20 percent of the total amount appropriated to carry out this subtitle in each of the fiscal years 2001 and 2002 shall be made available for providing increased resources to State juvenile courts systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system participants.'';

(4) in subsection (e)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the comma at the end and inserting a semicolon; and

(C) by inserting immediately after paragraph (5) the following:

"(6) $250,000,000 for fiscal year 2001; and

"(7) $250,000,000 for fiscal year 2002,".

Subtitle E—Protecting Federal, State, and Local Law Enforcement Officers and the Judiciary

SEC. 3500. EXPANSION OF PROTECTION OF FEDERAL OFFICERS AND EMPLOYEES FROM MURDER DUE TO THEIR STATUS.

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 or local government, because of the status of the victim as such an officer or employee," after "on account of that assistance,".

SEC. 3501. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "12"; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

SEC. 3502. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING A FAMILY MEMBER.

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

SEC. 3503. MAILING THREATENING COMMUNICATIONS.

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Fed-

eral law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 3504. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

SEC. 3505. 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 through 2001'' and inserting ''fiscal years 1999 through 2003''.

SEC. 3506. KILLING PERSONS AIDING FEDERAL INVESTIGATIONS OR STATE CORRECTIONAL OFFICERS.

Section 1121(a)(1) of title 18, United States Code, is amended in the matter preceding subparagraph (A), by inserting '', State, or joint Federal-State'' after ''a Federal''.

SEC. 3507. KILLING STATE CORRECTIONAL OFFICERS.

Section 1121(b)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

"(C) the incarcerated person is incarcerated pending an initial appearance, arraignment, trial, or appeal for an offense against the United States.".

SEC. 3508. FEDERAL LAW ENFORCEMENT OFFICERS' GOOD SAMARITAN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Federal Law Enforcement Officers' Good Samaritan Act of 1998".

(b) PROTECTION OF FEDERAL LAW ENFORCEMENT OFFICERS WHO INTERVENE IN CERTAIN SITUATIONS.—

(1) DEFINITIONS.—In this section—

(A) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(B) the term "law enforcement officer" means—

(i) any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and

(ii) any special agent in the Diplomatic Security Service of the Department of State.

(2) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chap-

ter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(A) protect an individual in the presence of the officer from a crime of violence;

(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual whom the officer reasonably believes to have committed in the presence of the officer a crime of violence.

SEC. 3509. ESTABLISHMENT OF PROTECTIVE FUNCTION PRIVILEGE.

(a) FINDINGS.—Congress makes the following findings:

(1) The physical safety of the Nation's top elected officials is a public good of transcendent importance.

(2) By virtue of the critical importance of the Office of the President, the President and those in direct line of the Presidency are subject to unique and mortal jeopardy—jeopardy that in turn threat-

ens profound disruption to our system of representative government and to the security and future of the Nation.

(3) The physical safety of visiting heads of foreign states and foreign governments is also a matter of paramount importance. The assassination of such a person while on American soil could have calamitous consequences for our foreign relations and national security.

(4) Given these grave concerns, Congress has provided for the Secret Service to protect the President and those in direct line of the Presidency, and has directed that these officials may not waive such protection. Congress has also provided for the Secret Service to protect visiting heads of foreign states and foreign governments.

(5) The protective strategy of the Secret Service depends critically on the ability of its personnel to maintain close and unremitting physical proximity to the protectee.

(6) Secret Service personnel must remain at the side of the protectee on occasions of confidential conversations and, as a result, may overhear top secret discussions, diplomatic exchanges, sensitive conversations, and matters of personal privacy.

(7) The necessary level of proximity can be maintained only in an atmosphere of complete trust and confidence between the protectee and his or her protectors.

(8) If a protectee has reason to doubt the confidentiality of actions or conversations taken in sight or hearing of Secret Service personnel, the protectee may seek to push the protective envelope away or undermine it to the point at which it could no longer be fully effective.

(9) The possibility that Secret Service personnel might be compelled to testify against their protectees could induce foreign nations to refuse Secret Service protection in future state visits, making it impossible for the Secret Service to fulfill its important statutory mission of protecting the life and safety of foreign dignitaries.

(10) A privilege protecting information acquired by Secret Service personnel while performing their protective function in physical proximity to a protectee will preserve the security of the protectee by lessening the incentive of the protectee to distance Secret Service personnel in situations in which there is some risk to the safety of the protectee.

(11) Recognition of a protective function privilege for the President and those in direct line of the Presidency, and for visiting heads of foreign states and foreign governments, will promote sufficiently important interests to outweigh the need for probative evidence.

(12) Because Secret Service personnel retain law enforcement responsibility even while engaged in their protective function, the privilege must be subject to a crime/treason exception.

(b) PURPOSES.—The purposes of this Act are—

(1) to facilitate the relationship of trust and confidence between Secret Service personnel and certain protected officials that is essential to the ability of the Secret Service to protect these officials, and the Nation, from the risk of assassination; and

(2) to ensure that Secret Service personnel are not precluded from testifying in a criminal investigation or prosecution about unlawful activity committed within their view or hearing.

(c) ADMISSIBILITY OF INFORMATION ACQUIRED BY SECRET SERVICE PERSONNEL WHILE PERFORMING THEIR PROTECTIVE FUNCTION.—

(1) PROTECTIVE FUNCTION PRIVILEGE.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3056 the following:

"§ 3056A. Testimony by Secret Service personnel; protective function privilege

''(a) DEFINITIONS.—In this section:

''(1) PROTECTEE.—The term 'protectee' means—

''(A) the President;

''(B) the Vice President (or other officer next in the order of succession to the Office of President);

''(C) the President-elect;

''(D) the Vice President-elect; and

''(E) visiting heads of foreign states or foreign governments who, at the time and place concerned, are being provided protection by the United States Secret Service.

''(2) SECRET SERVICE PERSONNEL.—The term 'Secret Service personnel' means any officer or agent of the United States Secret Service.

''(b) GENERAL RULE OF PRIVILEGE.—Subject to subsection (c), testimony by Secret Service personnel or former Secret Service personnel regarding information affecting a protectee that was acquired during the perform-

ance of a protective function in physical proximity to the protectee shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof.

"(c) EXCEPTIONS.—There is no privilege under this section—

"(1) with respect to information that, at the time the information was acquired by Secret Service personnel, was sufficient to provide reasonable grounds to believe that a crime had been, was being, or would be committed; or

"(2) if the privilege is waived by the protectee or the legal representative of a protectee or deceased protectee.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3056 the following:

"3056A. Testimony by Secret Service personnel; protective function privilege.".

(3) APPLICATION.—This Act and the amendments made by this Act shall apply to any proceeding commenced on or after the date of enactment of this Act.

Subtitle F—Extension of Violent Crime Reduction Trust Fund

SEC. 3600. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $6,500,000,000; and

''(8) for fiscal year 2002, $6,500,000,000.''.

(b) REDUCTION IN DISCRETIONARY SPENDING LIMITS.—Beginning on the date of enactment of this Act, the discretionary spending limits set forth in section 601(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) (as adjusted in conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and in the Senate, with section 301 of House Concurrent Resolution 178 (104th Congress)) for fiscal years 2001 through 2002 are reduced as follows:

(1) For fiscal year 2001, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

(2) For fiscal year 2002, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

Subtitle G—Punishing Hate Crimes and Protecting Civil Rights

SEC. 3700. PUNISHING HATE CRIMES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Hate Crimes Prevention Act of 1998''.

(b) FINDINGS.—Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate at addressing this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to

move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many local jurisdictions have attempted to respond to the challenges posed by such violence, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist such jurisdictions; and

(10) many States have no laws addressing violence based on the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability, of the victim, while other States have laws that provide only limited protection.

(c) DEFINITION OF HATE CRIME.—In this Act, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

(d) PROHIBITION OF CERTAIN ACTS OF VIOLENCE.—Section 245 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:

''(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

''(i) death results from the acts committed in violation of this paragraph; or

"(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2)(A) Whoever, whether or not acting under color of law, in any circumstances described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

"(I) death results from the acts committed in violation of this paragraph; or

"(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

"(ii) the offense is in or affects interstate or foreign commerce.".

(e) DUTIES OF FEDERAL SENTENCING COMMISSION.—

(1) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(2) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(B) avoid duplicative punishments for substantially the same offense.

(f) GRANT PROGRAM.—

(1) AUTHORITY TO MAKE GRANTS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 1999, 2000, and 2001 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by subsection (d)).

(h) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 3701. ATTEMPTED DEPRIVATION OF CIVIL RIGHTS UNDER COLOR OF LAW.

Section 242 of title 18, United States Code, is amended by inserting ''or attempts to willfully subject'' after ''willfully subjects''.

SEC. 3702. HATE CRIMES STATISTICS ACT.

Subsection (b) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by adding at the end the following:

''(6) In acquiring data under this section, the Attorney General shall, beginning for calendar year 1998, include data regarding the age of offenders who have committed crimes covered by this section.''.

SEC. 3703. IMPROVEMENT OF HATE CRIMES SENTENCING PROCEDURE.

Section 280003(b) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note) is

amended by striking ''the finder of fact at trial'' and inserting ''the court at sentencing''.

Subtitle H—Deterring Cargo Theft

SEC. 3800. PUNISHMENT OF CARGO THEFT.

(a) IN GENERAL.—Section 659 of title 18, United States Code, is amended—

(1) by striking ''with intent to convert to his own use'' each place that term appears;

(2) in the first undesignated paragraph—

(A) by inserting ''trailer,'' after ''motortruck,'';

(B) by inserting ''air cargo container,'' after ''aircraft,''; and

(C) by inserting '', or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,'' after ''air navigation facility'';

(3) in the fifth undesignated paragraph, by striking ''one year'' and inserting ''3 years'';

(4) in the penultimate undesignated paragraph, by inserting after the first sentence the following: ''For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the

waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.''; and

(5) by adding at the end the following:

''It shall be an affirmative defense (on which the defendant bears the burden of persuasion by a preponderance of the evidence) to an offense under this section that the defendant bought, received, or possessed the goods, chattels, money, or baggage at issue with the sole intent to report the matter to an appropriate law enforcement officer or to the owner of the goods, chattels, money, or baggage.''.

(b) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal sentencing guidelines under section 659 of title 18, United States Code, as amended by this section and, upon completion of the review, promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement of the applicable guidelines.

SEC. 3801. REPORTS TO CONGRESS ON CARGO THEFT.

The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and

prosecution of offenses under section 659 of title 18, United States Code, as amended by this section.

SEC. 3802. ESTABLISHMENT OF ADVISORY COMMITTEE ON CARGO THEFT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Committee to be known as the Advisory Committee on Cargo Theft (in this section referred to as the ''Committee'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 6 members, who shall be appointed by the President, of whom—

(i) 1 shall be an officer or employee of the Department of Justice;

(ii) 1 shall be an officer or employee of the Department of Transportation;

(iii) 1 shall be an officer or employee of the Department of the Treasury; and

(iv) 3 shall be individuals from the private sector who are experts in cargo security.

(B) DATE.—The appointments of the initial members of the Committee shall be made

not later than 30 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the Committee shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which all initial members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet, not less frequently than quarterly, at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The President shall select 1 member of the Committee to serve as the Chairperson of the Committee.

(b) DUTIES.—

(1) STUDY.—The Committee shall conduct a thorough study of, and develop recommendations with respect to, all matters relating to—

(A) the establishment of a national computer database for the collection and dissemination of information relating to violations of section 659 of title 18, United States Code (as added by section 3800(a) of this Act); and

(B) the establishment of an office within the Federal Government to promote cargo security and to increase coordination between the Federal Government and the private sector with respect to cargo security.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to the President and to Congress a report, which shall contain a detailed statement of results of the study and the recommendations of the Committee under paragraph (1).

(c) POWERS.—

(1) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the

Committee considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(3) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

(B) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to that received for their service as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without

regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION.—The Committee shall terminate 90 days after the date on which the Committee submits the report under subsection (b)(2).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Committee to carry out the purposes of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

SEC. 3803. ADDITION OF ATTEMPTED THEFT AND COUNTERFEITING OFFENSES TO ELIMINATE GAPS AND INCONSISTENCIES IN COVERAGE.

(a) IN GENERAL.—

(1) EMBEZZLEMENT AGAINST ESTATE.—Section 153(a) of title 18, United States Code, is amended by inserting ", or attempts so to appropriate, embezzle, spend, or transfer," before "any property".

(2) PUBLIC MONEY.—Section 641 of title 18, United States Code, is amended by striking "or" at the end of the first paragraph and by inserting after such paragraph the following:

"Whoever attempts to commit an offense described in the preceding paragraph; or".

(3) THEFT BY BANK EXAMINER.—Section 655 of title 18, United States Code, is amended by in-

serting ''or attempts to steal or so take,'' after ''unlawfully takes,''.

(4) THEFT, EMBEZZLEMENT, OR MISAPPLICATION BY BANK OFFICER OR EMPLOYEE.—Sections 656 and 657 of title 18, United States Code, are each amended—

(A) by inserting '', or attempts to embezzle, abstract, purloin, or willfully misapply,'' after ''willfully misapplies''; and

(B) by inserting ''or attempted to be embezzled, abstracted, purloined, or misapplied'' after ''misapplied''.

(5) PROPERTY MORTGAGED OR PLEDGED TO FARM CREDIT AGENCIES.—Section 658 of title 18, United States Code, is amended by inserting ''or attempts so to remove, dispose of, or convert,'' before ''any property''.

(6) INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(A) in the first and third paragraphs, by inserting ''or attempts to embezzle, steal, or so take or carry away,'' after ''carries away,''; and

(B) in the fourth paragraph by inserting ''or attempts to embezzle, steal, or so take,'' before ''from any railroad car''.

(7) WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 661 of title 18, United States Code, is amended—

(A) by inserting ''or attempts so to take and carry away,'' before ''any personal property''; and

(B) by inserting ''or attempted to be taken'' after ''taken'' each place it appears.

(8) THEFT OR EMBEZZLEMENT FROM EMPLOYEE BENEFIT PLANS.—Section 664 of title 18, United States Code, is amended by inserting ''or attempts to embezzle, steal, or so abstract or convert,'' before ''any of the moneys''.

(9) THEFT OR EMBEZZLEMENT FROM EMPLOYMENT AND TRAINING FUNDS.—Section 665(a) of title 18, United States Code, is amended—

(A) by inserting '', or attempts to embezzle, so misapply, steal, or obtain by fraud,'' before ''any of the moneys''; and

(B) by inserting ''or attempted to be embezzled, misapplied, stolen, or obtained by fraud'' after ''obtained by fraud''.

(10) THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS.—Section 666(a)(1)(A) of title 18, United States Code, is amended by inserting ''or attempts to embezzle, steal, obtain by fraud, or so convert or misapply,'' before ''property''.

(11) FALSE PRETENSES ON HIGH SEAS.—Section 1025 of title 18, United States Code, is amended—

(A) by inserting ''or attempts to obtain'' after ''obtains''; and

(B) by inserting ''or attempted to be obtained'' after ''obtained''.

(12) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section 1163 of title 18, United States Code, is amended by inserting ''attempts so to embezzle, steal, convert, or misapply,'' after ''willfully misapplies,''.

(13) THEFT FROM GROUP ESTABLISHMENTS ON INDIAN LANDS.—Section 1167 (a) and (b) of title 18, United States Code, are each amended by inserting ''or attempts so to abstract, purloin, misapply, or take and carry away,'' before ''any money''.

(14) THEFT BY OFFICERS AND EMPLOYEES OF GAMING ESTABLISHMENTS ON INDIAN LANDS.—Sec-

tion 1168 (a) and (b) of title 18, United States Code, are each amended by inserting ''or attempts so to embezzle, abstract, purloin, misapply, or take and carry away,'' before ''any moneys,''.

(15) THEFT OF PROPERTY USED BY THE POSTAL SERVICE.—Section 1707 of title 18, United States Code, is amended by inserting '', or attempts to steal, purloin, or embezzle,'' before ''any property'' and by inserting ''or attempts to appropriate'' after ''appropriates''.

(16) THEFT IN RECEIPT OF STOLEN MAIL MATTER.—Section 1708 of title 18, United States Code, is amended in the second paragraph by inserting ''or attempts to steal, take, or abstract,'' after ''abstracts,'' and by inserting '', or attempts so to obtain,'' after ''obtains''.

(17) THEFT OF MAIL MATTER BY OFFICER OR EMPLOYEE.—Section 1709 of title 18, United States Code, is amended—

(A) by inserting ''or attempts to embezzle'' after ''embezzles''; and

(B) by inserting '', or attempts to steal, abstract, or remove,'' after ''removes''.

(18) MISAPPROPRIATION OF POSTAL FUNDS.—Section 1711 of title 18, United States Code, is

amended by inserting ''or attempts to loan, use, pledge, hypothecate, or convert to his own use,'' after ''use''.

(19) BANK ROBBERY AND INCIDENTAL CRIMES.—Section 2113(b) of title 18, United States Code, is amended by inserting ''or attempts so to take and carry away,'' before ''any property'' each place it appears.

(b) SECURITIES CRIMES.—

(1) POSSESSION OF TOOLS.—Section 477 of title 18, United States Code, is amended by inserting '', or attempts so to sell, give, or deliver,'' before ''any such imprint''.

(2) UTTERING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 479 of title 18, United States Code, is amended by inserting ''or attempts to utter or pass,'' after ''passes,''.

(3) MINOR COINS.—Section 490 of title 18, United States Code, is amended by inserting ''attempts to pass, utter, or sell,'' before ''or possesses''.

(4) SECURITIES OF STATES AND PRIVATE ENTITIES.—Section 513(a) of title 18, United States Code, is amended by inserting ''or attempts to utter,'' after ''utters''.

SEC. 3804. CLARIFICATION OF SCIENTER REQUIREMENT FOR RECEIVING PROPERTY STOLEN FROM AN INDIAN TRIBAL ORGANIZATION.

Section 1163 of title 18, United States Code, is amended in the second paragraph by striking ''so''.

SEC. 3805. LARCENY INVOLVING POST OFFICE BOXES AND POSTAL STAMP VENDING MACHINES.

Section 2115 of title 18, United States Code, is amended—

(1) by striking ''or'' before ''any building'';

(2) by inserting ''or any post office box or postal stamp vending machine for the sale of stamps owned by the Postal Service,'' after ''used in whole or in part as a post office,''; and

(3) by inserting ''or in such box or machine,'' after ''so used''.

SEC. 3806. EXPANSION OF FEDERAL THEFT OFFENSES TO COVER THEFT OF VESSELS.

(a) VESSEL DEFINED.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

'' 'Vessel' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.''.

(b) TRANSPORTATION OF STOLEN VEHICLES; SALE OR RECEIPT OF STOLEN VEHICLES.—Sections 2312 and

2313 of title 18, United States Code, are each amended by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''.

Subtitle I—Improvements to Federal Criminal Law

PART 1—SENTENCING IMPROVEMENTS

SEC. 3910. APPLICATION OF SENTENCING GUIDELINES TO ALL PERTINENT 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. 3911. DOUBLING MAXIMUM PENALTY FOR VOLUNTARY MANSLAUGHTER.

Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

SEC. 3912. AUTHORIZATION OF IMPOSITION OF BOTH A FINE AND IMPRISONMENT RATHER THAN ONLY EITHER PENALTY IN CERTAIN OFFENSES.

(a) POWER OF COURT.—Section 401 of title 18, United States Code, is amended by inserting ''or both,'' after ''fine or imprisonment,''.

(b) DESTRUCTION OF LETTER BOXES OR MAIL.—Section 1705 of title 18, United States Code, is amended by inserting ", or both" after "years".

SEC. 3913. ADDITION OF SUPERVISED RELEASE VIOLATION AS PREDICATES FOR CERTAIN OFFENSES.

(a) IN GENERAL.—Sections 1512(a)(1)(C), 1512(b)(3), 1512(c)(2), 1513(a)(1)(B), and 1513(b)(2) are each amended by striking "violation of conditions of probation, parole or release pending judicial proceedings" and inserting "violation of conditions of probation, supervised release, parole, or release pending judicial proceedings".

(b) RELEASE OR DETENTION OF DEFENDANT PENDING TRIAL.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (d)(1)(A)(iii), by inserting ", supervised release," after "probation"; and

(2) in subsection (g)(3)(B), by inserting "or supervised release" after "probation".

SEC. 3914. AUTHORITY OF COURT TO IMPOSE A SENTENCE OF PROBATION OR SUPERVISED RELEASE WHEN REDUCING A SENTENCE OF IMPRISONMENT IN CERTAIN CASES.

Section 3582(c)(1)(A) of title 18, United States Code, is amended by inserting "(and may impose a sen-

tence of probation or supervised release with or without conditions)'' after ''may reduce the term of imprisonment''.

SEC. 3915. INCREASED PENALTY FOR RACKETEERING ACTIVITY.

Section 1959(a)(5) of title 18, United States Code, is amended by substituting ''twenty'' for ''ten''.

PART 2—ADDITIONAL IMPROVEMENTS TO FEDERAL CRIMINAL LAW

SEC. 3920. FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

''Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', or 'U.S.M.S.', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the

wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;''.

SEC. 3921. VIOLENCE DIRECTED AT DWELLINGS IN INDIAN COUNTRY.

Section 1153(a) of title 18, United States Code, is amended by inserting ''or 1363'' after ''section 661''.

SEC. 3922. CORRECTIONS TO AMBER HAGERMAN CHILD PROTECTION ACT.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking ''younger than that person'' and inserting ''younger than the person so engaging''.

(b) SEXUAL ABUSE OF A MINOR OR WARD.—Section 2243(a) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''Except as provided in section 2241(c) of this title, whoever''; and

(2) by striking ''crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or''.

(c) DEFINITIONS.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (4), by striking the period and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding a new paragraph as follows:

''(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.''.

SEC. 3923. ELIMINATION OF "BODILY HARM" ELEMENT IN ASSAULT WITH A DANGEROUS WEAPON OFFENSE.

Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and''.

SEC. 3924. APPEALS FROM CERTAIN DISMISSALS.

Section 3731 of title 18, United States Code, is amended by inserting ''or any part thereof'' after ''as to any one or more counts''.

SEC. 3925. AUTHORITY FOR INJUNCTION AGAINST DISPOSAL OF ILL-GOTTEN GAINS FROM VIOLATIONS OF FRAUD STATUTES.

Section 1345(a)(2) of title 18, United States Code, is amended by inserting ''violation of this chapter or sec-

tion 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title or of a'' after ''as a result of a''.

SEC. 3926. EXPANSION OF INTERSTATE TRAVEL FRAUD STATUTE TO COVER INTERSTATE TRAVEL BY PERPETRATOR.

Section 2314 of title 18, United States Code, is amended in the second undesignated paragraph—

(1) by inserting ''travels in,'' before ''transports or causes to be transported, or induce any person or persons to travel in''; and

(2) by inserting a comma after ''transports''.

SEC. 3927. CLARIFICATION OF SCOPE OF UNAUTHORIZED SELLING OF MILITARY MEDALS OR DECORATIONS.

Section 704(b)(2) of title 18, United States Code, is amended by striking ''with respect to a Congressional Medal of Honor''.

SEC. 3928. AMENDMENT TO SECTION 669 TO CONFORM TO PUBLIC LAW 104–294.

Section 669 of title 18, United States Code, is amended by striking ''$100'' and inserting ''$1,000''.

SEC. 3929. EXPANSION OF 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''.

SEC. 3930. ASSAULT AS A RICO PREDICATE.

Section 1961(1)(A) of title 18, United States Code, is amended by adding after ''extortion,'' ''assault''.

SEC. 3931. LIMITS ON DISCLOSURE OF WIRETAP ORDERS.

Section 2518(9) of title 18, United States Code, is amended by inserting ''aggrieved'' before the word ''party'' wherever it appears.

SEC. 3932. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW AND PROCEDURE.

(a) MISSING AND INCORRECT WORDS.—

(1) CORRECTION OF GARBLED SENTENCE.—Section 510(c) of title 18, United States Code, is amended by striking ''fine of under this title'' and inserting ''fine under this title''.

(2) INSERTION OF MISSING WORDS.—Section 981(d) of title 18, United States Code, is amended by striking ''proceeds from the sale of this section''

and inserting ''proceeds from the sale of such property under this section''.

(3) CORRECTION OF INCORRECT WORD.—Sections 1425 through 1427, 1541 through 1544 and 1546(a) of title 18, United States Code, are each amended by striking ''to facility'' and inserting ''to facilitate''.

(4) CORRECTING ERRONEOUS AMENDATORY LANGUAGE ON EXECUTED AMENDMENT.—

(A) IN GENERAL.—Section 60003(a)(13) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking $1,000,000 or imprisonment'' and inserting ''$1,000,000 and imprisonment''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply as if that subsection had been enacted on the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994 (18 Stat. 1796 et seq.).

(5) INSERTION OF MISSING WORD.—Section 3286 of title 18, United States Code, is amended by inserting ''section'' before ''2332b''.

(6) CORRECTION OF REFERENCE TO SHORT TITLE OF LAW.—Section 2332d(a) of title 18,

United States Code, is amended by inserting ''of 1979'' after ''Export Administration Act''.

(7) ELIMINATION OF TYPO.—Section 1992(b) of title 18, United States Code, is amended by striking ''term or years'' and inserting ''term of years''.

(8) SPELLING CORRECTION.—Section 2339A(a) of title 18, United States Code, is amended by striking ''or an escape'' and inserting ''of an escape''.

(9) SECTION 3553.—Section 3553(e) of title 18, United States Code, is amended by inserting ''a'' before ''minimum''.

(10) MISPLACED WORDS IN STATEMENT OF PENALTY.—Section 2251(d) of title 18, United States Code, is amended by striking ''or imprisoned not less than 10 years nor more than 20 years, and both'' and inserting ''and imprisoned not less than 10 nor more than 20 years''.

(b) MARGINS, PUNCTUATION, AND SIMILAR ERRORS.—

(1) MARGIN ERROR.—Section 1030(c)(2) of title 18, United States Code, is amended so that the margins of subparagraph (B) and each of its clauses are moved 2 ems to the left.

(2) CORRECTING CAPITALIZATION IN LANGUAGE TO BE STRICKEN.—

(A) IN GENERAL.—The amendment to section 11716(g)(2) of title 18, United States Code, contained in section 607(g)(2) of the Economic Espionage Act of 1996 (110 Stat. 3511) shall be deemed to strike ''State, territory, or the District of Columbia'' and insert ''State''.

(B) EFFECTIVE DATE.—Subparagraph (A) shall apply as if enacted on the date of enactment of the Economic Espionage Act of 1996.

(3) CORRECTING PARAGRAPHING.—The material added to section 521(a) of title 18, United States Code, by section 607(q) of the Economic Espionage Act of 1996 (110 Stat. 3513) is amended to appear as a paragraph indented 2 ems from the left margin.

(4) SUBSECTION PLACEMENT CORRECTION.—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(5) INSERTION OF PARENTHETICAL DESCRIPTIONS.—Section 2332b(g)(5) of title 18, United States Code, is amended—

(A) by inserting ''(relating to certain killings in Federal facilities)'' after ''930(c)'';

(B) by inserting ''(relating to wrecking trains)'' after ''1992''; and

(C) by inserting ''(relating to use of chemical weapons)'' after ''2332c''.

