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106TH CONGRESS
1ST SESSION

S. 899

To reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 1999

Mr. HATCH (for himself, Mr. THURMOND, Mr. SPECTER, Mr. DEWINE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. SESSIONS, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the "21st Century Justice Act of 1999".

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

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

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SEC. 2. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—NEW MILLENNIUM LAW ENFORCEMENT ASSISTANCE

SEC. 1001. SHORT TITLE.

This title may be cited as the ''New Millennium Law Enforcement Assistance Act''.

Subtitle A—Local Law Enforcement Block Grants

SEC. 1101. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Local Government Law Enforcement Block Grant Act of 1999''.

(b) DEFINITIONS.—In this subtitle:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(2) JUVENILE.—The term ''juvenile'' means an individual who is 17 years of age or younger.

(3) LAW ENFORCEMENT EXPENDITURES.—The term ''law enforcement expenditures'' means the current operation expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census.

(4) PART 1 VIOLENT CRIMES.—The term ''part 1 violent crimes'' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(5) PAYMENT PERIOD.—The term ''payment period'' means each 1-year period beginning on Oc-

tober 1 of any year in which a grant under this subtitle is awarded.

(6) 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, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1105(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a general purpose unit of local government, as determined by the Secretary of Commerce for general statistical purposes, including a parish sheriff in the State of Louisiana at the parish level;

(B) the District of Columbia and the recognized governing body of an Indian tribe or

Alaska Native village that carries out substantial governmental duties and powers; and

(C) the Commonwealth of Puerto Rico, in addition to being considered a State, for the purposes set forth in section 1102(a)(2).

SEC. 1102. PAYMENTS TO LOCAL GOVERNMENTS.

(a) PAYMENT AND USE.—

(1) PAYMENT.—The Director shall pay to each unit of local government that qualifies for a payment under this subtitle an amount equal to the sum of any amounts allocated to such unit under this subtitle for each payment period. The Director shall pay such amount from amounts appropriated to carry out this subtitle.

(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

(ii) Paying overtime to presently employed law enforcement officers and necessary support

personnel for the purpose of increasing the number of hours worked by such personnel.

(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

(B) Enhancing security measures—

(i) in and around schools; and

(ii) in and around any other facility or location that is considered by the unit of local government to have a special risk for incidents of crime.

(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

(D) Establishing or supporting drug courts.

(E) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.

(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

(G) Enhancing programs under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

(H) Establishing cooperative task forces between adjoining units of local government to work cooperatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug or gang-related involvement.

(I) Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government, that works with Federal law enforcement officials to prevent and control crime.

(J) Establishing or supporting programs designed to collect, record, retain, and disseminate information useful in the identification, prosecution, and sentencing of offenders, such as criminal history information, fingerprints, DNA tests, and ballistics tests.

(3) DEFINITIONS.—In this subsection—

(A) the term ''drug courts'' means a program that involves—

(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

(ii) the integrated administration of other sanctions and services, which shall include—

(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(II) substance abuse treatment for each participant;

(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational

job training, job placement, and housing placement; and

(B) the term ''violent offender'' means a person charged with committing a part I violent crime.

(b) PROHIBITED USES.—Notwithstanding any other provision of this subtitle, a unit of local government may not expend any of the funds provided under this subtitle to purchase, lease, rent, or otherwise acquire—

(1) tanks or armored personnel carriers;

(2) fixed wing aircraft;

(3) limousines;

(4) real estate;

(5) yachts;

(6) consultants; or

(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government. With regard to paragraph (2), such circumstances shall be deemed to exist with respect to a unit of local government in a rural State, as defined in section 1501 of the Omnibus Crime Control and Safe Streets Act of

1968 (42 U.S.C. 3796bb), upon certification by the chief law enforcement officer of the unit of local government that the unit of local government is experiencing an increase in production or cultivation of a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), and that the fixed wing aircraft will be used in the detection, disruption, or abatement of such production or cultivation.

(c) TIMING OF PAYMENTS.—The Director shall pay each unit of local government that has submitted an application under this subtitle not later than the later of—

(1) 90 days after the date on which that the amount is available; or

(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 1104(c).

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Director shall adjust a payment under this subtitle to a unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director de-

termines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

(A) paid to the unit from amounts appropriated under the authority of this section; and

(B) not expended by the unit within 2 years after receipt of such funds from the Director.

(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Di-

rector shall reduce payment in future payment periods accordingly.

(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after 5 years following the date of enactment of this Act shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this subtitle to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this subtitle, be made available from State or local sources.

(h) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a program or proposal funded under this subtitle. No funds provided under this subtitle may be used as matching funds for any other Federal grant program.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subtitle $750,000,000 for each of fiscal years 2000 through 2005.

(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of fiscal years 2000 through 2005 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this subtitle, and assuring compliance with the provisions of this subtitle and for administrative costs to carry out the purposes of this subtitle. From the amount described in the preceding sentence, the Bureau of Justice Assistance shall receive such sums as may be necessary for the actual costs of administration and monitoring. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

(c) FUNDING SOURCE.—Appropriations for activities authorized in this subtitle may be made from the Violent Crime Reduction Trust Fund.

(d) TECHNOLOGY ASSISTANCE.—Of the amount appropriated under subsection (a) for each of fiscal years 2000 through 2005, the Attorney General shall reserve 3 percent of the amount authorized to the Office of Justice

Programs, relying principally on the expertise of the Bureau of Justice Statistics, for distribution in a manner consistent with the Crime Identification Technology Act of 1998 (title I of Public Law 105–251; 42 U.S.C. 14601), for State and local information and identification technology, including access to the Integrated Automated Fingerprint Identification System (IAFIS), DNA, and ballistics systems.

(e) AVAILABILITY.—The amounts appropriated under subsection (a) shall remain available until expended.

SEC. 1104. QUALIFICATION FOR PAYMENT.

(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this subtitle.

(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this subtitle.

(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this subtitle for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

(1) the unit of local government has established a local advisory board that—

(A) includes, but is not limited to, a representative from—

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

(ii) the local prosecutor's office;

(iii) the local court system;

(iv) the local public school system; and

(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

(B) has reviewed the application; and

(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this subtitle;

(2) the chief executive officer of the State has had not less than 20 days to review and comment on the application before submission to the Director;

(3)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this subtitle; and

(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

(4) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

(5) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines, which shall be prescribed by the Director after consultation with the Comptroller General of the United States and, as applicable, amounts received under this subtitle shall be audited in compliance with the Single Audit Act of 1984;

(6) after reasonable notice from the Director or the Comptroller General of the United States to the unit of local government, the unit of local government will make available to the Director and the Comptroller General of the United States, with the right to inspect, records that the Director reasonably requires to review compliance with this subtitle or that the Comptroller General of the United States

reasonably requires to review compliance and operation;

(7) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this subtitle;

(8) the unit of local government will spend the funds made available under this subtitle only for the purposes set forth in section 1102(a)(2);

(9) the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service if such unit uses funds received under this subtitle to increase the number of law enforcement officers as described under section 1102(a)(2)(A);

(10) the unit of local government—

(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under section 1102(a)(2)(B), or any crime prevention programs that are established under subparagraphs (C) and (E) of section 1102(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

(B) will conduct such an assessment with respect to each such enhancement or program; and

(C) will submit an annual written assessment report to the Director; and

(11) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this subtitle. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of enactment of this Act of their eligibility for the employment preference.

(d) SANCTIONS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

(A) has taken the appropriate corrective action; and

(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this subtitle for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bu-

reau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

SEC. 1105. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) STATE SET-ASIDE.—

(1) IN GENERAL.—Of the total amounts appropriated for this subtitle for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

(2) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.5 percent of the total amounts appropriated under section 1103 under this subsection for each payment period.

(3) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (2) for any payment period are insufficient to pay in full the total

payment that any State is otherwise eligible to receive under paragraph (1) for such period, the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

(b) LOCAL DISTRIBUTION.—

(1) AMOUNT OF ALLOCATION.—From the total amount allocated for all units of local government in a State under subsection (a), the Director shall allocate to each unit of local government an amount which bears the same ratio to such total amount as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(2) EXPENDITURES.—

(A) IN GENERAL.—The amount allocated to a unit of local government under paragraph (1) for a payment period may not exceed 100 percent of law enforcement expenditures of the unit of local government for such payment period.

(B) REALLOCATION.—The portion of the amount allocated to a unit of local government that is not available to such unit of local government by operation of subparagraph (A) shall be allocated on a pro rata basis among units of local government that are not affected by the operation of subparagraph (A) in accordance with this subsection.

(3) LOCAL GOVERNMENTS WITH ALLOCATIONS OF LESS THAN $5,000.—If the amount allocated to a unit of local government under paragraph (1) for a payment period is less than $5,000, the amount allocated shall be transferred to the chief executive officer of the State, who shall distribute the amount among State police departments that provide law enforcement services to units of local government and units of local government whose allotment is less than that amount in a manner that reduces crime and improves public safety.

(4) SPECIAL RULE.—If a unit of local government in a State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this subsection, the Director shall pay the amount that would have been allocated to such unit of local government under this subsection to the unit of local government that annexed that unit of local government.

(5) RESOLUTION OF DISPARATE ALLOCATIONS.—

(A) DEFINITION OF GEOGRAPHICALLY CONSTITUENT UNIT OF LOCAL GOVERNMENT.—In this paragraph, the term ''geographically constituent unit of local government'' means a unit of local government, as defined in section 1101(b) and regardless of eligibility, that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to this paragraph has jurisdiction.

(B) REQUEST FOR CERTIFICATION.—Notwithstanding any other provision of this subtitle, a unit of local government under the jurisdiction of a State may submit to the attorney general of the State a request for certification

under subparagraph (C) if such unit of local government received funds during fiscal year 1998 pursuant to a joint spending plan under the Local Law Enforcement Block Grant Program pursuant to H.R. 728, as passed by the House of Representatives on February 14, 1995.

(C) CERTIFICATION.—Not later than 30 days after receipt of a request for certification under subparagraph (B), the attorney general of the State shall either—

(i) make such a certification, if the attorney general determines that—

(I) the unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part I violent crimes reported by a specified geographically constituent unit of local government; and

(II) but for this paragraph, the amount of funds allocated under this title to—

(aa) any 1 specified geographically constituent unit of

local government exceeds 200 percent of the amount allocated to the unit of local government described in subclause (I); or

(bb) more than 1 specified geographically constituent unit of local government (excluding the units of local government referred to in item (aa) and in paragraph (4)), exceeds 400 percent of the amount allocated to the unit of local government described in subclause (I); and

(III) such allocation is likely to threaten the efficient administration of justice; or

(ii) if the attorney general determines that the requirements of clause (i) are not met, decline to make such a certification.

(D) EFFECT OF CERTIFICATION.—

(i) IN GENERAL.—If the attorney general of a State makes a certification under subparagraph (C)(i), the unit of local government, together with the specified geographically constituent units of local gov-

ernment described in subparagraph (C)(i)(II) may submit to the Director a joint spending plan reflecting the combined plan for such units of local government.

(ii) CONTENTS OF JOINT SPENDING PLAN.—Each joint spending plan submitted under this subparagraph shall specify the amount of such funds that are to be distributed to each of unit of local government and the purposes for which those funds are to be used.

(iii) JOINT LOCAL ADVISORY BOARD.—Any units of local government submitting a joint spending plan under this subparagraph may establish a joint local advisory board to carry out this subparagraph.

(c) GRANTS TO INDIAN TRIBES.—Notwithstanding subsections (a) and (b), of the amount appropriated under section 1103(a) in each of fiscal years 2000 through 2005, the Attorney General shall reserve 0.3 percent for grants to Indian tribal governments performing law enforcement functions, to be used for the purposes described in section 1102. To be eligible to receive a grant with amounts set aside under this subsection, an Indian tribal government

shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(d) GRANTS TO PUERTO RICO.—The Commonwealth of Puerto Rico may distribute any portion of a grant received under this subtitle to units of local government within the Commonwealth of Puerto Rico for purposes consistent with this subtitle.

(e) UNAVAILABILITY AND INACCURACY OF INFORMATION.—

(1) DATA FOR STATES.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable, insufficient, or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this subtitle.

(2) POSSIBLE INACCURACY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—In addition to the provisions of paragraph (1), if the Director believes that the reported rate of part 1 violent crimes or legal expenditure information for a unit of local government is insufficient or inaccurate, the Director shall—

(A) investigate the methodology used by such unit to determine the accuracy of the submitted data; and

(B) when necessary, use the best available comparable data regarding the number of violent crimes or legal expenditure information for such years for such unit of local government.

SEC. 1106. UTILIZATION OF PRIVATE SECTOR.

Funds or a portion of funds allocated under this subtitle may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1102(a)(2).

SEC. 1107. PUBLIC PARTICIPATION.

(a) IN GENERAL.—A unit of local government expending payments under this subtitle shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

(b) VIEWS.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget.

(c) TIME AND PLACE.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

SEC. 1108. ADMINISTRATIVE PROVISIONS.

The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782 et seq.), shall apply to this subtitle and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) shall be deemed to be a reference to this subtitle.

Subtitle B—New Millennium Public Safety And Policing Grants

SEC. 1201. AUTHORITY TO MAKE PUBLIC SAFETY AND POLICING GRANTS.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) to read as follows:

"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND POLICING GRANTS.

''(a) GRANT AUTHORIZATION.—Subject to the requirements of this part, the Attorney General may make grants (to be known as 'New Millennium Public Safety and Policing Grants') to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof—

''(1) to increase police presence;

''(2) to develop, implement, and expand law enforcement strategies which emphasize zero-tolerance

policing, crime mapping, and command accountability to target high-crime areas; and

"(3) to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems.

"(b) USES OF GRANTS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

"(A) hire and train new, additional career law enforcement officers, or pay overtime to existing career law enforcement officers, for the purposes described in subsection (a);

"(B) retain career law enforcement officers hired with Federal assistance after January 1, 1995;

"(C) procure equipment, technology, and computer systems, or hire support personnel, for the implementation of zero-tolerance policing, crime mapping, and command accountability;

"(D) procure equipment and law enforcement or civilian support personnel to expand coverage, enhance law enforcement presence,

and improve law enforcement response time in rural areas; and

"(E) 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.

"(2) LIMITATION ON USE.—Not more than 60 percent of the funds received by a government, entity, or consortia under a grant made under subsection (a) may be used for purposes specified in paragraph (1)(C).

"(c) TROOPS-TO-COPS PROGRAMS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers, particularly in communities that are adversely affected by the recent closure of a military installation.

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within

the meaning of section 1141 of title 10, United States Code.

"(d) ADDITIONAL USES OF GRANTS.—Grants made under subsection (a) may also be used for programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) promote the active involvement of citizens in neighborhood crime control and prevention activities, such as Neighborhood Watch programs, neighborhood video monitoring, and citizen ride-along programs;

"(3) augment, for a period not to exceed 90 days (which may be extended at the discretion of the Attorney General), law enforcement personnel in a State or political subdivision thereof with law enforcement personnel on loan or temporary transfer from another jurisdiction in the same State or another State or political subdivision thereof if—

"(A) the chief executive officer of the State seeking the augmentation certifies that the State or political subdivision thereof is experi-

encing temporary emergency civil or criminal disorder, such as rioting or looting, requiring the deployment of additional law enforcement officers;

''(B) the chief executive of such State certifies that the State or political subdivision thereof requires the deployment of additional law enforcement officers to respond to the aftermath of an act of terrorism; or

''(C) such State or political subdivision thereof is the site of a designated special event pursuant to Presidential Decision Directive 62, issued May 22, 1998;

''(4) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

''(5) increase police participation in multidisciplinary early intervention teams;

''(6) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crimes;

"(7) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

"(8) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances; and

"(9) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring.

"(e) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to applications that involve a non-Federal contribution exceeding the 25-percent minimum under subsection (i).

"(f) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to States, units of

local government, Indian tribal governments, and other public and private entities in furtherance of the purposes of this part.

"(g) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

"(h) MINIMUM AMOUNT.—

"(1) IN GENERAL.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection.

"(2) QUALIFYING STATE DEFINED.—In this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(i) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the At-

torney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

''(j) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).''.

SEC. 1202. APPLICATIONS FOR GRANTS.

Section 1702(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1(c)) is amended—

(1) in paragraph (8)—

(A) by striking ''hiring or rehiring additional'' and inserting ''the hiring or retention of''; and

(B) by striking ''hiring level'' and inserting ''hiring or retention level''; and

(2) in paragraph (10), by striking ''community-oriented'' and all that follows and inserting ''imple-

menting zero tolerance policing, crime mapping, and command accountability programs to target high-crime areas or, if applicable, improve law enforcement presence and response time in rural areas; and''.

SEC. 1203. RENEWAL OF GRANTS.

(a) IN GENERAL.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended—

(1) by striking ''hiring or rehiring additional'' each place it appears and inserting ''the hiring or retention of''; and

(2) by striking ''5 years'' each place it appears and inserting ''4 years''.

(b) CONFORMING AMENDMENT.—The subsection heading of subsection (b) of that section is amended by inserting ''OR RETENTION'' after ''FOR HIRING''.

SEC. 1204. LIMITATION ON USE OF FUNDS.

(a) IN GENERAL.—Section 1704(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3(c)) is amended—

(1) by striking ''or rehiring''; and

(2) by inserting '', and funding provided under this part for retaining a career law enforcement offi-

cer under section 1701(b)(1)(B) may not exceed $50,000,'' after ''$75,000''.

(b) CONFORMING AMENDMENT.—The subsection heading for that section is amended by inserting ''AND RETENTION'' after ''HIRING''.

SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (v);

(B) by striking the period at the end of clause (vi) and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $400,000,000 for each of fiscal years 2001 through 2005.''; and

(2) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)'';

(B) by designating the third, fourth, and fifth sentences as clauses (iii), (iv), and (v), respectively, and in clause (iii), as so designated, by striking ''Of the remaining funds,'' and inserting ''Of the funds remaining after the application of clauses (i) and (ii),''; and

(C) by inserting after clause (i), as so designated, the following new clause:

"(ii) Of the funds remaining after the application of clause (i), the Attorney General shall allocate up to 10 percent of the funds for grants to communities experiencing crime rates at least one and one half times greater than the national average. Such grants shall be made without regard to the requirements of section 1701(i).".

SEC. 1206. CLERICAL AMENDMENTS.

(a) PART HEADING.—The part heading for part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"PART Q—NEW MILLENNIUM PUBLIC SAFETY AND POLICING GRANTS".

(b) TABLE OF CONTENTS.—The table of contents of title I of that Act is amended by striking the items relating to part Q and to section 1701 and inserting the following new items:

"PART Q—NEW MILLENNIUM PUBLIC SAFETY AND POLICING GRANTS

"1701. Authority to make public safety and policing grants.".

Subtitle C—Crime Identification Technology Act Improvements

SEC. 1301. FINDINGS.

Congress makes the following findings:

(1) The Crime Identification Technology Act of 1998 (title I of Public Law 105–251; 112 Stat. 1871; 42 U.S.C. 14601) was enacted on October 9, 1998, to assist State and local justice systems to develop integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement agencies, courts, prosecutors, and corrections, as well as to upgrade the Nation's crime laboratories.

(2) The Crime Identification Technology Act of 1998 authorizes $250,000,000 for assistance to States each year, for five years, for a broad range of crime technology activities.

(3) State and local governments are at a crucial juncture in the development and integration of their criminal justice technology. The Crime Identification Technology Act of 1998 provides for system integration for criminal justice purposes, permitting all components of criminal justice to share information and communicate more effectively, on a real-time basis. Anticrime technology available today will allow law enforcement to solve more crime, more rapidly, and to pursue increasingly sophisticated, mobile criminals.

(4) The Crime Identification Technology Act of 1998 also responds to the tremendous need to consolidate the patchwork of Federal programs, which have funded specific areas of anticrime technology to the exclusion of others. Between 1993 and 1998, the Federal Government has provided more than $1,000,000,000 for such technology through more than 60 separate Federal programs.

(5) The Crime Identification Technology Act of 1998 offers a dedicated, coordinated stream of funding to help States develop and upgrade their anticrime technology from the patchwork of existing programs, integrate law enforcement and public safety records and communications, and integrate and interface with national criminal information and public safety databases, thereby providing States the flexibility to meet their current technology needs consistent with Federal investments in national databases for criminal records, automated fingerprints, DNA, ballistics, and other technologies.

SEC. 1302. CRIME IDENTIFICATION TECHNOLOGY ACT IMPROVEMENTS.

(a) USE OF PROGRAM FUNDS FOR CRIME TRACKING AND FORECASTING GRANTS.—Subsection (b) of section 102 of the Crime Identification Technology Act of 1998

(title I of Public Law 105–251; 112 Stat. 1871; 42 U.S.C. 14601) is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; and''; and

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

''(17) systems to provide real-time information about street crime in order to facilitate development of crime forecasting models, crime analysis, and other information to assist policing activities to address and prevent crime.''.

(b) INCREASED AUTHORIZATIONS FOR GRANTS UNDER PROGRAM.—Subsection (e)(1) of that section is amended by striking ''this section'' and all that follows and inserting ''this section:

''(A) $250,000,000 for fiscal year 1999.

''(B) $500,000,000 for each of fiscal years 2000 through 2003.''.

SEC. 1303. VIOLENT OFFENDER DNA IDENTIFICATION.

(a) ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.—

(1) DEVELOPMENT OF PLAN.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(B) OBJECTIVE.—The objective of the plan developed under subparagraph (A) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(2) PLAN CONDITIONS.—The plan developed under paragraph (1) shall—

(A) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing

methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(B) require that each DNA sample collected and analyzed be accessible only—

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

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

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

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

(3) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under paragraph (4), the Director of the Federal Bureau of Investiga-

tion, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to paragraph (1) with State and local forensic laboratories that elect to participate.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this subsection $15,000,000 for each of fiscal years 2000 and 2001.

(b) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

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

(c) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-

tion 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''persons convicted of crimes'' and inserting ''individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

(3) by adding at the end the following:

''(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

''(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this sub-

section, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

"(i) a list of qualifying offenses; and

"(ii) standards and procedures for—

"(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

"(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

"(III) the expungement of DNA identification records and DNA analyses described in subclause (II) from

the index established by this section in any circumstance in which the underlying conviction or adjudication for the qualifying offense has been reversed or expunged.

"(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

"(i) each criminal offense or act of juvenile delinquency under Federal law that—

"(I) constitutes a crime of violence; or

"(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

"(ii) each criminal offense under the District of Columbia Code that would, if committed in the special maritime and territorial jurisdiction of the United States, constitute a crime of violence; and

"(iii) any other felony offense under Federal law or the District of Columbia

Code, as determined by the Director of the Federal Bureau of Investigation.

"(3) FEDERAL OFFENDERS.—

"(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who has been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

"(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or pro-

bation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

"(4) DISTRICT OF COLUMBIA OFFENDERS.—

"(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

"(i) IN GENERAL.—The Government of the District of Columbia may—

"(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

"(II) collect a DNA sample from each individual in any category identified under clause (i).

"(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody

of, or under supervision by, the District of Columbia'—

"(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

"(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

"(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is

on supervised release, parole, or probation who has been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

"(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

"(A) waive the collection of a sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

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

"(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the

Secretary of Defense shall prescribe regulations that—

"(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

"(B) set forth standards and procedures for—

"(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense;

"(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i); and

"(iii) the expungement of DNA identification records and DNA analyses described in clause (ii) from the index established by this section in any circumstance in which the underlying conviction for the qualifying military offense has been re-

versed or the underlying record has been expunged for any other reason.

"(2) COLLECTION OF SAMPLES.—

"(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has been convicted of a qualifying military offense.

"(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

"(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

"(A) waive the collection of a sample from an individual under this subsection if another person or agency has collected such a sample from the individual under subsection (d); and

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

"(f) CRIMINAL PENALTY.—

"(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required under subsection (d) who fails to cooperate in the collection of that sample shall be—

"(A) guilty of a class A misdemeanor; and

"(B) punished in accordance with title 18, United States Code.

"(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required under subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 1303(e) of the New Millennium Law Enforcement Assistance Act—

"(A) $6,600,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

"(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

"(3) to the Department of Defense to carry out subsection (e)—

"(A) $600,000 for fiscal year 2000; and

"(B) $300,000 for each of fiscal years 2001 through 2004.".

(d) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

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

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the col-

lection of such a sample is required pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(e) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking ‘‘, at regular intervals of not to exceed 180 days,’’ and inserting ‘‘semiannual’’.

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking ‘‘, at regular intervals not exceeding 180 days,’’ and inserting ‘‘semiannual’’.

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking ‘‘, at regular intervals of not to exceed 180 days,’’ and inserting ‘‘semiannual’’.

Subtitle D—Protection of State and Local Police and Corrections Officers

CHAPTER 1—STATE CORRECTIONAL OFFICERS AND OTHER STATE OFFICIALS

SEC. 1401. KILLING PERSONS AIDING FEDERAL INVESTIGATIONS OR STATE CORRECTIONAL OFFICERS.

Section 1121 of title 18, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by inserting ‘‘, State, or joint Federal-State’’ after ‘‘a Federal’’; and

(2) in subsection (b)(3)—

(A) in subparagraph (A), by striking ‘‘or’’ at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ‘‘; or’’; and

(C) 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.’’.

CHAPTER 2—ACCESS TO BODY ARMOR; DONATIONS OF BODY ARMOR

SEC. 1411. SHORT TITLE.

This chapter may be cited as the ''James Guelff Body Armor Act of 1999''.

SEC. 1412. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(3) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(4) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor; and

(5) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies.

SEC. 1413. DEFINITIONS.

In this chapter:

(1) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale, in interstate or foreign commerce, 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.

(2) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency 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.

(3) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of the United States, a State, or a polit-

ical 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.

SEC. 1414. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

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

SEC. 1415. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms ''Federal agency'' and ''surplus property'' have the meanings

given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

CHAPTER 3—GRANT PROGRAMS FOR PURCHASE OF BODY ARMOR AND VIDEO CAMERAS

SEC. 1421. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bul-

lets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has

concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 1422. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place it appears and inserting ''this subpart''; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a

State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regu-

lations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) 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)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States,

units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement As-

sistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal

government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block

Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

''In this subpart—

''(1) 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));

''(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any vio-

lation of criminal law, or authorized by law to supervise sentenced criminal offenders;

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

"(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

"(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.".

(c) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

"PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

"SUBPART A—GRANT PROGRAM FOR ARMOR VESTS"; AND

(2) by adding at the end of the matter relating to part Y the following:

"SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

"2511. Program authorized.
"2512. Applications.
"2513. Definitions.

"SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

"2521. Program authorized.
"2522. Applications.
"2523. Definitions.".

SEC. 1423. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the

assistance, purchase only American-made equipment and products.

SEC. 1424. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

"(1) IN GENERAL.—The Institute is authorized to—

"(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

"(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

"(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

"(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.".

SEC. 1425. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the portion"; and

(2) by adding at the end the following:

"(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

CHAPTER 4—MISCELLANEOUS

SEC. 1431. INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING.

(a) IN GENERAL.—Subsection (a) of section 701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended—

(1) in paragraph (1)—

(A) by striking ''State or unit of local government'' and inserting ''State, unit of local government, or rail carrier''; and

(B) by inserting '', including railroad police officers'' before the semicolon; and

(2) in paragraph (3)—

(A) by striking ''State or unit of local government'' inserting ''State, unit of local government, or rail carrier'';

(B) by inserting ''railroad police officers,'' after ''deputies,'';

(C) by striking ''State or such unit'' and inserting ''State, unit of local government, or rail carrier''; and

(D) by striking ''State or unit'' and inserting ''State, unit of local government, or rail carrier''.

(b) RAIL CARRIER COSTS.—That section is further amended by adding at the end the following:

''(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).''.

(c) DEFINITIONS.—That section, as amended by subsection (b) of this section, if further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section—

''(1) the terms 'rail carrier' and 'railroad' have the meanings given such terms in section 20102 of title 49, United States Code; and

''(2) the term 'railroad police officer' means a peace officer who is commissioned in his or her State of legal residence or State or primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.''.

TITLE II—COMBATTING DRUGS AND CRIME

Subtitle A—New Millennium Drug Free Act

SEC. 2001. SHORT TITLE.

This subtitle may be cited as the ''New Millennium Drug Free Act''.

CHAPTER 1—INTERNATIONAL SUPPLY REDUCTION

Subchapter A—International Crime

PART I—INTERNATIONAL CRIME CONTROL

SEC. 2011. SHORT TITLE.

This part may be cited as the ''International Crime Control Act of 1999''.

SEC. 2012. FELONY PUNISHMENT FOR VIOLENCE COMMITTED ALONG THE UNITED STATES BORDER.

(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) CLERICAL 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.''.

PART II—STRENGTHENING MARITIME LAW ENFORCEMENT ALONG UNITED STATES BORDERS

SEC. 2021. 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 this section—

"(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 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 property 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 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) CLERICAL 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. 2022. 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) CLERICAL AMENDMENT.—The table of contents at the beginning of 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. 2023. 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) 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.''.

PART III—SMUGGLING OF CONTRABAND AND OTHER ILLEGAL PRODUCTS

SEC. 2031. SMUGGLING CONTRABAND AND OTHER GOODS FROM THE UNITED STATES.

(a) IN GENERAL.—

(1) SMUGGLING GOODS FROM UNITED STATES.—Chapter 27 of title 18, United States Code, as amended by section 2012(a) 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) CLERICAL 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. 2032. 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 enters or" and inserting the following:

"(a) Whoever—

"(1) enters or"; and

(6) in subsection (a) (as designated by paragraph (5) of this subsection), by inserting after paragraph (2) (as 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) CLERICAL 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. 2033. FALSE CERTIFICATIONS RELATING TO EXPORTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 2021(a) 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) CLERICAL 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.''.

PART IV—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS

SEC. 2041. 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 or 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 en-

forcement 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.

"(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. 2042. EXTRADITION ABSENT A TREATY.

Chapter 209 of title 18, United States Code, as amended by section 2041 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.—

"(1) DELEGATION BY ATTORNEY GENERAL.—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.

"(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 (g) 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 for-

eign 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. 2043. 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) CLERICAL AMENDMENT.—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. 2044. 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 face prosecution 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.

"(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 custody 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 ex-

tradition would be consistent with United States international obligations.

"(4) 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) CLERICAL 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. 2045. PROHIBITING FUGITIVES FROM BENEFITING FROM FUGITIVE STATUS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§ 2466. Fugitive disentitlement

"A person may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action if that person—

"(1) purposely leaves the jurisdiction of the United States;

"(2) declines to enter or reenter the United States to submit to its jurisdiction; or

"(3) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person.".

(b) CLERICAL 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. 2046. 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 striking "An offender" and inserting "Unless otherwise provided by treaty, an offender".

SEC. 2047. 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 permit 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) CLERICAL 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.".

PART V—SEIZING AND FORFEITING ASSETS OF INTERNATIONAL CRIMINALS

SEC. 2051. 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";

(2) in paragraph (1), by inserting ", or a report required under any order issued pursuant to section 5326" before the semicolon; and

(3) in paragraph (2), by inserting ", or a report required under any order issued pursuant to section 5326," after "any such section".

(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 it appears.

SEC. 2052. CRACKING DOWN ON ILLEGAL MONEY TRANSMITTING BUSINESSES.

Section 1960 of title 18, United States Code, is amended by adding at the end the following:

"(c) For the purposes of proving a violation of this section involving an illegal money transmitting business—

"(1) it shall be sufficient for the government to prove that the defendant knew that the money transmitting business lacked a license required by State law; 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. 2053. EXPANSION OF CIVIL MONEY LAUNDERING LAWS TO REACH 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;

(2) by inserting ''(1)'' after ''(b)''; and

(3) by adding at the end the following:

''(2) For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution registered in 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 the foreign person is made in accordance with the Federal Rules of Civil Procedure or the law of the foreign country in which the foreign person is found.

''(3) The court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.''.

SEC. 2054. PUNISHMENT OF MONEY LAUNDERING 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 any financial institution described in section 5312(a)(2) of title 31, or the regulations promulgated thereunder, as well as any foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7));".

SEC. 2055. AUTHORITY TO ORDER CONVICTED CRIMINALS TO RETURN PROPERTY LOCATED ABROAD.

(a) ORDER OF FORFEITURE.—Subsection (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following: "In the case of property described in paragraph (3), the court may, in addition, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.".

(b) PRETRIAL RESTRAINING ORDER.—Subsection (e) of that section is amended by adding at the end 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. 2056. EXEMPTING FINANCIAL ENFORCEMENT DATA FROM UNNECESSARY DISCLOSURE.

(a) IEEPA.—Section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Information obtained under this title, whether obtained before or after the date of the enactment of this paragraph, may be withheld only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with any transaction prohib-

ited under this title, including license applications, licenses or other authorizations, information or evidence obtained in the course of any investigation, and information obtained or furnished under this title in connection with international agreements, treaties, or obligations shall be withheld from public disclosure, and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of the information is determined by the President to be in the national interest.''.

(b) TRADING WITH THE ENEMY ACT.—Section 5(b) of the Trading with the enemy Act (50 U.S.C. App. 5(b)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

''(2) Information obtained under this Act, whether obtained before or after the date of the enactment of this paragraph, may be withheld only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with any transaction prohibited under this Act, including license applications, licenses or other authorizations, information or evidence obtained in the course of any investigation, and information obtained or furnished under this title in connection with

international agreements, treaties, or obligations shall be withheld from public disclosure, and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of the information is determined by the President to be in the national interest.''.

SEC. 2057. CRIMINAL AND CIVIL PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) INCREASED CIVIL PENALTY.—Subsection (a) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended by striking ''$10,000'' and inserting ''$50,000''.

(b) INCREASED CRIMINAL FINE.—Subsection (b) of that section is amended to read as follows:

''(b) Whoever willfully violates any license, order, or regulation issued under this title 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. 2058. 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''.

SEC. 2059. 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) 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).''.

PART VI—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

SEC. 2071. 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) CLERICAL 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. 2072. TEMPORARY TRANSFER 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) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(3) 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, 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) CLERICAL 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. 2073. TRAINING OF FOREIGN LAW ENFORCEMENT AGENCIES.

Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(7) with respect to assistance, including training, provided for antiterrorism purposes.''.

SEC. 2074. DISCRETIONARY AUTHORITY TO USE FORFEITURE PROCEEDS.

Section 524(c)(1) of title 28, United States Code, is amended by—

(1) by striking ''and'' at the end of subparagraph (H);

(2) redesignating subparagraph (I) beginning with ''after all'' as subparagraph (J);

(3) in subparagraph (J) as so redesignated, by striking the period and inserting ''; and''; and

(4) 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 paragraph (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.".

Subchapter B—International Drug Control

SEC. 2101. ANNUAL COUNTRY PLANS FOR DRUG-TRANSIT AND DRUG PRODUCING COUNTRIES.

Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended by adding at the end the following:

"(i) COUNTRY PLANS FOR MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—

"(1) ANNUAL REQUIREMENT.—Not later than November 1 each year, the President shall submit to Congress a separate plan for the activities to be undertaken by the United States in order to address drug-trafficking and other drug-related matters in each country described in paragraph (2).

"(2) COVERED COUNTRIES.—A country referred to in paragraph (1) is any country—

"(A) that is determined by the President to be a major drug-transit country or a major illicit drug producing country; and

"(B) with which the United States is maintaining diplomatic relations.

"(3) FORM.—Each plan under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.".

SEC. 2102. PROHIBITION ON USE OF FUNDS FOR COUNTER-NARCOTICS ACTIVITIES AND ASSISTANCE.

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated for any fiscal year after fiscal year 1999 for the counterdrug or counternarcotics activities of the United States (including funds appropriated for assistance to other countries for such activities) may be obligated or expended for such activities during the period beginning on November 1 of such fiscal year and ending on the later of—

(1) the date of the notification required in such fiscal year under subsection (h) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j); or

(2) the date of the submittal of the plans required by subsection (i) of that section, as amended by section 2101 of this Act.

(b) LIMITATION ON OVERRIDE.—No provision of law enacted after the date of the enactment of this Act may be construed to override the prohibition set forth in subsection (a) unless such provision specifically refers to such prohibition in effecting the override.

SEC. 2103. SENSE OF CONGRESS REGARDING COLOMBIA.

It is the sense of Congress—

(1) that the provision of counternarcotics assistance to Colombia will not meet the purpose of the

provision of such assistance without meaningful guarantees that no production, manufacturing, or transportation of narcotics takes place in any area in Colombia designated as a so-called ''buffer zone'';

(2) to be concerned regarding continuing reports of human rights violations by units of the Colombia military; and

(3) to reaffirm the policy that no aid, supplies, or other assistance should be provided to any military or law enforcement unit of a foreign country if such unit has engaged in any violation of human rights.

SEC. 2104. SENSE OF CONGRESS REGARDING MEXICO.

It is the sense of Congress that—

(1) the United States and the Government of Mexico should conclude a maritime agreement for purposes of improving cooperation between the United States and Mexico in the interdiction of seaborne drug smuggling;

(2) the maritime agreement should be similar to agreements between the United States and governments of other countries in the Caribbean and Latin America which have proven beneficial to the counterdrug activities of the countries concerned;

(3) the Government of Mexico should carry through on its promises to the United States Government regarding cooperation between such governments in counternarcotics activities, including cooperation in matters relating to extradition, prosecutions for money laundering, and other matters;

(4) the Government of Mexico is to be commended for its cooperation with and support of the United States Government in many law enforcement matters; and

(5) the continuing investigation by the Government of Mexico of United States law enforcement personnel who participated in the money laundering sting operation known as CASABLANCA is an attempt by that government to embarrass and harass such personnel even though such personnel were acting within the scope of United States law and Mexican law in pursuing drug traffickers and money launderers operating both in the United States and in Mexico.

SEC. 2105. SENSE OF CONGRESS REGARDING IRAN.

It is the sense of Congress to express concern that Iran was not included on the most recent list of countries determined to be major drug-transit countries or major

illicit drug producing countries despite recent evidence that Iran is a production and transfer point for narcotics.

SEC. 2106. SENSE OF CONGRESS REGARDING SYRIA.

It is the sense of Congress to express concern that Syria was not included on the most recent list of countries determined to be major drug-transit countries or major illicit drug producing countries despite recent evidence that Syria is a trans-shipment point for narcotics from Turkey and from Afghanistan.

SEC. 2107. BRAZIL.

(a) KING AIR AIRCRAFT FOR DEA ACTIVITIES IN BRAZIL.—Notwithstanding any other provision of law, the Administrator of the Drug Enforcement Administration may—

(1) purchase a King Air aircraft for purposes of Administration activities in Brazil; and

(2) station the aircraft in Brazil for purposes of such activities.

(b) SENSE OF CONGRESS REGARDING ASSISTANCE TO BRAZIL.—It is the sense of Congress—

(1) to encourage the President to review the nature of the cooperation between the United States and Brazil in counternarcotics activities;

(2) to recognize the extraordinary threat that narcotics trafficking poses to the national security of

Brazil and to the national security of the United States;

(3) to applaud the efforts of the Brazil Government to control drug trafficking in and through the Amazon River basin;

(4) to applaud the enactment of legislation by the Brazil Congress that—

(A) authorizes appropriate personnel to damage, render inoperative, or destroy aircraft within Brazil territory that are reasonably suspected to be engaged primarily in trafficking in illicit narcotics; and

(B) contains measures to protect against the loss of innocent life during activities referred to in subparagraph (A), including an effective measure to identify and warn aircraft before the use of force; and

(5) to urge the President to issue a statement outlining the matters referred to in paragraphs (1) through (4) in order to prevent any interruption in the current provision by the United States of operational, logistical, technical, administrative, and intelligence assistance to Brazil.

SEC. 2108. JAMAICA.

(a) REQUIREMENT FOR AERIAL SURVEY.—The President shall take appropriate actions in order to provide for a comprehensive aerial survey of Jamaica for purposes of determining the quantity and location of any marijuana and other illegal drugs being grown in Jamaica.

(b) SENSE OF CONGRESS.—It is the sense of Congress to express disappointment regarding the lack of progress and cooperation between the United States and Jamaica in counternarcotics activities.

SEC. 2109. SENSE OF CONGRESS REGARDING NORTH KOREA.

It is the sense of Congress—

(1) to be concerned with the increase in the number of reports of drug trafficking in and through North Korea;

(2) to encourage the President to submit to Congress the reports, if any, required by law regarding the production and trafficking of narcotics in or through North Korea; and

(3) to express concern that the Department of State has evaded its obligations with respect to North Korea under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), and thereby diminished the significance to the United States of narcotics production and transit in and through

North Korea, in order to enhance cultural exchanges between the United States and North Korea.

Subchapter C—Foreign Military Counter-Drug Support

SEC. 2121. REPORTS AND ANALYSIS.

(a) MONTHLY REPORT.—The Secretary of State and the Secretary of Defense shall submit to the Committee on International Relations and the Committee on National Security of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate each month a report on the current status of any formal letter of request for any foreign military sales of counter narcotics-related assistance from the head of any police, military, or other appropriate security agency official in an Andean Country. Each report shall include—

(1) the date the initial request was made;

(2) the current status of the request;

(3) the remaining approvals needed to process the request;

(4) the date that the request has been approved by all relevant departments and agencies; and

(5) the expected delivery time for the requested material.

(b) ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall review and forward to Congress an analysis of the current foreign military sales program. This review shall focus on—

(1) what, if any, are the current delays in the foreign military sales program;

(2) the manner in which the program can be streamlined;

(3) the manner in which the efficiency of processing requested equipment can be increased; and

(4) what, if any, legislative changes are necessary to improve the program so that the time from request to delivery is minimized.

Subchapter D—Additional Funding For Source and Interdiction Zone Countries

SEC. 2131. SOURCE ZONE COUNTRIES.

In addition to any other amounts available for Colombia, Peru, and Bolivia for counternarcotics operations, there is authorized to be appropriated—

(1) $20,000,000 for Peru for each of fiscal years 2000 and 2001 for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations;

(2) $75,000,000 for Colombia for each of fiscal years 2000 and 2001, for supporting additional surveillance, pursuit of drug aircraft, and general support for counternarcotics operations, including the acquisition of a minimum of 3 Blackhawk helicopters and 2 aerostats; and

(3) $52,000,000 for Bolivia for fiscal year 2000, for counternarcotics programs, including high technology detection equipment for the Chapare region, institution building, and law enforcement support.

SEC. 2132. CENTRAL AMERICA.

In addition to the other amounts available, whether pursuant to an authorization of appropriations in this Act or under any other provision of law, for counternarcotics matters for countries in Central America, there is authorized to be appropriated $25,000,000 for fiscal year 2000 for enhanced efforts in counternarcotics matters by the United States Coast Guard, the United States Customs Service, and other law enforcement agencies.