(6) CORRECTION TO ALLOW FOR INSERTION OF NEW SUBPARAGRAPH.—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) by striking ''or'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; or''; and

(C) in subparagraph (F), by striking ''Any'' and inserting ''any''.

(7) REDESIGNATION OF DUPLICATE PARAGRAPH.—Section 982(a) of title 18, United States Code, is amended by redesignating the second paragraph (6) as paragraph (7).

(8) CORRECTION OF CONFUSING SUBDIVISION DESIGNATION.—Section 1716 of title 18, United States Code, is amended—

(A) by redesignating subsection (j) as subsection (k);

(B) in the first undesignated paragraph, by inserting ''(j)(1)'' before ''Whoever''; and

(C) in the undesignated paragraph following subsection (j)(1)—

(i) by striking ''not more than $10,000'' and inserting ''under this title''; and

(ii) by inserting ''(2)'' at the beginning of that paragraph; and

(D) by inserting ''(3)'' at the beginning of the undesignated paragraph following subsection (j)(2), as so designated.

(9) PUNCTUATION CORRECTION IN SECTION 1091.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''subsection (a)(1),'' and inserting ''subsection (a)(1)''.

(10) PUNCTUATION CORRECTION IN SECTION 2311.—Section 2311 of title 18, United States Code, is amended by striking the period after ''carcasses thereof'' the second place that term appears and inserting a semicolon.

(11) SYNTAX CORRECTION.—Section 115(b)(2) of title 18, United States Code, is amended by striking '', attempted kidnapping, or conspiracy to kidnap of a person'' and inserting ''or attempted kidnapping of, or a conspiracy to kidnap a person''.

(c) ELIMINATION OF REDUNDANCIES.—

(1) ELIMINATION OF REDUNDANT PROVISION.—Section 2516(1) of title 18, United States Code, is amended—

(A) by striking the first paragraph (p); and

(B) by inserting ''or'' at the end of paragraph (o).

(2) ELIMINATION OF DUPLICATIVE AMENDMENTS.—Paragraphs (1), (2), and (4) of section 610(b), paragraph (2) of section 601(d), paragraphs (2) and (6) of section 601(f), paragraphs (1) and (2)(A) of section 601(j), subsection (k) of section 601, subsection (d) of section 602, paragraph (4) of section 604(b), and subsection (r) of section 605 of the Economic Espionage Act of 1996 are each repealed.

(3) ELIMINATION OF EXTRA COMMA.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(A) by striking ''Code,,'' and inserting ''Code,''; and

(B) by striking ''services),,'' and inserting ''(services),''.

(4) REPEAL OF SECTION GRANTING DUPLICATIVE AUTHORITY.—

(A) Section 3503 of title 18, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) ELIMINATION OF OUTMODED REFERENCE TO PAROLE.—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) CORRECTION OF OUTMODED FINE AMOUNTS.—

(1) IN TITLE 18, UNITED STATES CODE.—

(A) IN SECTION 665.—Section 665(c) of title 18, United States Code, is amended by striking ''a fine of not more than $5,000'' and inserting ''a fine under this title''.

(B) IN SECTIONS 1924, 2075, 211B, AND 2236.—

(i) Section 1924(a) of title 18, United States Code, is amended by striking ''not more than $1,000,'' and inserting ''under this title''.

(ii) Sections 2075, 2113(b), and 2236 of title 18, United States Code, are each

amended by striking ''not more than $1,000'' and inserting ''under this title''.

(C) IN SECTION 372 AND 752.—Sections 372 and 752(a) of title 18, United States Code, are each amended by striking ''not more than $5,000'' and inserting ''under this title''.

(2) IN THE CONTROLLED SUBSTANCES ACT.—

(A) IN SECTION 401.—Section 401(e) of the Controlled Substances Act (21 U.S.C. 841(e)) is amended—

(i) in paragraph (1), by striking ''and shall be fined not more than $10,000'' and inserting ''or fined under title 18, United States Code, or both''; and

(ii) in paragraph (2), by striking ''and shall be fined not more than $20,000'' and inserting ''or fined under title 18, United States Code, or both''.

(B) IN SECTION 402.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking ''of not more than $25,000'' and inserting ''under title 18, United States Code''; and

(ii) in subparagraph (B), by striking "of $50,000" and inserting "under title 18, United States Code".

(C) IN SECTION 403.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking "of not more than $30,000" each place that term appears and inserting "under title 18, United States Code"; and

(ii) by striking "of not more than $60,000" each place that term appears and inserting "under title 18, United States Code".

(e) CROSS REFERENCE CORRECTIONS.—

(1) CROSS REFERENCE CORRECTION OCCASIONED BY ENACTMENT OF INTERVENING LAW.—

(A) SECTION 3583.—Section 3583(d) of title 18, United States Code, is amended by striking "section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20)" and inserting "paragraphs (1) through (9) and (11) through (19) of section 3563(b)".

(B) SECTION 3563.—Section 3563(a)(2) of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) ELIMINATION OF OUTMODED REFERENCE TO PAROLE.—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) CORRECTION OF OUTMODED FINE AMOUNTS.—

(1) IN TITLE 18, UNITED STATES CODE.—

(A) IN SECTION 665.—Section 665(c) of title 18, United States Code, is amended by striking ''a fine of not more than $5,000'' and inserting ''a fine under this title''.

(B) IN SECTIONS 1924, 2075, 211B, AND 2236.—

(i) Section 1924(a) of title 18, United States Code, is amended by striking ''not more than $1,000,'' and inserting ''under this title''.

(ii) Sections 2075, 2113(b), and 2236 of title 18, United States Code, are each amended by striking ''not more than $1,000'' and inserting ''under this title''.

(C) IN SECTION 372 AND 752.—Sections 372 and 752(a) of title 18, United States Code,

are each amended by striking ''not more than $5,000'' and inserting ''under this title''.

(2) IN THE CONTROLLED SUBSTANCES ACT.—

(A) IN SECTION 401.—Section 401(e) of the Controlled Substances Act (21 U.S.C. 841(e)) is amended—

(i) in paragraph (1), by striking ''and shall be fined not more than $10,000'' and inserting ''or fined under title 18, United States Code, or both''; and

(ii) in paragraph (2), by striking ''and shall be fined not more than $20,000'' and inserting ''or fined under title 18, United States Code, or both''.

(B) IN SECTION 402.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking ''of not more than $25,000'' and inserting ''under title 18, United States Code''; and

(ii) in subparagraph (B), by striking ''of $50,000'' and inserting ''under title 18, United States Code''.

(C) IN SECTION 403.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking ''of not more than $30,000'' each place that term appears and inserting ''under title 18, United States Code''; and

(ii) by striking ''of not more than $60,000'' each place that term appears and inserting ''under title 18, United States Code''.

(e) CROSS REFERENCE CORRECTIONS.—

(1) CROSS REFERENCE CORRECTION OCCASIONED BY ENACTMENT OF INTERVENING LAW.—

(A) SECTION 3583.—Section 3583(d) of title 18, United States Code, is amended by striking ''section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20)'' and inserting ''paragraphs (1) through (9) and (11) through (19) of section 3563(b)''.

(B) SECTION 3563.—Section 3563(a)(2) of title 18, United States Code, is amended by striking ''(b)(3), or (b)(13)'' and inserting ''or (b)(12)''.

(2) SECTION 3664.—Section 3664(o)(1)(C) of title 18, United States Code, is amended by striking ''section 3664(d)(3)'' and inserting ''subsection (d)(5)''.

(3) CHAPTER 228.—Section 3592(c)(1) of title 18, United States Code, is amended by striking ''section 36'' and inserting ''section 37''.

(4) CORRECTING ERRONEOUS CROSS REFERENCE IN CONTROLLED SUBSTANCES ACT.—Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking ''1882 of the Mail Order Drug Paraphernalia Control Act'' and inserting ''422''.

(5) CORRECTION TO REFLECT CROSS REFERENCE CHANGE MADE BY OTHER LAW.—Effective on the date of its enactment, section 601(c)(3) of the Economic Espionage Act of 1996 (110 Stat. 3499) is amended by striking ''247(d)'' and inserting ''247(e)''.

(6) TYPOGRAPHICAL AND TYPEFACE ERROR IN TABLE OF CONTENTS.—The item relating to chapter 123 in the table of chapters at the beginning of part I of title 18, United States Code, is amended—

(A) by striking ''2271'' and inserting ''2721''; and

(B) so that the item appears in bold face type.

(7) CORRECTION OCCASIONED BY ENACTMENT OF INTERVENING LAW.—Section 3563(a) of title 18, United States Code, is amended by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''.

(8) SECTION 3565.—Section 3565(b)(3) of title 18, United States Code, is amended by striking ''3563(a)(4)'' and inserting ''3563(a)(5)''.

(9) SECTION 4104.—Section 4104(d) of title 18, United States Code, is amended by striking ''section 3653 of this title and rule 32(f) of'' and inserting ''section 3565 of this title and the applicable provisions of''.

(10) ERROR IN AMENDATORY LANGUAGE.—Effective on the date of its enactment, section 583 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (111 Stat. 2346) is amended by striking ''Section 2401'' and inserting ''Section 2441''.

(11) ERROR IN CROSS REFERENCE TO COURT RULES.—The first sentence of section 3593(c) of title 18, United States Code, is amended by striking ''rule 32(c)'' and inserting ''rule 32''.

(12) CORRECTION OF ERRONEOUS CITE IN AMENDATORY LANGUAGE.—Effective on the date of the enactment of section 102 of the Economic Espionage Act of 1996 (110 Stat. 3491), such section is amended by striking ''Section 2516(1)(c)'' and inserting ''Section 2516(1)(a)''.

(13) SECTION 1836.—Section 1836(a) of title 18, United States Code, is amended by striking ''this section'' and inserting ''this chapter''.

(14) CORRECTION OF ERRONEOUS CITE IN CHAPTER 119.—Section 2510(10) of title 18, United States Code, is amended by striking ''shall have'' and all that follows through ''United States Code;'' and inserting ''has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153);''.

(f) TABLES OF SECTIONS CORRECTIONS.—

(1) CONFORMING TABLE OF SECTIONS TO HEADING OF SECTION.—The item relating to section 1837 in the table of sections at the beginning of chapter 90 of title 18, United States Code, is amended by striking ''Conduct'' and inserting ''Applicability to conduct''.

(2) CONFORMING HEADING TO TABLE OF SECTIONS ENTRY.—The heading of section 1920 of title

18, United States Code, is amended by striking ''employee's'' and inserting ''employees' ''.

TITLE IV—PREVENTING JUVENILE CRIME

Subtitle A—Grants to Youth Organizations

SEC. 4001. GRANT PROGRAM.

The Attorney General may make grants to States, Indian tribes, and national or statewide nonprofit organizations in crime prone areas, such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers and Big Sisters, and Kids 'N Kops programs, for the purpose of—

(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

(2) providing supervised activities in safe environments to youth in crime prone areas;

(3) providing antidrug education to prevent drug abuse among youth;

(4) supporting police officer training and salaries and educational materials to expand D.A.R.E. America's middle school campaign; or

(5) providing constructive activities to youth in a safe environment through parks and other public recreation areas.

SEC. 4002. GRANTS TO NATIONAL ORGANIZATIONS.

(a) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief operating officer of a national or Statewide community-based organization shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds

that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

(F) any additional statistical or financial information that the Attorney General may reasonably require.

(b) GRANT AWARDS.—In awarding grants under this section, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in providing youth activities on a Statewide or nationwide basis; and

(3) the extent to which the organizations shall achieve an equitable geographic distribution of the grant awards.

SEC. 4003. GRANTS TO STATES.

(a) APPLICATIONS.—

(1) IN GENERAL.—The Attorney General may make grants under this section to States for dis-

tribution to units of local government and community-based organizations for the purposes set forth in section 4001.

(2) GRANTS.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(3) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (2) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the community;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults; and

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs.

(b) GRANT AWARDS.—In awarding grants under this section, the State shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in the community to be served;

(3) the level of juvenile crime, violence, and drug use in the community;

(4) the extent to which structured extracurricular activities for youth are otherwise unavailable in the community;

(5) the need in the community for secure environments for youth to avoid criminal victimization and exposure to crime and illegal drugs;

(6) to the extent practicable, achievement of an equitable geographic distribution of the grant awards; and

(7) whether the applicant has an established record of providing extracurricular activities that are generally not otherwise available to youth in the community.

(c) ALLOCATION.—

(1) STATE ALLOCATIONS.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to each State that has applied for a grant under this section.

(2) INDIAN TRIBES.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to Indian tribes, in accordance with the criteria set forth in subsections (a) and (b).

(3) REMAINING AMOUNTS.—Of the amount remaining after the allocations under paragraphs (1) and (2), the Attorney General shall allocate to each State an amount that bears the same ratio to the total amount of remaining funds as the population of the State bears to the total population of all States.

SEC. 4004. ALLOCATION; GRANT LIMITATION.

(a) ALLOCATION.—Of amounts made available to carry out this subtitle—

(1) 20 percent shall be for grants to national organizations under section 4002; and

(2) 80 percent shall be for grants to States under section 403.

(b) GRANT LIMITATION.—Not more than 3 percent of the funds made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 4005. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 1999, and October 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates—

(1) the activities provided;

(2) the number of youth participating;

(3) the extent to which the grant enabled the provision of activities to youth that would not otherwise be available; and

(4) any other information that the Attorney General requires for evaluating the effectiveness of the program.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2000, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant

recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of youth served by the grant recipient;

(2) the percentage of youth participating in the program charged with acts of delinquency or crime compared to youth in the community at large;

(3) the percentage of youth participating in the program that uses drugs compared to youth in the community at large;

(4) the percentage of youth participating in the program that are victimized by acts of crime or delinquency compared to youth in the community at large; and

(5) the truancy rates of youth participating in the program compared to youth in the community at large.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an

evaluation of the effectiveness of programs funded under this subtitle.

SEC. 4006. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) such sums as may be necessary for each of the fiscal years 1999 and 2000;

(2) for fiscal year 2001, $125,000,000; and

(3) for fiscal year 2002, $125,000,000.

(b) CONTINUED AVAILABILITY.—Amounts made available under this subtitle shall remain available until expended.

Subtitle B—"Say No to Drugs" Community Centers Act of 1998

SEC. 4201. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the "Say No to Drugs Community Centers Act of 1998".

(b) DEFINITIONS.—For purposes of this subtitle—

(1) the term "community-based organization" means a private, locally initiated organization that—

(A) is a nonprofit organization, as that term is defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) involves the participation, as appropriate, of members of the community and community institutions, including—

(i) business and civic leaders actively involved in providing employment and business development opportunities in the community;

(ii) educators;

(iii) religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with program activities funded under this subtitle);

(iv) law enforcement agencies; and

(v) other interested parties;

(2) the term ''eligible community'' means a community—

(A) identified by an eligible recipient for assistance under this subtitle; and

(B) an area that meets such criteria as the Attorney General may, by regulation, establish, including criteria relating to poverty, juvenile delinquency, and crime;

(3) the term ''eligible recipient'' means a community-based organization or public school that has—

(A) been approved for eligibility by the Attorney General, upon application submitted to the Attorney General in accordance with section 412(b); and

(B) demonstrated that the projects and activities it seeks to support in an eligible community involve the participation, when feasible and appropriate, of—

(i) parents, family members, and other members of the eligible community;

(ii) civic and religious organizations serving the eligible community;

(iii) school officials and teachers employed at schools located in the eligible community;

(iv) public housing resident organizations in the eligible community; and

(v) public and private nonprofit organizations and organizations serving youth that provide education, child protective services, or other human services to low income, at-risk youth and their families;

(4) the term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved; and

(5) the term ''public school'' means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act (42 U.S.C. 1141(d)).

SEC. 4202. GRANT REQUIREMENTS.

(a) IN GENERAL.—The Attorney General may make grants to eligible recipients, which grants may be used to provide to youth living in eligible communities during after school hours or summer vacations, the following services:

(1) Rigorous drug prevention education.

(2) Drug counseling and treatment.

(3) Academic tutoring and mentoring.

(4) Activities promoting interaction between youth and law enforcement officials.

(5) Vaccinations and other basic preventive health care.

(6) Sexual abstinence education.

(7) Other activities and instruction to reduce youth violence and substance abuse.

(b) LOCATION AND USE OF AMOUNTS.—An eligible recipient that receives a grant under this subtitle—

(1) shall ensure that the stated program is carried out—

(A) when appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility that is—

(i) in a location easily accessible to youth in the community; and

(ii) in compliance with all applicable State and local ordinances;

(2) shall use the grant amounts to provide to youth in the eligible community services and activities that include extracurricular and academic programs that are offered—

(A) after school and on weekends and holidays, during the school year; and

(B) as daily full day programs (to the extent available resources permit) or as part day programs, during the summer months;

(3) shall use not more than 5 percent of the amounts to pay for the administrative costs of the program;

(4) shall not use such amounts to provide sectarian worship or sectarian instruction; and

(5) may not use the amounts for the general operating costs of public schools.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each application to become an eligible recipient shall be submitted to the Attorney General at such time, in such manner, and accompanied by such information, as the Attorney General may reasonably require.

(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain a comprehensive plan for the program that is designed to achieve identifiable goals for youth in the eligible community;

(C) describe in detail the drug education and drug prevention programs that will be implemented;

(D) specify measurable goals and outcomes for the program that will include—

(i) reducing the percentage of youth in the eligible community that enter the juvenile justice system or become addicted to drugs;

(ii) increasing the graduation rates, school attendance, and academic success of youth in the eligible community; and

(iii) improving the skills of program participants;

(E) contain an assurance that the applicant will use grant amounts received under this subtitle to provide youth in the eligible community with activities and services consistent with subsection (g);

(F) demonstrate the manner in which the applicant will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(G) include an estimate of the number of youth in the eligible community expected to be served under the program;

(H) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(I) contain an assurance that the applicant will comply with any evaluation under section 522, any research effort authorized under Federal law, and any investigation by the Attorney General;

(J) contain an assurance that the applicant will prepare and submit to the Attorney General an annual report regarding any program conducted under this subtitle;

(K) contain an assurance that the program for which the grant is sought will, to the maximum extent practicable, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(L) contain an assurance that the applicant will maintain separate accounting records for the program for which the grant is sought.

(3) PRIORITY.—In determining eligibility under this section, the Attorney General shall give priority to applicants that submit applications that dem-

onstrate the greatest local support for the programs they seek to support.

(d) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Attorney General shall, subject to the availability of appropriations, provide to each eligible recipient the Federal share of the costs of developing and carrying out programs described in this section.

(2) FEDERAL SHARE.—The Federal share of the cost of a program under this subtitle shall be not more than—

(A) 75 percent of the total cost of the program for each of the first 2 years of the duration of a grant;

(B) 70 percent of the total cost of the program for the third year of the duration of a grant; and

(C) 60 percent of the total cost of the program for each year thereafter.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a program under this subtitle may be in cash or in kind, fairly evaluated, including plant, equipment, and services. Federal

funds made available for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

(B) SPECIAL RULE.—Not less than 15 percent of the non-Federal share of the costs of a program under this subtitle shall be provided from private or nonprofit sources.

(e) PROGRAM AUTHORITY.—

(1) IN GENERAL.—

(A) ALLOCATIONS FOR STATES AND INDIAN TRIBES.—

(i) IN GENERAL.—In any fiscal year in which the total amount made available to carry out this subtitle is equal to or greater than $20,000,000, from the amount made available to carry out this subtitle, the Attorney General shall allocate not less than 0.75 percent for grants under subparagraph (B) to eligible recipients in each State.

(ii) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of

amounts made available under this subtitle for grants to Indian tribes.

(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND PUBLIC SCHOOLS FROM ALLOCATIONS.—For each fiscal year described in subparagraph (A), the Attorney General may award grants from the appropriate State or Indian tribe allocation determined under subparagraph (A) on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(C) REALLOCATION.—If, at the end of a fiscal year described in subparagraph (A), the Attorney General determines that amounts allocated for a particular State or Indian tribe under subparagraph (B) remain unobligated, the Attorney General shall use such amounts to award grants to eligible recipients in another State or Indian tribe to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle. In awarding such grants, the Attorney General shall consider the need to

maintain geographic diversity among eligible recipients.

(D) AVAILABILITY OF AMOUNTS.—Amounts made available under this paragraph shall remain available until expended.

(2) OTHER FISCAL YEARS.—In any fiscal year in which the amount made available to carry out this subtitle is equal to or less than $20,000,000, the Attorney General may award grants on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(3) ADMINISTRATIVE COSTS.—The Attorney General may use not more than 3 percent of the amounts made available to carry out this subtitle in any fiscal year for administrative costs, including training and technical assistance.

SEC. 4203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) for fiscal year 2001, $125,000,000; and

(2) for fiscal year 2002, $125,000,000.

Subtitle C—Missing and Exploited Children

SEC. 4301. AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT.

Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) in subsection (b)(2)(A), by inserting ''foreign governments,'' after ''State and local governments''; and

(2) in subsection (b)(2)(D)—

(A) by inserting ''foreign governments,'' after ''State and local governments''; and

(B) by striking ''; and'' at the end and inserting a period;

(3) in subsection (b)(3), by striking ''(3) periodically'' and inserting the following:

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically''; and

(4) by redesignating paragraph (4) as paragraph (2) in subsection (b).

Subtitle D—Reauthorization of Incentive Grants for Local Delinquency Prevention Programs

SEC. 4401. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002, and 2003.''.

SEC. 4402. RESEARCH, EVALUATION, AND TRAINING.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is amended by adding at the end the following:

"SEC. 507. RESEARCH, EVALUATION, AND TRAINING.

''Of the amounts made available by appropriations pursuant to section 506—

''(1) 2 percent shall be used by the Administrator for providing training and technical assistance under this title; and

''(2) 10 percent shall be used by the Administrator for research, statistics, and evaluation activi-

ties carried out in conjunction with the grant programs under this title.''.

Subtitle E—Reauthorization of the Runaway and Homeless Youth Act

SEC. 4501. RUNAWAY AND HOMELESS YOUTH ACT.

Section 372(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714b(a)) is amended by striking ''unit of general local government'' and inserting ''unit of local government''.

SEC. 4502. AUTHORIZATION OF APPROPRIATIONS.

(a) TECHNICAL AMENDMENTS.—

(1) ERROR RESULTING FROM REDESIGNATION.—

(A) IN GENERAL.—Section 3(i) of the Public Law 102–586 (106 Stat. 5026) is amended by striking ''Section 366'' and inserting ''Section 385''.

(B) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect as if included in the amendments made by Public Law 102–586.

(2) ERROR RESULTING FROM REFERENCES TO NONEXISTENT PROVISIONS OF LAW.—

(A) IN GENERAL.—Section 40155 of the Violent Crime Control and Law Enforcement

Act of 1994 (Public Law 103–322; 108 Stat. 1922) is amended by striking ''is amended—'' and all that follows through ''after section 315'' and inserting the following: ''is amended by adding at the end''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the amendments made by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1796 et seq.).

(b) REAUTHORIZATIONS.—

(1) IN GENERAL.—Section 385 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751) (as amended by section 3(i) of the Public Law 102–586 (106 Stat. 5026) (as amended by subsection (a)(1)(A) of this subsection)) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996'' and inserting ''1999 and such sums as may be necessary for each of fiscal years 2000, 2001, 2002, and 2003''; and

(ii) in paragraph (3), by striking subparagraphs (A) through (D) and inserting the following:

"(A) for fiscal year 1998, not less than $957,285;

"(B) for fiscal year 1999, not less than $1,005,150;

"(C) for fiscal year 2000, not less than $1,055,406;

"(D) for fiscal year 2001, not less than $1,108,177;

"(E) for fiscal year 2002, not less than $1,163,585; and

"(F) for fiscal year 2003, not less than $1,163,585.";

(B) in subsection (b), by striking "1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996" and inserting "1999 and such sums as may be necessary for each of fiscal years 2000, 2001, 2002, and 2003"; and

(C) in subsection (c), by striking "1993, 1994, 1995, and 1996" and inserting "1999, 2000, 2001, 2002, and 2003".

(2) ADDITIONAL REAUTHORIZATION.—Section 316 of part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d) (as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by paragraph (1)(B) of this subsection)) is—

(A) redesignated as section 315 of part A of the Runaway and Homeless Youth Act; and

(B) amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002, and 2003.''.

Subtitle F—Authorization of Anti-Drug Abuse Programs

SEC. 4601. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended to read as follows:

''SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002, and 2003.''.

SEC. 4602. DRUG EDUCATION AND PREVENTION PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002, and 2003.''.

Subtitle G—Jump Ahead Act of 1998

SEC. 4701. SHORT TITLE.

This Act may be cited as the ''JUMP Ahead Act of 1998''.

SEC. 4702. FINDINGS.

Congress finds that—

(1) millions of young people in America live in areas in which drug use and violent and property crimes are pervasive;

(2) unfortunately, many of these same young people come from single parent homes, or from environments in which there is no responsible, caring adult supervision;

(3) all children and adolescents need caring adults in their lives, and mentoring is an effective way to fill this special need for at-risk children. The special bond of commitment fostered by the mutual

respect inherent in effective mentoring can be the tie that binds a young person to a better future;

(4) through a mentoring relationship, adult volunteers and participating youth make a significant commitment of time and energy to develop relationships devoted to personal, academic, or career development and social, artistic, or athletic growth;

(5) rigorous independent studies have confirmed that effective mentoring programs can significantly reduce and prevent the use of alcohol and drugs by young people, improve school attendance and performance, improve peer and family and peer relationships, and reduce violent behavior;

(6) since the inception of the Federal JUMP program, dozens of innovative, effective mentoring programs have received funding grants;

(7) unfortunately, despite the recent growth in public and private mentoring initiatives, it is reported that between 5,000,000 and 15,000,000 additional children in the United States could benefit from being matched with a mentor; and

(8) although great strides have been made in reaching at-risk youth since the inception of the JUMP program, millions of vulnerable American children are not being reached, and without an in-

creased commitment to connect these young people to responsible adult role models, our country risks losing an entire generation to drugs, crime, and unproductive lives.

SEC. 4703. JUVENILE MENTORING GRANTS.

(a) IN GENERAL.—Section 288B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Administrator shall'';

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

''(2) are intended to achieve 1 or more of the following goals:

''(A) Discourage at-risk youth from—

''(i) using illegal drugs and alcohol;

''(ii) engaging in violence;

''(iii) using guns and other dangerous weapons;

''(iv) engaging in other criminal and antisocial behavior; and

''(v) becoming involved in gangs.

''(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in, and enhance the ability of those youth to benefit from, elementary and secondary education.

"(D) Encourage at-risk youth participation in community service and community activities.

"(E) Provide general guidance to at-risk youth."; and

(3) by adding at the end the following:

"(b) AMOUNT AND DURATION.—Each grant under this part shall be awarded in an amount not to exceed a total of $200,000 over a period of not more than 3 years.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $50,000,000 for each of fiscal years 1999, 2000, 2001, and 2002 to carry out this part.".