CHAPTER 2—DOMESTIC LAW ENFORCEMENT

Subchapter A—Criminal Offenders

SEC. 2201. DRUG OFFENSES COMMITTED IN THE PRESENCE OF CHILDREN.

(a) IN GENERAL.—For the purposes of this section, an offense is committed in the presence of a child if—

(1) it takes place in the line of sight of an individual who has not attained the age of 15 years; or

(2) an individual who has not attained the age of 15 years habitually resides in the place where the violation occurs.

(b) GUIDELINES.—Not later than 120 days after the date of enactment of this Act, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide, with respect to an offense under part D of the Controlled Substances Act committed in the presence of a child—

(1) a sentencing enhancement of not less than 2 offense levels above the base offense level for the underlying offense or 1 additional year, whichever is greater; and

(2) in the case of a second or subsequent such offense, a sentencing enhancement of not less than 4 offense levels above the base offense level for the

underlying offense, or 2 additional years, whichever is greater.

SEC. 2202. BORDER DEFENSE.

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

(1) The Southwest Border of the United States is a major crossing point for more than 60 percent of the cocaine entering the United States from Latin America.

(2) Drug traffickers are increasingly using violence to threaten local residents, to endanger lives, and destroy property.

(3) Drug traffickers are creating a law enforcement no-man's land to facilitate drug trafficking on the Mexican side of the common border and using extortionate methods, illegal riches, and intimidation to acquire property on the United States side of the border.

(4) United States law enforcement efforts have been insufficient to protect lives and property or to prevent the use of illegally obtained riches to acquire property.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, in cooperation with the Government of Mexico, should take immediate and effective ac-

tion at and near the United States border with Mexico to control violence and other illegal acts directed at the respective residents of both countries.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—

(1) what steps are being taken to ensure the safety of United States citizens at and near the United States border with Mexico;

(2) what steps are being taken to prevent the illegal acquisition of sites and facilities at or near the border by drug traffickers; and

(3) what further steps need to be taken to ensure the safety and well being of the people of the United States along the United States border with Mexico.

SEC. 2203. CLONE PAGERS.

(a) IN GENERAL.—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, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or'';

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

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

''(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).'';

(2) in subsection (b), by striking ''a pen register or a trap and trace device'' and inserting ''a pen register, trap and trace device, or clone pager''; and

(3) by striking the section heading and inserting the following:

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

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

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

(2) 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 electronic communication service shall furnish to 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 title."; and

(3) by striking the section heading and inserting the following:

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

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking "pen register or a trap and trace device" and "pen register or trap and trace device" each place they appear and inserting "pen register, trap and trace device, or clone pager";

(2) in subsection (a), 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 3122 or section 3128 of this title";

(3) in subsection (b), by adding at the end the following: "If such application for the use of a clone pager is denied, or in any other case in which 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) of this title."; and

(4) by striking the section heading and inserting the following:

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

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) 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

(2) by striking the section heading and inserting the following:

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

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by striking subparagraph (B) and inserting the following:

''(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

''(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

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

(g) APPLICATIONS.—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) FEDERAL REPRESENTATIVES.—Any 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) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent 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 identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the

law enforcement agency conducting the investigation;

"(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

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

"(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

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

"(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing 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.

"§ 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 jurisdiction 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 con-

ducted 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 the individual or individuals 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 subscriber to the pager service; 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) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins

use of the clone pager under the order or the tenth day after the order is entered.

"(2) EXTENSIONS.—Extensions of an order issued under this section 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). An extension under this paragraph shall be for a period not to exceed 30 days.

"(3) REPORT.—Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court 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 shall 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 may 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.—

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

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

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

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

"(2) POSTPONEMENT.—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 subsection.".

(h) CLERICAL AMENDMENTS.—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 items relating to sections 3124, 3125, and 3126 and inserting the following:

"3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.
"3125. Emergency installation and use of pen register, trap and trace device, and clone pager.
"3126. Reports concerning pen registers, trap and trace devices, and clone pagers."; and

(3) 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".

(i) CONFORMING AMENDMENT.—Section 704(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 of".

Subchapter B—Powder Cocaine Mandatory Minimum Sentencing

SEC. 2211. SENTENCING FOR VIOLATIONS INVOLVING COCAINE POWDER.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—

(1) LARGE QUANTITIES.—Subparagraph (A)(ii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended by striking "5 kilograms" and inserting "500 grams".

(2) SMALL QUANTITIES.—Subparagraph (B)(ii) of that section is amended by striking "500 grams" and inserting "50 grams".

(b) AMENDMENT OF CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(1) LARGE QUANTITIES.—Paragraph (1)(B) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by striking ''5 kilograms'' and inserting ''500 grams''.

(2) SMALL QUANTITIES.—Paragraph (2)(B) of that section is amended by striking ''500 grams'' and inserting ''50 grams''.

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by this section.

Subchapter C—Drug-Free Borders

SEC. 2221. INCREASED NUMBER OF BORDER PATROL AGENTS.

Section 101(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–553) is amended to read as follows:

''(a) INCREASED NUMBER OF BORDER PATROL AGENTS.—The Attorney General in each of fiscal years 2000, 2001, 2002, 2003, and 2004 shall increase by not less than 1,500 the number of positions for full-time, active-duty border patrol agents within the Immigration and

Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year, to achieve a level of 15,000 positions by fiscal year 2004.''.

SEC. 2222. ENHANCED BORDER PATROL PURSUIT POLICY.

A border patrol agent of the United States Border Patrol may not cease pursuit of an alien who the agent suspects has unlawfully entered the United States, or an individual who the agent suspects has unlawfully imported a narcotic into the United States, until State or local law enforcement authorities are in pursuit of the alien or individual and have the alien or individual in their visual range.

CHAPTER 3—DEMAND REDUCTION

Subchapter A—Education, Prevention, and Treatment

SEC. 2251. SENSE OF CONGRESS ON REAUTHORIZATION OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1994.

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

(1) Drug and alcohol use continue to plague the Nation's youth.

(2) Approximately 5.6 percent of high school seniors currently smoke marijuana daily.

(3) The American public has identified drugs as the most serious problem facing its children today.

(4) Delinquent behavior is clearly linked to the frequency of marijuana use.

(5) 89 percent of students in grades 6 through 12 say their teachers have taught them about the dangers of drugs and alcohol.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the President should make the reauthorization of the Safe and Drug-Free Schools and Communities Act of 1994 a high priority for the 106th Congress, and that such reauthorization should maintain substance abuse prevention as a major focus of the program.

SEC. 2252. SENSE OF CONGRESS REGARDING REAUTHORIZATION OF PREVENTION AND TREATMENT PROGRAMS.

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

(1) 34.8 percent of Americans 12 years of age and older have used an illegal drug in their lifetime, 90 percent of these individuals have used marijuana or hashish, and approximately 30 percent have tried cocaine.

(2) The number of teenagers using drugs has increased significantly over the past 5 years.

(3) Drug abuse is a health issue being faced in every community, town, State and region of this country.

(4) No one is immune from drug abuse, and such abuse threatens Americans of every socio-economic background, every educational level, and every race and ethnic origin.

(5) In 1990 the United States spent $67,000,000,000 on drug-related disorders including health costs, the costs of crime, the costs of accidents and other damages to individuals and property, and the costs of the loss of productivity and premature death.

(6) Comprehensive prevention activities can help youth in saying no to drugs.

(7) There are over 6,000 community coalitions throughout the nation helping the youth of America choose a healthy life style.

(8) Individuals with addictive disorders should be held accountable for their actions and should be offered treatment to help change destructive behavior.

(9) A balanced approach to dealing with drug abuse is needed in the United States between reducing the demand for drugs and the supply of those drugs and a comprehensive plan for addressing drug abuse will involve prevention, education and treatment as well as law enforcement and interdiction.

(10) The Substance Abuse and Mental Health Services Administration is the lead Federal agency for substance abuse prevention and treatment initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the President should—

(1) make the reauthorization of Federal substance abuse prevention and treatment programs a high priority for the 106th Congress; and

(2) provide more flexibility to States in the use of Federal funds for provision of drug abuse prevention and treatment services while holding States accountable for their performance.

SEC. 2253. REPORT ON DRUG-TESTING TECHNOLOGIES.

(a) REQUIREMENT.—The National Institute on Standards and Technology shall conduct a study of drug-testing technologies in order to identify and assess the efficacy, accuracy, and usefulness for purposes of the National effort to detect the use of illicit drugs of any drug-

testing technologies (including the testing of hair) that may be used as alternatives or complements to urinalysis as a means of detecting the use of such drugs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Institute shall submit to Congress a report on the results of the study conducted under subsection (a).

SEC. 2254. USE OF NATIONAL INSTITUTES OF HEALTH SUBSTANCE ABUSE RESEARCH.

(a) NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.—Section 464H of the Public Health Service Act (42 U.S.C. 285n) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) REQUIREMENT TO ENSURE THAT RESEARCH AIDS PRACTITIONERS.—The Director, in conjunction with the Director of the National Institute on Drug Abuse and the Director of the Center for Substance Abuse Treatment, shall—

"(1) ensure that the results of all current alcohol research that is set aside for services (and other appropriate research with practical consequences) is

widely disseminated to treatment practitioners in an easily understandable format;

"(2) ensure that such research results are disseminated in a manner that provides easily understandable steps for the implementation of best practices based on the research; and

"(3) make technical assistance available to the Center for Substance Abuse Treatment to assist alcohol and drug treatment practitioners to make permanent changes in treatment activities through the use of successful treatment models.".

(b) NATIONAL INSTITUTE ON DRUG ABUSE.—Section 464L of the Public Health Service Act (42 U.S.C. 285o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) REQUIREMENT TO ENSURE THAT RESEARCH AIDS PRACTITIONERS.—The Director, in conjunction with the Director of the National Institute on Alcohol Abuse and Alcoholism and the Director of the Center for Substance Abuse Treatment, shall—

"(1) ensure that the results of all current drug abuse research that is set aside for services (and

other appropriate research with practical consequences) is widely disseminated to treatment practitioners in an easily understandable format;

''(2) ensure that such research results are disseminated in a manner that provides easily understandable steps for the implementation of best practices based on the research; and

''(3) make technical assistance available to the Center for Substance Abuse Treatment to assist alcohol and drug treatment practitioners to make permanent changes in treatment activities through the use of successful treatment models.''.

SEC. 2255. NEEDLE EXCHANGE.

(a) PROHIBITION REGARDING ILLEGAL DRUGS AND DISTRIBUTION OF HYPODERMIC NEEDLES.—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

''PROHIBITION REGARDING ILLEGAL DRUGS AND DISTRIBUTION OF HYPODERMIC NEEDLES

''SEC. 247. Notwithstanding any other provision of law, none of the amounts made available under any Federal law for any fiscal year may be expended, directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.''.

(b) CONFORMING AMENDMENT.—Section 506 of Public Law 105–78 is repealed.

SEC. 2256. DRUG-FREE TEEN DRIVERS INCENTIVE.

(a) IN GENERAL.—The Secretary of Transportation shall establish an incentive grant program for States to assist the States in improving their laws relating to controlled substances and driving.

(b) GRANT REQUIREMENTS.—To qualify for a grant under subsection (a), a State shall carry out the following:

(1) Enact, actively enforce, and publicize a law that makes it illegal to drive in the State with any measurable amount of an illegal controlled substance in the driver's body. An illegal controlled substance is a controlled substance for which an individual does not have a legal written prescription. An individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counselling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes it illegal to drive in the State when driving is impaired by the presence of any drug. The State shall provide that in the enforcement of such law, a driver shall be tested for the presence of a drug when there is evidence of impaired driving and a driver will have the driver's license suspended. An

individual who is convicted of such illegal driving shall be referred to appropriate services, including intervention, counselling, and treatment.

(3) Enact, actively enforce, and publicize a law that authorizes the suspension of a driver's license if the driver is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that beginning driver applicants and other individuals applying for or renewing a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2000 through 2004, $10,000,000 to carry out this section.

SEC. 2257. DRUG-FREE SCHOOLS.

Congress makes the following findings:

(1) The continued presence in schools of violent students who are a threat to both teachers and other students is incompatible with a safe learning environment.

(2) Unsafe school environments place students who are already at risk of school failure for other reasons in further jeopardy.

(3) Recently, over one-fourth of high school students surveyed reported being threatened at school.

(4) 2,000,000 more children are using drugs in 1997 than were doing so a few short years prior to 1997.

(5) More of our children are becoming involved with hard drugs at earlier ages, as use of heroin and cocaine by 8th graders has more than doubled since 1991.

(6) Greater cooperation between schools, parents, law enforcement, the courts, and the community is essential to making our schools safe from drugs and violence.

SEC. 2258. VICTIM AND WITNESS ASSISTANCE PROGRAMS FOR TEACHERS AND STUDENTS.

(a) VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

''(f) VICTIMS OF SCHOOL VIOLENCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible crime victim compensation program may expend funds appropriated under paragraph (2) to offer compensation to elementary and secondary school students or teachers who are victims of elementary and secondary school violence

(as school violence is defined under applicable State law).

"(2) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out paragraph (1).".

(b) VICTIM AND WITNESS ASSISTANCE.—Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)) is amended by adding at the end the following:

"(5) Notwithstanding any other provision of law, the Director may make a grant under this section for a demonstration project or for training and technical assistance services to a program that—

"(A) assists State educational agencies and local educational agencies (as the terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in developing, establishing, and operating programs that are designed to protect victims of and witnesses to incidents of elementary and secondary school violence (as school violence is defined under applicable State law), including programs designed to protect witnesses testifying in school disciplinary proceedings; or

"(B) supports a student safety toll-free hotline that provides students and teachers in elementary

and secondary schools with confidential assistance relating to the issues of school crime, violence, drug dealing, and threats to personal safety.''.

SEC. 2259. INNOVATIVE PROGRAMS TO PROTECT TEACHERS AND STUDENTS.

(a) DEFINITIONS.—In this section:

(1) ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, AND STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

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

(b) AUTHORIZATION FOR REPORT CARDS ON SCHOOLS.—

(1) IN GENERAL.—The Secretary is authorized to award grants to States, State educational agencies, and local educational agencies to develop, establish, or conduct innovative programs to improve unsafe elementary schools or secondary schools.

(2) PRIORITY.—The Secretary shall give priority to awarding grants under paragraph (1) to—

(A) programs that provide parent and teacher notification about incidents of physical violence, weapon possession, or drug activity on school grounds as soon after the incident as practicable;

(B) programs that provide to parents and teachers an annual report regarding—

(i) the total number of incidents of physical violence, weapon possession, and drug activity on school grounds;

(ii) the percentage of students missing 10 or fewer days of school; and

(iii) a comparison, if available, to previous annual reports under this paragraph, which comparison shall not involve a comparison of more than 5 such previous annual reports; and

(C) programs to enhance school security measures that may include—

(i) equipping schools with fences, closed circuit cameras, and other physical security measures;

(ii) providing increased police patrols in and around elementary schools and secondary schools, including canine patrols;

(iii) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon, or the sale of drugs in school, will not be tolerated by school authorities; and

(iv) hiring counselors or other personnel to detect and intervene at signs of dangerous or antisocial behavior that could precede violent acts.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, State educational agency, or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain an assurance that the State or agency has implemented or will implement policies that—

(A) provide protections for victims and witnesses to school crime, including protections for attendance at school disciplinary proceedings;

(B) expel students who, on school grounds, sell drugs or who commit a violent offense that

causes serious bodily injury of another student or teacher; and

(C) require referral to law enforcement authorities or juvenile authorities of any student who on school grounds—

(i) threatens violence;

(ii) commits a violent offense resulting in serious bodily injury; or

(iii) sells drugs.

(3) SPECIAL RULE.—For purposes of subparagraphs (B) and (C) of paragraph (2), State law shall determine what constitutes a violent offense or serious bodily injury.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(e) INNOVATIVE VOLUNTARY RANDOM DRUG TESTING PROGRAMS.—Section 4116(b) of the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

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

''(10) innovative voluntary random drug testing programs; and''.

Subchapter B—Drug-Free Families

SEC. 2271. SHORT TITLE.

This subchapter may be cited as the ''Drug-Free Families Act of 1999''.

SEC. 2272. FINDINGS.

Congress makes the following findings:

(1) The National Institute on Drug Abuse estimates that in 1962, less than one percent of the nation's adolescents had ever tried an illicit drug. By 1979, drug use among young people had escalated to the highest levels in history: 34 percent of adolescents (ages 12-17), 65 percent of high school seniors (age 18), and 70 percent of young adults (ages 18-25) had used an illicit drug in their lifetime.

(2) Drug use among young people was not confined to initial trials. By 1979, 16 percent of adolescents, 39 percent of high school seniors, and 38 percent of young adults had used an illicit drug in the past month. Moreover, one in nine high school seniors used marijuana daily.

(3) In 1979, the year the largest number of seniors used marijuana, their belief that marijuana could hurt them was at its lowest (35 percent) since surveys have tracked these measures.

(4) Three forces appeared to be driving this escalation in drug use among children and young adults. Between 1972 and 1978, a nationwide political campaign conducted by drug legalization advocates persuaded eleven state legislatures to ''decriminalize'' marijuana. (Many of those states have subsequently ''recriminalized'' the drug.) Such legislative action reinforced advocates' assertion that marijuana was ''relatively harmless.''

(5) The decriminalization effort gave rise to the emergence of ''head shops'' (shops for ''heads,'' or drug users—''coke heads,'' ''pot heads,'' ''acid heads,'' etc.) which sold drug paraphernalia—an array of toys, implements, and instructional pamphlets and booklets to enhance the use of illicit drugs. Some 30,000 such shops were estimated to be doing business throughout the nation by 1978.

(6) In the absence of Federal funding for drug education then, most of the drug education materials that were available proclaimed that few illicit drugs were addictive and most were ''less harmful'' than

alcohol and tobacco and therefore taught young people how to use marijuana, cocaine, and other illicit drugs ''responsibly''.

(7) Between 1977 and 1980, three national parent drug-prevention organizations—National Families in Action, PRIDE, and the National Federation of Parents for Drug-Free Youth (now called the National Family Partnership)—emerged to help concerned parents form some 4,000 local parent prevention groups across the nation to reverse all of these trends in order to prevent children from using drugs. Their work created what has come to be known as the parents drug-prevention movement, or more simply, the parent movement. This movement set three goals: to prevent the use of any illegal drug, to persuade those who had started using drugs to stop, and to obtain treatment for those who had become addicted so that they could return to drug-free lives.

(8) The parent movement pursued a number of objectives to achieve these goals. First, it helped parents educate themselves about the harmful effects of drugs, teach that information to their children, communicate that they expected their children not to use drugs, and establish consequences if children failed

to meet that expectation. Second, it helped parents form groups with other parents to set common age-appropriate social and behavioral guidelines to protect their children from exposure to drugs. Third, it encouraged parents to insist that their communities reinforce parents' commitment to protect children from drug use.

(9) The parent movement stopped further efforts to decriminalize marijuana, both in the states and at the Federal level.

(10) The parent movement worked for laws to ban the sale of drug paraphernalia. If drugs were illegal, it made no sense to condone the sale of toys and implements to enhance the use of illegal drugs, particularly when those products targeted children. As town, cities, counties, and states passed anti-paraphernalia laws, drug legalization organizations challenged their Constitutionality in Federal courts until the early 1980's, when the United States Supreme Court upheld Nebraska's law and established the right of communities to ban the sale of drug paraphernalia.

(11) The parent movement insisted that drug-education materials convey a strong no-use message in compliance with both the law and with medical

and scientific information that demonstrates that drugs are harmful, particularly to young people.

(12) The parent movement encouraged others in society to join the drug prevention effort and many did, from First Lady Nancy Reagan to the entertainment industry, the business community, the media, the medical community, the educational community, the criminal justice community, the faith community, and local, state, and national political leaders.

(13) The parent movement helped to cause drug use among young people to peak in 1979. As its efforts continued throughout the next decade, and as others joined parents to expand the drug-prevention movement, between 1979 and 1992 these collaborative prevention efforts contributed to reducing monthly illicit drug use by two-thirds among adolescents and young adults and reduced daily marijuana use among high-school seniors from 10.7 percent to 1.9 percent. Concurrently, both the parent movement and the larger prevention movement that evolved throughout the 1980's, working together, increased high school seniors' belief that marijuana could hurt them, from 35 percent in 1979 to 79 percent in 1991.

(14) Unfortunately, as drug use declined, most of the 4,000 volunteer parents groups that contributed to the reduction in drug use disbanded, having accomplished the job they set out to do. But the absence of active parent groups left a vacuum that was soon filled by a revitalized drug-legalization movement. Proponents began advocating for the legalization of marijuana for medicine, the legalization of all Schedule I drugs for medicine, the legalization of hemp for medicinal, industrial and recreational use, and a variety of other proposals, all designed to ultimately attack, weaken, and eventually repeal the nation's drug laws.

(15) Furthermore, legalization proponents are also beginning to advocate for treatment that maintains addicts on the drugs to which they are addicted (heroin maintenance for heroin addicts, controlled drinking for alcoholics, etc.), for teaching school children to use drugs "responsibly," and for other measures similar to those that produced the drug epidemic among young people in the 1970's.

(16) During the 1990's, the message embodied in all of this activity has once again driven down young people's belief that drugs can hurt them. As a result, the reductions in drug use that occurred

over 13 years reversed in 1992, and adolescent drug use has more than doubled.

(17) Today's parents are almost universally in the workplace and do not have time to volunteer. Many families are headed by single parents. In some families no parents are available, and grandparents, aunts, uncles, or foster parents are raising the family's children.