SEC. 4704. IMPLEMENTATION AND EVALUATION GRANTS.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice may make grants to national organizations or agencies serving youth, in order to enable those organizations or agencies—

(1) to conduct a multisite demonstration project, involving between 5 and 10 project sites, that—

(A) provides an opportunity to compare various mentoring models for the purpose of evaluating the effectiveness and efficiency of those models;

(B) allows for innovative programs designed under the oversight of a national organization or agency serving youth, which programs may include—

(i) technical assistance;

(ii) training; and

(iii) research and evaluation; and

(C) disseminates the results of such demonstration project to allow for the determination of the best practices for various mentoring programs;

(2) to develop and evaluate screening standards for mentoring programs; and

(3) to develop and evaluate volunteer recruitment techniques and activities for mentoring programs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002 to carry out this section.

SEC. 4705. EVALUATIONS; REPORTS.

(a) EVALUATIONS.—

(1) IN GENERAL.—The Attorney General shall enter into a contract with an evaluating organization that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act).

(2) CRITERIA.—The Attorney General shall establish a minimum criteria for evaluating the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act), which shall provide for a description of the implementation of the program or activity, and the effect of the program or activity on participants, schools, communities, and youth served by the program or activity.

(3) MENTORING PROGRAM OF THE YEAR.—The Attorney General shall, on an annual basis, based on the most recent evaluation under this subsection and such other criteria as the Attorney General shall establish by regulation—

(A) designate 1 program or activity assisted under this Act as the ''Juvenile Mentoring Program of the Year''; and

(B) publish notice of such designation in the Federal Register.

(b) REPORTS.—

(1) GRANT RECIPIENTS.—Each entity receiving a grant under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act) shall submit to the evaluating organization entering into the contract under subsection (a)(1), an annual report regarding any program or activity assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act). Each report under this paragraph shall be submitted at such time, in such a manner, and shall be accompanied by such information, as the evaluating organization may reasonably require.

(2) COMPTROLLER GENERAL.—Not later than 4 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report evaluating the effectiveness of grants awarded under this Act and under section 228B of the Juvenile

Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this Act), in—

(A) reducing juvenile delinquency and gang participation;

(B) reducing the school dropout rate; and

(C) improving academic performance of juveniles.

Subtitle H—Truancy Prevention

SEC. 4801. SHORT TITLE.

This subtitle may be cited as the ''Truancy Prevention and Juvenile Crime Reduction Act of 1998''.

SEC. 4802. FINDINGS.

Congress makes the following findings:

(1) Truancy is the first sign of trouble—the first indicator that a young person is giving up and losing his or her way.

(2) Many students who become truant eventually drop out of school, and high school drop outs are two and a half times more likely to be on welfare than high school graduates, twice as likely to be unemployed, or if employed, earn lower salaries.

(3) Truancy is the top-ranking characteristic of criminals—more common than such factors as coming from single-parent families and being abused as children.

(4) High rates of truancy are linked to high daytime burglary rates and high vandalism.

(5) As much as 44 percent of violent juvenile crime takes place during school hours.

(6) As many as 75 percent of children ages 13 to 16 who are arrested and prosecuted for crimes are truants.

(7) Some cities report as many as 70 percent of daily student absences are unexcused, and the total number of absences in a single city can reach 4,000 per day.

(8) Society pays a significant social and economic cost due to truancy: only 34 percent of inmates have completed high school education; 17 percent of youth under age 18 entering adult prisons have not completed grade school (8th grade or less), 25 percent completed 10th grade, and 2 percent completed high school.

(9) Truants and later high school drop outs cost the Nation $240,000,000,000 in lost earnings and foregone taxes over their lifetimes, and the cost of crime control is staggering.

(10) In many instances, parents are unaware a child is truant.

(11) Effective truancy prevention, early intervention, and accountability programs can improve school attendance and reduce daytime crime rates.

(12) There is a lack of targeted funding for effective truancy prevention programs in current law.

SEC. 4803. GRANTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership between 1 or more qualified units of local government and 1 or more local educational agencies.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) QUALIFIED UNIT OF LOCAL GOVERNMENT.—The term ''qualified unit of local government'' means a unit of local government that has in effect, as of the date on which the eligible partnership submits an application for a grant under this section, a statute or regulation that meets the requirements of section 223(a)(14) of the Juvenile Justice and Delinquency and Prevention Act of 1974 (42 U.S.C. 5633(a)(14)).

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or any Indian tribe.

(b) GRANT AUTHORITY.—The Attorney General, in consultation with the Secretary of Education, shall make grants in accordance with this section on a competitive basis to eligible partnerships to reduce truancy and the incidence of daytime juvenile crime.

(c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

(1) MAXIMUM AMOUNT.—The total amount awarded to an eligible partnership under this section in any fiscal year shall not exceed $100,000.

(2) ALLOCATION.—Not less than 25 percent of each grant awarded to an eligible partnership under this section shall be allocated for use by the local educational agency or agencies participating in the partnership.

(3) RENEWAL.—A grant awarded under this section for a fiscal year may be renewed for an additional period of not more than 2 fiscal years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Grant amounts made available under this section may be used by an eligible

partnership to comprehensively address truancy through the use of—

(A) parental involvement in prevention activities, including meaningful incentives for parental responsibility;

(B) sanctions, including community service, or drivers' license suspension for students who are habitually truant;

(C) parental accountability, including fines, teacher-aid duty, or community service;

(D) in-school truancy prevention programs, including alternative education and in-school suspension;

(E) involvement of the local law enforcement, social services, judicial, business, and religious communities, and nonprofit organizations;

(F) technology, including automated telephone notice to parents and computerized attendance system; or

(G) elimination of 40-day count and other unintended incentives to allow students to be truant after a certain time of school year.

(2) MODEL PROGRAMS.—In carrying out this section, the Attorney General may give priority to

funding programs that attempt to replicate 1 or more of the following model programs:

(A) The Truancy Intervention Project of the Fulton County, Georgia, Juvenile Court.

(B) The TABS (Truancy Abatement and Burglary Suppression) program of Milwaukee, Wisconsin.

(C) The Roswell Daytime Curfew Program of Roswell, New Mexico.

(D) The Stop, Cite and Return Program of Rohnert Park, California.

(E) The Stay in School Program of New Haven, Connecticut.

(F) The Atlantic County Project Helping Hand of Atlantic County, New Jersey.

(G) The THRIVE (Truancy Habits Reduced Increasing Valuable Education) initiative of Oklahoma City, Oklahoma.

(H) The Norfolk, Virginia project using computer software and data collection.

(I) The Community Service Early Intervention Program of Marion, Ohio.

(J) The Truancy Reduction Program of Bakersfield, California.

(K) The Grade Court program of Farmington, New Mexico.

(L) Any other model program that the Attorney General determines to be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 1999, 2000, and 2001.

Subtitle I—Juvenile Crime Control and Delinquency Prevention Act

SEC. 4901. SHORT TITLE.

This subtitle may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1998''.

SEC. 4902. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) Congress finds that the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(1) quality prevention programs that—

''(A) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such

factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(B) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(2) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.".

SEC. 4903. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 4904. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provide activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4), by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7), by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9), by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B), by striking '', of any nonoffender,'',

(6) in paragraph (13)(B), by striking '', any nonoffender,'',

(7) in paragraph (14), by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A), by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23), by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 4905. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a), by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 4906. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1), by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3), by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c), by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 4907. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(II) by inserting a comma after ''1992'' the 1st place it appears,

(III) by striking ''the Trust Territory of the Pacific Islands,'', and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''or such greater amount, up to $600,000'' and all that

follows through ''section 299(a) (1) and (3)'',

(III) by striking ''the Trust Territory of the Pacific Islands,'',

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(V) by inserting a comma after ''1992'',

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 4908. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'';

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'';

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'';

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'';

(III) in clause (i), by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'';

(IV) in clause (ii), by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and"; and

(V) by striking clauses (iv) and (v);

(iii) in subparagraph (C), by striking "justice" and inserting "crime control";

(iv) in subparagraph (D)—

(I) in clause (i), by inserting "and" at the end; and

(II) in clause (ii), by striking "paragraphs" and all that follows

through ''part E'', and inserting ''paragraphs (11), (12), and (13)''; and

(v) in subparagraph (E), by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'';

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222''; and

(ii) in subparagraph (C), by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'';

(D) by striking paragraph (6);

(E) in paragraph (7), by inserting '', including in rural areas'' before the semicolon at the end;

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant juris-

diction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'';

(II) by striking ''justice'' the second place it appears and inserting ''crime control''; and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;''; and

(iii) by striking subparagraphs (C) and (D);

(G) by striking paragraph (9) and inserting the following:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'';

(H) in paragraph (10)—

(i) in subparagraph (A), by striking '', specifically'' and inserting ''including''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;'';

(iii) in subparagraph (C), by striking ''juvenile justice'' and inserting ''juvenile crime control'';

(iv) by striking subparagraph (D) and inserting the following:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'';

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii); and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'';

(vi) by striking subparagraph (F) and inserting the following:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;";

(vii) by striking subparagraph (G) and inserting the following:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;";

(viii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities";

(ix) by striking subparagraph (K) and inserting the following:

"(K) boot camps for juvenile offenders;";

(x) by striking subparagraph (L) and inserting the following:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;";

(xi) by striking subparagraph (M) and inserting the following:

"(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;";

(xii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other"; and

(II) by striking the period at the end and inserting a semicolon; and

(xiii) by adding at the end the following:

"(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice

and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

''(Q) programs designed to prevent and reduce hate crimes committed by juveniles.'';

(I) by striking paragraph (12) and inserting the following:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles, as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;";

(J) by striking paragraph (13) and inserting the following:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E)) with adults incarcerated because such adults

have been convicted of a crime or are awaiting trial on criminal charges;

"(B) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles;

"(C) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(D) the term 'prohibited physical contact'—

"(i) means—

"(I) any physical contact between a juvenile and an adult inmate; and

"(II) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate; and

"(ii) does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental.

"(E) SUSTAINED ORAL COMMUNICATION.—

"(i) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

"(ii) EXCEPTION.—The term does not include—

"(I) communication that is accidental or incidental; or

"(II) sounds or noises that cannot reasonably be considered to be speech.";

(K) by striking paragraph (14) and inserting the following:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court

appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have prohibited physical contact or sustained oral communication, as defined in subparagraphs (D) and (E), with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

"(II) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles; and

"(III) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by

the Director of the Office of Management and Budget);

''(II) has no existing acceptable alternative placement available;

''(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;'';

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and

inserting ''paragraphs (11), (12), and (13)''; and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'';

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'';

(N) by striking paragraph (19) and inserting the following:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the

written concurrence of the labor organization involved;'';

(O) by striking paragraph (23) and inserting the following:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'';

(P) by striking paragraph (24) and inserting the following:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours after the juvenile is taken into custody and during which the juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours after the juvenile is taken into custody and during which the juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;";

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon;

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively; and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the

State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units.''; and

(2) by striking subsection (c) and inserting the following:

''(c) If a State fails to comply with any applicable requirement of paragraph (11), (12), (13), or (22) of subsection (a) in any fiscal year beginning after September 30, 1998, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.'', and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (22) of subsection (a)''.

SEC. 4909. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 241. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim

satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

''(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(3) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles; or

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(4) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

"(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

"(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(14) family strengthening activities, such as mutual support groups for parents and their children;

"(15) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(16) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

"(17) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States as follows:

"(1) 0.75 percent shall be allocated to each State.

"(2) Of the total amount remaining after the allocation under paragraph (1), there shall be allocated to each State as follows:

"(A) 50 percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section

241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

"(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(A) propose to carry out such projects in geographical areas in which there is—

"(i) a disproportionately high level of serious crime committed by juveniles; or

"(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

"(A) timely received by such unit from eligible entities; and

"(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education author-

ity (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

"(1) such entity submits to a unit of general local government an application that—

"(A) satisfies the requirements specified in subsection (a); and

"(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 4910. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 4811 of this Act, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence; and

"(vii) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES.—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice

Programs, with 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 delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of

juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners

in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private

agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.''.

SEC. 4911. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical

distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 263. ELIGIBILITY.

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

''SEC. 264. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress

achieved in carrying the projects for which such grants are made.''.

SEC. 4912. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e); and

(2) by striking subsections (a) through (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1999, 2000, and 2001.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1999, 2000, and 2001.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1999, 2000, and 2001.".

SEC. 4913. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 4914. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'';

(B) in paragraph (1), by inserting ''may be used for'' after ''(1)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) may not be used for the cost of construction of any short- or long-term facilities for adult or juvenile offenders, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'',

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 4915. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 4811 of this Act, is amended adding at the end the following:

''SEC. 299F. LIMITATION ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 4916. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 4811 of this Act and amended by section 4817 of this Act, is amended by adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 4917. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 4811 of this Act and amended by section 4818 of this Act, is amended by adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or

as facilities for delinquency prevention and treatment activities.''.

SEC. 4918. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 4811 of this Act and amended by section 4819 of this Act, is amended by adding at the end the following:

''SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 4919. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b), by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'';

(2) in section 221(b)(2), by striking the last sentence; and

(3) in section 299D, by striking subsection (d).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking

"Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are each amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1), by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1), by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in sections 217 and 222, by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention'', and

(D) in section 223(c), by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2), by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404, by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1), by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(B) in section 223(c), by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

SEC. 4920. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE V—DRUG TESTING AND INTERVENTION

Subtitle A—Combating Drugs in Prisons

SEC. 5001. SHORT TITLE.

This subtitle may be cited as the ''Combating Drugs in Prisons Act of 1998''.

SEC. 5002. ADDITIONAL REQUIREMENTS FOR THE USE OF FUNDS UNDER THE VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANT PROGRAMS.

Section 20105(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is amended—

(1) by striking ''(b) To be eligible'' and inserting the following:

''(b) ADDITIONAL REQUIREMENTS.—

''(1) ELIGIBILITY FOR A GRANT.—To be eligible'';

(2) by striking ''a State shall provide assurances'' and inserting the following: ''a State shall—

''(A) provide assurances'';

(3) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

"(B) not later than September 1, 1999, have established and implemented, consistent with guidelines issued by the Attorney General, 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.

"(2) USE OF FUNDS.—Notwithstanding section 20102, amounts received by a State pursuant to section 20103 or section 20104 may be—

"(A) 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;

"(B) used by a State to pay the costs of providing to the Attorney General a baseline study, which shall be consistent with guidelines issued by the Attorney General, on the prison drug abuse problem in the State; and

"(C) used by a State to develop policies, practices, or laws establishing, in accordance with guidelines issued by the Attorney General,

a system of sanctions and penalties to address drug trafficking within and into correctional facilities under the jurisdiction of the State.''.

SEC. 5003. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of part S 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.—Each State that demonstrates that the State has established 1 or more residential substance abuse treatment programs that meet the requirements of this part may use amounts made available under this part for drug treatment and to impose appropriate sanctions for positive drug tests, both during incarceration and after release.''.

Subtitle B—Protecting Children From Dangerous Drugs

PART 1—TARGETING SERIOUS DRUG CRIMES

SEC. 5101. 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 striking subsection (e) and inserting the following:

''(e) PROBATION PROHIBITED.—In the case of any sentence imposed under this section, probation shall not be granted.''.

SEC. 5102. 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'' each place it appears and inserting ''under eighteen''.

SEC. 5103. 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. 5104. INCREASED PENALTIES FOR USING FEDERAL PROPERTY TO GROW OR MANUFACTURE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—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) SENTENCING ENHANCEMENT.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any offense under section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) that occurs on Federal property.

(2) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(B) avoid duplicative punishment for substantially the same offense.

SEC. 5105. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Subparagraphs (A) through (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are each amended by striking ''Any sentence'' and inserting ''Notwithstanding section 3583 of title 18, any sentence''.

SEC. 5106. SUPERVISED RELEASE PERIOD AFTER CONVICTION FOR CONTINUING CRIMINAL ENTERPRISE.

Section 848(a) of title 21, United States Code, is amended by adding to the end of the following: ''Any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 10 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 15 years in addition to such term of imprisonment.''

PART 2—COMPREHENSIVE DRUG EDUCATION

SEC. 5110. EXTENSION OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM.

Title IV of the Elementary and Secondary Education Act (20 U.S.C. 7104) is amended to read as follows:

"TITLE IV—AUTHORIZATIONS

"SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated for State grants under subpart 1 and national programs under subpart 2, $655,000,000 for fiscal years 1999 and 2000, and $955,000,000 for fiscal years 2001 through 2002, of which the following amounts may be appropriated from the Violent Crime Reduction Trust Fund:

''(1) $300,000,000 for fiscal year 2001; and

''(2) $300,000,000 for fiscal year 2002.''.

PART 3—DRUG TREATMENT FOR JUVENILES

SEC. 5111. DRUG TREATMENT FOR JUVENILES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES

"SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES.

''(a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall award grants to, or enter into cooperative agreements or contracts, with public and nonprofit private entities for the purpose of providing treatment to juveniles for substance abuse through programs in which, during the course of receiving such treatment the juveniles reside in facilities made available by the programs.

''(b) AVAILABILITY OF SERVICES FOR EACH PARTICIPANT.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

''(1) treatment services will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

''(2) the services will be made available to each person admitted to the program.

''(c) INDIVIDUALIZED PLAN OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) in providing authorized services for an eligible person pursuant to such subsection, the applicant will, in consultation with the juvenile and, if appropriate the parent or guardian of the juvenile, prepare an individualized plan for the provision to the juvenile or young adult of the services; and

"(2) treatment services under the plan will include—

"(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

"(B) followup services to assist the juvenile or young adult in preventing a relapse into such abuse.

"(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants under subsection (a) may be used to provide an eligible juvenile, the following services:

"(1) HOSPITAL REFERRALS.—Referrals for necessary hospital services.

"(2) HIV AND AIDS COUNSELING.—Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

"(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE COUNSELING.—Counseling on domestic violence and sexual abuse.

"(4) PREPARATION FOR REENTRY INTO SOCIETY.—Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the juvenile.

"(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF AWARD.—

"(1) CERTIFICATION BY RELEVANT STATE AGENCY.—With respect to the principal agency of a State or Indian tribe that administers programs relating to substance abuse, the Director may award a grant to, or enter into a cooperative agreement or contract with, an applicant only if the agency or Indian tribe has certified to the Director that—

"(A) the applicant has the capacity to carry out a program described in subsection (a);

"(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

"(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or

certification requirements regarding the provision of the services involved.

"(2) STATUS AS MEDICAID PROVIDER.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Director may make a grant, or enter into a cooperative agreement or contract, under subsection (a) only if, in the case of any authorized service that is available pursuant to the State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for the State involved—

"(i) the applicant for the grant, cooperative agreement, or contract will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

"(B) SERVICES.—

"(i) IN GENERAL.—In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) VOLUNTARY DONATIONS.—A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(C) MENTAL DISEASES.—

"(i) IN GENERAL.—With respect to any authorized service that is available pursuant to the State plan described in

subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age.

"(ii) DEFINITION OF INSTITUTION FOR MENTAL DISEASES.—In this subparagraph, the term 'institution for mental diseases' has the same meaning as in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

"(f) REQUIREMENTS FOR MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than $1 for

each $9 of Federal funds provided in the award;

"(B) for any second such fiscal year, is not less than $1 for each $9 of Federal funds provided in the award; and

"(C) for any subsequent such fiscal year, is not less than $1 for each $3 of Federal funds provided in the award.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify juveniles who are engaging in substance abuse and to encourage the juveniles to undergo treatment for such abuse.

"(h) ACCESSIBILITY OF PROGRAM.—A funding agreement for an award under subsection (a) for an appli-

cant is that the program operated pursuant to such subsection will be operated at a location that is accessible to low income juveniles.

"(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

"(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for an applicant is that, if a charge is imposed for the provision of authorized services to or on behalf of an eligible juvenile, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the economic condition of the juvenile involved; and

"(3) will not be imposed on any such juvenile whose family has an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

"(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

"(1) describing the utilization and costs of services provided under the award;

"(2) specifying the number of juveniles served, and the type and costs of services provided; and

"(3) providing such other information as the Director determines to be appropriate.

"(l) REQUIREMENT OF APPLICATION.—The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

"(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, as well as among Indian tribes, subject to the availability of qualified applicants for the awards.

"(n) DURATION OF AWARD.—

"(1) IN GENERAL.—The period during which payments are made to an entity from an award under this section may not exceed 5 years.

"(2) APPROVAL OF DIRECTOR.—The provision of payments described in paragraph (1) shall be subject to—

"(A) annual approval by the Director of the payments; and

"(B) the availability of appropriations for the fiscal year at issue to make the payments.

"(3) NO LIMITATION.—This subsection may not be construed to establish a limitation on the number of awards that may be made to an entity under this section.

"(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

"(p) REPORTS TO CONGRESS.—

"(1) INITIAL REPORT.—Not later than October 1, 1999, the Director shall submit to the Committee on the Judiciary of the House of Representatives, and to the Committee on the Judiciary of the Sen-

ate, a report describing programs carried out pursuant to this section.

"(2) PERIODIC REPORTS.—

"(A) IN GENERAL.—Not less than biennially after the date described in paragraph (1), the Director shall prepare a report describing programs carried out pursuant to this section during the preceding 2-year period, and shall submit the report to the Administrator for inclusion in the biennial report under section 501(k).

"(B) SUMMARY.—Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

"(q) DEFINITIONS.—In this section:

"(1) AUTHORIZED SERVICES.—The term 'authorized services' means treatment services and supplemental services.

"(2) JUVENILE.—The term 'juvenile' means anyone 18 years of age or younger at the time that of admission to a program operated pursuant to subsection (a).

"(3) ELIGIBLE JUVENILE.—The term 'eligible juvenile' means a juvenile who has been admitted to a program operated pursuant to subsection (a).

"(4) FUNDING AGREEMENT UNDER SUBSECTION (A).—The term 'funding agreement under subsection (a)', with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

"(5) TREATMENT SERVICES.—The term 'treatment services' means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

"(6) SUPPLEMENTAL SERVICES.—The term 'supplemental services' means the services described in subsection (d).

"(r) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section and section 576 there is authorized to be appropriated such sums as may be necessary for fiscal years 1999 and 2000. There is authorized to be appropriated from the Violent Crime Reduction Trust Fund $300,000,000 in each of the fiscal years 2001 and 2002.

"(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

"(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

"SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVENILES.

"(a) GRANTS.—The Secretary of Health and Human Services, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to establish projects for the outpatient treatment of substance abuse among juveniles.

"(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among juveniles.

"(c) EVALUATION.—The Secretary of Health and Human Services shall evaluate projects carried out under

subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.''.

PART 4—RESCHEDULING DANGEROUS DRUGS

SEC. 5112. RESCHEDULING OF "CLUB" DRUGS.

Notwithstanding section 201 or subsection (a) or (b) of section 202 of the Controlled Substances Act (21 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of controlled substances, the Attorney General shall, by order add ketamine hydrochloride to schedule III of such Act.

SEC. 5113. ATTORNEY GENERAL AUTHORITY TO RESCHEDULE CERTAIN DRUGS POSING IMMINENT DANGER TO PUBLIC SAFETY.

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811)(h) is amended—

(1) in paragraph (1), by striking ''if the substance is not listed in any other schedule in section 812 of this title or'' and by inserting ''or the rescheduling of a previously scheduled substance'' after ''the scheduling of a substance''; and

(2) in paragraph (2), by inserting ''or rescheduling'' after ''scheduling'' each place it appears.

Subtitle C—Drug Courts

SEC. 5201. REAUTHORIZATION OF DRUG COURTS PROGRAM.

(a) Section 114(b)(1)(A) of title I of Public Law 104–134 is repealed.

(b) Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $400,000,000 for fiscal year 2001; and

''(H) $400,000,000 for fiscal year 2002.''.

SEC. 5202. JUVENILE DRUG COURTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by the Bulletproof Vest Partnership Grant Act of 1998, 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:

"PART Z—JUVENILE DRUG COURTS

"SEC. 2601. GRANT AUTHORITY.

"(a) APPROPRIATE DRUG COURT PROGRAMS.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribes to establish programs that—

"(1) involve continuous early judicial supervision over juvenile offenders, other than violent juvenile offenders with substance abuse, or substance abuse-related problems; and

"(2) integrate administration of other sanctions and services, including—

"(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;

"(D) programmatic, 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 service for each participant who requires such services;

"(E) payment by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; or

"(F) payment by the offender of restitution, to the extent practicable, to either a victim of the offense at issue or to a restitution or similar victim support fund.

"(b) CONTINUED AVAILABILITY OF GRANT FUNDS.—Amounts made available under this part shall remain available until expended.

"SEC. 2602. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

"The Attorney General shall issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders.

"SEC. 2603. DEFINITION.

"In this part, the term 'violent offender' means an individual charged with an offense during the course of which—

"(1) the individual carried, possessed, or used a firearm or dangerous weapon;

"(2) the death of or serious bodily injury of another person occurred as a direct result of the commission of such offense; or

"(3) the individual used force against the person of another.

"SEC. 2604. ADMINISTRATION.

"(a) REGULATORY AUTHORITY.—The Attorney General shall issue any regulations and guidelines necessary to carry out this part.

"(b) 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 inability of the applicant to fund the program adequately without Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, tribal, or local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives that 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. 2605. 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 tribe shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"SEC. 2606. FEDERAL SHARE.

"(a) IN GENERAL.—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 2605 for the fiscal year for which the program receives assistance under this part.

"(b) WAIVER.—The Attorney General may waive, in whole or in part, the requirement of a matching contribution under subsection (a).

"(c) IN-KIND CONTRIBUTIONS.—In-kind contributions may constitute a portion of the non-Federal share of a grant under this part.

"SEC. 2607. DISTRIBUTION OF FUNDS.

"(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

"(b) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

"SEC. 2608. REPORT.

"A State, Indian tribe, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General, in March of the year following receipt of a grant under this part, a report regarding the effectiveness of programs established pursuant to this part.

"SEC. 2609. 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.

"SEC. 2610. UNAWARDED FUNDS.

"The Attorney General may reallocate any grant funds that are not awarded for juvenile drug courts under this part for use for other juvenile delinquency and crime prevention initiatives.

"SEC. 2611. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part from the Violent Crime Reduction Trust Fund—

"(1) such sums as may be necessary for each of the fiscal years 1999 and 2000;

"(2) $50,000,000 for fiscal year 2001; and

"(3) $50,000,000 for fiscal year 2002.".

Subtitle D—Development of Medicines for the Treatment of Drug Addiction

PART 1—PHARMACOTHERAPY RESEARCH

SEC. 5301. REAUTHORIZATION FOR MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) of the Public Health Service Act (42 U.S.C. 285o–4(e)) is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002 of which the following amount may be appropriated from the Violent Crime Reduction Trust Fund—

"(1) $100,000,000 for fiscal year 2001; and

"(2) $100,000,000 for fiscal year 2002.".

PART 2—PATENT PROTECTIONS FOR PHARMACOTHERAPIES

SEC. 5302. RECOMMENDATION FOR INVESTIGATION OF DRUGS.

Section 525(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa(a)) is amended—

(1) by striking "States" each place it appears and inserting "States, or for treatment of an addiction to illegal drugs"; and

(2) by striking ''such disease or condition'' each place it appears and inserting ''such disease, condition, or treatment of such addiction''.

SEC. 5303. DESIGNATION OF DRUGS.

Section 526(a) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)) is amended—

(1) in paragraph (1)—

(A) by inserting before the period in the first sentence the following: ''or for treatment of an addiction to illegal drugs'';

(B) in the third sentence, by striking ''rare disease or condition'' and inserting ''rare disease or condition, or for treatment of an addiction to illegal drugs,''; and

(C) by striking ''such disease or condition'' each place it appears and inserting ''such disease, condition, or treatment of such addiction''; and

(2) in paragraph (2)—

(A) by striking ''(2) For'' and inserting ''(2)(A) For'';

(B) by striking ''(A) affects'' and inserting ''(i) affects'';

(C) by striking ''(B) affects'' and inserting ''(ii) affects''; and

(D) by adding at the end the following:

"(B) TREATMENT OF AN ADDICTION TO ILLEGAL DRUGS.—The term 'treatment of an addiction to illegal drugs' means any pharmacological agent or medication that—

"(i) reduces the craving for an illegal drug for an individual who—

"(I) habitually uses the illegal drug in a manner that endangers the public health, safety, or welfare; or

"(II) is so addicted to the use of the illegal drug that the individual is not able to control the addiction through the exercise of self-control;

"(ii) blocks the behavioral and physiological effects of an illegal drug for an individual described in clause (i);

"(iii) safely serves as a replacement therapy for the treatment of drug abuse for an individual described in clause (i);

"(iv) moderates or eliminates the process of withdrawal for an individual described in clause (i);

"(v) blocks or reverses the toxic effect of an illegal drug on an individual described in clause (i); or

"(vi) prevents, where possible, the initiation of drug abuse in individuals at high risk.

"(C) ILLEGAL DRUG.—The term 'illegal drug' means a controlled substance identified under schedules I, II, III, IV, and V in section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)).".

SEC. 5304. PROTECTION FOR DRUGS.

Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) by striking "rare disease or condition" each place it appears and inserting "rare disease or condition or for treatment of an addiction to illegal drugs";

(2) by striking "such disease or condition" each place it appears and inserting "such disease, condition, or treatment of the addiction"; and

(3) in subsection (b)(1), by striking "the disease or condition" and inserting "the disease, condition, or addiction".

SEC. 5305. OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS.

Section 528 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360dd) is amended—

(1) by striking ''rare disease or condition'' and inserting ''rare disease or condition or for treatment of an addiction to illegal drugs''; and

(2) by striking ''the disease or condition'' each place it appears and inserting ''the disease, condition, or addiction''.

PART 3—ENCOURAGING PRIVATE SECTOR DEVELOPMENT OF PHARMACOTHERAPIES

SEC. 5306. DEVELOPMENT, MANUFACTURE, AND PROCUREMENT OF DRUGS FOR THE TREATMENT OF ADDICTION TO ILLEGAL DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"Subchapter D—Drugs for Cocaine and Heroin Addictions

"SEC. 551. CRITERIA FOR AN ACCEPTABLE DRUG TREATMENT FOR COCAINE AND HEROIN ADDICTIONS.

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall, through the Institute of Medicine of the National Academy of Sciences, establish criteria for an acceptable drug for the treatment of an addiction to cocaine and for an acceptable drug for the treatment of an addiction to heroin. The criteria shall be used by the

Secretary in making a contract, or entering into a licensing agreement, under section 552.

"(b) REQUIREMENTS.—The criteria established under subsection (a) for a drug shall include requirements—

"(1) that the application to use the drug for the treatment of addiction to cocaine or heroin was filed and approved by the Secretary under this Act after the date of enactment of this section;

"(2) that a performance based test on the drug—

"(A) has been conducted through the use of a randomly selected test group that received the drug as a treatment and a randomly selected control group that received a placebo; and

"(B) has compared the long term differences in the addiction levels of control group participants and test group participants;

"(3) that the performance based test conducted under paragraph (2) demonstrates that the drug is effective through evidence that—

"(A) a significant number of the participants in the test who have an addiction to co-

caine or heroin are willing to take the drug for the addiction;

"(B) a significant number of the participants in the test who have an addiction to cocaine or heroin and who were provided the drug for the addiction during the test are willing to continue taking the drug as long as necessary for the treatment of the addiction; and

"(C) a significant number of the participants in the test who were provided the drug for the period of time required for the treatment of the addiction refrained from the use of cocaine or heroin for a period of 3 years after the date of the initial administration of the drug on the participants; and

"(4) that the drug shall have a reasonable cost of production.

"(c) REVIEW AND PUBLICATION OF CRITERIA.—The criteria established under subsection (a) shall, prior to the publication and application of such criteria, be submitted for review to the Committee on the Judiciary and the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate. Not later than 90 days after notify-

ing each of the committees, the Secretary shall publish the criteria in the Federal Register.

"SEC. 552. PURCHASE OF PATENT RIGHTS FOR DRUG DEVELOPMENT.

"(a) APPLICATION.—

"(1) IN GENERAL.—The patent owner of a drug to treat an addiction to cocaine or heroin, may submit an application to the Secretary—

"(A) to enter into a contract with the Secretary to sell to the Secretary the patent rights of the owner relating to the drug; or

"(B) in the case in which the drug is approved by the Secretary for more than 1 indication, to enter into an exclusive licensing agreement with the Secretary for the manufacture and distribution of the drug to treat an addiction to cocaine or heroin.

"(2) REQUIREMENTS.—An application described in paragraph (1) shall be submitted at such time and in such manner, and accompanied by such information, as the Secretary may require.

"(b) CONTRACT AND LICENSING AGREEMENTS.—

"(1) REQUIREMENTS.—The Secretary may enter into a contract or a licensing agreement with a patent owner who has submitted an application in

accordance with (a) if the drug covered under the contract or licensing agreement meets the criteria established by the Secretary under section 551(a).

"(2) SPECIAL RULE.—The Secretary may enter into—

"(A) not more than 1 contract or exclusive licensing agreement relating to a drug for the treatment of an addiction to cocaine; and

"(B) not more than 1 contract or licensing agreement relating to a drug for the treatment of an addiction to heroin.

"(3) COVERAGE.—A contract or licensing agreement described in subparagraph (A) or (B) of paragraph (2) shall cover not more than 1 drug.

"(4) PURCHASE AMOUNT.—Subject to amounts provided in advance in appropriations Acts—

"(A) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating to a drug to treat an addiction to cocaine shall not exceed $100,000,000; and

"(B) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating to

a drug to treat an addiction to heroin shall not exceed $50,000,000.

"(c) TRANSFER OF RIGHTS UNDER CONTRACTS AND LICENSING AGREEMENT.—

"(1) CONTRACTS.—A contract under subsection (b)(1) to purchase the patent rights relating to a drug to treat cocaine or heroin addiction shall transfer to the Secretary—

"(A) the exclusive right to make, use, or sell the patented drug within the United States for the term of the patent;

"(B) any foreign patent rights held by the patent owner;

"(C) any patent rights relating to the process of manufacturing the drug; and

"(D) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug.

"(2) LICENSING AGREEMENTS.—A licensing agreement under subsection (b)(1) to purchase an exclusive license relating to manufacture and distribution of a drug to treat an addiction to cocaine or heroin shall transfer to the Secretary—

"(A) the exclusive right to make, use, or sell the patented drug for the purpose of treating an addiction to cocaine or heroin within the United States for the term of the patent;

"(B) the right to use any patented processes relating to manufacturing the drug; and

"(C) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug relating to use of the drug to treat an addiction to cocaine or heroin.

"SEC. 553. PLAN FOR MANUFACTURE AND DEVELOPMENT.

"(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary purchases the patent rights of a patent owner, or enters into a licensing agreement with a patent owner, relating to a drug under section 551, the Secretary shall develop a plan for the manufacture and distribution of the drug.

"(b) PLAN REQUIREMENTS.—The plan shall set forth—

"(1) procedures for the Secretary to enter into licensing agreements with private entities for the manufacture and the distribution of the drug;

"(2) procedures for making the drug available to nonprofit entities and private entities to use in the treatment of a cocaine or heroin addiction;

"(3) a system to establish the sale price for the drug; and

"(4) policies and procedures with respect to the use of Federal funds by State and local governments or nonprofit entities to purchase the drug from the Secretary.

"(c) APPLICABILITY OF PROCUREMENT AND LICENSING LAWS.—The procurement and licensing laws of the United States shall be applicable to procurements and licenses covered under the plan described in subsection (a).

"(d) REVIEW OF PLAN.—

"(1) IN GENERAL.—Upon completion of the plan under subsection (a), the Secretary shall notify the Committee on the Judiciary and the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate, of the development of the plan and publish the plan in the Federal Register. The Secretary shall provide an opportunity for public comment on the plan for a period of not more

than 30 days after the date of the publication of the plan in the Federal Register.

"(2) FINAL PLAN.—Not later than 60 days after the date of the expiration of the comment period described in paragraph (1), the Secretary shall publish in the Federal Register a final plan. The implementation of the plan shall begin on the date of the final publication of the plan.

"(e) CONSTRUCTION.—The development, publication, or implementation of the plan, or any other agency action with respect to the plan, shall not be considered agency action subject to judicial review.

"(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

"SEC. 554. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subchapter, such sums as may be necessary in each of the fiscal years 1999 and 2000.".

Subtitle E—National Drug Control Policy

PART 1—REAUTHORIZATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY

SEC. 5401. DEFINITIONS.

In this part:

(1) DEMAND REDUCTION.—The term ''demand reduction'' means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;

(B) drug abuse prevention;

(C) drug abuse treatment;

(D) drug abuse research;

(E) drug abuse rehabilitation;

(F) drug-free workplace programs; and

(G) drug testing.

(2) DIRECTOR.—The term ''Director'' means the Director of National Drug Control Policy.

(3) DRUG.—The term ''drug'' has the meaning given the term ''controlled substance'' in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(4) DRUG CONTROL.—The term ''drug control'' means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction, including any activity to reduce the use of tobacco or alcoholic beverages by underage individuals.

(5) FUND.—The term ''Fund'' means the fund established under section 703(d).

(6) NATIONAL DRUG CONTROL PROGRAM.—The term ''National Drug Control Program'' means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy.

(7) NATIONAL DRUG CONTROL PROGRAM AGENCY.—The term ''National Drug Control Program agency'' means any department or agency of the Federal Government and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated by the President or jointly by the Director and the head of the department or agency.

(8) NATIONAL DRUG CONTROL STRATEGY.—The term ''National Drug Control Strategy'' means the strategy developed and submitted to Congress under section 706.

(9) OFFICE.—Unless the context clearly implicates otherwise, the term ''Office'' means the Office of National Drug Control Policy established under section 703(a).

(10) STATE AND LOCAL AFFAIRS.—The term ''State and local affairs'' means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including—

(A) coordination and facilitation of Federal, State, and local law enforcement drug control efforts;

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various States, territories, and units of local government; and

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, State, territory, and local levels.

(11) SUPPLY REDUCTION.—The term ''supply reduction'' means any activity of a program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of drugs in the United States and abroad, including—

(A) international drug control;

(B) foreign and domestic drug intelligence;

(C) interdiction; and

(D) domestic drug law enforcement, including law enforcement directed at drug users.

SEC. 5402. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

(1) develop national drug control policy;

(2) coordinate and oversee the implementation of that national drug control policy;

(3) assess and certify the adequacy of national drug control programs and the budget for those programs; and

(4) evaluate the effectiveness of the national drug control programs.

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) DIRECTOR.—There shall be at the head of the Office a Director of National Drug Control Policy.

(2) DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—There shall be in the Office a Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out the responsibilities of the Director under this title.

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through (G) of section 702(1);

(B) a Deputy Director for Supply Reduction, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 702(11); and

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 702(10).

(c) ACCESS BY CONGRESS.—The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to any—

(1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office.

(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund for the re-

ceipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 704(c).

(2) CONTRIBUTIONS.—The Office may accept, hold, and administer contributions to the Fund.

(3) USE OF AMOUNTS DEPOSITED.—Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

SEC. 5403. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director, the Deputy Director of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs, shall each be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational or professional background of the individual, and whether the individual has experience

in the fields of substance abuse prevention, education, or treatment.

(2) DUTIES OF DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Deputy Director of National Drug Control Policy shall—

(A) carry out the duties and powers prescribed by the Director; and

(B) serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant.

(3) DESIGNATION OF OTHER OFFICERS.—In the absence of the Deputy Director, or if the office of the Deputy Director is vacant, the Director shall designate such other permanent employee of the Office to serve as the Director, if the Director is absent or unable to serve.

(4) PROHIBITION.—No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government.

(5) PROHIBITION ON POLITICAL CAMPAIGNING.—Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this

paragraph from making contributions to individual candidates.

(b) RESPONSIBILITIES.—The Director shall—

(1) assist the President in the establishment of policies, goals, objectives, and priorities for the National Drug Control Program;

(2) promulgate the National Drug Control Strategy and each report under section 706(b) in accordance with section 706;

(3) coordinate and oversee the implementation by the National Drug Control Program agencies of the policies, goals, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as the Director determines are appropriate regarding changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement, and changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) consult with and assist State and local governments with respect to the formulation and implementation of National Drug Control Policy and their relations with the National Drug Control Program agencies;

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of the agency under the National Drug Control Strategy, transmit a copy of each such notification to the President, and maintain a copy of each such notification;

(8) provide, by July 1 of each year, budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President under the National Drug Control Strategy, to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall—

(A) apply to next budget year scheduled for formulation under the Budget and Account-

ing Act of 1921, and each of the 4 subsequent fiscal years; and

(B) address funding priorities developed in the National Drug Control Strategy;

(9) serve as the representative of the President in appearing before Congress on all issues relating to the National Drug Control Program;

(10) in any matter affecting national security interests, work in conjunction with the Assistant to the President for National Security Affairs; and

(11) serve as primary spokesperson of the Administration on drug issues.

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) RESPONSIBILITIES OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—For each fiscal year, the head of each department, agency, or program of the Federal Government with responsibilities under the National Drug Control Program Strategy shall transmit to the Director a copy of the proposed drug control budget request of the department, agency, or program at the same time as that budget request is submitted to their superiors (and before submission to

the Office of Management and Budget) in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(B) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of each proposed drug control budget request transmitted pursuant to this paragraph, in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(2) NATIONAL DRUG CONTROL PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed drug control budget requests to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency—

(A) develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy;

(B) submit the consolidated budget proposal to the President; and

(C) after submission under subparagraph (B), submit the consolidated budget proposal to Congress.

(3) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—The Director shall review each drug control budget request submitted to the Director under paragraph (1).

(B) REVIEW OF BUDGET REQUESTS.—

(i) INADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to implement those objectives.

(ii) ADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is adequate to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written statement confirming the adequacy of the request.

(iii) RECORD.—The Director shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

(C) AGENCY RESPONSE.—

(i) IN GENERAL.—The head of a National Drug Control Program agency that receives a description under subparagraph (B)(i) shall include the funding levels and initiatives described by the Director in the budget submission for that agency to the Office of Management and Budget.

(ii) IMPACT STATEMENT.—The head of a National Drug Control Program agen-

cy that has altered its budget submission under this subparagraph shall include as an appendix to the budget submission for that agency to the Office of Management and Budget an impact statement that summarizes—

(I) the changes made to the budget under this subparagraph; and

(II) the impact of those changes on the ability of that agency to perform its other responsibilities, including any impact on specific missions or programs of the agency.

(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(D) CERTIFICATION OF BUDGET SUBMISSIONS.—

(i) IN GENERAL.—At the time a National Drug Control Program agency sub-

mits its budget request to the Office of Management and Budget, the head of the National Drug Control Program agency shall submit a copy of the budget request to the Director.

(ii) CERTIFICATION.—The Director—

(I) shall review each budget submission submitted under clause (i); and

(II) based on the review under subclause (I), if the Director concludes that the budget submission of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) may issue a written decertification of that agency's budget; and

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives a copy of the—

(aaa) decertification issued under item (aa);

(bbb) the description made under subparagraph (B); and

(ccc) the budget recommendations made under subsection (b)(8).

(4) REPROGRAMMING AND TRANSFER REQUESTS.—

(A) IN GENERAL.—No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $5,000,000 that is included in the National Drug Control Program budget unless the request has been approved by the Director.

(B) APPEAL.—The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request under this paragraph.

(d) POWERS OF THE DIRECTOR.—In carrying out subsection (b), the Director may—

(1) select, appoint, employ, and fix compensation of such officers and employees of the Office as may be necessary to carry out the functions of the Office under this title;

(2) subject to subsection (e)(3), request the head of a department or agency, or program of the Federal Government to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department, agency, or program in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5311 of title 5, United States Code;

(5) accept and use gifts and donations of property from Federal, State, and local government agencies, and from the private sector, as authorized in section 703(d);

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations;

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations; and

(C) commissioning studies and reports by a National Drug Control Program agency, with the concurrence of the head of the affected agency;

(8) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that—

(A) the authority under this paragraph may be limited in an annual appropriations Act or other provision of Federal law;

(B) the Director may exercise the authority under this paragraph only with the concurrence of the head of each affected agency;

(C) in the case of an interagency transfer, the total amount of transfers under this paragraph may not exceed 2 percent of the total amount of funds made available for National Drug Control Strategy programs and activities to the agency from which those funds are to be transferred;

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities that—

(i) have a higher priority than the programs or activities from which funds are transferred; and

(ii) have been authorized by Congress; and

(E) the Director shall—

(i) submit to Congress, including to the Committees on Appropriations of the Senate and the House of Representatives

and other applicable committees of jurisdiction, a reprogramming or transfer request in advance of any transfer under this paragraph in accordance with the regulations of the affected agency or agencies; and

(ii) annually submit to Congress a report describing the effect of all transfers of funds made pursuant to this paragraph or subsection (c)(4) during the 12-month period preceding the date on which the report is submitted;

(9) issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program Strategy; and

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(e) PERSONNEL DETAILED TO OFFICE.—

(1) EVALUATIONS.—Notwithstanding any provision of chapter 43 of title 5, United States Code, the Director shall perform the evaluation of the performance of any employee detailed to the Office for purposes of the applicable performance appraisal system

established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2) COMPENSATION.—

(A) BONUS PAYMENTS.—Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office.

(B) RESTRICTIONS.—An amount paid under this paragraph to an employee for any period—

(i) shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period; and

(ii) shall be in addition to the basic pay of such employee.

(C) AGGREGATE AMOUNT.—The aggregate amount paid during any fiscal year to an employee detailed to the Office as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(3) MAXIMUM NUMBER OF DETAILEES.—The maximum number of personnel who may be detailed

to another department or agency (including the Office) under subsection (d)(2) during any fiscal year is—

(A) for the Department of Defense, 50; and

(B) for any other department or agency, 10.

SEC. 5404. COORDINATION WITH NATIONAL DRUG CONTROL PROGRAM AGENCIES IN DEMAND REDUCTION, SUPPLY REDUCTION, AND STATE AND LOCAL AFFAIRS.

(a) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug abuse control; or

(B) the manner in which amounts made available to that agency for drug control are being used by that agency.

(2) PROTECTION OF INTELLIGENCE INFORMATION.—

(A) IN GENERAL.—The authorities conferred on the Office and the Director by this title shall be exercised in a manner consistent with provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.). The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this title regarding intelligence sources and methods.

(B) DUTIES OF DIRECTOR.—The Director of Central Intelligence shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

(3) ILLEGAL DRUG CULTIVATION.—The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.

(b) CERTIFICATION OF POLICY CHANGES TO DIRECTOR.—

(1) IN GENERAL.—Subject to paragraph (2), the head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities

of that agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the National Drug Control Strategy.

(2) EXCEPTION.—If prior notice of a proposed change under paragraph (1) is not practicable—

(A) the head of the National Drug Control Program agency shall notify the Director of the proposed change as soon as practicable; and

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Program.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director, in a reimbursable basis, such administrative support services as the Director may request.

SEC. 5405. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

(1) TIMING.—Not later than February 1, 1998, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 10 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

(2) CONTENTS.—

(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

(ii) annual, quantifiable, and measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during

each year of the period beginning on the date on which the National Drug Control Strategy is submitted;

(iii) 5-year projections for program and budget priorities; and

(iv) a review of State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

(i) shall consult with—

(I) the heads of the National Drug Control Program agencies;

(II) Congress;

(III) State and local officials;

(IV) private citizens and organizations with experience and expertise in demand reduction; and

(V) private citizens and organizations with experience and expertise in supply reduction; and

(ii) may require the National Drug Intelligence Center and the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy.

(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

(4) MODIFICATION AND RESUBMITTAL.—Notwithstanding any other provision of law, the President may modify a National Drug Control Strategy submitted under paragraph (1) at any time.

(b) ANNUAL STRATEGY REPORT.—

(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit to Congress a report on

the progress in implementing the Strategy under subsection (a), which shall include—

(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

(i) an assessment of drug use and availability in the United States; and

(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

(C) an assessment of the manner in which the budget proposal submitted under section 704(c) is intended to implement the National Drug Control Strategy and whether the funding

levels contained in such proposal are sufficient to implement such Strategy;

(D) beginning on February 1, 1999, and annually thereafter, measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii);

(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

(i) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

(III) drug use in the workplace and the productivity lost by such use;

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

(I) the quantities of cocaine, heroin, marijuana, methamphetamine, and other drugs available for consumption in the United States;

(II) the amount of marijuana, cocaine, and heroin entering the United States;

(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed;

(IV) the number of metric tons of marijuana, heroin, and cocaine seized;

(V) the number of cocaine and methamphetamine processing laboratories destroyed;

(VI) changes in the price and purity of heroin and cocaine;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdic-

tion, and at United States ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

(I) the burden drug users placed on hospital emergency departments in the United States, such as the quantity of drug-related services provided;

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

(III) the extent of drug-related crime and criminal activity; and

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(iv) a determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each State, to which treatment is available;

(III) the number of drug users the Director estimates could benefit from treatment; and

(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; and

(B) if a new President or Director takes office.

(c) PERFORMANCE MEASUREMENT SYSTEM.—

(1) IN GENERAL.—Not later than February 1, 1998, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

(C) identifies major programs and activities of the National Drug Control Program

agencies that support the goals and objectives of the National Drug Control Strategy;

(D) evaluates implementation of major program activities supporting the National Drug Control Strategy;

(E) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy; and

(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

(i) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

(2) MODIFICATIONS.—

(A) IN GENERAL.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (1) shall be included in each report submitted under subsection (b).

(B) ANNUAL PERFORMANCE OBJECTIVES, MEASURES, AND TARGETS.—Not later than February 1, 1999, the Director shall submit to Congress a modified performance measurement system that—

(i) develops annual performance objectives, measures, and targets for each National Drug Control Strategy goal and objective; and

(ii) revises the annual performance objectives, measures, and targets to conform with the National Drug Control Program agency budgets.

SEC. 5406. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, heads of the National Drug Control Program agencies, and the Governor of each State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program;

(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas;

(4) coordinate activities under this subsection (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

(c) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(1) the area is a center of illegal drug production, manufacturing, importation, or distribution;

(2) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(3) drug-related activities in the area are having a harmful impact in other areas of the country; and

(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

SEC. 5407. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the ''Center''). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the cen-

tral counter-drug technology research and development organization of the United States Government.

(b) DIRECTOR OF TECHNOLOGY.—There shall be at the head of the Center the Director of Technology, who shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.

(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

(1) IN GENERAL.—The Director, acting through the Director of Technology shall—

(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug supply reduction agencies, including—

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;

(iv) data fusion, advanced computer systems, and artificial intelligence; and

(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

(B) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

(i) improving treatment through neuroscientific advances;

(ii) improving the transfer of biomedical research to the clinical setting; and

(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

(E) provide support to the development and implementation of the national drug control performance measurement system; and

(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

(2) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counter-drug technology assessment.

SEC. 5408. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS.

(a) ESTABLISHMENT.—There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the ''Council'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

(A) 1 shall be the President, who shall serve as Chairman of the Council;

(B) 1 shall be the Vice President;

(C) 1 shall be the Secretary of State;

(D) 1 shall be the Secretary of the Treasury;

(E) 1 shall be the Secretary of Defense;

(F) 1 shall be the Attorney General;

(G) 1 shall be the Secretary of Transportation;

(H) 1 shall be the Secretary of Health and Human Services;

(I) 1 shall be the Secretary of Education;

(J) 1 shall be the Representative of the United States of America to the United Nations;

(K) 1 shall be the Director of the Office of Management and Budget;

(L) 1 shall be the Chief of Staff to the President;

(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;

(N) 1 shall be the Director of Central Intelligence;

(O) 1 shall be the Assistant to the President for National Security Affairs;

(P) 1 shall be the Counsel to the President;

(Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and

(R) 1 shall be the National Security Adviser to the Vice President.

(2) ADDITIONAL MEMBERS.—The President may, in the discretion of the President, appoint additional members to the Council.

(c) FUNCTIONS.—The Council shall advise and assist the President in—

(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

(2) ensuring coordination among departments and agencies of the Federal Government concerning

implementation of the National Drug Control Strategy.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

(2) STAFF.—The staff of the Office, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(3) COOPERATION FROM OTHER AGENCIES.—Each department and agency of the executive branch shall—

(A) cooperate with the Council in carrying out the functions of the Council under this section; and

(B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

SEC. 5409. PARENTS ADVISORY COUNCIL ON YOUTH DRUG ABUSE.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established a Council to be known as the Parents Advisory Council on Youth Drug Abuse (referred to in this section as the ''Council'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of 16 members, of whom—

(i) 4 shall be appointed by the President, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(ii) 4 shall be appointed by the Majority Leader of the Senate, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iii) 2 shall be appointed by the Minority Leader of the Senate, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iv) 4 shall be appointed by the Speaker of the House of Representatives, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made; and

(v) 2 shall be appointed by the Minority Leader of the House of Representatives, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Each member of the Council shall be an individual from the private sector with a demonstrated interest and expertise in research, education, treatment, or prevention activities related to youth drug abuse.

(ii) REPRESENTATIVES OF NONPROFIT ORGANIZATIONS.—Not less than 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be a representative of a nonprofit organiza-

tion focused on involving parents in anti-drug education and prevention.

(C) DATE.—The appointments of the initial members of the Council shall be made not later than 60 days after the date of enactment of this section.

(D) DIRECTOR.—The Director may, in the discretion of the Director, serve as an adviser to the Council and attend such meetings and hearings of the Council as the Director considers to be appropriate.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members of the Council—

(i) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 1 year; and

(ii) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 2 years.

(B) VACANCIES.—Any vacancy in the Council shall not affect its powers, provided

that a quorum is present, but shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(C) APPOINTMENT OF SUCCESSOR.—To the extent necessary to prevent a vacancy in the membership of the Council, a member of the Council may serve for not more than 6 months after the expiration of the term of that member, if the successor of that member has not been appointed.

(4) INITIAL MEETING.—Not later than 120 days after the date on which all initial members of the Council have been appointed, the Council shall hold its first meeting.

(5) MEETINGS.—The Council shall meet at the call of the Chairperson.