(18) Recognizing that these challenges make it much more difficult to reach parents today, several national parent and family drug-prevention organizations have formed the Parent Collaboration to address these issues in order to build a new parent and family movement to prevent drug use among children.

(19) Motivating parents and parent groups to coordinate with local community anti-drug coalitions is a key goal of the Parent Collaboration, as well as coordinating parent and family drug-prevention efforts with Federal, State, and Local governmental and private agencies and political, business, medical and scientific, educational, criminal justice, religious, and media and entertainment industry leaders.

SEC. 2273. PURPOSES.

The purposes of this subchapter are to—

(1) build a movement to help parents and families prevent drug use among their children and adolescents;

(2) help parents and families reduce drug abuse and drug addiction among adolescents who are already using drugs, and return them to drug-free lives;

(3) increase young people's perception that drugs are harmful to their health, well-being, and ability to function successfully in life;

(4) help parents and families educate society that the best way to protect children from drug use and all of its related problems is to convey a clear, consistent, no-use message;

(5) strengthen coordination, cooperation, and collaboration between parents and families and all others who are interested in protecting children from drug use and all of its related problems;

(6) help parents strengthen their families, neighborhoods, and school communities to reduce risk factors and increase protective factors to ensure the healthy growth of children; and

(7) provide resources in the fiscal year 2000 Federal drug control budget for a grant to the Parent Collaboration to conduct a national campaign to

mobilize today's parents and families through the provision of information, training, technical assistance, and other services to help parents and families prevent drug use among their children and to build a new parent and family drug-prevention movement.

SEC. 2274. DEFINITIONS.

In this subchapter:

(1) ADMINISTRATIVE COSTS.—The term ''administrative costs'' means to those costs that the assigned Federal agency will incur to administer the grant to the Parent Collaboration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Drug Enforcement Administration.

(3) NO-USE MESSAGE.—The term ''no-use message'' means no use of any illegal drug and no illegal use of any legal drug or substance that is sometimes used illegally, such as prescription drugs, inhalants, and alcohol and tobacco for children and adolescents under the legal purchase age.

(4) PARENT COLLABORATION.—The term ''Parent Collaboration'' means the legal entity, which is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, established by National Families in Action, National

Asian Pacific American Families Against Substance Abuse, African American Parents for Drug Prevention, National Association for Native American Children of Alcoholics, and the National Hispano/Latino Community Prevention Network and other groups, that—

(A) have a primary mission of helping parents prevent drug use, drug abuse, and drug addiction among their children, their families, and their communities;

(B) have carried out this mission for a minimum of 5 consecutive years; and

(C) base their drug-prevention missions on the foundation of a strong, no-use message in compliance with international, Federal, State, and local treaties and laws that prohibit the possession, production, cultivation, distribution, sale, and trafficking in illicit drugs;

in order to build a new parent and family movement to prevent drug use among children and adolescents

SEC. 2275. ESTABLISHMENT OF DRUG-FREE FAMILIES SUPPORT PROGRAM.

(a) IN GENERAL.—The Administrator shall make a grant to the Parent Collaboration to conduct a national campaign to build a new parent and family movement to

help parents and families prevent drug abuse among their children.

(c) TERMINATION.—The period of the grant under this section shall be 5 years.

SEC. 2276. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subchapter $5,000,000 for each of fiscal years 2000 through 2004 for a grant to the Parent Collaboration to conduct the national campaign to mobilize parents and families.

(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of the total amount made available under subsection (a) in each fiscal year may be used to pay administrative costs of the Parent Collaboration.

CHAPTER 4—FUNDING FOR UNITED STATES COUNTER-DRUG ENFORCEMENT AGENCIES

Subchapter A—Border Activities

SEC. 2301. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) are amended to read as follows:

"(A) $997,300,584 for fiscal year 2000.

"(B) $1,100,818,328 for fiscal year 2001.".

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)) are amended to read as follows:

"(i) $990,030,000 for fiscal year 2000.

"(ii) $1,009,312,000 for fiscal year 2001.".

(c) AIR AND MARINE INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)) are amended to read as follows:

"(A) $229,001,000 for fiscal year 2000.

"(B) $176,967,000 for fiscal year 2001.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) Not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 2302. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 2301(a) of this Act, $100,036,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed

among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection

system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(H) $600,000 for 30 fiber optic scopes.

(I) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(J) $3,000,000 for 10 x-ray vans with particle detectors.

(K) $40,000 for 8 AM loop radio systems.

(L) $400,000 for 100 vehicle counters.

(M) $1,200,000 for 12 examination tool trucks.

(N) $2,400,000 for 3 dedicated commuter lanes.

(O) $1,050,000 for 3 automated targeting systems.

(P) $572,000 for 26 weigh-in-motion sensors.

(Q) $480,000 for 20 portable Treasury Enforcement Communication Systems (TECS).

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 2301(a) of this Act, $9,923,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section

2301(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (Q); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection

(a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 2303. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.

Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)), as amended by section 2301(a) of this Act, $159,557,000, including $5,673,600, until expended, for investigative equipment, for fiscal year 2000 and $220,351,000 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen

cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 support staff, and the necessary equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.

(5) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money laundering organizations.

(6) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.

(7) A net increase of 62 special agent positions and 8 intelligence analyst positions for maritime smuggling investigations and interdiction operations.

(8) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(9) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 2304. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) as amended by section 2301(c) of this Act, $130,513,000 shall be available until expended for the following:

(1) $96,500,000 for Customs aircraft restoration and replacement initiative.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $19,013,000 for marine vessel replacement and related equipment.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) as amended by section 2301(c) of this Act, $75,524,000 shall be available until expended for the following:

(1) $36,500,000 for Customs Service aircraft restoration and replacement.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $24,024,000 for marine vessel replacement and related equipment.

SEC. 2305. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2000 and 2001 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals and performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 2302 and 2303 of this Act.

SEC. 2306. COMMISSIONER OF CUSTOMS SALARY.

(a) IN GENERAL.—

(1) Section 5315 of title 5, United States Code, is amended by striking the following:

''Commissioner of Customs, Department of Treasury.''.

(2) Section 5314 of title 5, United States Code, is amended by inserting the following:

"Commissioner of Customs, Department of Treasury.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 2307. PASSENGER PRECLEARANCE SERVICES.

(a) CONTINUATION OF PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, the United States Customs Service shall, without regard to whether a passenger processing fee is collected from a person departing for the United States from Canada and without regard to whether funds are appropriated pursuant to subsection (b), provide the same level of enhanced preclearance customs services for passengers arriving in the United States aboard commercial aircraft originating in Canada as the Customs Service provided for such passengers during fiscal year 1997.

(b) AUTHORIZATION OF APPROPRIATIONS FOR PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, there are authorized to be appropriated, from

the date of enactment of this Act through September 30, 2001, such sums as may be necessary for the Customs Service to ensure that it will continue to provide the same, and where necessary increased, levels of enhanced preclearance customs services as the Customs Service provided during fiscal year 1997, in connection with the arrival in the United States of passengers aboard commercial aircraft whose flights originated in Canada.

Subchapter B—United States Coast Guard

SEC. 2311. ADDITIONAL FUNDING FOR OPERATION AND MAINTENANCE.

In addition to other amounts authorized to be appropriated for the United States Coast Guard for fiscal years 2000 and 2001, there is authorized to be appropriated for the Coast Guard for each of fiscal years 2000 and 2001, $100,000,000 for operation and maintenance.

Subchapter C—Drug Enforcement Administration

SEC. 2321. ADDITIONAL FUNDING FOR COUNTER-NARCOTICS AND INFORMATION SUPPORT OPERATIONS.

In addition to other amounts authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, there is authorized to be appropriated for the Drug Enforcement Administration for that fiscal year,

$120,000,000 for counternarcotics and information support operations.

Subchapter D—Department of the Treasury

SEC. 2331. ADDITIONAL FUNDING FOR COUNTER-DRUG INFORMATION SUPPORT.

In addition to other amounts authorized to be appropriated for the Department of the Treasury for fiscal years 2000 and 2001, there is authorized to be appropriated for the Department of the Treasury for each of fiscal years 2001 and 2001, $50,000,000 for counternarcotics, information support, and money laundering efforts.

Subchapter E—Department of Defense

SEC. 2341. ADDITIONAL FUNDING FOR EXPANSION OF COUNTERNARCOTICS ACTIVITIES.

In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal years 2000 and 2001, there is authorized to be appropriated for the Department of Defense for each of fiscal years 2000 and 2001, $200,000,000 for expanded activities to stop the flow of illegal drugs into the United States.

SEC. 2342. FORWARD MILITARY BASE FOR COUNTER-NARCOTICS MATTERS.

(a) AUTHORIZATION TO CARRY OUT MILITARY CONSTRUCTION PROJECTS.—The Secretary of the Air Force

may acquire real property and carry out military construction projects in the amount of $300,000,000 to establish an air base or air bases for use for support of counter-narcotics operations in the areas of the southern Caribbean Sea, northern South America, and the eastern Pacific Ocean, to be located in Latin America or the area of the Caribbean Sea, or both.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2000, and any succeeding fiscal year, for military construction and land acquisition for an airbase referred to subsection (a).

SEC. 2343. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 2000, $100,000,000 for purposes of the procurement of a Relocatable Over the Horizon Radar (ROTHR) to be located in South America.

(b) AUTHORIZATION TO LOCATE.—The Relocatable Over the Horizon Radar procured using funds appropriated pursuant to the authorization of appropriations in subsection (a) may be located at a location in South America that is suitable for purposes of providing enhanced

radar coverage of narcotics source zone countries in South America.

SEC. 2344. SENSE OF CONGRESS REGARDING FUNDING UNDER WESTERN HEMISPHERE DRUG ELIMINATION ACT.

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

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States poses a paramount threat to the national security interests of the United States.

(3) The trans-shipment of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) The Clinton Administration has placed a low priority on efforts to reduce the supply of illicit drugs, and the seizure of such drugs by the Coast Guard and other Federal agencies has decreased, as is evidenced by a 68 percent decrease between 1991 and 1996 in the pounds of cocaine seized by such agencies.

(5) The Western Hemisphere Drug Elimination Act was enacted into law on October 19, 1998.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should allocate funds appropriated for fiscal year 1999 pursuant to the authorizations of appropriations for that fiscal year in the Western Hemisphere Drug Elimination Act in order to carry out fully the purposes of that Act during that fiscal year; and

(2) the President should include with the budgets for fiscal years 2001 and 2002 that are submitted to Congress under section 1105 of title 31, United States Code, a request for funds for such fiscal years in accordance with the authorizations of appropriations for such fiscal years in that Act.

SEC. 2345. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counterdrug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to

the next priority below the priority given to war under the Policy and to the same priority given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to such activities in accordance with the priority given such activities under the revised Policy.

CHAPTER 5—FAITH-BASED SUBSTANCE ABUSE TREATMENT

SEC. 2350. SHORT TITLE.

This chapter may be cited as the ''Faith-Based Drug Treatment Enhancement Act''.

SEC. 2351. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

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—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS

''SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

''(a) DESIGNATED PROGRAMS.—Subject to subsection (b), this part applies to each program under this Act that makes awards of Federal financial assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part

referred to as a 'designated program'). Designated programs include the program under subpart II of part B of title XIX (relating to formula grants to the States).

"(b) LIMITATION.—This part does not apply to any award of Federal financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

"(c) DEFINITIONS.—For purposes of this part (and subject to subsection (b)):

"(1) DESIGNATED AWARD RECIPIENT.—The term 'designated award recipient' means a public or private entity that has received an award under a designated program (whether the award is a designated direct award or a designated subaward).

"(2) DESIGNATED DIRECT AWARD.—The term 'designated direct award' means an award under a designated program that is received directly from the Federal Government.

"(3) DESIGNATED SUBAWARD.—The term 'designated subaward' means an award of financial assistance made by a non-Federal entity, which award consists in whole or in part of Federal financial assistance provided through an award under a designated program.

"(4) DESIGNATED PROGRAM.—The term 'designated program' has the meaning given such term in subsection (a).

"(5) FINANCIAL ASSISTANCE.—The term 'financial assistance' means a grant, cooperative agreement, contract, or voucherized assistance.

"(6) PROGRAM BENEFICIARY.—The term 'program beneficiary' means an individual who receives program services.

"(7) PROGRAM PARTICIPANT.—The term 'program participant' has the meaning given such term in section 582(a)(2).

"(8) PROGRAM SERVICES.—The term 'program services' means treatment for substance abuse, or preventive services regarding such abuse, provided pursuant to an award under a designated program.

"(9) RELIGIOUS ORGANIZATION.—The term 'religious organization' means a nonprofit religious organization.

"(10) VOUCHERIZED ASSISTANCE.—The term 'voucherized assistance' means—

"(A) a system of selecting and reimbursing program services in which—

"(i) the beneficiary is given a document or other authorization that may be used to pay for program services;

"(ii) the beneficiary chooses the organization that will provide services to him or her according to rules specified by the designated award recipient; and

"(iii) the organization selected by the beneficiary is reimbursed by the designated award recipient for program services provided; or

"(B) any other mode of financial assistance to pay for program services in which the program beneficiary determines the allocation of program funds through his or her selection of one service provider from among alternatives.

"SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

"(a) IN GENERAL.—

"(1) SCOPE OF AUTHORITY.—Notwithstanding any other provision of law, a religious organization—

"(A) may be a designated award recipient;

"(B) may make designated subawards to other public or nonprofit private entities (including other religious organizations);

"(C) may provide for the provision of program services to program beneficiaries through the use of voucherized assistance; and

"(D) may be a provider of services under a designated program, including a provider that accepts voucherized assistance.

"(2) DEFINITION OF PROGRAM PARTICIPANT.—For purposes of this part, the term 'program participant' means a public or private entity that has received a designated direct award, or a designated subaward, regardless of whether the entity provides program services. Such term includes an entity whose only participation in a designated program is to provide program services pursuant to the acceptance of voucherized assistance.

"(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of program beneficiaries.

"(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—

"(1) FINDINGS.—The Congress finds that the establishment clause of the first amendment to the Constitution of the United States does not require that—

"(A) social-welfare programs discriminate against faith-based providers of services; or

"(B) faith-based providers of services, as a prerequisite to participation in Federal programs, abandon their religious character and censor their religious expression.

"(2) NONDISCRIMINATION.—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization. Neither the Federal Government nor a State receiving funds under such programs shall discriminate against an organization that is or applies to be a program participant on the basis that the organization has a religious character.

"(d) RELIGIOUS CHARACTER AND FREEDOM.—

"(1) RELIGIOUS ORGANIZATIONS.—Except as provided in this section, any religious organization that is a program participant shall retain its independence from Federal, State, and local government,

including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State shall require a religious organization to—

"(A) alter its form of internal governance; or

"(B) remove religious art, icons, scripture, or other symbols;

in order to be a program participant.

"(e) NONDISCRIMINATION IN EMPLOYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment on the basis of religion.

"(2) EXCEPTION.—A religious organization that is a program participant may require that an employee rendering program services adhere to—

"(A) the religious beliefs and practices of such organization; and

"(B) any rules of the organization regarding the use of drugs or alcohol.

"(f) RIGHTS OF PROGRAM BENEFICIARIES.—

"(1) OBJECTIONS REGARDING RELIGIOUS ORGANIZATIONS.—With respect to an individual who is a program beneficiary or a prospective program beneficiary, if the individual objects to a program participant on the basis that the participant is a religious organization, the following applies:

"(A) If the organization received a designated direct award, the organization shall arrange for the individual to receive program services through an alternative entity.

"(B) If the organization received a designated subaward, the non-Federal entity that made the subaward shall arrange for the individual to receive the program services through an alternative program participant.

"(C) If the organization is providing services pursuant to voucherized assistance, the designated award recipient that operates the voucherized assistance program shall arrange for the individual to receive the program services through an alternative provider.

"(D) Arrangements under any of subparagraphs (A) through (C) with an alternative entity shall provide for program services the monetary value of which is not less than the mone-

tary value of the program services that the individual would have received from the religious organization involved.

"(2) NONDISCRIMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or as otherwise provided in law, a religious organization that is a program participant shall not in providing program services discriminate against a program beneficiary on the basis of religion or religious belief.

"(B) LIMITATION.—A religious organization that is a program participant may require a program beneficiary who has elected in accordance with paragraph (1) to receive program services from such organization—

"(i) to actively participate in religious practice, worship, and instruction; and

"(ii) to follow rules of behavior devised by the organizations that are religious in content or origin.

"(g) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal finan-

cial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

"(2) LIMITED AUDIT.—With respect to the award involved, if a religious organization that is a program participant maintains the Federal funds in a separate account from non-Federal funds, then only the Federal funds shall be subject to audit.

"(h) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

"SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

"(a) IN GENERAL.—Except as provided in subsection (b), no funds provided directly to an entity under a designated program shall be expended for sectarian worship or instruction.

"(b) EXCEPTION.—Subsection (a) shall not apply to assistance provided to or on behalf of a program beneficiary if the beneficiary may choose where such assistance is redeemed or allocated.

"SEC. 584. ADMINISTRATION OF PROGRAM AND TREATMENT OF FUNDS.

"(a) FUNDS NOT AID TO INSTITUTIONS.—Financial assistance under a designated program provided to or on behalf of program beneficiaries is aid to the beneficiary, not to the organization providing program services. The receipt by a program beneficiary of program services at the facilities of the organization shall not constitute Federal financial assistance to the organization involved.

"(b) PROHIBITION ON STATE DISCRIMINATION IN USE OF FUNDS.—No provision in any State constitution or State law shall be construed to prohibit the expenditure of Federal funds under a designated program in a religious facility or by a religious organization that is a program participant. If a State law or constitution would prevent the expenditure of State or local public funds in such a facility or by such an organization, then the State or local government shall segregate the Federal funds from State or other public funds for purposes of carrying out the designated program.

"SEC. 585. EDUCATIONAL REQUIREMENTS FOR PERSONNEL IN DRUG TREATMENT PROGRAMS.

"(a) FINDINGS.—The Congress finds that—

"(1) establishing formal educational qualification for counselors and other personnel in drug

treatment programs may undermine the effectiveness of such programs; and

"(2) such formal educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.

"(b) LIMITATION ON EDUCATIONAL REQUIREMENTS OF PERSONNEL.—

"(1) TREATMENT OF RELIGIOUS EDUCATION.—If any State or local government that is a program participant imposes formal educational qualifications on providers of program services, including religious organizations, such State or local government shall treat religious education and training of personnel as having a critical and positive role in the delivery of program services. In applying educational qualifications for personnel in religious organizations, such State or local government shall give credit for religious education and training equivalent to credit given for secular course work in drug treatment or any other secular subject that is of similar grade level and duration.

"(2) RESTRICTION OF DISCRIMINATION REQUIREMENTS.—

"(A) IN GENERAL.—Subject to paragraph (1), a State or local government that is a pro-

gram participant may establish formal educational qualifications for personnel in organizations providing program services that contribute to success in reducing drug use among program beneficiaries.

"(B) EXCEPTION.—The Secretary shall waive the application of any educational qualification imposed under subparagraph (A) for an individual religious organization, if the Secretary determines that—

"(i) the religious organization has a record of prior successful drug treatment for at least the preceding 3 years;

"(ii) the educational qualifications have effectively barred such religious organization from becoming a program provider;

"(iii) the organization has applied to the Secretary to waive the qualifications; and

"(iv) the State or local government has failed to demonstrate empirically that the educational qualifications in question are necessary to the successful operation of a drug treatment program.".

CHAPTER 6—METHAMPHETAMINE LABORATORIES

SEC. 2361. SHORT TITLE.

This chapter may be cited as the ''Determined and Full Engagement Against the Threat of Methamphetamine'' or ''DEFEAT Meth'' Act of 1999.

SEC. 2362. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(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 in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission

shall, with respect to each offense described in paragraph (1)—

(A) increase the base offense level for the offense so that the base offense level is the same as the base offense level applicable to an identical amount of cocaine base; or

(B) if the offense created a substantial risk of danger to the health and safety of another person (including any Federal, State, or local law enforcement officer lawfully present at the location of the offense), increase the base offense level for the offense by not less than 3 offense levels above the level established under subparagraph (A).

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any of-

fense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 2363. INCREASED RESOURCES FOR LAW ENFORCEMENT.

(a) AUTHORIZATION OF DEA FUNDS TO COMBAT METHAMPHETAMINES.—

(1) PURPOSE.—From amounts made available to carry out this subsection, the Administrator of the Drug Enforcement Administration shall implement a comprehensive approach for targeting and investigating methamphetamine production, trafficking, and abuse to combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas, which approach shall include—

(A) training local law enforcement agents in the detection and destruction of clandestine methamphetamine laboratories, and the prosecution of any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture methamphetamine in violation of 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.), the Mari-

time Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), or applicable State law;

(B) investigating and assisting in the prosecution of methamphetamine traffickers, establishing a national clandestine laboratory computer database, reducing the availability of precursor chemicals being diverted to clandestine laboratories in the United States and abroad, and cleaning up the hazardous waste generated by seized clandestine laboratories; and

(C) allocating agents to States with the highest rates of clandestine laboratory closures during the most recent 5 fiscal years.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $30,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(b) HIGH INTENSITY DRUG TRAFFICKING AREAS.—

(1) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as

high intensity drug trafficking areas, including the hiring of new laboratory technicians in rural communities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

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

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) EXPANDING METHAMPHETAMINE ABUSE PREVENTION EFFORTS.—

(1) PREVENTION PROGRAMS AND ACTIVITIES.—

(A) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall—

(i) carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine abuse and addiction;

(ii) assist local government entities to conduct appropriate methamphetamine prevention activities;

(iii) train and educate State and local law enforcement officials on the signs of

methamphetamine abuse and addiction and the options for treatment and prevention;

(iv) carry out planning, administration, and educational activities related to the prevention of methamphetamine abuse and addiction;

(v) monitor and evaluate methamphetamine prevention activities, and report and disseminate resulting information to the public; and

(vi) carry out targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

(B) PRIORITY.—In carrying out this paragraph, the Director of National Drug Control Policy shall give priority to assisting rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

(C) ANALYSES AND EVALUATION.—

(i) IN GENERAL.—Of the amount made available to carry out this subsection in each fiscal year, not less than $500,000 shall be used by the Director of National

Drug Control Policy, in consultation with the heads of other departments and agencies of the Federal Government—

(I) to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction; and

(II) for the development of appropriate strategies for disseminating information about and implementing those programs.

(ii) ANNUAL REPORTS.—The Director shall annually submit to Congress a report on results of the analyses and evaluations under clause (i) during the preceding 12-month period.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

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

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

SEC. 2364. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended by inserting ''methamphetamines,'' after ''PCP,''.

SEC. 2365. MANDATORY RESTITUTION.

Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended by striking ''may'' and inserting ''shall''.

SEC. 2366. SENSE OF CONGRESS REGARDING METHAMPHETAMINE LABORATORY CLEANUP.

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

(1) Methamphetamine use is increasing.

(2) The production of methamphetamine is increasingly taking place in laboratories located in rural and urban areas.

(3) This production involves dangerous and explosive chemicals that are dumped in an unsafe manner.

(4) The cost of cleaning up these production sites involves major financial burdens on State and local law enforcement agencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administrator of the Drug Enforcement Administration should develop a comprehensive plan

for addressing the need for the speedy and safe clean up of methamphetamine laboratory sites; and

(2) the Federal Government should allocate sufficient funding to pay for a comprehensive effort to clean up methamphetamine laboratory sites.

CHAPTER 7—DOCTOR PRESCRIPTIONS OF SCHEDULE I SUBSTANCES

SEC. 2371. RESTRICTIONS ON DOCTORS PRESCRIBING SCHEDULE I SUBSTANCES.

(a) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations that require any and all hospitals or health care service providers who receive Federal medicare or medicaid payments based upon appropriate compliance certification, as an additional certification requirement, to certify that no physician or other health care professional who has privileges with such hospital or health care service provider, or is otherwise employed by them, is currently, or will in the future, prescribe or otherwise recommend a schedule I substance to any person.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall report to Congress the number and

names of institutions refusing or otherwise failing to fulfill certification requirement of subsection (a).

(c) REVOCATION OF CERTIFICATION.—The Attorney General shall promulgate regulations to revoke the DEA registration of any physician or other health care provider who recommends or prescribes a schedule I controlled substance.

Subtitle B—Drug Treatment

SEC. 2401. COORDINATED JUVENILE SERVICES GRANTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

"SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

''(a) IN GENERAL.—The Attorney General and the Secretary of Health and Human Services shall make grants to a consortium within a State of State or local juvenile justice agencies, State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies.

''(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of juveniles with substance abuse and treatment problems who

come into contact with the justice system by requiring the following:

"(1) Collaboration across child serving systems, including juvenile justice agencies, relevant substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

"(2) Appropriate screening and assessment of juveniles.

"(3) Individual treatment plans.

"(4) Significant involvement of juvenile judges where possible.

"(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

"(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

"(A) certification 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;

"(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

"(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

"(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

"(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There shall be made available from the Violent Crime Reduction Trust Fund for each of fiscal years 2000 through 2004, $50,000,000 to carry out this section.".

SEC. 2402. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE AFTERCARE SERVICES.—Section 1902 of part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL AFTERCARE SERVICES.—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.''.

(b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

''SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

''(a) DEFINITIONS.—In this section:

''(1) The term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility

set apart from the general population of the correctional facility, if those activities are—

"(A) directed at the substance abuse problems of prisoners; and

"(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.

"(2) The term 'local correctional facility' means any correctional facility operated by a unit of local government.

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

"(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted

under subsection (c) for the fiscal year for which the program receives assistance under this section.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

"(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

"(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that the local correctional facility will—

"(i) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

"(ii) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

"(iii) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

"(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

"(C) a description of the manner in which amounts received by the local correctional facil-

ity from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

''(d) REVIEW OF APPLICATIONS.—

''(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

''(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

''(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

''(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

''(A) approve the application, disapprove the application, or request a continued evalua-

tion of the application for an additional period of 90 days; and

"(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

"(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

"(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

"(i) the date on which the participant completes the jail-based substance abuse treatment program; or

"(ii) the date on which the participant is released from the correctional facility at

the end of the participant's sentence or is released on parole.

"(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

"(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

"(ii) requires each participant in the program to submit to periodic substance abuse testing; and

"(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

"(I) educational and job training programs;

"(II) parole supervision programs;

"(III) half-way house programs; and

"(IV) participation in self-help and peer group programs; and

"(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

"(e) COORDINATION AND CONSULTATION.—

"(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

"(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable

components of comprehensive approaches, including relapse prevention and aftercare services.

"(f) USE OF GRANT AMOUNTS.—

"(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

"(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

"(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

"(1) REPORTING REQUIREMENT.—Not later than March 1 each year, each local correctional facility that receives a grant under this section shall sub-

mit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

''(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

''(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).''.

(c) ELIGIBILITY FOR SUBSTANCE ABUSE TREATMENT.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.), as amended by subsection (b), is further amended by adding at the end the following:

''SEC. 1907. DEFINITIONS.

''In this part:

''(1) The term 'inmate' means an adult or a juvenile who is incarcerated or detained in any State or local correctional facility.

"(2) The term 'correctional facility' includes a secure detention facility and a secure correctional facility (as those terms are defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603)).".

(d) CLERICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the matter relating to part S by adding at the end the following:

"1906. Jail-based substance abuse treatment.
"1907. Definitions.".

SEC. 2403. JUVENILE SUBSTANCE ABUSE COURTS.

(a) GRANT AUTHORITY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART AA—JUVENILE SUBSTANCE ABUSE COURTS

"SEC. 2701. DEFINITIONS.

"In this part:

"(1) The term 'violent juvenile offender' means a juvenile who has been convicted of a violent offense or adjudicated delinquent for an act that, if committed by an adult, would constitute a violent offense.

"(2) The term 'violent offense' means a criminal offense during the course of which—

"(A) the individual carried, possessed, or used a firearm or dangerous weapon;

"(B) the death of or serious bodily injury of another person occurred as a direct result of the commission of such offense; or

"(C) the individual used force against the person of another.

"SEC. 2702. GRANT AUTHORITY.

"(a) APPROPRIATE SUBSTANCE ABUSE COURT PROGRAMS.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribes in accordance with this part to establish programs that—

"(1) continue judicial supervision over juvenile offenders (other than violent juvenile offenders) with substance abuse problems; and

"(2) integrate administration of other sanctions and services, which include—

"(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(B) substance abuse treatment for each participant;

"(C) probation, diversion, 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; and

"(F) payment by the offender of restitution, to the extent practicable, to either a victim of the offender's offense or to a restitution or similar victim support fund.

"(b) USE OF GRANTS FOR NECESSARY SUPPORT PROGRAMS.—A recipient of a grant under this part may use the grant to pay for treatment, counseling, and other related and necessary expenses not covered by other Fed-

eral, State, Indian tribal, and local sources of funding that would otherwise be available.

"(c) CONTINUED AVAILABILITY OF GRANT FUNDS.—Amounts made available under this part shall remain available until expended.

"SEC. 2703. APPLICATIONS.

"(a) IN GENERAL.—In order to receive a grant 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.

"(b) CONTENTS.—In addition to any other requirements that may be specified by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan;

"(2) explain the applicant's need for Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the substance abuse 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. 2704. FEDERAL SHARE.

"(a) IN GENERAL.—The Federal share of a grant made under this part may not exceed 90 percent of the total costs of the program described in the application submitted under section 2703 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. 2705. REPORT.

"Each recipient of a grant under this part during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

"SEC. 2706. 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 requirement that may be prescribed for recipients of grants under this part, the Attorney General may carry out or make arrangements for evaluations of programs that receive assistance 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. 2707. REGULATIONS.

The Attorney General shall issue any regulations and guidelines necessary to carry out this part, which shall ensure that the programs funded with grants under this part do not permit participation by violent juvenile offenders.

"SEC. 2708. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated for each of fiscal years 2000 through 2005, $50,000,000 to carry out this part.''.

(b) CLERICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART AA—JUVENILE SUBSTANCE ABUSE COURTS

''Sec. 2701. Definitions.
''Sec. 2702. Grant authority.
''Sec. 2703. Applications.
''Sec. 2704. Federal share.
''Sec. 2705. Report.
''Sec. 2706. Technical assistance, training, and evaluation.
''Sec. 2707. Regulations.
''Sec. 2708. Authorization of appropriations.''.

Subtitle C—Gangs and Domestic Terrorism

CHAPTER 1—JUVENILE GANGS

SEC. 2501. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in criminal street gang activity

"(a) PROHIBITED ACT.—It shall be unlawful for any person to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or to remain as a member of a criminal street gang, or conspire to do so.

"(b) PENALTIES.—Any person who violates subsection (a) shall—

"(1) if the person recruited, solicited, induced, commanded, or caused—

"(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

"(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

"(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

"(c) DEFINITIONS.—In this section:

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

"(2) MINOR.—The term 'minor' means a person who is younger than 18 years of age.".

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

"522. Recruitment of persons to participate in criminal street gang activity.".

SEC. 2502. 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 "3 years"; and

(2) in subsection (c), by striking "one year" and inserting "5 years".

SEC. 2503. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

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

"§ 25. Use of minors in crimes of violence

"(a) PENALTIES.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

"(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

"(2) for second or subsequent convictions under this subsection, be subject to 3 times the maximum imprisonment and 3 times the maximum fine that would otherwise be imposed for the offense.

"(b) DEFINITIONS.—In this section:

"(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning given the term in section 16 of this title.

"(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

"(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"25. Use of minors in crimes of violence.".

SEC. 2504. 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 under this subsection, 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 is authorized to be appropriated for each of fiscal years 2000 through 2005, $100,000,000 to carry out this section, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 75 percent shall be used to carry out subsection (b)(2); and

(B) 25 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 section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) RURAL STATE DEFINED.—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)).

SEC. 2505. INCREASED PENALTY FOR USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

(a) IN GENERAL.—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 against any person, 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; or

''(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) in paragraph (3), as so redesignated, by striking subparagraph (B) and inserting the following:

"(B) in the case of—

"(i) an attempt to murder; or

"(ii) the use of physical force against any person;

imprisonment for not more than 20 years."; and

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

(b) CONSPIRACY.—That section is further amended by adding at the end the following:

"(j) CONSPIRACY.—Whoever conspires to commit any offense under this section or section 1513 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

CHAPTER 2—TRAVEL ACT AMENDMENT

SEC. 2511. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

"§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

''(a) PROHIBITED CONDUCT AND PENALTIES.—

''(1) IN GENERAL.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(i) distribute the proceeds of any unlawful activity; or

''(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) CRIMES OF VIOLENCE.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

"(b) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and

any commonwealth, territory, or possession of the United States.

"(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

"(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

"(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

"(C) the use of 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, docu-

ment, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

"(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.".

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term "unlawful activity" has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—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 for a person who, in violating section 522 of title 18, United

States Code (as added by section 2501 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal gang.

CHAPTER 3—DISTRIBUTION OF INFORMATION ON DESTRUCTIVE DEVICES

SEC. 2521. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

"(B) The term 'explosive' has the same meaning as in section 844(j).

"(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for,

or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

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

(3) by adding at the end the following:

''(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (p)''.

CHAPTER 4—ANIMAL ENTERPRISE TERRORISM AND ECOTERRORISM

SEC. 2531. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking ''under this title'' and inserting ''consistent with this title or double the amount of damages, whichever is greater,''; and

(B) by striking ''one year'' and inserting ''five years''; and

(2) in subsection (b)—

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

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.''; and

(C) in paragraph (3), as so redesignated, by striking ''under this title and'' and all that follows and inserting ''under this title, imprisoned for life or for any term of years, or sentenced to death.''.

SEC. 2532. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—As used in this section:

(1) The term ''animal enterprise'' has the same meaning given such term in section 43 of title 18, United States Code.

(2) The term ''Director'' means the Director of the Federal Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

Subtitle D—High Intensity Drug Trafficking Areas

SEC. 2601. FINDINGS; PURPOSE.

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

(1) Numerous law enforcement agencies, including the United States Customs Service, the Drug Enforcement Agency, and State and local law enforcement agencies, are overwhelmed by the high

volume of methamphetamine trafficking along the Northern Border of the United States, including throughout the State of Minnesota.

(2) Minnesota and other States along the northern border have become hubs for the clandestine manufacture, production, sale, and abuse of methamphetamines.

(3) It is necessary to coordinate Federal, State, and local law enforcement efforts to address the problem of methamphetamine trafficking and abuse along the northern border.

(b) PURPOSE.—The purpose of this subtitle is to provide for the designation of the Northern Border of the United States as a high intensity drug trafficking area to better address the problem of methamphetamine trafficking along the area of the northern border by directing additional resources to the area.

SEC. 2602. DESIGNATION OF NORTHERN BORDER AS HIGH INTENSITY DRUG TRAFFICKING AREA.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall designate appropriate areas along the Northern Border of the United States as a high intensity drug trafficking area. The areas designated shall include the State of Minnesota.

SEC. 2603. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Office of National Drug Control Policy for fiscal year 2000, $2,700,000 to carry out the purposes of this subtitle.

TITLE III—CRIMINAL USE OF FIREARMS BY FELONS

Subtitle A—Criminal Use of Firearms by Felons

SEC. 3001. SHORT TITLE.

This subtitle may be referred to as the ''Criminal Use of Firearms by Felons (CUFF) Act''.

SEC. 3002. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Criminal Use of Firearms by Felons (CUFF) Program''.

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(k), or 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (1) be charged with a violation of the most serious Federal offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community,

and religious organizations, an extensive media campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) COVERED JURISDICTIONS.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 3003. ANNUAL REPORTS.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle

during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 3004. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2000 $50,000,000 for purposes of the program required under section 3002, of which—

(1) $40,000,000 shall be for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 3002(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 3002(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 3002(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

SEC. 3101. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—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 ''and'' 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) or 922(g) (relating to possession of explosives or firearms by convicted felons); and''.

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(A) Except as provided in subparagraph (B), any person who''; and

(2) by adding at the end the following:

"(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.".

TITLE IV—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Subtitle A—Juvenile Justice Reform

SEC. 4101. REPEAL OF GENERAL PROVISION.

(a) IN GENERAL.—Chapter 401 of title 18, United States Code, is amended—

(1) by striking section 5001; and

(2) by redesignating section 5003 as section 5001.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The analysis for chapter 401 of title 18, United States Code, is amended—

(1) by striking the items relating to sections 5001 and 5002; and

(2) by redesignating the item relating to section 5003 as an item relating to section 5001.

SEC. 4102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution

"(a) IN GENERAL.—

"(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS.—A juvenile who is alleged to have committed a Federal offense shall, except as provided in paragraph (2), be tried in the appropriate district court of the United States—

"(A) in the case of an offense described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court) that—

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

"(ii) the ends of justice otherwise so require;

"(B) in the case of a felony offense that is not described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the Attorney General (which certification shall not be subject to review in or by any court) that—

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

"(ii) the ends of justice otherwise so require;

"(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult under this section, as an adult; and

"(D) in all other cases, as a juvenile.

"(2) REFERRAL BY UNITED STATES ATTORNEY; APPLICATION TO CONCURRENT JURISDICTION.—

"(A) IN GENERAL.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may

be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

"(B) APPLICATION TO CONCURRENT JURISDICTION.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases of concurrent jurisdiction between the Federal Government and a State or Indian tribe over both the offense and the juvenile, shall exercise a presumption in favor of referral pursuant to subparagraph (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

"(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the offense or the juvenile; and

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

"(C) DEFINITIONS.—In this subsection:

"(i) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

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

"(b) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined under the Federal Rules of Criminal Procedure with an offense described in subsection (c), and may also be convicted of a lesser included offense.

"(c) OFFENSES DESCRIBED.—An offense is described in this subsection if it is a Federal offense that—

"(1) is a serious violent felony or a serious drug offense (as those terms are defined in section

3559(c), except that section 3559(c)(3) does not apply to this subsection); or

"(2) is a conspiracy or an attempt to commit an offense described in paragraph (1).

"(d) WAIVER TO JUVENILE STATUS IN CERTAIN CASES; LIMITATIONS ON JUDICIAL REVIEW.—

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

"(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILE.—In any prosecution of a juvenile under subsection (a)(1)(A) if the juvenile was less than 16 years of age at the time of the offense, or under subsection (a)(1)(B), 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 paragraph (2) 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 may 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;

"(B) whether prosecution of the juvenile as an adult is necessary to protect property or public safety;

"(C) the age and social background of the juvenile;

"(D) the extent and nature of the prior criminal or 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 any identified 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 de-

fendant 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 under this subsection shall be the same as prescribed in section 3142(f).

"(e) APPLICABLE PROCEDURES.—Any prosecution in a district court of the United States under this section—

"(1) in the case of a juvenile tried as an adult under subsection (a), shall proceed in the same manner as is required by this title and by the Federal Rules of Criminal Procedure in any proceeding against an adult; and

"(2) in all other cases, shall proceed in accordance with this chapter, unless the juvenile has requested in writing, upon advice of counsel, to be proceeded against as an adult.

"(f) APPLICATION OF LAWS.—

"(1) APPLICABILITY OF SENTENCING PROVISIONS.—

"(A) IN GENERAL.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States as an adult, the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult, except that no person shall be subject to the death penalty for an offense committed before the person attains the age of 18 years.

"(B) STATUS AS ADULT.—No juvenile sentenced to a term of imprisonment shall be released from custody on the basis that the juvenile has attained the age of 18 years.

"(C) APPLICABLE GUIDELINES.—Each juvenile tried as an adult shall be sentenced in accordance with the Federal sentencing guidelines promulgated under section 994(z) of title 28, United States Code, once such guidelines are promulgated and take effect.

"(2) APPLICABILITY OF MANDATORY RESTITUTION PROVISIONS TO CERTAIN JUVENILES.—If a juvenile is tried as an adult for any offense to which the mandatory restitution provisions of sections 3663A, 2248, 2259, 2264, and 2323 apply, those sections shall apply to that juvenile in the same manner and to the same extent as those provisions apply to adults.

"(g) OPEN PROCEEDINGS.—

"(1) IN GENERAL.—Any offense tried or adjudicated in a district court of the United States under this section shall be open to the general public, in accordance with rules 10, 26, 31(a), and 53 of the Federal Rules of Criminal Procedure, unless good cause is established by the moving party or is otherwise found by the court, for closure.

"(2) STATUS ALONE INSUFFICIENT.—The status of the defendant as a juvenile, absent other factors, shall not constitute good cause for purposes of this subsection.

"(h) AVAILABILITY OF RECORDS.—

"(1) IN GENERAL.—In making a determination concerning the arrest or prosecution of a juvenile in a district court of the United States under this section, the United States Attorney of the appropriate

jurisdiction, or, as appropriate, the Attorney General, shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted by State law, the prior State juvenile records of the subject juvenile.

"(2) CONSIDERATION OF ENTIRE RECORD.—In any case in which a juvenile is found guilty or adjudicated delinquent in an action under this section, the district court responsible for imposing sentence shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted under State law, the prior State juvenile records of the subject juvenile. At sentencing, the district court shall consider the entire available prior juvenile record of the subject juvenile.

"(i) APPLICATION TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a)(1) shall not be made nor granted with respect to a juvenile who is subject to the criminal jurisdiction of an Indian tribal government if the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe

having jurisdiction over the place where the alleged offense was committed has, before the occurrence of the alleged offense, notified the Attorney General in writing of its election that prosecution as an adult may take place under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5032 and inserting the following:

''5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution.''.

(2) ADULT SENTENCING.—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 YOUNGER THAN 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for, or convicted of, a

serious violent felony or a serious drug offense (as those terms are defined in section 3559(c)).

"(h) TREATMENT OF JUVENILE CRIMINAL HISTORY IN FEDERAL SENTENCING.—

"(1) IN GENERAL.—

"(A) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission (referred to in this subsection as the 'Commission') shall amend the Federal sentencing guidelines to provide that, in determining the criminal history score under the Federal sentencing guidelines for any adult offender or any juvenile offender being sentenced as an adult, prior juvenile convictions and adjudications for offenses described in paragraph (2) shall receive a score similar to that which the defendant would have received if those offenses had been committed by the defendant as an adult, if any portion of the sentence for the offense was imposed or served within 15 years after the commencement of the instant offense.

"(B) REVIEWS.—The Commission shall review the criminal history treatment of juvenile adjudications or convictions for offenses other

than those described in paragraph (2) to determine whether the treatment should be adjusted as described in subparagraph (A), and make any amendments to the Federal sentencing guidelines as necessary to make whatever adjustments the Commission concludes are necessary to implement the results of the review.

''(2) OFFENSES DESCRIBED.—The offenses described in this paragraph include any—

''(A) crime of violence;

''(B) controlled substance offense;

''(C) other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

''(D) other offense punishable by a term of imprisonment of more than 1 year for which the defendant was prosecuted as an adult.