(6) QUORUM.—Nine members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The members of the Council shall select a Chairperson and Vice Chairperson from among the members of the Council.

(B) DUTIES OF CHAIRPERSON.—The Chairperson of the Council shall—

(i) serve as the executive director of the Council;

(ii) direct the administration of the Council;

(iii) assign officer and committee duties relating to the Council; and

(iv) issue the reports, policy positions, and statements of the Council.

(C) DUTIES OF VICE CHAIRPERSON.—If the Chairperson of the Council is unable to serve, the Vice Chairperson shall serve as the Chairperson.

(b) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council—

(A) shall advise the President and the Members of the Cabinet, including the Director, on drug prevention, education, and treatment; and

(B) may issue reports and recommendations on drug prevention, education, and treatment, in addition to the annual report detailed in paragraph (2), as the Council considers appropriate.

(2) SUBMISSION TO CONGRESS.—Any report or recommendation issued by the Council shall be submitted to Congress.

(3) ADVICE ON THE NATIONAL DRUG CONTROL STRATEGY.—Not later than December 1, 1998, and on December 1 of each year thereafter, the Council shall submit to the Director an annual report containing drug control strategy recommendations on drug prevention, education, and treatment. Each report submitted to the Director under this paragraph shall be included as an appendix to the report submitted by the Director under section 706(b).

(c) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any department or agency of the Federal Government such in-

formation as the Council considers to be necessary to carry out this section. Upon request of the Chairperson of the Council, the head of that department or agency shall furnish such information to the Council, unless the head of that department or agency determines that furnishing the information to the Council would threaten the national security of the United States, the health, safety, or privacy of any individual, or the integrity of an ongoing investigation.

(3) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

(d) EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary carry out this section.

SEC. 5410. DRUG INTERDICTION.

(a) DEFINITION.—In this section, the term ''Federal drug control agency'' means—

(1) the Office of National Drug Control Policy;

(2) the Department of Defense;

(3) the Drug Enforcement Administration;

(4) the Federal Bureau of Investigation;

(5) the Immigration and Naturalization Service;

(6) the United States Coast Guard;

(7) the United States Customs Service; and

(8) any other department or agency of the Federal Government that the Director determines to be relevant.

(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 90 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)) and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest

price on record during the preceding 10-year period, adjusted for purity where possible; and

(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

(b) BUDGET PROCESS.—

(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, as part of each annual drug control budget request submitted by the Federal drug control agency to the Director under section 704(c)(2), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director

to Congress under section 704(c), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).

SEC. 5411. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically elected governments of the Western Hemisphere the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming 1 or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations

in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a), which shall include—

(A) an analysis of the reactions of the governments concerned to the proposal;

(B) an assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance;

(C) a determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States;

(D) if the President determines that the formation of the alliance is in the national interests of the United States, a plan for encour-

aging and facilitating the formation of the alliance; and

(E) if the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of the manner in which the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 5412. ESTABLISHMENT OF SPECIAL FORFEITURE FUND.

Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended—

(1) in subsection (b)—

(A) by striking ''section 524(c)(9)'' and inserting ''section 524(c)(8)''; and

(B) by striking ''section 9307(g)'' and inserting ''section 9703(g)''; and

(2) in subsection (e), by striking ''strategy'' and inserting ''Strategy''.

SEC. 5413. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5312, by adding at the end the following:

''Director of National Drug Control Policy.'';

(2) in section 5313, by adding at the end the following:

''Deputy Director of National Drug Control Policy.''; and

(3) in section 5314, by adding at the end the following:

''Deputy Director for Demand Reduction, Office of National Drug Control Policy.

''Deputy Director for Supply Reduction, Office of National Drug Control Policy.

''Deputy Director for State and Local Affairs, Office of National Drug Control Policy.''.

(b) NATIONAL SECURITY ACT OF 1947.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

''(f) The Director of National Drug Control Policy may, in the role of the Director as principal adviser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.''.

(c) SUBMISSION OF NATIONAL DRUG CONTROL PROGRAM BUDGET WITH ANNUAL BUDGET REQUEST OF PRESIDENT.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (25) the following:

''(26) a separate statement of the amount of appropriations requested for the Office of National

Drug Control Policy and each program of the National Drug Control Program.''.

SEC. 5414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, to remain available until expended, such sums as may be necessary for each of fiscal years 1998 through 2002.

SEC. 5415. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) IN GENERAL.—Except as provided in subsection (b), effective on September 30, 2002, this title and the amendments made by this title are repealed.

(b) EXCEPTION.—Subsection (a) does not apply to section 713 or the amendments made by that section.

PART 2—STATE INITIATIVES

SEC. 5416. STUDY ON EFFECTS OF CALIFORNIA AND ARIZONA DRUG INITIATIVES.

(a) DEFINITION.—In this section, the term ''controlled substance'' has the same meaning as in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(b) STUDY.—The Director of National Drug Control Policy, in consultation with the Attorney General and the Secretary of Health and Human Services, shall conduct a study on the effect of the 1996 voter referenda in Cali-

fornia and Arizona concerning the medicinal use of marijuana and other controlled substances, respectively, on—

(1) marijuana usage in Arizona and California;

(2) usage of other controlled substances in Arizona and California;

(3) perceptions of youth of the dangerousness of marijuana and other controlled substances in Arizona and California;

(4) emergency room admissions for drug abuse in Arizona and California;

(5) seizures of controlled substances in Arizona and California;

(6) arrest rates for use of controlled substances in Arizona and California;

(7) arrest rates for trafficking of controlled substances in Arizona and California;

(8) conviction rates in cases concerning use of controlled substances in Arizona and California; and

(9) conviction rates in jury trials concerning use of controlled substances in Arizona and California.

(c) REPORT.—Not later than January 1, 2000, the Director of National Drug Policy, in consultation with the Attorney General and the Secretary of Health and Human Services, shall—

(1) issue a report on the results of the study under subsection (b); and

(2) submit a copy of the report to the Committees on the Judiciary of the House of Representatives and the Senate.

(d) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 and 2000.

Subtitle F—Improving Effectiveness of Youth Crime and Drug Prevention Efforts

SEC. 5501. COMPREHENSIVE STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing youth violence and youth substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute

to reductions in youth violence, youth substance abuse, and risk factors among youth that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may obtain analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Economic and Educational Opportunity of the House of Representatives and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) $1,000,000,000.

SEC. 5502. EVALUATION OF CRIME PREVENTION PROGRAMS.

The Attorney General, with respect to the programs in titles II, III, and IV of this Act shall provide, directly or through grants and contracts, for the comprehensive

and thorough evaluation of the effectiveness of each program established by this Act and the amendments made by this Act.

SEC. 5503. EVALUATION AND RESEARCH CRITERIA.

(a) INDEPENDENT EVALUATIONS AND RESEARCH.—Evaluations and research studies conducted pursuant to this subtitle shall be independent in nature, and shall employ rigorous and scientifically recognized standards and methodologies.

(b) CONTENT OF EVALUATIONS.—Evaluations conducted pursuant to this title may include comparison between youth participating in the programs and the community at large of rates of—

(1) delinquency, youth crime, youth gang activity, youth substance abuse, and other high risk factors;

(2) risk factors in young people that contribute to juvenile violence, including academic failure, excessive school absenteeism, and dropping out of school;

(3) risk factors in the community, schools, and family environments that contribute to youth violence; and

(4) criminal victimizations of youth.

SEC. 5504. COMPLIANCE WITH EVALUATION MANDATE.

The Attorney General may require the recipients of Federal assistance for programs under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to section 5502, and to conduct and participate in specified evaluation and assessment activities and functions.

SEC. 5505. RESERVATION OF AMOUNTS FOR EVALUATION AND RESEARCH.

(a) IN GENERAL.—The Attorney General, with respect to titles II, III, and IV shall reserve not less than 2 percent, and not more than 4 percent, of the amounts made available pursuant to such titles and the amendments made by such titles in each fiscal year to carry out the evaluation and research required by this title.

(b) ASSISTANCE TO GRANTEES AND EVALUATED PROGRAMS.—To facilitate the conduct and defray the costs of crime prevention program evaluation and research, the Attorney General shall use amounts reserved under this section to provide compliance assistance to grantees under this Act who are selected to participate in evaluations pursuant to section 5502.

SEC. 5506. SENSE OF SENATE REGARDING FUNDING FOR PROGRAMS DETERMINED TO BE INEFFECTIVE.

It is the sense of the Senate that programs identified in the study performed pursuant to section 5501 as being ineffective in addressing juvenile crime and substance abuse should not receive Federal funding in any fiscal year following the issuance of such study.

TITLE VI—CRIMINAL HISTORY RECORDS

Subtitle A—National Criminal History Access

SEC. 6001. SHORT TITLE.

This title may be cited as the ''National Crime Prevention and Privacy Compact Act of 1998''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) both the Federal Bureau of Investigation and State criminal history record repositories maintain fingerprint-based criminal history records;

(2) these criminal history records are shared and exchanged for criminal justice purposes through a Federal-State program known as the Interstate Identification Index System;

(3) although these records are also exchanged for legally authorized, noncriminal justice uses, such

as governmental licensing and employment background checks, the purposes for and procedures by which they are exchanged vary widely from State to State;

(4) an interstate and Federal-State compact is necessary to facilitate authorized interstate criminal history record exchanges for noncriminal justice purposes on a uniform basis, while permitting each State to effectuate its own dissemination policy within its own borders; and

(5) such a compact will allow Federal and State records to be provided expeditiously to governmental and nongovernmental agencies that use such records in accordance with pertinent Federal and State law, while simultaneously enhancing the accuracy of the records and safeguarding the information contained therein from unauthorized disclosure or use.

SEC. 6003. DEFINITIONS.

In this title:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) COMPACT.—The term ''Compact'' means the National Crime Prevention and Privacy Compact set forth in section 107.

(3) COUNCIL.—The term ''Council'' means the Compact Council established under Article VI of the Compact.

(4) FBI.—The term ''FBI'' means the Federal Bureau of Investigation.

(5) PARTY STATE.—The term ''Party State'' means a State that has ratified the Compact.

(6) STATE.—The term ''State'' means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 6004. ENACTMENT AND CONSENT OF THE UNITED STATES.

The National Crime Prevention and Privacy Compact, as set forth in section 107, is enacted into law and entered into by the Federal Government. The consent of Congress is given to States to enter into the Compact.

SEC. 6005. EFFECT ON OTHER LAWS.

(a) PRIVACY ACT OF 1974.—Nothing in the Compact shall affect the obligations and responsibilities of the FBI under section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(b) ACCESS TO CERTAIN RECORDS NOT AFFECTED.—Nothing in the Compact shall interfere in any manner with—

(1) access, direct or otherwise, to records pursuant to—

(A) section 9101 of title 5, United States Code;

(B) the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.);

(C) the Brady Handgun Violence Prevention Act (Public Law 103–159; 107 Stat. 1536);

(D) the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2074) or any amendment made by that Act;

(E) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

(F) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or

(2) any direct access to Federal criminal history records authorized by law.

(c) AUTHORITY OF FBI UNDER DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1973.—Nothing in the Compact shall be construed to affect the authority of the FBI under the Departments of State, Justice,

and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92–544 (86 Stat. 1115)).

(d) FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be considered to be a Federal advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) MEMBERS OF COUNCIL NOT FEDERAL OFFICERS OR EMPLOYEES.—Members of the Council (other than a member from the FBI or any at-large member who may be a Federal official or employee) shall not, by virtue of such membership, be deemed—

(1) to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in sections 2104 and 2105 of title 5, United States Code); or

(2) to become entitled by reason of Council membership to any compensation or benefit payable or made available by the Federal Government to its officers or employees.

SEC. 6006. ENFORCEMENT AND IMPLEMENTATION.

All departments, agencies, officers, and employees of the United States shall enforce the Compact and cooperate with one another and with all Party States in enforcing the Compact and effectuating its purposes. For the Fed-

eral Government, the Attorney General shall make such rules, prescribe such instructions, and take such other actions as may be necessary to carry out the Compact and this title.

SEC. 6007. NATIONAL CRIME PREVENTION AND PRIVACY COMPACT.

The Contracting Parties agree to the following:

OVERVIEW

(a) IN GENERAL.—This Compact organizes an electronic information sharing system among the Federal Government and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment.

(b) OBLIGATIONS OF PARTIES.—Under this Compact, the FBI and the Party States agree to maintain detailed databases of their respective criminal history records, including arrests and dispositions, and to make them available to the Federal Government and to Party States for authorized purposes. The FBI shall also manage the Federal data facilities that provide a significant part of the infrastructure for the system.

ARTICLE I—DEFINITIONS

In this Compact:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States;

(2) COMPACT OFFICER.—The term ''Compact officer'' means—

(A) with respect to the Federal Government, an official so designated by the Director of the FBI; and

(B) with respect to a Party State, the chief administrator of the State's criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository.

(3) COUNCIL.—The term ''Council'' means the Compact Council established under Article VI.

(4) CRIMINAL HISTORY RECORDS.—The term ''criminal history records''—

(A) means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release; and

(B) does not include identification information such as fingerprint records if such information does not indicate involvement of the individual with the criminal justice system.

(5) CRIMINAL HISTORY RECORD REPOSITORY.—The term ''criminal history record repository'' means the State agency designated by the Governor or other appropriate executive official or the legislature of a State to perform centralized recordkeeping functions for criminal history records and services in the State.

(6) CRIMINAL JUSTICE.—The term ''criminal justice'' includes activities relating to the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.

(7) CRIMINAL JUSTICE AGENCY.—The term ''criminal justice agency''—

(A) means—

(i) courts; and

(ii) a governmental agency or any subunit thereof that—

(I) performs the administration of criminal justice pursuant to a statute or Executive order; and

(II) allocates a substantial part of its annual budget to the administration of criminal justice; and

(B) includes Federal and State inspectors general offices.

(8) CRIMINAL JUSTICE SERVICES.—The term ''criminal justice services'' means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.

(9) CRITERION OFFENSE.—The term ''criterion offense'' means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

(10) DIRECT ACCESS.—The term ''direct access'' means access to the National Identification Index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.

(11) EXECUTIVE ORDER.—The term ''Executive order'' means an order of the President of the United States or the chief executive officer of a State that has the force of law and that is promulgated in accordance with applicable law.

(12) FBI.—The term ''FBI'' means the Federal Bureau of Investigation.

(13) INTERSTATE IDENTIFICATION SYSTEM.—The term ''Interstate Identification Index System'' or ''III System''—

(A) means the cooperative Federal-State system for the exchange of criminal history records; and

(B) includes the National Identification Index, the National Fingerprint File and, to the extent of their participation in such system, the criminal history record repositories of the States and the FBI.

(14) NATIONAL FINGERPRINT FILE.—The term ''National Fingerprint File'' means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(15) NATIONAL IDENTIFICATION INDEX.—The term ''National Identification Index'' means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(16) NATIONAL INDICES.—The term ''National indices'' means the National Identification Index and the National Fingerprint File.

(17) NONPARTY STATE.—The term ''Nonparty State'' means a State that has not ratified this Compact.

(18) NONCRIMINAL JUSTICE PURPOSES.—The term ''noncriminal justice purposes'' means uses of criminal history records for purposes authorized by Federal or State law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

(19) PARTY STATE.—The term ''Party State'' means a State that has ratified this Compact.

(20) POSITIVE IDENTIFICATION.—The term ''positive identification'' means a determination, based upon a comparison of fingerprints or other

equally reliable biometric identification techniques, that the subject of a record search is the same person as the subject of a criminal history record or records indexed in the III System. Identifications based solely upon a comparison of subjects' names or other nonunique identification characteristics or numbers, or combinations thereof, shall not constitute positive identification.

(21) SEALED RECORD INFORMATION.—The term ''sealed record information'' means—

(A) with respect to adults, that portion of a record that is—

(i) not available for criminal justice uses;

(ii) not supported by fingerprints or other accepted means of positive identification; or

(iii) subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a Federal or State statute that requires action on a sealing petition filed by a particular record subject; and

(B) with respect to juveniles, whatever each State determines is a sealed record under its own law and procedure.

(22) STATE.—The term ''State'' means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

ARTICLE II—PURPOSES

The purposes of this Compact are to—

(1) provide a legal framework for the establishment of a cooperative Federal-State system for the interstate and Federal-State exchange of criminal history records for noncriminal justice uses;

(2) require the FBI to permit use of the National Identification Index and the National Fingerprint File by each Party State, and to provide, in a timely fashion, Federal and State criminal history records to requesting States, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;

(3) require Party States to provide information and records for the National Identification Index and the National Fingerprint File and to provide criminal history records, in a timely fashion, to

criminal history record repositories of other States and the Federal Government for noncriminal justice purposes, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;

(4) provide for the establishment of a Council to monitor III System operations and to prescribe system rules and procedures for the effective and proper operation of the III System for noncriminal justice purposes; and

(5) require the FBI and each Party State to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records.

ARTICLE III—RESPONSIBILITIES OF COMPACT PARTIES

(a) FBI RESPONSIBILITIES.—The Director of the FBI shall—

(1) appoint an FBI Compact officer who shall—

(A) administer this Compact within the Department of Justice and among Federal agencies and other agencies and organizations

that submit search requests to the FBI pursuant to Article V(c);

(B) ensure that Compact provisions and rules, procedures, and standards prescribed by the Council under Article VI are complied with by the Department of Justice and the Federal agencies and other agencies and organizations referred to in Article III(1)(A); and

(C) regulate the use of records received by means of the III System from Party States when such records are supplied by the FBI directly to other Federal agencies;

(2) provide to Federal agencies and to State criminal history record repositories, criminal history records maintained in its database for the noncriminal justice purposes described in Article IV, including—

(A) information from Nonparty States; and

(B) information from Party States that is available from the FBI through the III System, but is not available from the Party State through the III System;

(3) provide a telecommunications network and maintain centralized facilities for the exchange of

criminal history records for both criminal justice purposes and the noncriminal justice purposes described in Article IV, and ensure that the exchange of such records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and

(4) modify or enter into user agreements with Nonparty State criminal history record repositories to require them to establish record request procedures conforming to those prescribed in Article V.

(b) STATE RESPONSIBILITIES.—Each Party State shall—

(1) appoint a Compact officer who shall—

(A) administer this Compact within that State;

(B) ensure that Compact provisions and rules, procedures, and standards established by the Council under Article VI are complied with in the State; and

(C) regulate the in-State use of records received by means of the III System from the FBI or from other Party States;

(2) establish and maintain a criminal history record repository, which shall provide—

(A) information and records for the National Identification Index and the National Fingerprint File; and

(B) the State's III System-indexed criminal history records for noncriminal justice purposes described in Article IV;

(3) participate in the National Fingerprint File; and

(4) provide and maintain telecommunications links and related equipment necessary to support the services set forth in this Compact.

(c) COMPLIANCE WITH III SYSTEM STANDARDS.—In carrying out their responsibilities under this Compact, the FBI and each Party State shall comply with III System rules, procedures, and standards duly established by the Council concerning record dissemination and use, response times, data quality, system security, accuracy, privacy protection, and other aspects of III System operation.

(d) MAINTENANCE OF RECORD SERVICES.—

(1) Use of the III System for noncriminal justice purposes authorized in this Compact shall be managed so as not to diminish the level of services provided in support of criminal justice purposes.

(2) Administration of Compact provisions shall not reduce the level of service available to authorized

noncriminal justice users on the effective date of this Compact.

ARTICLE IV—AUTHORIZED RECORD DISCLOSURES

(a) STATE CRIMINAL HISTORY RECORD REPOSITORIES.—To the extent authorized by section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the FBI shall provide on request criminal history records (excluding sealed records) to State criminal history record repositories for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General and that authorizes national indices checks.

(b) CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL AGENCIES.—The FBI, to the extent authorized by section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), and State criminal history record repositories shall provide criminal history records (excluding sealed records) to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General, that authorizes national indices checks.

(c) PROCEDURES.—Any record obtained under this Compact may be used only for the official purposes for which the record was requested. Each Compact officer shall establish procedures, consistent with this Compact, and with rules, procedures, and standards established by the Council under Article VI, which procedures shall protect the accuracy and privacy of the records, and shall—

(1) ensure that records obtained under this Compact are used only by authorized officials for authorized purposes;

(2) require that subsequent record checks are requested to obtain current information whenever a new need arises; and

(3) ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate ''no record'' response is communicated to the requesting official.

ARTICLE V—RECORD REQUEST PROCEDURES

(a) POSITIVE IDENTIFICATION.—Subject fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history record checks for noncriminal justice purposes.

(b) SUBMISSION OF STATE REQUESTS.—Each request for a criminal history record check utilizing the national indices made under any approved State statute shall be submitted through that State's criminal history record repository. A State criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indices only if such request is transmitted through another State criminal history record repository or the FBI.

(c) SUBMISSION OF FEDERAL REQUESTS.—Each request for criminal history record checks utilizing the national indices made under Federal authority shall be submitted through the FBI or, if the State criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the State in which such request originated. Direct access to the National Identification Index by entities other than the FBI and State criminal history records repositories shall not be permitted for noncriminal justice purposes.

(d) FEES.—A State criminal history record repository or the FBI—

(1) may charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and

(2) may not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.

(e) ADDITIONAL SEARCH.—

(1) If a State criminal history record repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, shall be forwarded to the FBI for a search of the national indices.

(2) If, with respect to an request forwarded by a State criminal history record repository under paragraph (1), the FBI positively identifies the subject as having a III System-indexed record or records—

(A) the FBI shall so advise the State criminal history record repository; and

(B) the State criminal history record repository shall be entitled to obtain the additional criminal history record information from the FBI or other State criminal history record repositories.

ARTICLE VI—ESTABLISHMENT OF COMPACT COUNCIL

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a council to be known as the ''Compact Council'', which shall have the authority to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes, not to conflict with FBI administration of the III System for criminal justice purposes.

(2) ORGANIZATION.—The Council shall—

(A) continue in existence as long as this Compact remains in effect;

(B) be located, for administrative purposes, within the FBI; and

(C) be organized and hold its first meeting as soon as practicable after the effective date of this Compact.

(b) MEMBERSHIP.—The Council shall be composed of 15 members, each of whom shall be appointed by the Attorney General, as follows:

(1) Nine members, each of whom shall serve a 2-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party

States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis.

(2) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a 3-year term, of whom—

(A) 1 shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and

(B) 1 shall be a representative of the noncriminal justice agencies of the Federal Government.

(3) Two at-large members, nominated by the Chairman of the Council, once the Chairman is elected pursuant to Article VI(c), each of whom shall serve a 3-year term, of whom—

(A) 1 shall be a representative of State or local criminal justice agencies; and

(B) 1 shall be a representative of State or local noncriminal justice agencies.

(4) One member, who shall serve a 3-year term, and who shall simultaneously be a member of the

FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.

(5) One member, nominated by the Director of the FBI, who shall serve a 3-year term, and who shall be an employee of the FBI.

(c) CHAIRMAN AND VICE CHAIRMAN.—

(1) IN GENERAL.—From its membership, the Council shall elect a Chairman and a Vice Chairman of the Council, respectively. Both the Chairman and Vice Chairman of the Council—

(A) shall be a Compact officer, unless there is no Compact officer on the Council who is willing to serve, in which case the Chairman may be an at-large member; and

(B) shall serve a 2-year term and may be reelected to only 1 additional 2-year term.

(2) DUTIES OF VICE CHAIRMAN.—The Vice Chairman of the Council shall serve as the Chairman of the Council in the absence of the Chairman.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet a least once each year at the call of the Chairman. Each meeting of the Council shall be open to the public. The Council shall provide prior public notice

in the Federal Register of each meeting of the Council, including the matters to be addressed at such meeting.

(2) QUORUM.—A majority of the Council or any committee of the Council shall constitute a quorum of the Council or of such committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

(e) RULES, PROCEDURES, AND STANDARDS.—The Council shall make available for public inspection and copying at the Council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the Council.

(f) ASSISTANCE FROM FBI.—The Council may request from the FBI such reports, studies, statistics, or other information or materials as the Council determines to be necessary to enable the Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request.

(g) COMMITTEES.—The Chairman may establish committees as necessary to carry out this Compact and may prescribe their membership, responsibilities, and duration.

ARTICLE VII—RATIFICATION OF COMPACT

This Compact shall take effect upon being entered into by 2 or more States as between those States and the Federal Government. Upon subsequent entering into this Compact by additional States, it shall become effective among those States and the Federal Government and each Party State that has previously ratified it. When ratified, this Compact shall have the full force and effect of law within the ratifying jurisdictions. The form of ratification shall be in accordance with the laws of the executing State.

ARTICLE VIII—MISCELLANEOUS PROVISIONS

(a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.—Administration of this Compact shall not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

(b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.—Nothing in this Compact shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

(c) RELATING TO PUBLIC LAW 92–544.—Nothing in this Compact shall diminish or lessen the obligations, re-

sponsibilities, and authorities of any State, whether a Party State or a Nonparty State, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92–544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(a), regarding the use and dissemination of criminal history records and information.

ARTICLE IX—RENUNCIATION

(a) IN GENERAL.—This Compact shall bind each Party State until renounced by the Party State.

(b) EFFECT.—Any renunciation of this Compact by a Party State shall—

(1) be effected in the same manner by which the Party State ratified this Compact; and

(2) become effective 180 days after written notice of renunciation is provided by the Party State to each other Party State and to the Federal Government.

ARTICLE X—SEVERABILITY

The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of

any participating State, or to the Constitution of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If a portion of this Compact is held contrary to the constitution of any Party State, all other portions of this Compact shall remain in full force and effect as to the remaining Party States and in full force and effect as to the Party State affected, as to all other provisions.

ARTICLE XI—ADJUDICATION OF DISPUTES

(a) IN GENERAL.—The Council shall—

(1) have initial authority to make determinations with respect to any dispute regarding—

(A) interpretation of this Compact;

(B) any rule or standard established by the Council pursuant to Article V; and

(C) any dispute or controversy between any parties to this Compact; and

(2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the

Council. Such decision shall be published pursuant to the requirements of Article VI(e).

(b) DUTIES OF FBI.—The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the Council holds a hearing on such matters.

(c) RIGHT OF APPEAL.—The FBI or a Party State may appeal any decision of the Council to the Attorney General, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a State court shall be removed to the appropriate district court of the United States in the manner provided by section 1446 of title 28, United States Code, or other statutory authority.

Subtitle B—State Grant Program for Criminal Justice Identification, Information, and Communication

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Crime Identification Technology Act of 1998''.