''(3) DEFINITIONS.—The Federal sentencing guidelines described in paragraph (1) shall define the terms 'crime of violence' and 'controlled substance offense' in substantially the same manner as those terms are defined in Guideline Section 4B1.2 of the November 1, 1995, Guidelines Manual.

''(4) JUVENILE ADJUDICATIONS.—In carrying out this subsection, the Commission—

"(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; and

"(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

"(5) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

"(6) CAREER OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sen-

tencing guidelines to provide for inclusion, in any determination regarding whether a juvenile or adult defendant is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult.''.

SEC. 4103. DEFINITIONS.

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

''§ 5031. Definitions

''In this chapter:

''(1) ADULT INMATE.—The term 'adult inmate' means an individual who has attained the age of 18 years and who is in custody for, awaiting trial on, or convicted of criminal charges or an act of juvenile delinquency committed while a juvenile.

''(2) JUVENILE.—The term 'juvenile' means—

''(A) a person who has not attained the age of 18 years; 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 the age of 21 years.

"(3) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person before the eighteenth 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).

"(4) 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.

"(5) SUSTAINED ORAL COMMUNICATION.—

"(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or

interchange of speech by or between a juvenile and an adult inmate.

"(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.

"(6) 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 defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

"(7) 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 defined in section 16).".

SEC. 4104. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended—

(1) in the first sentence, by striking ''immediately notify the Attorney General and'' and inserting the following: ''immediately, or as soon as practicable thereafter, notify the United States Attorney of the appropriate jurisdiction and shall promptly take reasonable steps to notify''; and

(2) in the second sentence of the second undesignated paragraph, by inserting before the period at the end the following: '', and the juvenile shall not be subject to detention under conditions that permit prohibited physical contact with adult inmates or in which the juvenile and an adult inmate can engage in sustained oral communication''.

SEC. 4105. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The magistrate shall insure'' and inserting the following:

''(a) IN GENERAL.—

''(1) REPRESENTATION BY COUNSEL.—The magistrate shall ensure'';

(2) by striking ''The magistrate may appoint'' and inserting the following:

"(2) GUARDIAN AD LITEM.—The magistrate may appoint";

(3) by striking "If the juvenile" and inserting the following:

"(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile"; and

(4) by adding at the end the following:

"(c) RELEASE OF CERTAIN JUVENILES.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be released pending trial only in accordance with the applicable provisions of chapter 207. The release shall be conducted in the same manner and shall be subject to the same terms, conditions, and sanctions for violation of a release condition as provided for an adult under chapter 207.

"(d) PENALTY FOR AN OFFENSE COMMITTED WHILE ON RELEASE.—

"(1) IN GENERAL.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

"(2) APPLICABILITY OF CERTAIN PENALTIES.—Section 3147 shall apply to a juvenile who is to be tried as an adult pursuant to section 5032 for an of-

fense committed while on release under this section.''.

(b) DETENTION PRIOR TO DISPOSITION.—Section 5035 of title 18, United States Code, is amended—

(1) by striking ''A juvenile'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), a juvenile'';

(2) in subsection (a), as redesignated—

(A) in the third sentence, by striking ''regular contact'' and inserting ''prohibited physical contact or sustained oral communication''; and

(B) after the fourth sentence, by inserting the following: ''To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.''; and

(3) by adding at the end the following:

''(b) DETENTION OF CERTAIN JUVENILES.—

''(1) IN GENERAL.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be subject to detention in accordance with chapter 207 in the same manner, to the same extent, and subject to the same terms and conditions as an adult would be subject to under that chapter.

"(2) EXCEPTION.—A juvenile shall not be detained or confined in any institution in which the juvenile has prohibited physical contact or sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.".

SEC. 4106. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended—

(1) by inserting "who is to be proceeded against as a juvenile pursuant to section 5032 and" after "If an alleged delinquent";

(2) by striking "thirty" and inserting "70"; and

(3) by striking "the court," and all that follows through the end of the section and inserting the following: "the court. The periods of exclusion under section 3161(h) shall apply to this section. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the alleged act of juvenile delinquency, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice.".

SEC. 4107. DISPOSITIONAL HEARINGS.

Section 5037 of title 18, United States Code, is amended—

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

"(a) IN GENERAL.—

"(1) DISPOSITIONAL HEARING.—

"(A) IN GENERAL.—In a proceeding under section 5032(a)(1)(D), 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).

"(B) PREDISPOSITION 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. Victim impact information shall be included in the predisposition 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 to present any information in relation to the disposition.

"(2) ACTIONS OF COURT AFTER HEARING.—After a dispositional hearing under paragraph (1), after considering any pertinent policy statements promulgated by the United States Sentencing Commission pursuant to section 994 of title 28, and in conformance with the guidelines promulgated by the United States Sentencing Commission pursuant to section 994(z)(1)(B) of title 28, the court shall—

"(A) place the juvenile on probation or 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; and

"(B) enter an order of restitution pursuant to section 3663.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "or supervised release" after "probation";

(B) by striking "extend—" and all that follows through "The provisions" and inserting the following: "extend, in the case of a juvenile, beyond the maximum term of probation that would be authorized by section 3561, or beyond

the maximum term of supervised release authorized by section 3583, if the juvenile had been tried and convicted as an adult. The provisions dealing with supervised release set forth in section 3583 and the provisions''; and

(C) in the last sentence, by inserting ''or supervised release'' after ''on probation''; and

(3) in subsection (c), by striking ''may not extend—'' and all that follows through ''Section 3624'' and inserting the following: ''may not extend beyond the earlier of the 26th birthday of the juvenile or the termination date of the maximum term of imprisonment, exclusive of any term of supervised release, that would be authorized if the juvenile had been tried and convicted as an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains the age of 18 years. Section 3624''.

SEC. 4108. USE OF JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended to read as follows:

''§ 5038. Use of juvenile records

''(a) IN GENERAL.—Throughout a juvenile delinquency proceeding under section 5032 or 5037, the records of such proceeding shall be safeguarded from dis-

closure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

"(1) compliance with section 5032(h);

"(2) docketing and processing by the court;

"(3) responding to an inquiry received from another court of law;

"(4) responding to an inquiry from an agency preparing a presentence report for another court;

"(5) responding to an inquiry from a law enforcement agency, if the request for information is related to the investigation of a crime or a position within that agency or analysis requested by the Attorney General;

"(6) responding to a written inquiry from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(7) responding to an inquiry from an agency considering the person for a position immediately and directly affecting national security;

"(8) responding to an inquiry from any victim of such juvenile delinquency or, if the victim is deceased, from a member of the immediate family of the victim, related to the final disposition of such ju-

venile by the court in accordance with section 5032 or 5037, as applicable; and

"(9) communicating with a victim of such juvenile delinquency or, in appropriate cases, with the official representative of a victim, in order to—

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

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

"(C) assist in the allocution at disposition of the victim or the representative of the victim.

"(b) RECORDS OF ADJUDICATION.—

"(1) TRANSMISSION TO FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

"(2) MAINTAINING RECORDS.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records of the Federal Bureau of Investigation—

"(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

"(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be any offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

"(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional super-

vision, or rehabilitation of an accused person, criminal offender, or juvenile delinquent; and

"(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security.

"(3) AVAILABILITY OF RECORDS TO SCHOOLS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school, in appropriate circumstances (as defined by and under rules issued by the Attorney General), if—

"(A) the subject of the record is a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school;

"(B) the school official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juve-

nile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

"(C) information contained in the record is not used for the purpose of making an admission determination.

"(c) NOTIFICATION OF RIGHTS.—A district court of the United States that exercises jurisdiction over a juvenile shall notify the juvenile, and a parent or guardian of the juvenile, in writing, and in clear and nontechnical language, of the rights of the juvenile relating to the adjudication record of the juvenile.

"(d) RECORDS OF JUVENILES TRIED AS ADULTS.—In any case in which a juvenile is tried as an adult in Federal court, the Federal criminal record of the juvenile shall be made available in the same manner as is applicable to the records of adult defendants.".

SEC. 4109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5039 of title 18, United States Code, is amended to read as follows:

"§ 5039. Implementation of a sentence

"(a) IN GENERAL.—Except as otherwise provided in this chapter, the sentence for a juvenile who is adjudicated delinquent or found guilty of an offense under any pro-

ceeding in a district court of the United States under section 5032 shall be carried out in the same manner as for an adult defendant.

"(b) SENTENCES OF IMPRISONMENT, PROBATION, AND SUPERVISED RELEASE.—Subject to subsection (d), the implementation of a sentence of imprisonment is governed by subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

"(c) SENTENCES OF FINES AND ORDERS OF RESTITUTION; SPECIAL ASSESSMENTS.—

"(1) IN GENERAL.—A sentence of a fine, an order of restitution, or a special assessment under section 3013 shall be implemented and collected in the same manner as for an adult defendant.

"(2) PROHIBITION.—The parent, guardian, or custodian of a juvenile sentenced to pay a fine or ordered to pay restitution or a special assessment under section 3013 may not be made liable for such payment by any court.

"(d) SEGREGATION OF JUVENILES; CONDITIONS OF CONFINEMENT.—

"(1) IN GENERAL.—No juvenile committed for incarceration, whether pursuant to an adjudication of delinquency or conviction for an offense, to the

custody of the Attorney General may, before the juvenile attains the age of 18 years, be placed or retained in any jail or correctional institution in which the juvenile has prohibited physical contact with adult inmate or can engage in sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(2) REQUIREMENTS.—Each juvenile who is committed for incarceration shall be provided with—

"(A) adequate food, heat, light, sanitary facilities, bedding, clothing, and recreation; and

"(B) as appropriate, counseling, education, training, and medical care (including necessary psychiatric, psychological, or other care or treatment).

"(3) COMMITMENT TO FOSTER HOME OR COMMUNITY-BASED FACILITY.—Except in the case of a juvenile who is found guilty of a violent felony or who is adjudicated delinquent for an offense that would be a violent felony if the juvenile had been prosecuted as an adult, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community if that commitment is—

"(A) practicable;

"(B) in the best interest of the juvenile; and

"(C) consistent with the safety of the community.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5039 and inserting the following:

"5039. Implementation of a sentence.".

SEC. 4110. MAGISTRATE JUDGE AUTHORITY REGARDING JUVENILE DEFENDANTS.

Section 3401(g) of title 18, United States Code, is amended—

(1) in the second sentence, by inserting after "magistrate judge may, in any" the following: "class A misdemeanor or any"; and

(2) in the third sentence, by striking ", except that no" and all that follows before the period at the end of the subsection.

SEC. 4111. FEDERAL SENTENCING GUIDELINES.

(a) APPLICATION OF GUIDELINES TO CERTAIN JUVENILE DEFENDANTS.—Section 994(h) of title 28, United States Code, is amended by inserting ", or in which the defendant is a juvenile who is tried as an adult," after "old or older".

(b) GUIDELINES FOR JUVENILE CASES.—

(1) IN GENERAL.—Section 994 of title 28, United States Code, is amended by adding at the end the following:

"(z) GUIDELINES FOR JUVENILE CASES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Commission, by affirmative vote of not less than 4 members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(A) guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18, United States Code; and

"(B) guidelines, as described in this section, for use by a court in determining the sentence to be imposed on a juvenile adjudicated

delinquent pursuant to section 5032 of title 18, United States Code, and sentenced pursuant to a dispositional hearing under section 5037 of title 18, United States Code.

"(2) DETERMINATIONS.—In carrying out this subsection, the Commission shall make the determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).

"(3) CONSIDERATIONS.—In addition to any other considerations required by this section, the Commission, in promulgating guidelines—

"(A) pursuant to paragraph (1)(A), shall presume the appropriateness of adult sentencing provisions, but may make such adjustments to sentence lengths and to provisions governing downward departures from the guidelines as reflect the specific interests and circumstances of juvenile defendants; and

"(B) pursuant to paragraph (1)(B), shall ensure that the guidelines—

"(i) reflect the broad range of sentencing options available to the court under section 5037 of title 18, United States Code; and

"(ii) effectuate a policy of an accountability-based juvenile justice system that provides substantial and appropriate sanctions, that are graduated to reflect the severity or repeated nature of violations, for each delinquent act, and reflect the specific interests and circumstances of juvenile defendants.

"(4) REVIEW PERIOD.—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.".

(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a) of title 28, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any Federal statute".

SEC. 4112. STUDY AND REPORT ON INDIAN TRIBAL JURISDICTION.

Not later than 18 months after the date of enactment of this Act, the Attorney General shall conduct a study of the juvenile justice systems of Indian tribes (as defined

in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) and shall report to the Chairman and Ranking Member of the Committee on the Judiciary and the Committee on Indian Affairs of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which tribal governments are equipped to adjudicate felonies, misdemeanors, and acts of delinquency committed by juveniles subject to tribal jurisdiction; and

(2) the need for and benefits from expanding the jurisdiction of tribal courts and the authority to impose the same sentences that can be imposed by Federal or State courts on such juveniles.

Subtitle B—Juvenile Crime Control, Accountability, and Delinquency Prevention

CHAPTER 1—REFORM OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 4201. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

"TITLE I—FINDINGS AND DECLARATION OF PURPOSE

"SEC. 101. FINDINGS.

''Congress makes the following findings:

''(1) During the past decade, the United States has experienced an alarming increase in arrests of adolescents for murder, assault, and weapons offenses.

''(2) In 1994, juveniles accounted for 1 in 5 arrests for violent crimes, including murder, robbery, aggravated assault, and rape, including 514 such arrests per 100,000 juveniles 10 through 17 years of age.

"(3) Understaffed and overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities no longer adequately address the changing nature of juvenile crime, protect the public, or correct youth offenders.

"(4) The juvenile justice system has proven inadequate to meet the needs of society and the needs of children who may be at risk of becoming delinquents are not being met.

"(5) Existing programs and policies have not adequately responded to the particular threats that drugs, alcohol abuse, violence, and gangs pose to the youth of the Nation.

"(6) Projected demographic increases in the number of youth offenders require reexamination of current prosecution and incarceration policies for serious violent youth offenders and crime prevention policies.

"(7) State and local communities require assistance to deal comprehensively with the problems of juvenile delinquency.

"(8) Existing Federal programs have not provided the States with necessary flexibility, nor have these programs provided the coordination, resources,

and leadership required to meet the crisis of youth violence.

''(9) Overlapping and uncoordinated Federal programs have created a multitude of Federal funding streams to States and units of local government, that have become a barrier to effective program coordination, responsive public safety initiatives, and the provision of comprehensive services for children and youth.

''(10) Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response, combining flexibility and coordinated evaluation.

''(11) The role of the Federal Government should be to encourage and empower communities to develop and implement policies to protect adequately the public from serious juvenile crime as well as implement quality prevention programs that work with at-risk juveniles, their families, local public agencies, and community-based organizations.

''(12) A strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, philanthropic organizations, families, and the religious community, can create a

community environment that supports the youth of the Nation in reaching their highest potential and reduces the destructive trend of juvenile crime.

"SEC. 102. PURPOSE AND STATEMENT OF POLICY.

''(a) IN GENERAL.—The purposes of this Act are to—

''(1) empower States and communities to develop and implement comprehensive programs that support families, reduce risk factors, and prevent serious youth crime and juvenile delinquency;

''(2) protect the public and to hold juveniles accountable for their acts;

''(3) encourage and promote, consistent with the ideals of federalism, the adoption by the States of policies recognizing the rights of victims in the juvenile justice system, and ensuring that the victims of violent crimes committed by juveniles receive the same level of justice as do the victims of violent crimes committed by adults;

''(4) provide for the thorough and ongoing evaluation of all federally funded programs addressing juvenile crime and delinquency;

''(5) provide technical assistance to public and private nonprofit entities that protect public safety, administer justice and corrections to delinquent

youth, or provide services to youth at risk of delinquency, and their families;

''(6) establish a centralized research effort on the problems of youth crime and juvenile delinquency, including the dissemination of the findings of such research and all related data;

''(7) establish a Federal assistance program to deal with the problems of runaway and homeless youth;

''(8) assist States and units of local government in improving the administration of justice for juveniles;

''(9) assist the States and units of local government in reducing the level of youth violence and juvenile delinquency;

''(10) assist States and units of local government in promoting public safety by supporting juvenile delinquency prevention and control activities;

''(11) encourage and promote programs designed to keep in school juvenile delinquents expelled or suspended for disciplinary reasons;

''(12) assist States and units of local government in promoting public safety by encouraging accountability for acts of juvenile delinquency;

"(13) assist States and units of local government in promoting public safety by improving the extent, accuracy, availability and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system;

"(14) assist States and units of local government in promoting public safety by encouraging the identification of violent and hardcore juveniles;

"(15) assist States and units of local government in promoting public safety by providing resources to States to build or expand juvenile detention facilities;

"(16) provide for the evaluation of federally assisted juvenile crime control programs, and the training necessary for the establishment and operation of such programs;

"(17) ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

"(18) provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.

"(b) STATEMENT OF POLICY.—It is the policy of Congress to provide resources, leadership, and coordination to—

"(1) combat youth violence and to prosecute and punish effectively violent juvenile offenders;

"(2) enhance efforts to prevent juvenile crime and delinquency; and

"(3) improve the quality of juvenile justice in the United States.

"SEC. 103. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

"(2) ADULT INMATE.—The term 'adult inmate' means an individual who—

"(A) has reached the age of full criminal responsibility under applicable State law; and

"(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

"(3) BOOT CAMP.—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.

"(4) BUREAU OF JUSTICE ASSISTANCE.—The term 'Bureau of Justice Assistance' means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

"(5) BUREAU OF JUSTICE STATISTICS.—The term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732).

"(6) COLLOCATED FACILITIES.—The term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

"(7) COMBINATION.—The term 'combination' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

"(8) COMMUNITY-BASED.—The term 'community-based' facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

"(9) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term 'comprehensive and coordinated system of services' means a system that—

"(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

"(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems

because of physical or mental stress or abuse, and for the benefit of their families;

"(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

"(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

"(10) CONSTRUCTION.—The term 'construction' means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings).

"(11) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term 'Federal juvenile crime control, prevention, and juvenile offender accountability program' means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

"(12) GENDER-SPECIFIC SERVICES.—The term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided.

"(13) GRADUATED SANCTIONS.—The term 'graduated sanctions' means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense.

"(14) HOME-BASED ALTERNATIVE SERVICES.—The term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

"(15) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special pro-

grams and services provided by the United States to Indians because of their status as Indians.

"(16) JUVENILE.—The term 'juvenile' means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

"(17) JUVENILE POPULATION.—The term 'juvenile population' means the population of a State under 18 years of age.

"(18) JAIL OR LOCKUP FOR ADULTS.—The term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

"(A) pending the filing of a charge of violating a criminal law;

"(B) awaiting trial on a criminal charge; or

"(C) convicted of violating a criminal law.

"(19) JUVENILE DELINQUENCY PROGRAM.—The term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

"(A) drug and alcohol abuse programs;

"(B) the improvement of the juvenile justice system; and

"(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of delinquent juvenile behavior.

"(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term 'law enforcement and criminal justice' means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(21) NATIONAL INSTITUTE OF JUSTICE.—The term 'National Institute of Justice' means the institute established by section 202(a) of title I of the

Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

"(22) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"(23) OFFICE.—The term 'Office' means the Office of Juvenile Crime Control and Prevention established under section 201.

"(24) OFFICE OF JUSTICE PROGRAMS.—The term 'Office of Justice Programs' means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

"(25) OUTCOME OBJECTIVE.—The term 'outcome objective' means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement of youth gangs, and teenage pregnancy, among youth in the community.

"(26) PROCESS OBJECTIVE.—The term 'process objective' means an objective that relates to the manner in which a program or initiative is carried out, including—

"(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

"(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

"(27) 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.

"(28) RELATED COMPLEX OF BUILDINGS.—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, Code of Federal Regulations, as in effect on December 10, 1996.

"(29) SECURE CORRECTIONAL FACILITY.—The term 'secure correctional facility' means any public or private residential facility that—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

"(30) SECURE DETENTION FACILITY.—The term 'secure detention facility' means any public or private residential facility that—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

"(31) SERIOUS CRIME.—The term 'serious crime' means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

"(32) STATE.—The term 'State' means any State 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.

"(33) STATE OFFICE.—The term 'State office' means an office designated by the chief executive officer of a State to carry out this title, as provided

in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

"(34) 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.

"(35) TREATMENT.—The term 'treatment' includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

"(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

"(B) controlling or reducing their dependence and susceptibility to addiction or use.

"(36) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

"(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

"(B) any law enforcement district or judicial enforcement district that—

"(i) is established under applicable State law; and

"(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

"(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

"(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

"(i) the District of Columbia; or

"(ii) any Trust Territory of the United States.

"(37) VALID COURT ORDER.—The term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

"(A) who was brought before the court and made subject to such order; and

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

"(38) VIOLENT CRIME.—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.

"(39) YOUTH.—The term 'youth' means an individual who is not less than 6 years of age and not more than 17 years of age.".

SEC. 4202. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

"TITLE II—JUVENILE CRIME CONTROL AND PREVENTION

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

"SEC. 201. ESTABLISHMENT OF OFFICE.

''(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

''(b) ADMINISTRATOR.—

''(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

''(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, amounts made available under this title.

''(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors

of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

"(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

"(d) ASSOCIATE ADMINISTRATOR.—

"(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and who shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

"(2) DUTIES.—The duties of the Associate Administrator shall include keeping Congress, other Federal agencies, outside organizations, and State and local government officials informed about activities carried out by the Office.