SEC. 6102. STATE GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Attorney General, through the Bureau of Justice Statistics of the Department of Justice, shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to establish or upgrade an integrated approach to develop information and identification technologies and systems to—

(1) upgrade criminal history and criminal justice record systems, including systems operated by law enforcement agencies and courts;

(2) improve criminal justice identification;

(3) promote compatibility and integration of national, State, and local systems for—

(A) criminal justice purposes;

(B) firearms eligibility determinations;

(C) identification of sexual offenders;

(D) identification of domestic violence offenders; and

(E) background checks for other authorized purposes unrelated to criminal justice; and

(4) capture information for statistical and research purposes to improve the administration of criminal justice.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used for programs to establish, develop, update, or upgrade—

(1) State centralized, automated, adult and juvenile criminal history record information systems, including arrest and disposition reporting;

(2) automated fingerprint identification systems that are compatible with standards established by the National Institute of Standards and Technology and interoperable with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation;

(3) finger imaging, live scan, and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with standards established by the National Institute of Standards and Technology and interoperable with systems operated by States and by the Federal Bureau of Investigation;

(4) programs and systems to facilitate full participation in the Interstate Identification Index of the National Crime Information Center;

(5) systems to facilitate full participation in any compact relating to the Interstate Identification Index of the National Crime Information Center;

(6) systems to facilitate full participation in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for firearms eligibility determinations;

(7) integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement agencies, courts, prosecutors, and corrections agencies;

(8) noncriminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(9) court-based criminal justice information systems that promote—

(A) reporting of dispositions to central State repositories and to the Federal Bureau of Investigation; and

(B) compatibility with, and integration of, court systems with other criminal justice information systems;

(10) ballistics identification and information programs that are compatible and integrated with the National Integrated Ballistics Network (NIBN);

(11) DNA programs for forensic and identification purposes, and identification and information programs to improve forensic analysis and to assist in accrediting crime laboratories;

(12) sexual offender identification and registration systems;

(13) domestic violence offender identification and information systems;

(14) programs for fingerprint-supported background checks capability for noncriminal justice purposes, including youth service employees and volunteers and other individuals in positions of responsibility, if authorized by Federal or State law and administered by a government agency;

(15) criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems that are compatible with the National Incident-Based Reporting System (NIBRS) and uniform crime reports; and

(16) multiagency, multijurisdictional communications systems among the States to share routine

and emergency information among Federal, State, and local law enforcement agencies.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State has the capability to contribute pertinent information to the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 1999 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

(A) not more than 3 percent may be used by the Attorney General for salaries and administrative expenses;

(B) not more than 5 percent may be used for technical assistance, training and evaluations, and studies commissioned by Bureau of Justice Statistics of the Department of Justice (through discretionary grants or otherwise) in furtherance of the purposes of this section; and

(C) the Attorney General shall ensure the amounts are distributed on an equitable geographic basis.

(e) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

TITLE VII—ENHANCEMENT OF RIGHTS AND PROTECTIONS FOR VICTIMS OF CRIME

Subtitle A—Crime Victims Assistance

SEC. 7001. DEFINITIONS.

In this subtitle:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) BODILY INJURY.—The term ''bodily injury'' has the meaning given that term in section 1365(g) of title 18, United States Code.

(3) FAMILY MEMBER.—The term ''family member'' means, with respect to a victim, the spouse, parent, brother or sister, or child of the victim, any person to whom the victim stands in loco parentis,

or any other person living in the household of the victim and related to the victim by blood or marriage.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) JUDICIAL CONFERENCE.—The term ''Judicial Conference'' means the Judicial Conference of the United States established under section 331 of title 28, United States Code.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers.

(7) OFFICE OF VICTIMS OF CRIME.—The term ''Office of Victims of Crime'' means the Office of Victims of Crime of the Department of Justice.

(8) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(9) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any—

(A) city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; or

(B) Indian tribe.

(10) VICTIM.—The term ''victim''—

(A) means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault; or a natural person harmed by any fraud or misrepresentation relating to a sale or other contract for any item, benefit, product, or service; and

(B) includes—

(i) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

(ii) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

(iii) any other person appointed by the court to represent the victim, except

that in no event shall a defendant be appointed as the representative or guardian of the victim.

(11) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General may establish.

PART 1—PROTECTION OF CRIME VICTIMS' RIGHTS

Subpart A—Amendments to Title 18, United States Code

SEC. 7111. RIGHT TO BE NOTIFIED OF DETENTION HEARING AND RIGHT TO BE HEARD ON THE ISSUE OF DETENTION.

Section 3142 of title 18, United States Code, is amended by adding at the end the following:

''(k) NOTIFICATION OF RIGHT TO BE HEARD.—

''(1) IN GENERAL.—In any case involving a defendant who is arrested for an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, or a sexual assault, or an attempted sexual assault, in which a detention hearing is scheduled pursuant to subsection (f)—

"(A) the Government shall make a reasonable effort to notify the victim of the hearing, and of the right of the victim to be heard on the issue of detention; and

"(B) at the hearing under subsection (f), the court shall inquire of the Government as to whether the efforts at notification of the victim under subparagraph (A) were successful and, if so, whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

"(2) LIMITATION.—Upon motion of either party that identification of the defendant by the victim is a fact in dispute, and that no means of verification has been attempted, the Court shall use appropriate measures to protect the integrity of the identification process.

"(3) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.".

SEC. 7112. RIGHT TO A SPEEDY TRIAL AND PROMPT DISPOSITION FREE FROM UNREASONABLE DELAY.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 7113. ENHANCED RIGHT TO ORDER OF RESTITUTION.

Section 3664(d)(2)(A)(iv) of title 18, United States Code, is amended by inserting '', and the right of the victim (or the family of a victim who is deceased or incapacitated) to attend the sentencing hearing and to make a statement to the court at the sentencing hearing'' before the semicolon.

SEC. 7114. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE OR RELEASE FROM PRISON.

Section 503(c)(5)(B) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is amended by inserting after ''offender'' the following: '', including escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental health services to offenders''.

Subpart B—Amendments to Federal Rules of Criminal Procedure

SEC. 7121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT AND TO BE HEARD ON MERITS OF THE PLEA AGREEMENT.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

"(i) RIGHTS OF VICTIMS.—

"(1) IN GENERAL.—In any case involving a defendant who is arrested for an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault—

"(A) the Government, prior to a hearing at which a plea of guilty or nolo contendere is entered, shall make a reasonable effort to notify the victim of—

"(i) the date and time of the hearing; and

"(ii) the right of the victim to attend the hearing and to address the court; and

"(B) if the victim attends a hearing described in subparagraph (A), the court, before accepting a plea of guilty or nolo contendere,

shall afford the victim an opportunity to be heard on the proposed plea agreement.

"(2) ADDRESS.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this subsection may be sent.

"(3) MASS VICTIM CASES.—In any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to serve as representatives of the victims' interests.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, the threat of death or bodily injury to any person, a sexual assault, or an at-

tempted sexual assault, to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date

on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 7122. ENHANCED RIGHTS OF NOTIFICATION AND ALLOCUTION AT SENTENCING.

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

(1) in subsection (b)—

(A) in paragraph (4), by striking subparagraph (D) and inserting the following:

"(D) a victim impact statement, identifying, to the maximum extent practicable—

"(i) each victim of the offense (except that such identification shall not include

information relating to any telephone number, place of employment, or residential address of any victim);

''(ii) an itemized account of any economic loss suffered by each victim as a result of the offense;

''(iii) any physical injury suffered by each victim as a result of the offense, along with its seriousness and permanence;

''(iv) a description of any change in the personal welfare or familial relationships of each victim as a result of the offense; and

''(v) a description of the impact of the offense upon each victim and the recommendation of each victim regarding an appropriate sanction for the defendant;''; and

(B) by adding at the end the following:

''(7) VICTIM IMPACT STATEMENTS.—

''(A) IN GENERAL.—Any probation officer preparing a presentence report shall—

''(i) make a reasonable effort to notify each victim of the offense that such a re-

port is being prepared and the purpose of such report; and

"(ii) provide the victim with an opportunity to submit an oral or written statement, or a statement on audio or videotape outlining the impact of the offense upon the victim.

"(B) USE OF STATEMENTS.—Any written statement submitted by a victim under subparagraph (A) shall be attached to the presentence report and shall be provided to the sentencing court and to the parties.";

(2) in subsection (c)(1), by adding at the end the following: "Before sentencing in any case in which a defendant has been charged with or found guilty of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make a reasonable effort to notify the victim of the time and place of sentencing and of his right to attend and to be heard."; and

(3) in subsection (f), by inserting "the right to notification and to submit a statement under subdivision (b)(7), the right to notification and to be

heard under subdivision (c)(1), and'' before ''the right of allocution''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims of offenses involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to participate during the presentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 7123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT A PROBATION REVOCATION HEARING.

(a) IN GENERAL.—Rule 32.1 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(d) RIGHTS OF VICTIMS.—

''(1) IN GENERAL.—At any hearing pursuant to subsection (a)(2) involving 1 or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the government shall make reasonable efforts to notify the victim of the offense (and the victim of any new charges giving rise to the hearings), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding

whether the terms or conditions of probation or supervised release should be modified.

"(2) DUTIES OF COURT AT HEARING.—At any hearing described in paragraph (1) at which a victim is present, the court shall—

"(A) address each victim personally; and

"(B) afford the victim an opportunity to be heard on the proposed terms or conditions of probation or supervised release.

"(3) ADDRESS.—In any case described in paragraph (1), the victim shall notify the appropriate authority of an address to which notification under this paragraph may be sent.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of offenses involving

death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, of any revocation hearing held pursuant to rule 32.1(a)(2) of the Federal Rules of Criminal Procedure.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from

the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subpart C—Amendment to Federal Rules of Evidence

SEC. 7131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.

(a) IN GENERAL.—Rule 615 of the Federal Rules of Evidence is amended—

(1) by striking ''At the request'' and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), at the request";

(2) by striking "This rule" and inserting the following:

"(b) EXCEPTIONS.—Subsection (a)";

(3) by striking "exclusion of (1) a party" and inserting the following: "exclusion of—

"(1) a party";

(4) by striking "person, or (2) an officer" and inserting the following: "person;

"(2) an officer";

(5) by striking "attorney, or (3) a person" and inserting the following: "attorney;

"(3) a person";

(6) by striking the period at the end and inserting "; or"; and

(7) by adding at the end the following:

"(4) a person who is a victim of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, for which a defendant is being tried in a criminal trial, unless the court concludes that—

"(A) the testimony of the person will be materially affected by hearing the testimony of

other witnesses, and the material effect of hearing the testimony of other witnesses on the testimony of that person will result in unfair prejudice to any party; or

"(B) due to the large number of victims or family members of victims who may be called as witnesses, permitting attendance in the courtroom itself when testimony is being heard is not feasible.

"(c) DISCRETION OF COURT; EFFECT ON OTHER LAW.—Nothing in subsection (b)(4) shall be construed—

"(1) to limit the ability of a court to exclude a witness, if the court determines that such action is necessary to maintain order during a court proceeding; or

"(2) to limit or otherwise affect the ability of a witness to be present during court proceedings pursuant to section 3510 of title 18, United States Code.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure so that reasonable efforts are made to notify victims of offenses involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, to attend judicial proceedings, even if they may testify as a witness at the proceeding.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the rec-

ommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the United States Sentencing Commission under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

Subpart D—Exceptions

SEC. 7141. EXCEPTIONS.

The rights promulgated by subparts A, B, and C shall not apply to any case in which the court reasonably believes that—

(1) the defendant has cooperated with the government in other proceedings against the victim or persons acting in concert with the victim; or

(2) available evidence raises a significant expectation of physical violence or other retaliation by the victim against the defendant.

Subpart E—Remedies for Noncompliance

SEC. 7151. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this part shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General and the Chairman of the United States Parole Commission

shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and there

shall be no judicial review of the final decision of the Attorney General by a complainant.

Subpart F—Victims of Fraud

SEC. 7161. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement and enforce this part and the amendments made by this part with respect to natural persons against whom a defendant has been charged with committing fraud.

PART 2—ASSISTANCE TO VICTIMS OF FEDERAL, STATE, AND LOCAL CRIME

SEC. 7201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.

There are authorized to be appropriated such sums as may be necessary to enable the Attorney General to—

(1) hire 50 full-time or full-time equivalent employees to serve as victim-witness advocates to provide assistance to victims of any criminal offense investigated by any department or agency of the Federal Government; and

(2) provide grants through the Office of Victims of Crime to qualified private entities to fund 50 victim-witness advocate positions within those organizations.

SEC. 7202. INCREASED TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT, STATE COURT PERSONNEL, AND OFFICERS OF THE COURT TO RESPOND EFFECTIVELY TO THE NEEDS OF VICTIMS OF CRIME.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 7203. INCREASED RESOURCES FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES, COURTS, AND PROSECUTORS' OFFICES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

"SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF CRIME OF IMPORTANT DATES AND DEVELOPMENTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Victims of Crime of the Department of Justice such sums as may be necessary for grants to State and local prosecutors' offices, State courts, county jails, State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

"(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.".

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term "Federal law enforcement program"), by striking "and" at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program''), by striking the period at the end and inserting ''; and''; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program'') the following:

''(17) section 230103.''.

SEC. 7204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office of Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''qualified unit of State or local government'' means a unit or a State or local government that meets such requirements as the At-

torney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Massachusetts.

(B) South Dakota.

(C) Tennessee.

(D) Vermont.

(E) Washington.

(F) Wisconsin.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1).

Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office; and

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this

section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) participates in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the

rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully

operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an addi-

tional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 7205. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(5) any gifts, bequests, and donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

"(1) All unobligated balances transferred to the judicial branch for administrative costs to carry out functions under sections 3611 and 3612 of title 18, United States Code, shall be returned to the Crime Victims Fund and may be used by the Director to improve services for crime victims in the Federal criminal justice system."; and

(B) in paragraph (4), by adding at the end the following:

"(C) States that receive supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.".

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking "40" and inserting "60"; and

(B) in paragraph (3), by inserting "and evaluation" after "administration"; and

(2) in subsection (b)(7), by inserting "because the identity of the offender was not determined be-

yond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects."; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

"(1) the term 'State' includes—

"(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

"(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.";

(B) in paragraph (2)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (B), by striking the semicolon and inserting "; and"; and

(iii) by adding at the end the following:

"(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

"(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.";

(C) by striking paragraph (4) and inserting the following:

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) tribal organization;

''(D) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

"(ii) exempt from taxation under section 501(a) of such Code; or

"(E) other entity that the Director determines to be appropriate.".

(d) COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OF MASS VIOLENCE.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended—

(1) in subsection (a), by striking "1404(a)" and inserting "1402(d)(4)(B)"; and

(2) in subsection (b), by striking "1404(d)(4)(B)" and inserting "1402(d)(4)(B)".

SEC. 7206. SERVICES FOR VICTIMS OF CRIME AND DOMESTIC VIOLENCE.

Section 504 of Public Law 104–134 (110 Stat. 1321–132) shall not be construed to prohibit a recipient (as that term is used in that section) from using funds derived from a source other than the Legal Services Corporation to provide related legal assistance to any person with whom an alien (as that term is used in subsection (a)(11) of that section) has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incidence of violence occurred.

SEC. 7207. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Office of Victims of Crime to make grants to States, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term ''balanced and restorative justice model'' means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(1) protect the community served by the system and agencies; and

(2) ensure accountability of the offender and the system.

Subtitle B—Crime Victims With Disabilities Awareness Act

SEC. 7301. SHORT TITLE.

This subtitle may be cited as the ''Crime Victims With Disabilities Awareness Act''.

SEC. 7302. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;

(2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when they are, there is sometimes a reluctance by police, prosecutors, and judges to rely on the testimony of a disabled individual, mak-

ing individuals with developmental disabilities a target for criminal predators;

(4) research in the United States needs to be done to—

(A) understand the nature and extent of crimes against individuals with developmental disabilities;

(B) describe the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities; and

(5) the National Academy of Science Committee on Law and Justice of the National Research Council is a premier research institution with unique experience in developing seminal, multidisciplinary studies to establish a strong research base from which to make public policy.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

(3) to develop a basis to find new strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

SEC. 7303. DEFINITION OF DEVELOPMENTAL DISABILITY.

In this subtitle, the term ''developmental disability'' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001).

SEC. 7304. STUDY.

(a) IN GENERAL.—The Attorney General shall conduct a study to increase knowledge and information about crimes against individuals with developmental disabilities that will be useful in developing new strategies to reduce the incidence of crimes against those individuals.

(b) ISSUES ADDRESSED.—The study conducted under this section shall address such issues as—

(1) the nature and extent of crimes against individuals with developmental disabilities;

(2) the risk factors associated with victimization of individuals with developmental disabilities;

(3) the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

(4) the means by which States may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within a State.

(c) NATIONAL ACADEMY OF SCIENCES.—In carrying out this section, the Attorney General shall consider contracting with the Committee on Law and Justice of the National Research Council of the National Academy of Sciences to provide research for the study conducted under this section.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the results of the study conducted under this section.

SEC. 7305. NATIONAL CRIME VICTIMS' SURVEY.

Not later than 2 years after the date of enactment of this Act, as part of each National Crime Victims' Survey, the Attorney General shall include statistics relating to—

(1) the nature of crimes against individuals with developmental disabilities; and

(2) the specific characteristics of the victims of those crimes.

Subtitle C—Victims of Juvenile Crimes

SEC. 7401. VICTIMS OF JUVENILE CRIMES.

(a) IN GENERAL.—The Attorney General shall establish guidelines for States' programs receiving grants under title I, subtitle D, part 3, of this Act for the establishment of juvenile gun courts to require, as appropriate under applicable State or local laws or rules, that—

(1) prior to disposition of adjudicated juvenile delinquents, that victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or to present any information in relation to the disposition;

(2) victims of the juvenile adjudicated delinquent be given notice of the disposition; and

(3) restitution to victims may be ordered as part of the disposition of adjudicated juvenile delinquents.

(b) DEFINITION OF VICTIM.—In this section, the term ''victim'' means any individual against whom a crime of violence has been committed that has as an element the use, attempted use, or threatened use of physical force

against the person or property of another or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(c) NO CAUSE OF ACTION CREATED.—Nothing in this section shall be construed to create a cause of action against any State or any agency or employee thereof.

(d) COMPLIANCE.—

(1) COMPLIANCE.—Not later than 3 years after the date of enactment of this Act, each State shall implement this section, except that the Attorney General may grant an additional 2 years to a State if the Attorney General determines that the State is making good faith efforts to implement this section.

(2) INELIGIBILITY FOR AMOUNTS.—

(A) IN GENERAL.—Beginning on the expiration of the period described in paragraph (1) (or such extended period as the Attorney General may provide with respect to a State under that paragraph), during each fiscal year that any State fails to comply with this section, that State shall receive not more than 90 percent of the amount that the State would otherwise receive under subtitle C of this title.

(B) REALLOCATION OF AMOUNTS.—In each fiscal year, any amounts that are not allocated to States described in subparagraph (A) shall be allocated to otherwise eligible States that are in compliance with this section on a pro rata basis.

TITLE VIII—COMBATING MONEY LAUNDERING

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Money Laundering Enforcement Act of 1998''.

SEC. 8002. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) CIVIL FORFEITURE FOR MONEY TRANSMITTING VIOLATION.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking ''or 1957'' and inserting '', 1957, or 1960''.

(b) SCIENTER REQUIREMENT FOR SECTION 1960 VIOLATION.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

''(c) SCIENTER REQUIREMENT.—For the purposes of proving a violation of this section involving an illegal money transmitting business—

''(1) it shall be sufficient for the Government to prove that the defendant knew that the money trans-

mitting business lacked a license required by State law; and

"(2) 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 under State law.".

SEC. 8003. 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) RESTRAINT OF ASSETS.—

"(A) IN GENERAL.—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 (21 U.S.C. 801 et seq.), the Attorney General may apply to any Federal judge or magistrate judge in the district in which 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.

"(B) APPLICATION.—An application for a restraining order under subparagraph (A) shall—

"(i) 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

"(ii) 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. 8004. 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) ACCESS TO RECORDS LOCATED ABROAD.—

"(1) IN GENERAL.—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)), the refusal of the claimant to provide financial records located in a foreign country 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, if—

"(A) the financial records may be material—

"(i) to any claim or to the ability of the government to respond to such claim; or

"(ii) in a civil forfeiture case, to the ability of the government to establish the forfeitability of the property; and

"(B) it is within the capacity of the claimant to waive his or her rights under such secrecy laws, or to obtain the financial records himself or herself, so that the financial records may be made available.

"(2) PRIVILEGE.—Nothing in this subsection shall be construed to affect the rights of a claimant to refuse production of any records on the basis of any privilege guaranteed by the Constitution of the United States or any other provision of Federal law.".

SEC. 8005. CIVIL MONEY LAUNDERING JURISDICTION OVER FOREIGN PERSONS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting each subparagraph appropriately;

(2) by striking ''(b) Whoever'' and inserting the following:

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Whoever''; and

(3) by adding at the end the following:

''(2) JURISDICTION.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts of the United States 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 in accordance with the Federal Rules of Civil Procedure or the laws of the foreign country in which the foreign person is found.

''(3) SATISFACTION OF JUDGMENT.—In any action described in paragraph (2), 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. 8006. PUNISHMENT OF LAUNDERING MONEY THROUGH FOREIGN BANKS.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

''(6) the term 'financial institution' includes—

''(A) any financial institution described in section 5312(a)(2) of title 31, or the regulations promulgated thereunder; and

''(B) any foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7));''.

SEC. 8007. ADDITION OF SERIOUS FOREIGN CRIMES TO LIST OF MONEY LAUNDERING PREDICATES.

(a) IN GENERAL.—Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking clause (ii) and inserting the following:

''(ii) any act or acts constituting a crime of violence;''; and

(B) by adding at the end the following:

"(iv) fraud, or any scheme to defraud, committed against 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;";

(2) in subparagraph (D)—

(A) by inserting "section 541 (relating to goods falsely classified)," before "section 542";

(B) by inserting "section 922(l) (relating to the unlawful importation of firearms), sec-

tion 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 (22 U.S.C. 611 et seq.),'' before ''or any felony violation of the Foreign Corrupt Practices Act''; and

(3) in subparagraph (E), by inserting ''the Clean Air Act (42 U.S.C. 6901 et seq.),'' after ''the Safe Drinking Water Act (42 U.S.C. 300f et seq.),''.

SEC. 8008. 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. 8009. FUNGIBLE PROPERTY IN FOREIGN BANK ACCOUNTS.

Section 984(d) of title 18, United States Code, is amended by adding at the end the following:

''(3) In this subsection, the term 'financial institution' includes a foreign bank, as defined in section 1(b)(7)

of the International Banking Act of 1978 (12 U.S.C. 3101(7)).''.

SEC. 8010. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended—

(1) by striking ''section 1956, 1957, or 1960 of this title, section 5322 or 5324 of title 31, United States Code'' and inserting ''section 981 of this title'';

(2) by inserting ''before or'' before ''after''; and

(3) by striking the last sentence.

SEC. 8011. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§ 2466. 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 the jurisdiction of the United States, or otherwise evades the jurisdiction of a court of the United States in which 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 ac-

tion or a claim in any third-party proceeding in any related criminal forfeiture action.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2466. Fugitive disentitlement.''.

SEC. 8012. ADMISSIBILITY OF FOREIGN BUSINESS RECORDS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§ 2467. Foreign records

''(a) DEFINITIONS.—In this section—

''(1) the term 'business' includes business, institution, association, profession, occupation, and calling of every kind whether or not conducted for profit;

''(2) the term 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a record of regularly conducted activity or another qualified person, that if falsely made, would subject the maker to criminal penalty under the law of that country;

''(3) the term 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts,

events, conditions, opinions, or diagnoses, maintained in a foreign country; and

"(4) the term 'official request' means a letter rogatory, a request under an agreement, treaty or convention, or any other request for information or evidence made by a court of the United States or an authority of the United States having law enforcement responsibility, to a court or other authority of a foreign country.

"(b) ADMISSIBILITY.—In a civil proceeding in a court of the United States, including a civil forfeiture proceeding and a proceeding in the United States Claims Court and the United States Tax Court, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, a foreign record of regularly conducted activity (or a duplicate of such record), obtained pursuant to an official request, shall not be excluded as evidence by the hearsay rule if a foreign certification, also obtained pursuant to the same official request or subsequent official request that adequately identifies such foreign record, attests that—

"(1) the foreign record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

"(2) the foreign record was kept in the course of a regularly conducted business activity;

"(3) the business activity made such a record as a regular practice; and

"(4) if the foreign record is not the original, the record is a duplicate of the original.

"(c) FOREIGN CERTIFICATION.—A foreign certification under this section shall authenticate a record or duplicate described in subsection (b).

"(d) NOTICE.—

"(1) IN GENERAL.—As soon as practicable after a responsive pleading has been filed, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party.

"(2) OPPOSITION.—A motion opposing admission in evidence of a record under paragraph (1) shall be made by the opposing party and determined by the court before trial. Failure by a party to file such motion before trial shall constitute a waiver of objection to such record, except that the court for cause shown may grant relief from the waiver.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2467. Foreign records.".

SEC. 8013. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

Section 1956(h) of title 18, United States Code, is amended—

(1) by striking "(h) Any person" and inserting the following:

"(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

"(1) CONSPIRACY.—Any person"; and

(2) by adding at the end the following:

"(2) MULTIPLE VIOLATIONS.—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. 8014. 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) IN GENERAL.—Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in any dis-

trict in which the financial or monetary transaction is conducted, or in which a prosecution for the underlying specified unlawful activity could be brought, if the defendant participates 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) EXCEPTION.—A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district in which venue would lie for the completed offense under paragraph (1), or in any other district in which an act in furtherance of the attempt or conspiracy took place.''.

SEC. 8015. 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 ''of title 31, United States Code (dealing with the reporting of currency transactions)'' and inserting ''or 5324 of title 31 (dealing with the reporting and illegal structuring of currency transactions)''.

SEC. 8016. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-MONEY LAUNDERING ORDERS.

(a) REPORTING VIOLATIONS.—Section 5324(a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ", or the reporting requirements imposed by an order issued pursuant to section 5326" after "any such section"; and

(2) in each of paragraphs (1) and (2), by inserting ", or a report required under any order issued pursuant to section 5326" before the semicolon.

(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" each place that term appears.

SEC. 8017. ENCOURAGING FINANCIAL INSTITUTIONS TO NOTIFY LAW ENFORCEMENT AUTHORITIES OF SUSPICIOUS FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—Section 2702(b)(6) of title 18, United States Code, is amended—

(1) by inserting "or supervisory agency" after "a law enforcement agency";

(2) in subparagraph (A), by striking "; and" and inserting "and appear to pertain to the commission of the crime; or"; and

(3) in subparagraph (B), by striking ''appear to pertain to the commission of the crime.'' and inserting ''appear to reveal a suspicious transaction relevant to a possible violation of law or regulation.''

(b) DEFINITIONS.—Section 2711 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the terms 'suspicious transaction' and 'relevant to a possible violation of the law or regulation' shall be interpreted in the same manner as those terms have been interpreted for purposes of section 5318(g) of title 31; and

''(4) the term 'supervisory agency' has the meaning given the term in section 1101(7) of the Right to Financial Privacy Act of 1978.''.

SEC. 8018. COVERAGE OF FOREIGN BANK BRANCHES IN THE TERRITORIES.

Section 20(9) of title 18, United States Code, is amended by inserting before the period the following: '', except that for purposes of this section the definition of the term 'State' in such Act shall be deemed to include

a commonwealth, territory, or possession of the United States''.

SEC. 8019. CONFORMING STATUTE OF LIMITATIONS AMENDMENT FOR CERTAIN BANK FRAUD OFFENSES.

Section 3293 of title 18, United States Code, is amended—

(1) by inserting ''225,'' after ''215,''; and

(2) by inserting ''1032,'' before ''1033''.

SEC. 8020. JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(h) JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.—Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b), 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).".

TITLE IX—COMBATING INTERNATIONAL CRIME

Subtitle A—Investigating and Punishing Violent Crimes Against United States Nationals Abroad

SEC. 9001. MURDER AND EXTORTION AGAINST UNITED STATES 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) EXTORTION OF UNITED STATES NATIONALS ABROAD.—Whoever commits or attempts to commit extortion against a national of the United States, while the national is outside the United States, shall be fined under this title, imprisoned not more than 20 years, or both.";

(3) in subsection (e), as redesignated, by inserting ", or was intended to further the objectives of an organized criminal group. A certification under this paragraph shall not be subject to judicial review" before the period at the end; and

(4) by adding at the end the following:

"(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as indicating an intent on the part of Congress—

"(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

"(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.

"(g) DEFINITIONS.—In this section—

"(1) the term '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) the term 'organized criminal group' means a group that has a hierarchical structure or is a continuing enterprise, and that is engaged in or has as

a purpose the commission of an act or acts that would constitute racketeering activity (as defined in section 1961) if committed within the United States.''.

SEC. 9002. MURDER OR SERIOUS ASSAULT OF A STATE OR LOCAL OFFICIAL ABROAD.

(a) IN GENERAL.—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

''(a) DEFINITIONS.—In this section:

''(1) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given the term in section 2119.

''(2) STATE.—The term 'State' has the meaning given the term in section 245(d).

''(b) PENALTIES.—Whoever, in the circumstance described in subsection (c)—

''(1) kills or attempts to kill an official of a State or a political subdivision thereof shall be punished as provided in sections 1111, 1112, and 1113; or

"(2) assaults an official of a State or a political subdivision thereof, if that assault results in serious bodily injury shall be punished as provided in section 113.

"(c) CIRCUMSTANCE DESCRIBED.—The circumstance described in this subsection is that the official of a State or political subdivision—

"(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 that official of 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.

"(d) 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 and shall not be subject to judicial review.

"(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to indicate an intent on the part of Congress—

"(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

"(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis 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—Denying Safe Havens to International Criminals

SEC. 9101. EXTRADITION FOR OFFENSES NOT COVERED BY A LIST TREATY.

Chapter 209 of title 18, United States Code, is amended by adding at the end the following:

"§ 3197. Extradition for offenses not covered by a list treaty

"(a) SERIOUS OFFENSE DEFINED.—In this section, the term 'serious offense' means conduct that would be—

"(1) an offense described in any multilateral treaty to which the United States is a party that obligates parties—

"(A) to extradite alleged offenders found in the territory of the parties; or

"(B) submit the case to the competent authorities of the parties for prosecution; or

"(2) conduct that, if that conduct occurred in the United States, would constitute—

"(A) a crime of violence (as defined in section 16);

"(B) the distribution, manufacture, importation or exportation of a controlled substance (as defined in section 201 of the Controlled Substances Act (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, if the value of the monetary instruments involved exceeds $100,000;

"(F) fraud, theft, embezzlement, or commercial bribery if the aggregate value of property that is the object of all of the offenses related to the conduct exceeds $100,000;

"(G) counterfeiting, if the obligations, securities or other items counterfeited, have an apparent value that exceeds $100,000;

"(H) a conspiracy or attempt to commit any of the offenses described in any of subparagraphs (A) through (G), or aiding and abetting a person who commits any such offense; or

"(I) a crime against children under chapter 109A or section 2251, 2251A, 2252, or 2252A.

"(b) AUTHORIZATION OF FILING.—

"(1) IN GENERAL.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government, and an extradition treaty between the United States and the foreign government is in force, 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 pursuant to subsections (c) and (d).

"(2) FILING OF COMPLAINTS.—

"(A) IN GENERAL.—A complaint authorized under paragraph (1) shall be filed pursuant to section 3184.

"(B) PROCEDURES.—With respect to a complaint filed under paragraph (1), the procedures contained in sections 3184 and 3186 and the terms of the relevant extradition treaty shall apply as if the offense were a crime provided for by the treaty, in a manner consistent with section 3184.

"(c) CRITERIA FOR AUTHORIZATION OF COMPLAINTS.—

"(1) IN GENERAL.—The Attorney General may authorize the filing of a complaint under subsection (b) only upon a certification—

"(A) by the Attorney General, that in the judgment of the Attorney General—

"(i) the offense for which extradition is sought is a serious offense; and

"(ii) 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

"(B) 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.

"(2) FACTORS FOR CONSIDERATION.—In making any certification under paragraph (1)(B), 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 who is the subject of the request for extradition, if that person is found to be extraditable.

"(3) LIMITATION ON JUDICIAL REVIEW.—Any decision or exercise of authority by the Attorney General or the Secretary of State pursuant to this subsection shall not be subject to judicial review.

"(d) CASES OF URGENCY.—

"(1) IN GENERAL.—In any case of urgency, the Attorney General may, with the concurrence of the Secretary of State and before any formal certification under subsection (c), authorize the filing of a complaint seeking the provisional arrest and detention of the person sought for extradition before the receipt of documents or other proof in support of the request for extradition.

"(2) APPLICABILITY OF RELEVANT TREATY.—With respect to a case described in paragraph (1),

a provision regarding provisional arrest in the relevant treaty shall apply.

"(3) FILING AND EFFECT OF FILING OF COMPLAINTS.—

"(A) IN GENERAL.—A complaint authorized under this subsection shall be filed in the same manner as provided in section 3184.

"(B) ISSUANCE OF ORDERS.—Upon the filing of a complaint under this subsection, the appropriate judicial officer may issue an order for the provisional arrest and detention of the person as provided in section 3184.

"(e) CONDITIONS OF SURRENDER; ASSURANCES.—

"(1) IN GENERAL.—Before issuing a warrant of surrender under section 3184 or 3186, the Secretary of State may—

"(A) impose conditions upon the surrender of the person that is the subject of the warrant; and

"(B) require those assurances of compliance with those conditions, as are determined by the Secretary to be appropriate.

"(2) ADDITIONAL ASSURANCES.—

"(A) IN GENERAL.—In addition to imposing conditions and requiring assurances under

paragraph (1), the Secretary of State shall demand, as a condition of the extradition of the person in every case, an assurance described in subparagraph (B) that the Secretary determines to be satisfactory.

"(B) DESCRIPTION OF ASSURANCES.—An assurance described in this subparagraph is an assurance that the person that is sought for extradition 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.".

SEC. 9102. EXTRADITION ABSENT A TREATY.

Chapter 209 of title 18, United States Code, as amended by section 9101 of this Act, is amended by adding at the end the following:

"§ 3198. Extradition absent a treaty

"(a) SERIOUS OFFENSE DEFINED.—In this section, the term 'serious offense' has the meaning given that term in section 3197(a).

"(b) AUTHORIZATION OF FILING.—

"(1) IN GENERAL.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government,

and no extradition treaty is in force between the United States and the foreign government, the Attorney General may authorize the filing of a complaint for extradition pursuant to subsections (c) and (d).

"(2) FILING AND TREATMENT OF COMPLAINTS.—

"(A) IN GENERAL.—A complaint authorized under paragraph (1) shall be filed pursuant to section 3184.

"(B) PROCEDURES.—With respect to a complaint filed under paragraph (1), 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.

"(c) CRITERIA FOR AUTHORIZATION OF COMPLAINTS.—The Attorney General may authorize the filing of a complaint described in subsection (b) only upon a certification—

"(1) by the Attorney General, that in the judgment of the Attorney General—

"(A) the offense for which extradition is sought is a serious offense; and

"(B) submission of the extradition request would be important to the law enforcement in-

terests 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 foreign government submitting the request is not submitting the request in order to try or punish the person sought for extradition primarily on the basis of the race, religion, nationality, or political opinions of that person.

"(d) LIMITATIONS ON DELEGATION AND JUDICIAL REVIEW.—

"(1) DELEGATION BY ATTORNEY GENERAL; JUDICIAL REVIEW.—The authorities and responsibilities of the Attorney General under subsection (c)

may be delegated only to the Deputy Attorney General.

"(2) DELEGATION.—The authorities and responsibilities of the Secretary of State set forth in this subsection may be delegated only to the Deputy Secretary of State.

"(3) LIMITATION ON JUDICIAL REVIEW.—The authorities and responsibilities set forth in this subsection are not subject to judicial review.

"(e) CASES OF URGENCY.—

"(1) IN GENERAL.—In any case of urgency, the Attorney General may, with the concurrence of the Secretary of State and before any formal certification under subsection (c), authorize the filing of a complaint seeking the provisional arrest and detention of the person sought for extradition before the receipt of documents or other proof in support of the request for extradition.

"(2) FILING OF COMPLAINTS; ORDER BY JUDICIAL OFFICER.—

"(A) FILING.—A complaint filed under this subsection shall be filed in the same manner as provided in section 3184.

"(B) ORDERS.—Upon the filing of a complaint under subparagraph (A), the appropriate

judicial officer may issue an order for the provisional arrest and detention of the person.

"(C) RELEASES.—If, not later than 45 days after the arrest, the formal request for extradition and documents in support of that are not received by the Department of State, the appropriate judicial officer may order that a person detained pursuant to this subsection be released from custody.

"(f) HEARINGS.—

"(1) IN GENERAL.—Subject to subsection (h), upon the filing of a complaint for extradition and receipt of documents or other proof in support of the request of a foreign government for extradition, the appropriate judicial officer shall hold a hearing to determine whether the person sought for extradition is extraditable.

"(2) CRITERIA FOR EXTRADITION.—Subject to subsection (g), in a hearing conducted under paragraph (1), the judicial officer shall find a person extraditable if the officer finds—

"(A) probable cause to believe that the person before the judicial officer is the person sought in the foreign country of the requesting foreign government;

"(B) probable cause to believe that the person before the judicial officer committed the offense for which that person is sought, or was duly convicted of that offense in the foreign country of the requesting foreign government;

"(C) that the conduct upon which the request for extradition is based, if that conduct occurred within the United States, would be a serious offense punishable by imprisonment for more than 10 years under the laws of—

"(i) the United States;

"(ii) the majority of the States in the United States; or

"(iii) of the State in which the fugitive is found; and

"(D) no defense to extradition under subsection (f) has been established.

"(g) LIMITATION OF EXTRADITION.—

"(1) IN GENERAL.—A judicial officer shall not find a person extraditable under this section if the person has established that the offense for which extradition is sought is—

"(A) an offense for which the person is being proceeded against, or has been tried or punished, in the United States; or

"(B) a political offense.

"(2) POLITICAL OFFENSES.—For purposes of this section, a political offense does not include—

"(A) a murder or other violent crime against the person of a head of state of a foreign state, or of a member of the family of the head of state;

"(B) an offense for which both the United States and the requesting foreign government have the obligation pursuant to a multilateral international agreement to—

"(i) extradite the person sought; or

"(ii) submit the case to the competent authorities for decision as to prosecution; or

"(C) a conspiracy or attempt to commit any of the offenses referred to in subparagraph (A) or (B), or aiding or abetting a person who commits or attempts to commit any such offenses.

"(h) LIMITATIONS ON FACTORS FOR CONSIDERATION AT HEARINGS.—

"(1) IN GENERAL.—At a hearing conducted under subsection (a), the judicial officer conducting the hearing shall not consider issues regarding—

"(A) humanitarian concerns;

"(B) the nature of the judicial system of the requesting foreign government; and

"(C) whether the foreign government is seeking extradition of a person for the purpose of prosecuting or punishing the person because of the race, religion, nationality or political opinions of that person.

"(2) CONSIDERATION BY SECRETARY OF STATE.—The issues referred to in paragraph (1) shall be reserved for consideration exclusively by the Secretary of State as described in subsection (c)(2).

"(3) ADDITIONAL CONSIDERATION.—Notwithstanding the certification requirements described in subsection (c)(2), the Secretary of State may, within the sole discretion of the Secretary—

"(A) in addition to considering the issues referred to in paragraph (1) for purposes of certifying the filing of a complaint under this section, consider those issues again in exercising authority to surrender the person sought for extradition in carrying out the procedures under section 3184 and 3186; and

"(B) impose conditions on surrender including those provided in subsection (i).

"(i) CONDITIONS OF SURRENDER; ASSURANCES.—

"(1) IN GENERAL.—The Secretary of State may—

"(A) impose conditions upon the surrender of a person sought for extradition under this section; and

"(B) require such assurances of compliance with those conditions, as the Secretary determines to be appropriate.

"(2) ADDITIONAL ASSURANCES.—In addition to imposing conditions and requiring assurances under paragraph (1), the Secretary shall demand, as a condition of the extradition of the person that is sought for extradition—

"(A) in every case, an assurance the Secretary determines to be satisfactory that the person shall not be tried or punished for an offense other than the offense for which the person has been extradited, absent the consent of the United States; and

"(B) in a case in which the offense for which extradition is sought is punishable by death in the foreign country of the requesting foreign government and is not so punishable under the applicable laws in the United States,

an assurance the Secretary determines to be satisfactory that the death penalty—

"(i) shall not be imposed; or

"(ii) if imposed, shall not be carried out.".

SEC. 9103. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 209 of title 18, United States Code, is amended—

(1) in section 3181, by inserting ", other than sections 3197 and 3198," after "The provisions of this chapter" each place that term appears; and

(2) in section 3186, by striking "or 3185" and inserting ", 3185, 3197 or 3198".

(b) CHAPTER ANALYSIS.—The analysis for chapter 209 of title 18, United States Code, is amended by adding at the end the following:

"3197. Extradition for offenses not covered by a list treaty.
"3198. Extradition absent a treaty.".

SEC. 9104. 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:

"§ 4116. Temporary transfer for prosecution

"(a) STATE DEFINED.—In this section, the term 'State' includes a State of the United States, the District

of Columbia, and a commonwealth, territory, or possession of the United States.

"(b) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO TEMPORARY TRANSFERS.—

"(1) IN GENERAL.—Subject to subsection (d), if 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 the pretrial detention or custody, the Attorney General shall have the authority—

"(A) to request the temporary transfer of that person to the United States in order to proceed with prosecution of that person in a Federal or State criminal proceeding;

"(B) to maintain the custody of that person while the person is in the United States; and

"(C) to return that person to the foreign country at the conclusion of the criminal prosecution, including any imposition of sentence.

"(2) REQUIREMENTS FOR REQUESTS BY ATTORNEY GENERAL.—The Attorney General shall

make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of that person to the foreign country in question would be consistent with international obligations of the United States.

"(3) LIMITATION ON JUDICIAL REVIEW.—Any decision or exercise of authority by the Attorney General under this subsection shall not be subject to judicial review.

"(c) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO PRETRIAL DETENTIONS.—

"(1) IN GENERAL.—

"(A) AUTHORITY OF ATTORNEY GENERAL.—Subject to paragraph (2) and subsection (d), the Attorney General shall have the authority to carry out the actions described in subparagraph (B), if—

"(i) a person is in pretrial detention or is otherwise being held in custody in the United States based upon a violation of Federal or State law, and that person is found extraditable to a foreign country while still in the pretrial detention or cus-

tody pursuant to section 3184, 3197, or 3198; and

"(ii) a determination is made by the Secretary of State and the Attorney General that the person will be surrendered.

"(B) ACTIONS.—If the conditions described in subparagraph (A) are met, the Attorney General shall have the authority to—

"(i) temporarily transfer the person described in subparagraph (A) to the foreign country of the foreign government requesting the extradition of that person in order to face prosecution;

"(ii) transport that person from the United States in custody; and

"(iii) return that person in custody to the United States from the foreign country.

"(2) CONSENT BY STATE AUTHORITIES.—If the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in paragraph (1) if the appropriate State authorities give their consent to the Attorney General.

"(3) CRITERION FOR REQUEST.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of the person sought for extradition to the foreign country of the foreign government requesting the extradition would be consistent with United States international obligations.

"(4) JUDICIAL REVIEW.—Any decision or exercise of authority by the Attorney General under this subsection shall not be subject to judicial review.

"(5) EFFECT OF TEMPORARY TRANSFER.—With regard to any person in pretrial detention—

"(A) a temporary transfer under this subsection shall result in an interruption in the pretrial detention status of that person; and

"(B) 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 in that foreign country temporarily under this subsection.

"(d) CONSENT BY PARTIES TO WAIVE PRIOR FINDING OF WHETHER A PERSON IS EXTRADITABLE.—The Attorney General may exercise the authority described in

subsections (b) and (c) absent a prior finding that the person in custody is extraditable, if the person, any appropriate State authorities in a case under subsection (c), and the requesting foreign government give their consent to waive that requirement.

"(e) RETURN OF PERSONS.—

"(1) IN GENERAL.—If 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.

"(2) STATUTORY INTERPRETATION WITH RESPECT TO IMMIGRATION LAWS.—In no event shall the return of a person under paragraph (1) require extradition proceedings or proceedings under the immigration laws.

"(3) CERTAIN RIGHTS AND REMEDIES BARRED.—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 (8 U.S.C. 1101 et

seq.), including the right to apply for or be granted asylum or withholding of deportation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 306 of title 18, United States Code, is amended by adding at the end the following:

''4116. Temporary transfer for prosecution.''.

SEC. 9105. TRANSFER OF FOREIGN PRISONERS TO SERVE SENTENCES IN COUNTRY OF ORIGIN.

Section 4100(b) of title 18, United States Code, is amended in the third sentence by inserting '', unless otherwise provided by treaty,'' before ''an offender''.

SEC. 9106. 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:

''§ 4087. Transit through the United States of persons wanted in a foreign country

''(a) IN GENERAL.—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.

''(b) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General to permit or not to per-

mit a temporary transit described in subsection (a) shall not be subject to judicial review.

"(c) CUSTODY.—If the Attorney General permits a temporary transit under subsection (a), Federal law enforcement personnel may hold the person subject to that transit in custody during the transit of the person through the United States.

"(d) CONDITIONS APPLICABLE TO PERSONS SUBJECT TO TEMPORARY TRANSIT.—Notwithstanding any other provision of law, a person who is subject to a temporary transit through the United States under this section shall—

"(1) be required to have only such documents as the Attorney General shall require;

"(2) not be considered to be admitted or paroled into the United States; and

"(3) not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to apply for or be granted asylum or withholding of deportation.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 305 of title 18, United States Code, is amended by adding at the end the following:

"4087. Transit through the United States of persons wanted in a foreign country.".

Subtitle C—Seizing and Forfeiting the Assets of International Criminals

SEC. 9201. FORFEITURE OF ASSETS IN INTERNATIONAL MONEY LAUNDERING AND DRUG CRIMES.

(a) FORFEITURE OF PROCEEDS OF FOREIGN CRIMES.—Section 981(a)(1)(B) of title 18, United States Code, is amended by inserting ''or involving any other conduct described in section 1956(c)(7)(D),'' after ''Controlled Substances Act),''.

(b) FORFEITURE OF PROPERTY USED TO COMMIT DRUG CRIMES ABROAD.—Section 981(a)(1)(B) of title 18, United States Code, is amended by inserting '', or any property used to facilitate an offense described in subparagraph (i)'' before the period at the end.

(c) FORFEITURE OF PROPERTY USED TO VIOLATE FEDERAL EXPLOSIVES LAWS.—

(1) IN GENERAL.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(I) Any conveyance, chemical, laboratory equipment, or other material, article, apparatus, device, or thing made, possessed, fitted, used, or intended to be used to commit a violation of subsection (a)(1), (a)(3), (b), (c), (d), (h), (i), (l), (m),

or (n) of section 842, or any of subsections (d) through (m) of section 844, or a conspiracy to commit any such offense, and any property traceable to any such item.''.

(2) CONFORMING AMENDMENT.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(9) In imposing a sentence on a person convicted of an offense punishable for a violation of chapter 40, or a conspiracy to commit such an offense, the court shall order the person to forfeit to the United States any—

''(A) conveyance, chemical, laboratory equipment, or other material, article, apparatus, device, or thing made, possessed, fitted, used, or intended to be used to commit such offense; and

''(B) property traceable to any item described in subparagraph (A).''

SEC. 9202. AUTHORITY TO ORDER CONVICTED CRIMINALS TO RETURN PROPERTY LOCATED ABROAD.

(a) ORDER OF 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 addi-

tion, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.''.

(b) PRETRIAL RESTRAINING ORDER.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by inserting after paragraph (3) the following:

''(4)(A) Pursuant to its authority to enter a pretrial 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.

''(B) 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. 9203. ENFORCEMENT OF FOREIGN FORFEITURE JUDGMENTS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, as amended by section 8012, is amended by adding at the end the following:

"§ 2468. Enforcement of foreign forfeiture judgment

''(a) DEFINITIONS.—In this section—

''(1) the term 'foreign nation' means 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; and

''(2) the term 'value based confiscation judgment' shall mean a final order of a foreign nation compelling a defendant, as a consequence of the criminal conviction of the defendant for an offense described in Article 3, paragraph 1, of the United Nations Convention, to pay a sum of money representing the proceeds of the offense, or property the value of which corresponds to those proceeds.

''(b) REVIEW BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—A foreign nation seeking to have its value based confiscation judgment reg-

istered and enforced by a United States district court under this section shall first submit to the Attorney General or the designee of the Attorney General a request, which shall include—

"(A) a summary of the facts of the case and a description of the criminal proceeding that resulted in the value based confiscation judgment;

"(B) certified copies of the judgment of conviction and value based confiscation judgment;

"(C) an affidavit or sworn declaration establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant to defend against the charges and that the value based confiscation judgment rendered is in force and is not subject to appeal;

"(D) an affidavit or sworn declaration that reasonable efforts have been undertaken to enforce the value based confiscation judgment against the property of the defendant, if any, in the foreign country; and

"(E) such additional information and evidence as may be required by the Attorney General or the designee of the Attorney General.

"(2) CERTIFICATION.—The Attorney General or the designee of the Attorney General, in consultation with the Secretary of State or the designee of the Secretary, shall determine whether to certify the request, and such decision shall be final and not subject to either judicial review or review under chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedures Act').

"(c) JURISDICTION AND VENUE.—

"(1) IN GENERAL.—If the Attorney General or the designee of the Attorney General 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.

"(2) RULES GOVERNING PROCEEDINGS.—In a civil proceeding under paragraph (1)—

"(A) the foreign nation shall be the plaintiff and the person against whom the value based confiscation judgment was entered shall be the defendant;

"(B) 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; and

"(C) 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) IN GENERAL.—In any civil action under subsection (c), the district court shall enter such orders as may be necessary to enforce the value based confiscation judgment on behalf of the foreign nation, if the court determines that—

"(A) the value based confiscation judgment was rendered under a system that 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 the defendant to defend; and

"(E) that judgment was not obtained by fraud.

"(2) PROCESS.—Process to enforce a judgment under this section shall 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 stated in the foreign judgment of conviction and value based confiscation judgment.

"(f) CURRENCY CONVERSION.—If a value based confiscation judgment requires the payment of a sum of money, the rate of exchange in effect at time 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) TECHNICAL AND CONFORMING AMENDMENT.—The 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. 9204. CRIMINAL AND CIVIL PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) 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''.

(b) INCREASED CRIMINAL FINE.—Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)), is amended to read as follows:

''(b) Whoever willfully violates any license, order, or regulation issued under this chapter shall be fined not more that $1,000,000 if an organization (as defined in section 18 of title 18, United States Code), and not more than $250,000, imprisoned not more that 10 years, or both, if an individual.''.

SEC. 9205. 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—

(1) in subsection (a), by inserting ''or attempt to violate'' after ''violate'' each time it appears; and

(2) in subsection (b)(1), by inserting ''or attempts to violate'' after ''violates''.

Subtitle D—Responding to Emerging International Crime Threats

PART 1—COMPUTER AND HIGH-TECH CRIME

SEC. 9310. 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. 9311. LAW ENFORCEMENT ACCESS TO STORED INFORMATION ON COMPUTER NETWORKS.

Section 2703 of title 18, United States Code, as amended by section 2403, is amended by adding at the end the following:

"(h) ACCESS TO STORED ELECTRONIC INFORMATION.—

"(1) DISCLOSURE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a governmental entity may require the disclosure by a provider of a remote computing service of the contents of an electronic record in networked electronic storage only if the person who created the record is accorded

the same protections that would be available if the record had remained in that person's possession.

"(B) NETWORKED ELECTRONIC STORAGE.—In addition to the requirements of subparagraph (A) and subject to paragraph (2), a governmental entity may require the disclosure of the contents of an electronic record in networked electronic storage only—

"(i) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or equivalent State warrant, a copy of which warrant shall be served on the person who created the record prior to or at the same time the warrant is served on the provider of the remote computing service;

"(ii) pursuant to a subpoena issued under the Federal Rules of Criminal Procedure or equivalent State warrant, a copy of which subpoena shall be served on the person who created the record, under circumstances allowing that person a meaningful opportunity to challenge the subpoena; or

"(iii) upon the consent of the person who created the record.

"(2) DEFINITION.—In this subsection, an electronic record is in 'networked electronic storage' if—

"(A) it is not covered by subsection (a) of this section;

"(B) the person holding the record is not authorized to access the contents of such record for any purposes other than in connection with providing the service of storage; and

"(C) the person who created the record is able to access and modify it remotely through electronic means.".

PART 2—ENHANCING ANTITERRORISM LAWS

SEC. 9320. EXTENSION OF AUTHORITY.

Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking "1 year after the date of enactment of this Act" and inserting "on October 1, 1999".

SEC. 9321. CLARIFICATION OF BIOLOGICAL WEAPONS DEFINITIONS.

(a) BIOLOGICAL AGENTS; TOXINS.—Section 178 of title 18, United States Code, is amended by—

(1) in paragraph (1), striking "means any microorganism, virus, or infectious substance, or bio-

logical 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'';

(2) 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''; and

(3) in paragraph (4), striking ''recombinant molecule, or biological product that may be engineered as a result of biotechnology'' and inserting ''recombinant or synthesized molecule''.

(b) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a), striking ", including any biological agent, toxin, or vector (as those terms are defined in section 178)"; and

(2) in subsection (c)(2)(C), striking "disease organism" and inserting "any biological agent, toxin, or vector (as those terms are defined in section 178 of this title)".

SEC. 9322. PUNISHMENT OF THREATS TO USE CHEMICAL WEAPONS.

Section 2332c(a)(1) of title 18, United States Code, is amended by striking "uses, or attempts" and inserting "uses, or threatens, attempts".

Subtitle E—Promoting Global Cooperation in the Fight Against International Crime

SEC. 9401. SHARING PROCEEDS OF JOINT FORFEITURE OPERATIONS WITH COOPERATING FOREIGN AGENCIES.

(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—

(1) in subparagraph (C), by adding ''or'' at the end;

(2) in subparagraph (D), by striking ''; or'' and inserting a period; and

(3) by striking subparagraph (E).

SEC. 9402. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

''§ 1785. Assistance to foreign authorities

''(a) IN GENERAL.—

''(1) PRESENTATION OF REQUESTS.—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 1 judicial district, to a judge or judge magistrate of—

"(A) any 1 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

"(B) the United States District Court for the District of Columbia.