"(e) DELEGATION AND ASSIGNMENT.—

"(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

"(A) delegate any of the functions of the Administrator, and any function transferred or

granted to the Administrator after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, to such officers and employees of the Office as the Administrator may designate; and

"(B) authorize successive redelegations of such functions as may be necessary or appropriate.

"(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

"(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

"SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

"(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

"(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix their compensation at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

"(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

"(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

"SEC. 203. VOLUNTARY SERVICE.

"The Administrator may accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"SEC. 204. NATIONAL PROGRAM.

"(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

"(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out such plan, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

"(2) CONTENTS OF PLANS.—

"(A) IN GENERAL.—Each plan described in paragraph (1) shall—

"(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

"(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

"(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

"(iv) provide a description of the activities for which amounts are expended under this title;

"(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

"(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

"(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

"(i) the types of offenses with which the juveniles are charged;

"(ii) the ages of the juveniles;

"(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

"(iv) the length of time served by juveniles in custody; and

"(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered such injury.

"(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term 'serious bodily injury' means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

"(3) ANNUAL REVIEW.—The Administrator shall annually—

"(A) review each plan submitted under this subsection;

"(B) revise the plans, as the Administrator considers appropriate; and

"(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

"(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

"(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

"(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

"(3) serve as a single point of contact for States, units of local government, and private enti-

ties to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;

''(4) provide for the auditing of grants provided pursuant to this title;

''(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less frequently than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

''(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

''(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

''(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

"(7) involve consultation with appropriate authorities in the States and with appropriate private entities in the development, review, and revision of the plans required by subsection (a) and in the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts; and

"(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title.

"(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator through the general authority of the Attorney General, may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

"(d) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency

of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

"(e) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

"(f) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

"(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

"(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime con-

trol, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

"(3) REVIEW AND COMMENT.—

"(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

"(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

"(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

"(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

"(g) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

"(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

"(2) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

"SEC. 205. JUVENILE DELINQUENCY PREVENTION CHALLENGE GRANT PROGRAM.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) 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) that assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles; or

"(G) that develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(2) projects that use 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;

''(3) 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;

''(4) projects that 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 com-

munity-based organizations and agencies) who are properly screened and trained;

''(6) community-based projects and services (including literacy and social service programs) that 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 remain 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, giving priority to juveniles who have been arrested for an alleged act of juvenile delinquency or adjudicated delinquent;

''(8) projects that 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 that provide for initial intake screening, which may include drug testing, 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 that 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) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(15) family strengthening activities, such as mutual support groups for parents and their children; and

''(16) other activities that are likely to prevent juvenile delinquency.

"(b) ELIGIBILITY OF STATES.—

"(1) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Administrator an application that contains the following:

"(A) An assurance that the State will use—

"(i) 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

"(ii) the remainder of such grant to make grants under subsection (c).

"(B) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(C) An assurance that such application was prepared after consultation with and participation by—

"(i) community-based organizations that carry out programs, projects, or activities to prevent juvenile delinquency; and

"(ii) police, sheriff, prosecutors, State or local probation services, juvenile courts, schools, businesses, and religious affiliated fraternal, nonprofit, and social service organizations involved in crime prevention.

"(D) An assurance that each eligible entity described in subsection (c)(1) that receives an initial grant under subsection (c) 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 subsection (a) 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.

"(E) An assurance that each eligible entity described in subsection (c)(1) that receives a grant to carry out a project or activity under

subsection (c) has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions to fund the project or activity, except that the Administrator may for good cause reduce the matching requirement to 33⅓ percent for economically disadvantaged communities.

''(F) An assurance that projects or activities funded by a grant under subsection (a) shall be carried out through or in coordination with a court with a juvenile crime or delinquency docket.

''(G) Such other information as the Administrator may reasonably require by rule.

''(2) APPROVAL OF APPLICATIONS.—

''(A) APPROVAL REQUIRED.—Subject to subparagraph (A), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of paragraph (1).

''(B) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(i)(I) the State submitted a plan under section 222 for such fiscal year; and

"(II) such plan is approved by the Administrator for such fiscal year; or

"(ii) the Administrator waives the application of clause (i) to such State for such fiscal year, after finding good cause for such a waiver.

"(c) GRANTS FOR LOCAL PROJECTS.—

"(1) SELECTION FROM AMONG APPLICATIONS.—

"(A) IN GENERAL.—Using a grant received under subsection (a), a State may make grants to eligible entities whose applications are received by the State in accordance with paragraph (2) to carry out projects and activities described in subsection (a).

"(B) SPECIAL CONSIDERATION.—For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(i) 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;

"(ii)(I) agree 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

"(iii) state the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(2) RECEIPT OF APPLICATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a unit of local government shall sub-

mit to the State simultaneously all applications that are—

"(i) timely received by such unit from eligible entities; and

"(ii) 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.

"(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

"(d) ELIGIBILITY OF ENTITIES.—

"(1) ELIGIBILITY.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary

Education Act of 1965 and including a school within such authority), nonprofit private organization (including a faith-based organization), unit of 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 local government an application that contains the following:

"(A) 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 subsection (a) as specified in, such application.

"(B) 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.

"(C) A statement identifying the research (if any) such entity relied on in preparing such application.

"(2) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in paragraph (3), an entity shall not be eligible to receive a grant under subsection (c) unless—

"(A) such entity submits to a unit of local government an application that—

"(i) satisfies the requirements specified in subsection (a); and

"(ii) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(B) 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.

"(3) LIMITATION.—If an entity that receives a grant under subsection (c) 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.

"(e) REPORTING REQUIREMENT.—Not later than 180 days after the last day of each fiscal year, the Administrator shall submit to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a report, which shall—

"(1) describe activities and accomplishments of grant activities funded under this section;

"(2) describe procedures followed to disseminate grant activity products and research findings;

"(3) describe activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention;

"(4) identify successful approaches and making the recommendations for future activities to be conducted under this section; and

"(5) describe, on a State-by-State basis, the total amount of matching contributions made by States and eligible entities for activities funded under this section.

"(f) RESEARCH AND EVALUATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or $5,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

"(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

"SEC. 206. GRANTS TO INDIAN TRIBES.

"(a) IN GENERAL.—From the amount reserved under section 207(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 205 and part B.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

"(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 205(a), which plan shall—

"(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

"(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

"(C) provide for fiscal control and accounting procedures that—

"(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

"(ii) are consistent with the requirements of subparagraph (B); and

"(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group)

and with the requirements of section 222(c); and

"(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

"(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

"(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

"(2) for each Indian tribe that receives assistance under such a grant—

"(A) the relative juvenile population; and

"(B) who will be served by the assistance provided by the grant.

"(d) GRANT AWARDS.—

"(1) IN GENERAL.—

"(A) COMPETITIVE AWARDS.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall

enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

"(B) PERIOD OF GRANT.—The period of each grant awarded under this section shall be 2 years.

"(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

"(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

"(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

"(3) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

"(e) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of

the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

"(f) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

"(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect in any manner the jurisdiction of an Indian tribe with respect to land or persons in the State of Alaska.

"(h) TECHNICAL ASSISTANCE.—From the amount reserved under section 207(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

"SEC. 207. ALLOCATION OF GRANTS.

"(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

"(1) 0.5 percent shall be allocated to each eligible State.

"(2) The amount remaining after the allocation under subparagraph (A) shall be allocated among eligible States as follows:

"(A) 50 percent of such amount shall be allocated proportionately based on the juvenile population 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.

"(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year, the Administrator shall reserve an amount equal to the amount to which all Indian tribes that qualify for a grant under section 206 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a).

"(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

"(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

"PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

"(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

"(b) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants

to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

"(2) ELIGIBLE RECIPIENTS.—Grants may be made and contracts may be entered into under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance. In providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

"SEC. 222. STATE PLANS.

"(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and

amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, such plan shall—

"(1) designate a State agency as the sole agency for supervising the preparation and administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

"(3) provide for the active consultation with and participation of units of local government, or combinations thereof, in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

"(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution

of the assistance received with the State, including rural areas;

''(5) require that the State or unit of local government that is a recipient of amounts under this part distributes those amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

''(6) provide assurances that youth coming into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

''(7)(A) provide for—

''(i) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juve-

nile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

''(ii) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

''(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

''(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;

"(8) 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;

"(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

"(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

"(i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

"(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(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;

"(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

"(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;

"(E) educational programs or supportive services for delinquent or other 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

"(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

"(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

"(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

"(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;

"(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;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

"(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or non-addictive drugs;

"(K) boot camps for juvenile offenders;

"(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;

"(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;

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

"(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;

"(11) shall 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;

"(12) provide that—

"(A) juveniles alleged to be or found to be delinquent or 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 with adult inmates; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles;

"(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of non-status 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 non-status 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 with adult inmates; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in collocated 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 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 (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;

"(C) juveniles who are accused of non-status offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining

such juvenile in accordance with this subparagraph;

"(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

"(iv) detaining or confining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction;

"(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

"(III) for a period preceding the sentencing (if any) of such juvenile;

"(14) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of

delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

''(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

''(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

''(17) provide reasonable assurances that Federal funds made available under this part for any period 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 the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

"(18) provide that the State agency designated under paragraph (1) will, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that the agency considers necessary;

"(19) provide assurances that the State or each unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than such convicted person, be tested for the presence of any sexually transmitted disease and that the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code) involving a person not having attained the age of 18 years;

"(20) 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 during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such 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;

"(21) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;

"(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

"(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

"(A) through programs of units of general local government or combinations thereof, to

the extent such programs are consistent with the State plan; and

"(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof; and

"(24) to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any individual.

"(b) APPROVAL BY STATE AGENCY.—

"(1) STATE AGENCY.—The State agency designated under subsection (a)(1) shall approve the State plan and any modification thereof prior to submission of the plan to the Administrator.

"(2) STATE ADVISORY GROUP.—

"(A) ESTABLISHMENT.—The State advisory group referred to in subsection (a) shall be known as the 'State Advisory Group', consisting of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years. The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs, and shall include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket. The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

"(B) CONSULTATION.—

"(i) IN GENERAL.—The State shall consult with the State Advisory Group established under subparagraph (A) in developing and reviewing the State plan under this section.

"(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of the State on an annual basis regarding recommendations related to the State's compliance under this section.

"(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

"(c) COMPLIANCE WITH STATUTORY REQUIREMENTS.—

"(1) IN GENERAL.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), or (24) of subsection (a) in any fiscal year beginning after September 30, 1999, 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—

"(A) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(B) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

"(2) WAIVER.—The Administrator may, upon request by a State showing good cause, waive the application of this subsection with respect to such State.

"SEC. 223. ALLOCATION OF GRANTS.

"(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 207(b) for that fiscal year shall be allocated to the States as follows:

"(1) 0.5 percent shall be allocated to each eligible State.

"(2) The amount remaining after the allocation under clause (i) shall be allocated proportionately based on the juvenile population in the eligible States.

"(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 207(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

"(1) training and technical assistance consistent with the purposes authorized under sections 204, 205, and 221;

"(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

"(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

"(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221.

"(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Com-

monwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

"(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

"PART C—NATIONAL PROGRAMS

"SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION.

"(a) IN GENERAL.—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

"(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency;

"(2) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title;

"(3) funding for new research, through the National Institute of Justice, on the nature, causes,

and prevention of juvenile violence and juvenile delinquency; and

"(4) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, recreation and park personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

"(b) ADMINISTRATION.—The National Institute for Juvenile Crime Control and Delinquency Prevention shall be under the supervision and direction of the Director of the National Institute of Justice (referred to in this part as the 'Director'), in consultation with the Administrator.

"(c) COORDINATION.—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

"(d) DUTIES OF THE INSTITUTE.—

"(1) IN GENERAL.—The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research and evaluation projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

"(2) REQUIREMENTS.—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

"(A) be independent in nature;

"(B) be awarded competitively; and

"(C) employ rigorous and scientifically recognized standards and methodologies, including peer review by nonapplicants.

"(e) POWERS OF THE INSTITUTE.—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

"(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

"(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

"(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

"(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5, United States Code, and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(f) INFORMATION FROM FEDERAL AGENCIES.—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the

National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

"SEC. 242. INFORMATION FUNCTION.

''The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, shall—

''(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

''(2) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

''(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific

programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

"SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

''(a) IN GENERAL.—The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, may—

''(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods that show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

''(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

''(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional

probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(B) assist in the provision by the Administrator of best practices of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

''(4) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incarceration, if necessary, provide therapeutic intervention such as providing skills;

''(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offend-

ers who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

''(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

''(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

''(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs designed to prevent youth violence and juvenile delinquency;

''(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency;

''(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including in-

carcerated in adult, secure correctional facilities);

"(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances connected with the staffing of the intervention), prevention efforts are effective and ineffective; and

"(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;

"(7) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

"(8) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency; and

"(9) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

"(A) all aspects of juveniles as victims and offenders;

"(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

"(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

"(b) PUBLIC DISCLOSURE.—The Administrator or the Director, as appropriate, shall make available to the public—

"(1) the results of research, demonstration, and evaluation activities referred to in subsection (a)(8);

"(2) the data and studies referred to in subsection (a)(9); and

"(3) regular reports regarding each State's objective measurements of youth violence, such as the number, rate, and trend of homicides committed by youths.

"SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

"The Administrator, acting through the National Institute for Crime Control and Delinquency Prevention, as appropriate, may—

"(1) provide technical assistance and training assistance to Federal, State, and local governments

and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

''(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

''(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

''(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies that work directly with juveniles and juvenile offenders; and

"(5) provide technical assistance and training to assist States and units of general local government.

"SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

"(a) IN GENERAL.—The Administrator shall establish within the National Institute for Juvenile Crime Control and Delinquency Prevention a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

"(b) QUALIFICATIONS FOR ENROLLMENT.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

"SEC. 246. REPORT ON STATUS OFFENDERS.

"Not later than September 1, 2002, the Administrator, through the National Institute of Justice, shall—

"(1) conduct a study on the effect of incarceration on status offenders compared to similarly situated individuals who are not placed in secure detention in terms of the continuation of their inappropriate or illegal conduct, delinquency, or future criminal behavior, and evaluating the safety of status offenders placed in secure detention; and

"(2) submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on Education and the Workforce of the House of Representatives a report on the results of the study conducted under paragraph (1).

"SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—Any agency, institution, or individual seeking to receive a grant, or enter into a contract, under section 243, 244, or 245 shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator or the Director, as appropriate, may prescribe.

"(b) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator or the Direc-

tor, as appropriate, each application for assistance under section 243, 244, or 245 shall—

"(1) set forth a program for carrying out 1 or more of the purposes set forth in section 243, 244, or 245, and specifically identify each such purpose such program is designed to carry out;

"(2) provide that such program shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program;

"(4) provide for regular evaluation of such program; and

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

"(c) FACTORS FOR CONSIDERATION.—In determining whether or not to approve applications for grants and for contracts under this part, the Administrator or the Director, as appropriate, shall consider—

"(1) whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques;

"(2) the experience of the principal and coprincipal investigators in the area of youth violence and juvenile delinquency;

"(3) the protection offered human subjects in the study, including informed consent procedures; and

"(4) the cost-effectiveness of the proposed project.

"(d) SELECTION PROCESS.—

"(1) IN GENERAL.—

"(A) COMPETITIVE PROCESS.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a competitive process, which shall be established by the Administrator or the Director, as appropriate, by rule. As part of such a process, the Administrator or the Director, as appropriate, shall announce in the Federal Register—

"(i) the availability of funds for such assistance;

"(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

"(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

"(B) WAIVER.—The competitive process described in subparagraph (A) shall not be required if the Administrator or the Director, as appropriate, makes a written determination waiving the competitive process with respect to a program to be carried out in an area with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.

"(2) REVIEW PROCESS.—

"(A) IN GENERAL.—Programs selected for assistance through grants and contracts under this part shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics, and re-

lated areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.

"(B) ESTABLISHMENT OF PROCESS.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

"(3) EMERGENCY EXPEDITED CONSIDERATION.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the

Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid a delay that would preclude carrying out the program.

''(e) EFFECT OF POPULATION.—A city shall not be denied assistance under section 243, 244, or 245 solely on the basis of its population.

''(f) NOTIFICATION PROCESS.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

"PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

"SEC. 251. DEFINITION OF JUVENILE.

''In this part, the term 'juvenile' means an individual who has not attained the age of 22 years.

"SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.

''(a) IN GENERAL.—

''(1) The Administrator shall make grants to or enter into contracts with public agencies (including

local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

"(A) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

"(i) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

"(ii) education and social services designed to address the social and developmental needs of juveniles that such juveniles would otherwise seek to have met through membership in gangs;

"(iii) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health,

and substance abuse prevention and treatment agencies where necessary;

''(iv) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

''(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

''(B) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

''(C) To target elementary school students, with the purpose of steering students away from gang involvement.

''(D) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a seri-

ous crime and members who have been adjudicated as being delinquent.

"(E) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(F) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist such schools in maintaining a safe environment conducive to learning.

"(G) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

"(H) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs

(6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies.

''(I) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

''(J) To provide services authorized in this section at a special location in a school or housing project.

''(K) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(2) From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

''(A) to conduct research on issues related to juvenile gangs;

"(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

"(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

"(b) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—Any agency, organization, or institution seeking to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

"(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

"(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(C) provide for the proper and efficient administration of such program or activity;

"(D) provide for regular evaluation of such program or activity;

"(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

"(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

"(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to applications—

"(A) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(C) for assistance for programs and activities that—

"(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

"(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

"(1) to reduce the participation of juveniles in the illegal activities of gangs;

"(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs; and

"(3) to facilitate coordination and cooperation among—

"(A) local education, juvenile justice, employment, and social service agencies; and

"(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

"(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

"(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

"(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

"(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

"(3) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

"(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

"(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21

U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

''(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

''(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

"(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(C) provide for the proper and efficient administration of such program or activity;

"(D) provide for regular evaluation of such program or activity;

"(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

"(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

"(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to applications—

"(A) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(C) for assistance for programs and activities that—

"(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"SEC. 254. PRIORITY.

"In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

"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 enter into contracts with, States, units of 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 TRAINING AND TECHNICAL ASSISTANCE.

"The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of 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 assistance pursuant to a grant or contract 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 reasonably require by rule.

"SEC. 264. REPORTS.

"Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Ad-

ministrator to describe progress achieved in carrying the projects for which the assistance was provided.

"PART F—MENTORING

"SEC. 271. MENTORING.

''The purposes of this part are to, through the use of mentors for at-risk youth—

''(1) reduce juvenile delinquency and gang participation;

''(2) improve academic performance; and

''(3) reduce the dropout rate.

"SEC. 272. DEFINITIONS.

''In this part—

''(1) the term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and

''(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the youth, and providing the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

"SEC. 273. GRANTS.

''The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

''(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

''(2) are intended to achieve 1 or more of the following goals:

''(A) Provide general guidance to at-risk youth.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

''(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

"(E) Discourage involvement of at-risk youth in gangs.

"(F) Encourage at-risk youth's participation in community service and community activities.

"SEC. 274. REGULATIONS AND GUIDELINES.

"(a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

"(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"SEC. 275. USE OF GRANTS.

"(a) PERMITTED USES.—Grants awarded under this part shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

"(2) recruitment, screening, and training of adult mentors;

"(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

"(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

"(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

"(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

"(3) to support litigation of any kind; or

"(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"SEC. 276. PRIORITY.

"(a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

"(1) serve at-risk youth in high crime areas;

"(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

"(3) have a considerable number of youth who drop out of school each year.

"(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

"(1) the geographic distribution (urban and rural) of applications;

"(2) the quality of a mentoring plan, including—

"(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

"(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

"(3) the capability of the applicant to effectively implement the mentoring plan.

"SEC. 277. APPLICATIONS.

"An application for assistance under this part shall include—

"(1) information on the youth expected to be served by the program;

"(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

"(3) an assurance that no mentor will be assigned to more than 1 youth, so as to ensure a one-to-one relationship;

"(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences that youth might not otherwise encounter;

"(5) an assurance that projects operated in elementary schools will provide youth with—

"(A) academic assistance;

"(B) exposure to new experiences and activities that youth might not encounter on their own; and

"(C) emotional support;

"(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

"(7) the method by which mentors and youth will be recruited to the project;

"(8) the method by which prospective mentors will be screened; and

"(9) the training that will be provided to mentors.

"SEC. 278. GRANT CYCLES.

"Each grant under this part shall be made for a 3-year period.

"SEC. 279. FAMILY MENTORING PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103);

"(2) the term 'family mentoring program' means a mentoring program that—

"(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

"(B) has a local advisory board to provide direction and advice to program administrators; and

"(3) the term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

"(b) MODEL PROGRAM.—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(c) ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

"(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 35

percent of the total costs of the program funded by the grant.

"(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

"PART G—ADMINISTRATIVE PROVISIONS

"SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), $1,000,000,000 for each of fiscal years 2000 through 2005.

"(b) ALLOCATION OF APPROPRIATIONS.—Of the amount made available under subsection (a) for each fiscal year—

"(1) $450,000,000 shall be for programs under section 1801 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.);

"(2) $75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.);

"(3) $200,000,000 shall be for programs under section 205 of part A of this title;

"(4) $200,000,000 shall be for programs under part B of this title;

"(5) $40,000,000 shall be for prevention programs under part C of this title, of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs;

"(6) $20,000,000 shall be for programs under parts D and E of this title; and

"(7) $15,000,000 shall be for programs under part F of this title, of which $3,000,000 shall be for programs under section 279.

"(c) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

"(d) ADMINISTRATION AND OPERATIONS.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Pre-

vention such sums as may be necessary for each of fiscal years 2000 through 2005.