"(2) AUTHORITY OF COURT.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including 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) AUTHORITY OF APPOINTED PERSONS.—A person appointed under subsection (a)(2) shall have the authority 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) PERSONS ORDERED TO APPEAR.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the 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) TRANSFER OF REQUESTS.—

"(1) IN GENERAL.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the appearance of that person, to the other district if—

"(A) the inconvenience to the person is substantial; and

"(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

"(2) EXECUTION.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"1785. Assistance to foreign authorities.".

SEC. 9403. TEMPORARY TRANSFER TO FOREIGN COUNTRY OF INCARCERATED WITNESSES.

(a) IN GENERAL.—Section 3508 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 3508. Temporary transfer of witnesses in custody";

(2) by striking subsections (b) and (c) and inserting the following:

"(b) TRANSFER AUTHORITY.—

"(1) IN GENERAL.—If 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—

"(A) temporarily transfer that person to the foreign country for the purpose of giving the testimony;

"(B) transport that person from the United States in custody;

"(C) make appropriate arrangements for custody for that person while outside the United States; and

"(D) return that person in custody to the United States from the foreign country.

"(2) PERSONS HELD FOR STATE LAW VIOLATIONS.—If the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in this subsection if the appropriate State authorities give their consent.

"(c) RETURN OF PERSONS TRANSFERRED.—

"(1) IN GENERAL.—If 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.

"(2) LIMITATION.—In no event shall the return of a person under this subsection require any request for extradition or extradition proceedings, or

require that person to be subject to deportation or exclusion proceedings under the laws of the United States, or the foreign country from which the person is transferred.

"(d) APPLICABILITY OF INTERNATIONAL AGREEMENTS.—If there is an international agreement between the United States and the foreign country in which a witness is being held in custody or to which the witness will be transferred from the United States, that provides for the transfer, custody, and return of those witnesses, the terms and conditions of that international agreement shall apply. If there is no such international agreement, the Attorney General may exercise the authority described in subsections (a) and (b) if both the foreign country and the witness give their consent.

"(e) RIGHTS OF PERSONS TRANSFERRED.—

"(1) Notwithstanding any other provision of law, a person held in custody in a foreign country who is transferred to the United States pursuant to this section for the purpose of giving testimony—

"(A) shall not by reason of that transfer, during the period that person is present in the United States pursuant to that transfer, be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8

U.S.C. 1101 et seq.), 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; and

"(B) may be summarily removed from the United States upon order of the Attorney General.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection may 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) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—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 transfer or return would be consistent with the international obligations of the United States. A determination by the Attorney General under this subsection shall not be subject to judicial review by any court.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States

Code, is amended by striking the item relating to section 3508 and inserting the following:

"3508. Temporary transfer of witnesses in custody.".

SEC. 9404. DISCRETIONARY AUTHORITY TO USE FORFEITURE PROCEEDS.

Section 524(c)(1) of title 28, United States Code, is amended by—

(1) redesignating subparagraph (I) beginning with "after all" as subparagraph (J);

(2) in subparagraph (J) as redesignated, striking the period and inserting ", and"; and

(3) adding at the end the following:

"(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 the property, if—

"(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) the foreign judgment was entered and presented to the Attorney General not later than 5 years after the date on which 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 those 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.".

Subtitle F—Streamlining the Investigation and Prosecution of International Crimes in United States Courts

SEC. 9501. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN INTERNATIONAL CRIME CASES.

The Attorney General may obligate, as necessary expenses, from any appropriate appropriation account avail-

able to the Department of Justice in fiscal year 1999 or any fiscal year thereafter, the cost of reimbursement to State or local law enforcement agencies for translation services and related expenses, including transportation expenses, in cases involving extradition or requests for mutual legal assistance from foreign governments.

SEC. 9502. STRENGTHEN WAR CRIMES OFFENSE.

Section 2441 of title 18, United States Code, is amended in subsection (b), by inserting ": (1)" after "are", and by adding the following before the period: "; (2) the perpetrator is found in the United States after the crime is committed; or (3) the crime occurs within the United States".

SEC. 9503. SAFE CONDUCT FOR FOREIGN WITNESSES TESTIFYING IN UNITED STATES COURTS.

(a) IN GENERAL.—Chapter 305 of title 18, United States Code, as amended by section 9106 of this Act, is amended by adding at the end the following:

"§ 4088. Safe conduct for witnesses temporarily in the United States

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning given the term in section 115.

"(2) MAGISTRATE JUDGE.—The term 'magistrate judge' has the meaning given the term in Rule 54 of the Federal Rules of Criminal Procedure.

"(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) SAFE CONDUCT.—The Attorney General may determine that, if 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 Federal or State 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 that preceded the departure of that person from the foreign jurisdiction.

"(c) TERMS AND CONDITIONS.—

"(1) IN GENERAL.—The Attorney General may specify in any grant of safe conduct the appropriate duration and conditions of the grant.

"(2) TIME PERIOD.—Absent contrary direction by the Attorney General, the safe conduct provided for by this section shall expire not later the earlier of—

"(A) the date on which the person leaves the United States; or

"(B) 7 days after the earlier of—

"(i) the date on which the person completes the testimony of that person or the answers of that person to the questions; or

"(ii) the date on which the requesting magistrate judge or Federal law enforcement officer has notified either the person or the appropriate authorities in the foreign jurisdiction that the presence of that person in the United States is no longer required.

"(3) IMMIGRATION STATUS AND REMOVAL.—Absent contrary direction by the Attorney General, persons granted safe conduct—

"(A) shall not be entitled to apply for or obtain any light or remedy under the Immigration and Nationality Act, for so long as they are present in the United States pursuant to those grants; and

"(B) may be summarily removed from the United States at the expiration of the safe conduct period upon order of the Attorney General,

and those orders shall not be subject to administrative or judicial review.

"(d) JUDICIAL REVIEW.—A determination by the Attorney General to grant, deny, or condition safe conduct under this section shall not be subject to judicial review.

"(e) TREATY PROVISIONS.—To the extent the provisions of an applicable mutual legal assistance treaty are inconsistent with this section, the treaty provisions shall apply.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 305 of title 18, United States Code, is amended by adding at the end the following:

"4088. Safe conduct for witnesses temporarily in the United States.".

SEC. 9504. PROHIBITING FUGITIVES FROM BENEFITING FROM TIME SERVED ABROAD.

Section 3585 of title 18, United States Code, is amended by adding at the end the following:

"(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 if—

"(1) the defendant fled from, or remained outside of, the United States to avoid prosecution or imprisonment;

"(2) the United States officially requested the return of the defendant 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. 9505. 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) PERIOD OF SUSPENSION.—Except as provided in subsection (c), 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 and having transmitted the decision or results to the United States, the decision or results are delivered to the requesting United States authority.".

SEC. 9506. CLARIFICATION OF DISCRETIONARY NATURE OF PAYMENTS TO INFORMANTS.

Section 619(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1619(a)(2)) is amended, in the flush matter following subparagraph (B), by inserting "(or a designee of the

Secretary), in the sole discretion of the Secretary (or designee), '' after ''the Secretary''.

SEC. 9507. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) IN GENERAL.—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 1 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 described in 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, in consultation with the Secretary of State, shall issue regulations governing the apprehension, detention, and removal of persons under

this chapter. Such regulations shall be uniform throughout the Department of Defense.

"§ 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;

''(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".

TITLE X—STRENGTHENING THE AIR, LAND, AND SEA BORDERS OF THE UNITED STATES

Subtitle A—Violence Committed Along United States Borders

SEC. 10001. FELONY PUNISHMENT FOR VIOLENCE COMMITTED ALONG THE UNITED STATES BORDERS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Violence while eluding inspection or during violation of arrival, reporting, entry, or clearance requirements

''(a) IN GENERAL.—Whoever attempts to commit or commits a crime of violence or recklessly operates any conveyance during and in relation to—

''(1)(A) attempting to elude or eluding immigration, customs, or agriculture inspection; or

''(B) 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 section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff), section 10 of the Act of August 20, 1912 (commonly known as the 'Plant Quarantine Act' (7 U.S.C. 164a)), section 7 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2807), section 431, 433, 434, or 459 of the Tariff Act of 1930 (19 U.S.C. 1431, 1433, 1434, and 1459), section 10 of the Act of August 30, 1890 (26 Stat. 417; chapter 839 (21 U.S.C. 105), section 2 of the Act of February 2, 1903 (32 Stat. 792; chapter 349; 21 U.S.C. 111), section 4197 of the Revised Statutes (46 U.S.C. App. 91), or sections 231, 232, and 234 through 238 of the Immigration and Nationality Act (8 U.S.C. 1221, 1222, and 1224 through 1228) shall be—

"(A) fined under this title, imprisoned not more than 5 years, or both;

"(B) if bodily injury (as defined in section 1365(g)) results, fined under this title, imprisoned not more than 10 years, or both; or

"(C) if death results, fined under this title, imprisoned for any term of years or for life, or both, and may be sentenced to death.

"(b) CONSPIRACY.—If 2 or more persons conspire to commit an offense under subsection (a), and 1 or more of those persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that a sentence of death may not be imposed.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"554. Violence while eluding inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(c) RECKLESS ENDANGERMENT.—Section 111 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) RECKLESS ENDANGERMENT.—Whoever—

"(1) 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 of that officer or employee; and

"(2) as a result of disregarding or disobeying an authority or command referred to in paragraph (1), endangers the safety of any person or property, shall be fined under this title, imprisoned not more than 6 months, or both.".

Subtitle B—Strengthening Maritime Law Enforcement Along United States Borders

SEC. 11001. 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 the following:

"§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning given that term in section 115(c).

"(2) HEAVE TO.—The term 'heave to' means, with respect to a vessel, to cause that 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 the sea state.

"(3) VESSEL OF THE UNITED STATES; VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings given those terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

"(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

"(1) IN GENERAL.—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) IMPEDING BOARDING; PROVIDING FALSE INFORMATION IN CONNECTION WITH A BOARDING.—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 destination, origin, ownership, registration, nationality, cargo, or crew of the vessel.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the authority granted before the date of enactment of the Safe Schools, Safe Streets, and Secure Borders Act of 1998 to—

"(1) a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the United States Customs Service; or

"(2) any Federal law enforcement officer under any Federal law to order a vessel to heave to.

"(d) CONSENT OR WAIVER OF OBJECTION BY A FOREIGN COUNTRY.—

"(1) IN GENERAL.—A foreign country may consent to 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.

"(2) PROOF OF CONSENT OR WAIVER.—The Secretary of State or a designee of the Secretary of State may prove a consent or waiver described in paragraph (1) by certification.

"(e) PENALTIES.—Any person who intentionally violates any provision of this section shall be fined under this title, imprisoned not more than 5 years, or both.

"(f) SEIZURE OF VESSELS.—

"(1) IN GENERAL.—A vessel that is used in violation of this section may be seized and forfeited.

"(2) APPLICABILITY OF LAWS.—

"(A) IN GENERAL.—Subject to subparagraph (C), the laws described in subparagraph (B) shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any provision of this section.

"(B) LAWS DESCRIBED.—The laws described in this subparagraph are the laws relating to the seizure, summary, judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of the prop-

erty or the proceeds from the sale thereof, the remission or mitigation of the forfeitures, and the compromise of claims.

"(C) EXECUTION OF DUTIES BY OFFICERS AND AGENTS.—Any duty that is imposed upon a 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 a seizure or forfeiture of property under this section by the officer, agent, or other person that is authorized or designated for that purpose.

"(3) IN REM LIABILITY.—A vessel that is used in violation of this section shall, in addition to any other liability prescribed under this subsection, be liable in rem for any fine or civil penalty imposed under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.".

SEC. 11002. 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:

"§ 675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information

"(a) IN GENERAL.—Any person who violates section 2237(b) of title 18 shall be liable for a civil penalty of not more than $25,000.

"(b) IN REM LIABILITY.—In addition to being subject to the liability under subsection (a), a vessel used to violate an order relating to the boarding of a vessel issued under the authority of section 2237 of title 18 shall be liable in rem and may be seized, forfeited, and sold in accordance with section 594 of the Tariff Act of 1930 (19 U.S.C. 1594).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information.".

SEC. 11003. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following:

"(i) AUTHORIZED PLACE DEFINED.—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.".

Subtitle C—Smuggling of Contraband and Other Illegal Products

SEC. 12001. SMUGGLING CONTRABAND AND OTHER GOODS FROM THE UNITED STATES.

(a) IN GENERAL.—

(1) SMUGGLING GOODS FROM THE UNITED STATES.—Chapter 27 of title 18, United States Code, as amended by section 10001 of this Act, is amended by adding at the end the following:

"§ 555. Smuggling goods from the United States

"(a) UNITED STATES DEFINED.—In this section, the term 'United States' has the meaning given that term in section 545.

"(b) PENALTIES.—Whoever—

"(1) 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 of the United States (including any regulation of the United States); or

"(2) receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of that merchandise, article, or object, prior to exportation, knowing that merchandise, article, or object to be intended for exportation contrary to any law of the United States,

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

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"555. Smuggling goods from the United States.".

(b) LAUNDERING OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 555 (relating to smuggling goods from the United States)," before "section 641 (relating to public money, property, or records),".

(c) MERCHANDISE EXPORTED FROM UNITED STATES.—Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding at the end the following:

"(d) MERCHANDISE EXPORTED FROM THE UNITED STATES.—Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the value thereof, and

property used to facilitate the receipt, purchase, transportation, concealment, or sale of that merchandise prior to exportation shall be forfeited to the United States.''.

SEC. 12002. CONTROLLING ILLICIT LIQUOR TRAFFICKING.

(a) IN GENERAL.—Title 18, United States Code, is amended—

(1) in section 546—

(A) by inserting '', vehicle, aircraft, conveyance or other mode of transportation'' after ''vessel'' each place it appears; and

(B) by 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) by striking section 1261 and inserting the following:

''§ 1261. Enforcement

''The Secretary of the Treasury shall enforce this chapter and may promulgate such regulations as the Secretary determines to be necessary to carry out 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 (re-

lating to smuggling goods into foreign countries),''; and

(4) in chapter 59, by adding at the end the following:

"§ 1266. Trafficking in contraband liquor

''(a) STATE DEFINED.—In this section, the term 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

''(b) PROHIBITION.—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 1 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 Federal or State law.

''(c) PENALTIES.—

''(1) IN GENERAL.—Whoever knowingly violates subsection (b)—

''(A) in the case of a violation involving a quantity of distilled spirits of 15,000 liters or less, shall be fined under this title, imprisoned not more than 5 years, or both; or

''(B) in the case of a violation involving a quantity of distilled spirits of more than 15,000

liters, shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) SEIZURE AND FORFEITURE.—Subject to paragraph (3), the Secretary of the Treasury shall seize and forfeit, in accordance with section 9703(o) of title 31, any—

"(A) conveyance, liquor, or monetary instrument (that is included under the definition of 'monetary instruments' in section 5312 of title 31) involved in a violation of this section; or

"(B) property (real or personal) that constitutes or is derived from proceeds traceable to a violation of this section.

"(3) LIMITATION.—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) SEIZURE AND FORFEITURE.—

"(A) IN GENERAL.—In imposing sentence on a person convicted of violating this section, the court shall order that person to forfeit to

the United States any property described in paragraph (2) involved in the violation.

"(B) APPLICABLE LAWS.—The seizure and forfeiture of property referred to in subparagraph (A) 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).

"(d) STATUTORY CONSTRUCTION.—Nothing in this chapter may 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 those laws, and to provide for penalties for the violation of those laws.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The analysis for chapter 59 of title 18, United States Code, is amended—

(1) by striking the item relating to section 1261 and inserting the following:

"1261. Enforcement."; and

(2) by adding at the end the following:

"1266. Trafficking in contraband liquor.".

SEC. 12003. STRENGTHENING OF STATUTE PUNISHING EVASION OR EMBEZZLEMENT OF CUSTOMS DUTIES.

(a) IN GENERAL.—Section 542 of title 18, United States Code, is amended—

(1) in the section heading, by adding "**theft, embezzlement, or misapplication of duties**" at the end;

(2) by redesignating the fourth and fifth undesignated paragraphs as subsections (b) and (c), respectively;

(3) in the third undesignated paragraph—

(A) by striking "Shall be fined" and inserting the following:

"shall be fined"; and

(B) by striking "two years" and inserting "5 years";

(4) in the second undesignated paragraph—

(A) by striking "Whoever is guilty" and inserting the following:

"(2) is guilty"; and

(B) by striking "act or omission—" and inserting "act or omission; or";

(5) in the first undesignated paragraph, by striking "Whoever knowingly effects" and inserting the following:

"(a) Whoever—

"(1) knowingly effects"; and

(6) in subsection (a), (as so designated by paragraph (5) of this subsection) by inserting after paragraph (2) (as so designated by paragraph (4) of this subsection) the following:

"(3) 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 entrusted to his or her custody or care, or to the custody or care of another for the purpose of paying any lawful duties;".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 542 and inserting the following:

"542. Entry of goods by means of false statements, theft, embezzlement, or misapplication of duties.".

SEC. 12004. FALSE CERTIFICATIONS RELATING TO EXPORTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 2301 of this Act, is amended by adding at the end the following:

"§ 556. 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), that 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, imprisoned not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''556. False certifications relating to exports.''.

Subtitle D—Strengthening Immigration Laws To Exclude International Criminals From the United States

SEC. 13001. INADMISSIBILITY OF PERSONS FLEEING PROSECUTION IN OTHER COUNTRIES.

(a) NEW GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(G) 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) COUNTRIES TO WHICH ALIENS MAY BE REMOVED.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (3), by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (4)''; and

(2) by adding at the end the following:

''(4) ALIENS SOUGHT FOR PROSECUTION.—Notwithstanding paragraphs (1) and (2) of this subsection, any alien who is found removable under section 212(a)(2)(G) (or section 212(a)(2)(G) as applied pursuant to section 237(a)(1)(A)), shall be removed to the country seeking prosecution of that alien unless, in the discretion of the Attorney General, the removal is determined to be impracticable, inadvisable, or impossible. In that case, removal shall be directed according to paragraphs (1) and (2) of this subsection.''.

SEC. 13002. INADMISSIBILITY OF PERSONS INVOLVED IN RACKETEERING AND ARMS TRAFFICKING.

(a) NEW GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(G) RACKETEERING ACTIVITIES.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien—

"(i) is or has been engaged in activities that, if engaged in within the United States, would constitute 'pattern of racketeering activity' (as defined in section 1961 of title 18, United States Code) or has been a knowing assister, abettor, or conspirator with others in any such illicit activity; or

"(ii) is the spouse or adult child of an alien inadmissible under clause (i), has, during the preceding 5-year period, 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 the illicit activity.

"(H) TRAFFICKING IN FIREARMS OR NUCLEAR OR EXPLOSIVE MATERIALS.—Any alien inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien—

"(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), or explosive materials (as defined in section 841 of title 18, United States Code); or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit activity; or

"(ii) is the spouse or adult child of an alien inadmissible under clause (i), has, during the preceding 5-year period, 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 the illicit activity.".

(b) WAIVER AUTHORITY.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended, in the matter preceding paragraph (1)—

(1) by striking ''The Attorney General'' and all that follows through ''of subsection (a)(2)'' and inserting the following: ''The Attorney General may, as a matter of discretion, waive the application of subparagraphs (A)(i)(I), (B), (C)(ii), (D), (E), (G)(ii), and (H)(ii) of subsection (a)(2),''; and

(2) by inserting before ''if—'' the following: '', and subparagraph (G)(i) of that subsection insofar as it relates to an offense other than an aggravated felony''.

SEC. 13003. INADMISSIBILITY OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF DRUG TRAFFICKERS.

Section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C.1182 (a)(2)(C)) is amended to read as follows:

''(C) CONTROLLED SUBSTANCE TRAFFICKERS.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien—

''(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, or conspirator with others in the illicit trafficking in any such controlled or listed substance or chemical; or

''(ii) is the spouse or adult child of an alien inadmissible under clause (i), has, during the preceding 5-year period, 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 the illicit activity.''.

SEC. 13004. INADMISSIBILITY OF PERSONS INVOLVED IN INTERNATIONAL ALIEN SMUGGLING.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(6), by striking subparagraph (E) and inserting the following:

''(E) SMUGGLERS.—Any alien is inadmissible if, at any time, the alien has knowingly encouraged, induced, assisted, abetted, or aided for financial gain or profit any other alien—

"(i) to enter or try to enter the United States in violation of law; or

"(ii) to enter or try to enter any other country, if that alien knew or reasonably should have known that the entry or attempted entry was likely to be in furtherance of the entry or attempted entry by that alien into the United States in violation of law."; and

(2) in subsection (d)(11), by inserting "or to enter any other country in furtherance of an entry or attempted entry into the United States in violation of law" before the period at the end.

Subtitle E—Alien Smuggling

SEC. 14001. FORFEITURE FOR ALIEN SMUGGLING.

(a) CIVIL FORFEITURE.—Section 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) The following property shall be subject to seizure and forfeiture:

"(A) Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being

used in the commission of a violation of subsection (a).

"(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 it appears and inserting "property".

(b) CRIMINAL FORFEITURE.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended—

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

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

"(c) CRIMINAL FORFEITURE.—

"(1) Any person convicted of a violation of subsection (a) shall forfeit to the United States, irrespective of any provision of State law—

"(A) any conveyance, including any vessel, vehicle, or aircraft 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) The court, in imposing sentence on a person described in paragraph, shall order that the person forfeit to the United States all property described in this subsection.

"(3) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, 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 413(d) which shall not apply to forfeitures under this subsection.''.

Subtitle F—Trafficking in Chemicals Used To Produce Drugs

SEC. 15001. IMPORT AND EXPORT OF CHEMICALS USED TO PRODUCE ILLICIT DRUGS.

(a) NOTIFICATION PRIOR TO TRANSACTION.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended—

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

''(a) NOTIFICATION PRIOR TO TRANSACTION.—Each person who proposes to engage in a transaction involving the importation or exportation of a listed chemical that 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, such notice shall be made as provided in that section.'';

(2) in subsection (c)(1)—

(A) by striking ''(other than a regulated transaction to which the requirement of subsection (a) does not apply by reason of subsection (b))'';

(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), respectively; and

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

''(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, 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 at the time the information is needed to satisfy requirements of the importing or exporting country. The Attorney General shall provide notice of these additional requirements specifically identifying the listed chemicals and countries involved.".

(b) SHIPMENT OF CONTROLLED SUBSTANCES.—Section 1004 of the Controlled Substances Import and Export Act (21 U.S.C. 954) is amended to read as follows:

"SEC. 1004. TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED SUBSTANCES.

"(a) IN GENERAL.—Notwithstanding sections 952, 953, 957, and 971, and subject to this section—

"(1) a controlled substance in schedule I may be imported into the United States for transshipment to another country or for transference or transshipment from 1 vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation, only if—

"(A) evidence is furnished that 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

"(B) the substance is imported, transferred, or transshipped with the prior written approval of the Attorney General (which shall be granted or denied not later than 21 days after the date on which the request is made) based on a determination that the requirements of this section and the applicable subsections of sections 952 and 953 have been satisfied; and

"(2) a controlled substance in schedule II, III, or IV or a listed chemical may be imported, transferred, or transshipped only if—

"(A) evidence is furnished that enables the Attorney General to determine that the substance or chemical being imported, transferred, or transshipped will be used for scientific, medical, or other legitimate purposes in the country of destination; and

"(B) advance notification (in such form and containing such information as the Attor-

ney General may require by regulation) 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 is not affected by this subsection).

''(b) APPLICABILITY OF OTHER LAW.—

''(1) SECTIONS 1002 AND 1003.—Any importation, transfer, or transshipment described in subsection (a) of a controlled substance shall be subject to the applicable provisions of sections 1002 and 1003. 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) SECTION 1018.—Any importation, transfer, or transshipment described in subsection (a) of a listed chemical shall be subject to all the requirements of section 1018, 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) SUSPENSION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the importation, transfer, or transshipment of a controlled substance or listed chemical may be suspended if any requirement of subsection (a) is not satisfied.

"(B) WITHDRAWAL.—The Attorney General may withdraw a suspension order issued under this paragraph if—

"(i) the requirements of subsection (a) are ultimately satisfied; and

"(ii) no grounds exist under paragraphs (1) or (2) of this subsection to suspend the shipment.

"(c) SUSPENSION OF EXPORTATION.—The suspension of any exportation of a controlled substance or listed chemical shall be subject to the procedures and requirements established in section 1018(c).

"(d) PLACING UNDER SEAL.—

"(1) IN GENERAL.—The Attorney General may place under seal any shipment of a controlled substance or listed chemical that—

"(A) has been imported or is subject to the jurisdiction of the United States; and

"(B) is subject to a suspension order suspending the importation, transfer, transshipment, or exportation of the controlled substance or listed chemical.

"(2) PROHIBITION ON DISPOSITION.—No disposition may be made of any controlled substance or listed chemical under seal subject to paragraph (1) until the suspension order becomes final.

"(3) ORDER OF SALE.—Notwithstanding paragraphs (1) and (2), a court, upon application, 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.

"(4) DISPOSAL.—Upon a suspension order becoming final under this subsection, the shipment, at the discretion of the Attorney General and subject to such conditions as the Attorney General may impose, may be disposed of as follows:

"(A) The titleholder may be allowed to return the shipment to any of the facilities of the original exporter in the country of exportation.

"(B) The shipment may be exported, subject to the requirements of section 1003 or 1018, as appropriate, to a new consignee.

"(5) SURRENDER.—The shipment may be surrendered to the Attorney General for appropriate disposition and all costs associated with this disposition shall be the responsibility of the titleholder. If there are any proceeds from the disposition, the proceeds shall be applied to the repayment of the costs and any excess proceeds shall be returned to the titleholder.

"(6) FORFEITURE.—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.

"(e) EFFECT ON OTHER LAW.—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) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively;

(2) in paragraph (6), as redesignated, by striking "1018(e) (2) or (3)" and inserting "1018(e)(4) or (5)";

(3) in paragraph (7), as redesignated, by inserting "or violates section 1004," after "1007 or 1018 of this title"; and

(4) by inserting after paragraph (4) the following:

"(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—

"(A) 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 paragraph (1), (2), or (3) of section 1018(e); or

"(B) misrepresenting the actual country of final destination of the listed chemical, or the actual listed chemical being imported or exported;".

(d) INJUNCTIONS.—Section 1011 of the Controlled Substances Import and Export Act (21 U.S.C. 961) is amended to read as follows:

"SEC. 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 10 years.".

Subtitle G—Arms Trafficking

SEC. 16001. ENHANCED TOOLS TO INVESTIGATE ILLICIT ARMS TRAFFICKING.

Section 40(h) of the Arms Export Control Act (22 U.S.C. 2780(h)) is amended to read as follows:

"(h) EXEMPTIONS FOR TRANSACTIONS SUBJECT TO NATIONAL SECURITY ACT REPORTING REQUIREMENTS OR ARISING OUT OF A CRIMINAL INVESTIGATION.—The prohibitions contained in this section do not apply with respect to any transaction—

"(1) subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.); or

"(2) arising out of an investigation by a Federal law enforcement agency concerning possible criminal violations of United States law.".

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