"(e) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

"SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRICTIONS ON USE OF AMOUNTS; PENALTIES.

"(a) RELIGIOUS NONDISCRIMINATION.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to a State or local government exercising its authority to distribute grants to applicants under this title.

"(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

"(1) EXPERIMENTATION ON INDIVIDUALS.—

"(A) IN GENERAL.—No amounts made available to carry out this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.

"(B) DEFINITION OF BEHAVIOR CONTROL.—In this paragraph, the term 'behavior control'—

"(i) means any experimentation or research employing methods that—

"(I) involve a substantial risk of physical or psychological harm to the individual subject; and

"(II) are intended to modify or alter criminal and other antisocial behavior, including aversive conditioning therapy, drug therapy, chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment; and

"(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain substance abuse treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

"(2) PROHIBITION AGAINST PRIVATE AGENCY USE OF AMOUNTS IN CONSTRUCTION.—

"(A) IN GENERAL.—No amount made available to any private agency or institution, or to any individual, under this title (either directly or through a State office) may be used for construction.

"(B) EXCEPTION.—The restriction in clause (i) shall not apply to any juvenile program in which training or experience in construction or renovation is used as a method of juvenile accountability or rehabilitation.

"(3) LOBBYING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no amount made available under this title to any public or private agency, organization or institution, or to any individual shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or other legislation, or any referendum, initiative, constitutional amendment,

or any other procedure of Congress, any State legislature, any local council, or any similar governing body.

"(B) EXCEPTION.—This paragraph does not preclude the use of amounts made available under this title in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

"(4) LEGAL ACTION.—No amounts made available under this title to any public or private agency, organization, institution, or to any individual, shall be used in any way directly or indirectly to file an action or otherwise take any legal action against any Federal, State, or local agency, institution, or employee.

"(c) PENALTIES.—

"(1) IN GENERAL.—If any amounts are used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a)—

"(A) funding for the agency, organization, institution, or individual at issue shall be immediately discontinued in whole or in part; and

"(B) the agency, organization, institution, or individual using amounts for the purpose prohibited in paragraph (3) or (4) of subsection (b), or in violation of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were granted.

"(2) LIABILITY FOR EXPENSES AND DAMAGES.—In relation to a violation of subsection (b)(4), the individual filing the lawsuit or responsible for taking the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government agency, institution, or individual working for the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the Government, and any punitive damages.

"SEC. 293. ADMINISTRATIVE PROVISIONS.

"(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

"(b) APPLICABILITY OF CERTAIN CRIME CONTROL PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

"(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

"(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

"(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

"(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

"(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

"(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

"(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

"(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

"(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

"(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.".

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 4203. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;".

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

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

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (7), by striking "criminal charges against" and inserting "criminal or delinquency charges against or the coordinated delivery of services to";

(B) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(C) in paragraph (10), by striking "and" at the end;

(D) in paragraph (11), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk

of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) through the Administrator of the Office of Juvenile Crime Control and Prevention, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) IN GENERAL.—Not later than April 1, 2000 and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(k) REPORTS.—Section 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5731) is amended by

striking ''Records'' and inserting ''Except for the purposes of the disposition of criminal or delinquency charges against or the coordinated delivery of services to individual youths, records''.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 384. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 383; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry

out evaluations, and to collect information, under this title.''.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 389. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for each of fiscal years 2000 through 2005.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for each of fiscal years 2000 through 2005.".

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

"SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

"With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by subsection (o) of this section, the following:

"SEC. 386. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and

homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to

promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

(r) TECHNICAL AND CONFORMING AMENDMENT.—Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the first sentence by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

SEC. 4204. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing

children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as

imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) 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 term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

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

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the National Center for Missing and Exploited Children, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of

the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and

local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000 through 2005.

"(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 conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the National Center for Missing and Exploited Children and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2005".

(f) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

SEC. 4205. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b).

(2) ADMINISTRATOR OF THE OFFICE.—The term ''Administrator of the Office'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(3) BUREAU OF JUSTICE ASSISTANCE.—The term ''Bureau of Justice Assistance'' means the bureau established under section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' by section 551(1) of title 5, United States Code.

(5) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term ''Office of Juvenile Crime Control and Prevention'' means the office established by operation of subsection (b).

(7) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—The term ''Office of Juvenile Justice and Delinquency Prevention'' means the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, established by section 201 of the Juvenile Justice and Delinquency

Prevention Act of 1974, as in effect on the day before the date of enactment of this Act.

(8) OFFICE.—The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Juvenile Crime Control and Prevention all functions that the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall

be transferred to the Office of Juvenile Crime Control and Prevention.

(2) UNEXPENDED AMOUNTS.—Any unexpended amounts transferred pursuant to this subsection shall be used only for the purposes for which the amounts were originally authorized and appropriated.

(d) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at such time or times as the Director of that Office shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further

measures and dispositions as may be necessary to effectuate the purposes of this section.

(e) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day before the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Office of Juvenile Crime Control and Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) TRANSITION RULE.—The incumbent Administrator of the Office as of the date immediately preceding the date of enactment of this Act shall continue to serve as Administrator after the date of enactment of this Act until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that are in effect at the time this section takes effect, or were final before the date of enactment of this Act and are to become effective on or after the date of enactment of this Act, shall continue in effect according to their

terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Juvenile Justice and Delinquency Prevention on the date on which this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulga-

tion of a regulation by the Office of Juvenile Justice and Delinquency Prevention relating to a function transferred under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(g) TRANSITION.—The Administrator may utilize—

(1) the services of such officers, employees, and other personnel of the Office of Juvenile Justice and Delinquency Prevention with respect to functions transferred to the Office of Juvenile Crime Control and Prevention by this section; and

(2) amounts appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(h) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Administrator of the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Administrator of the Office of Juvenile Crime Control and Prevention; and

(2) the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Office of Juvenile Crime Control and Prevention.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5315 of title 5, United States Code, is amended by striking ''Administrator, Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Administrator, Office of Juvenile Crime Control and Prevention''.

(2) Section 4351(b) of title 18, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, are each amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and 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 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 amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and 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 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''.

(j) 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 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 Prevention.

CHAPTER 2—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 4221. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General shall make, subject to the availability of appropriations, grants to States for use by States and units of local government in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective investigation, prosecution, and punishment (including the imposition of graduated sanctions) of crimes or acts of delinquency committed by juveniles, programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

"(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

"(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

"(A) the utilization of graduated sanctions;

"(B) the utilization of short-term confinement of juvenile offenders;

"(C) the incarceration of violent juvenile offenders for extended periods of time;

"(D) the hiring of juvenile prosecutors, juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and ensure accountability of juvenile offenders; and

"(E) the development and implementation of coordinated, multi-agency systems for—

"(i) the comprehensive and coordinated booking, identification, and assessment of juveniles arrested or detained by law enforcement agencies, including the utilization of multi-agency facilities such as juvenile assessment centers; and

"(ii) the coordinated delivery of support services for juveniles who have had or are at risk for contact with the juvenile or criminal systems, including utilization of court-established local service delivery councils;

"(2) for programs that require juvenile offenders to make restitution to the victims of offenses committed by those juvenile offenders;

"(3) for programs that require juvenile offenders to attend and successfully complete school or vocational training as part of a sentence imposed by a court;

"(4) for programs that require juvenile offenders who are parents to demonstrate parental responsibility by working and paying child support;

"(5) for programs that seek to curb or punish truancy;

"(6) for programs designed to collect, record, retain, and disseminate information useful in the identification, prosecution, and sentencing of juvenile offenders, such as criminal history information, fingerprints, DNA tests, and ballistics tests;

"(7) for the development and implementation of coordinated multijurisdictional or multiagency pro-

grams for the identification, control, supervision, prevention, investigation, and treatment of the most serious juvenile offenses and offenders, popularly known as a 'SHOCAP Program' (Serious Habitual Offenders Comprehensive Action Program);

''(8) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and disruption of youth gangs;

''(9) for the construction or remodeling of short- and long-term facilities for juvenile offenders;

''(10) for the development and implementation of technology, equipment, training programs for juvenile crime control, for law enforcement officers, judges, prosecutors, probation officers, and other court personnel who are employed by State and local governments, in furtherance of the purposes identified in this section; and

''(11) for programs to seek to target, curb, and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and inten-

tionally use a juvenile during the commission or attempted commission of a crime.

"(c) REQUIREMENTS.—To be eligible to receive an incentive grant under this section, a State shall submit to the Attorney General an application, in such form as shall be prescribed by the Attorney General, which shall contain assurances that, not later than 1 year after the date on which the State submits such application—

"(1) the State has established or will establish a system of graduated sanctions for juvenile offenders that ensures appropriate sanctions, which are graduated to reflect the severity or repeated nature of violations, for each act of delinquency;

"(2) the State has established or will establish a policy of drug testing (including followup testing) juvenile offenders upon their arrest for any offense within an appropriate category of offenses designated by the chief executive officer of the State; and

"(3) the State has an established policy recognizing the rights and needs of victims of crimes committed by juveniles.

"(d) ALLOCATION AND DISTRIBUTION OF STATE GRANTS.—

"(1) IN GENERAL.—

"(A) STATE AND LOCAL DISTRIBUTION.—Subject to subparagraph (B), of amounts made available to the State, 30 percent may be retained by the State for use pursuant to paragraph (2) and 70 percent shall be reserved by the State for local distribution pursuant to paragraph (3).

"(B) SPECIAL RULE.—The Attorney General may waive the requirements of this paragraph with respect to any State in which the criminal and juvenile justice services for delinquent or other youth are organized primarily on a statewide basis, in which case not more than 50 percent of funds shall be made available to all units of local government in that State pursuant to paragraph (3).

"(2) OTHER DISTRIBUTION.—Of amounts retained by the State under paragraph (1) not less than 50 percent shall be designated for—

"(A) programs pursuant to paragraph (1) or (9) of subsection (b), except that if the State designates any amounts for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9), such amounts shall constitute not more than 50 per-

cent of the estimated construction or remodeling cost and that no funds expended pursuant to this subparagraph may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense, and no funds expended pursuant to this subparagraph may be used for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities; or

"(B) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

"(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

"(A) IN GENERAL.—

"(i) LOCAL DISTRIBUTION SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs

that comply with the eligibility requirements of subsection (c).

"(ii) COORDINATED LOCAL EFFORT.—Prior to receiving a grant under this section, a unit of local government shall certify that it has or will establish a coordinated enforcement plan for reducing juvenile crime within the jurisdiction of the unit of local government, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

"(B) SPECIAL RULE.—The requirements of subparagraph (A) shall apply to an eligible unit that receives funds from the Attorney General under subparagraph (H), except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

"(C) LOCAL DISTRIBUTION.—From amounts reserved for local distribution under paragraph (1), the State shall allocate to such units of local government an amount that bears the same ratio to the aggregate amount of such funds as—

"(i) the sum of—

"(I) the product of—

"(aa) two-thirds; multiplied by

"(bb) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(II) the product of—

"(aa) one-third; multiplied by

"(bb) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(ii) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(D) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(E) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

"(F) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

"(i) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(ii) if necessary, use the best available comparable data regarding the num-

ber of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(G) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If, under this section, a unit of local government is allocated less than $5,000 for a payment period, the amount allocated shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(H) DIRECT GRANTS TO ELIGIBLE UNITS.—

"(i) IN GENERAL.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 70 percent of the allocation that the State would have received for grants under this section under subsection (e) for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A).

"(ii) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

"(I) ALLOCATION BY UNITS OF LOCAL GOVERNMENT.—Of amounts made available under this section to a unit of local government, not less than 50 percent shall be designated for—

"(i) paragraph (1) or (9) of subsection (b), except that, if amounts are allocated for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9)—

"(I) the unit of local government shall coordinate such expenditures with similar State expenditures;

"(II) Federal funds shall constitute not more than 50 percent of the estimated construction or remodeling cost; and

"(III) no funds expended pursuant to this clause may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense or for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities, including separate buildings for juveniles and separate juvenile wings, cells, or areas collocated within an adult jail or lockup; or

"(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

"(4) NONSUPPLANTATION.—Amounts made available under this section to the States (or units of local government in the State) shall not be used to supplant State or local funds (or in the case of Indian tribal governments, to supplant amounts provided by the Bureau of Indian Affairs) but shall be

used to increase the amount of funds that would in the absence of amounts received under this section, be made available from a State or local source, or in the case of Indian tribal governments, from amounts provided by the Bureau of Indian Affairs.

"(e) ALLOCATION OF GRANTS AMONG QUALIFYING STATES; RESTRICTIONS ON USE.—

"(1) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

"(A) 0.5 percent shall be allocated to each eligible State.

"(B) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) RESTRICTIONS ON USE.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

"(f) GRANTS TO INDIAN TRIBES.—

"(1) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the

amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were collectively treated as a State to carry out this subsection.

"(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, 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. The requirements of subsection (c) apply to grants under this subsection.

"SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.

"(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application

from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

"(b) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will—

"(1) maintain, at the adult State central repository in accordance with the State's established practices and policies relating to adult criminal history records—

"(A) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense (all as defined by State law), that is equivalent to, and maintained and disseminated in the same manner and for the same purposes as are adult criminal history records for the same offenses, except that the record

may include a notation of expungement pursuant to State law; and

"(B) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

"(2) will establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school, if—

"(A) the official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law

enforcement and juvenile justice agencies in the State; and

"(B) information contained in the juvenile adjudication record may not be used for the purpose of making an admission determination.

"(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

"(d) DEFINITIONS.—In this section—

"(1) the term 'criminal justice purpose' means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, or juvenile delinquents; and

"(2) the term 'expungement' means the nullification of the legal effect of the conviction or adjudication to which the record applies.".

SEC. 4222. 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 (referred to in this section as the ''program'') to encourage and support communities that 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 (referred to in this section 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 or designate an Administrator (referred to in this section 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 that 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.—

(A) IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include—

(i) 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; and

(ii) 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 Attorney General—

(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 Attorney General 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.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2000 through 2003.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 4223. REPEAL OF UNNECESSARY AND DUPLICATIVE PROGRAMS.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) TITLE III.—Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13741 et seq.) is amended by striking subtitles A through C, and subtitles G through S.

(2) TITLE XXVII.—Title XXVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14191 et seq.) is repealed.

(b) REFORM OF GREAT PROGRAM.—Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended—

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

"(2) SELECTION OF COMMUNITIES.—

"(A) IN GENERAL.—Each community identified for a GREAT project referred to in paragraph (1) shall be selected by the Secretary of the Treasury on the basis of—

"(i) the level of gang activity and youth violence in the area in which the community is located;

"(ii) the number of schools in the community in which training would be provided under the project;

"(iii) the number of students who would receive the training referred to in clause (ii) in schools referred to in that clause; and

"(iv) a written description from officials of the community explaining the manner in which funds made available to the community under this section would be allocated.

"(B) EQUITABLE SELECTION.—The Secretary of the Treasury shall ensure that—

"(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

"(ii) the communities referred to in clause (i) include rural communities."; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''50 percent'' and inserting ''85 percent''; and

(B) in subparagraph (B), by striking ''50 percent'' and inserting ''15 percent''.

SEC. 4224. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

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 ''; and''; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $1,000,000,000.''.

SEC. 4225. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(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 facility)'' 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 defined in section 101(a)(3) of the Immigration and Nationality Act) 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) TECHNICAL AND 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.''.

SEC. 4226. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) juveniles between the ages of 10 years and 14 years are committing an increasing number of murders and other serious crimes;

(2) on March 24, 1998, 11-year-old Andrew Golden and 13-year-old Mitchell Johnson shot and killed 4 fellow students and a teacher and injured 10 additional students in Jonesboro, Arkansas;

(3) Golden and Mitchell executed an elaborate scheme to carry out their preplanned attack, including faking illness to miss school, stealing a vehicle from a parent, attempting to use a blowtorch and hammer to break into a locked gun safe, breaking a window to gain access to a grandparent's house and

steal several firearms from the house, and pulling a fire alarm to draw the students and teachers from the school out into the open;

(4) under Arkansas State law, neither of the gunmen could be charged as an adult despite the viciousness of the crimes and the clear and well-planned intent demonstrated by the gunmen in carrying out their scheme;

(5) the tragedy in Jonesboro, Arkansas, is, unfortunately, an all too common occurrence in the United States;

(6) few States have laws that allow individuals between the ages of 10 years and 14 years to be tried as adults, even if they commit an offense that, if committed by an adult, would be a felony offense for which the maximum penalty is a sentence of death; and

(7) the juvenile and criminal justice systems in the United States are not yet equipped to handle the sad reality that 11- and 13-year-old individuals are committing crimes that shock the Nation's conscience and that would often result in a sentence of death if the offenders were older.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each State should enact legislation to provide

that, on motion of the prosecution and with approval of a court, an individual who is not less than 10 years of age and not more than 14 years of age, may be tried as an adult and, upon conviction, may be subject to any penalty (other than a sentence of death) if the individual is charged with an offense that, if committed by an adult, would be a felony offense for which the maximum penalty is a sentence of death.

CHAPTER 3—ALTERNATIVE EDUCATION AND DELINQUENCY PREVENTION

SEC. 4231. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

"Subpart 4—Alternative Education Demonstration Project Grants

"SEC. 1441. PROGRAM AUTHORITY.

"(a) GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under section 1443, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

"(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

"(b) DEMONSTRATION PROJECTS.—

"(1) PARTNERSHIPS.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

"(2) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

"(A) accept for alternative education at-risk or delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

"(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

"(ii) are at risk of dropping out of school;

"(iii) have been convicted of a criminal offense or adjudicated delinquent for an act of juvenile delinquency, and are under a court's supervision; or

"(iv) have demonstrated that continued enrollment in a regular classroom—

"(I) poses a physical threat to other students; or

"(II) inhibits an atmosphere conducive to learning; and

"(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

"(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

"(ii) emphasis on—

"(I) personal, academic, social, and workplace skills; and

"(II) behavior modification.

"(c) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

"(d) DEFINITION OF ADMINISTRATOR.—In this subpart, the term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

"SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

"(a) APPLICATIONS.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary, in consultation with the Administrator, may reasonably require.

"(b) SELECTION OF GRANTEES.—

"(1) IN GENERAL.—The Secretary shall select State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

"(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of Native Americans.

"(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

"(c) QUALIFICATIONS.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

"(1) in the case of a State educational agency, have submitted a State plan under section 1414(a) that is approved by the Secretary;

"(2) in the case of a local educational agency, have submitted an application under section 1423 that is approved by the State educational agency;

"(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

"(4) explain the educational and juvenile justice needs of the community to be addressed by the demonstration project;

"(5) provide a detailed plan to implement the demonstration project; and

"(6) provide assurances and an explanation of the agency's ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35

percent of the cost of the demonstration project funded.

"(2) SOURCE OF FUNDS.—Matching funds for grants under this subpart may be derived from amounts available under section 205, or part B of title II, of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) to the State in which the demonstration project will be carried out, except that the total share of funds derived from Federal sources shall not exceed 50 percent of the cost of the demonstration project.

"(e) PROGRAM EVALUATION.—

"(1) IN GENERAL.—Each State educational agency or local educational agency that receives a grant under this subpart shall evaluate the demonstration project assisted under this subpart in the same manner as programs are evaluated under section 1431. In addition, the evaluation shall include—

"(A) an evaluation of the effect of the alternative education project on order, discipline, and an effective learning environment in regular classrooms;

"(B) an evaluation of the project's effectiveness in improving the skills and abilities of at-risk students assigned to alternative edu-

cation, including an analysis of the academic and social progress of such students; and

"(C) an evaluation of the project's effectiveness in reducing juvenile crime and delinquency, including—

"(i) reductions in incidents of campus crime in relevant school districts, compared with school districts not included in the project; and

"(ii) reductions in recidivism by at-risk students who have juvenile justice system involvement and are assigned to alternative education.

"(2) EVALUATION BY THE SECRETARY.—The Secretary, in cooperation with the Administrator, shall comparatively evaluate each of the demonstration projects funded under this subpart, including an evaluation of the effectiveness of private sector educational services, and shall report the findings of the evaluation to the Committee on Education and the Workforce of the House of Representatives and the Committees on the Judiciary and Health, Education, Labor and Pensions of the Senate not later than June 30, 2005.

"SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.".

Subtitle C—General Provisions

SEC. 4301. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT 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), respectively;

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

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, 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 or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3) shall not apply to this subparagraph)."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and

all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

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

(1) in subsection (d)—

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

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

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

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

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

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

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

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 4302. PROTECTING JUVENILES FROM ALCOHOL ABUSE.

The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-

Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

''(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

''(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a vio-

lation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) FEDERAL JURISDICTION.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

"(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

"(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

"(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

"(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

"(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

"(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order

under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

"(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

"(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

"(g) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

"(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.".

TITLE V—PROTECTING VICTIMS OF CRIME

Subtitle A—Victims Rights

SEC. 5001. SHORT TITLE.

This subtitle may be cited as the ''Victims Rights Act of 1999''.

CHAPTER 1—GENERAL REFORMS

SEC. 5101. VICTIM ALLOCUTION IN PRETRIAL DETENTION PROCEEDINGS.

(a) PENDING TRIAL.—Section 3141(a) of title 18, United States Code, is amended by striking ''A judicial'' and inserting ''After considering all relevant information, including the views of the victims, a judicial''.

(b) DETENTION HEARING.—Section 3142(f) of title 18, United States Code, is amended by inserting before ''The facts the judicial officer uses'' the following: ''Each victim of the offense, if present in person or through counsel, shall be afforded an opportunity to address the court on the issue of detention, either in person or through counsel. A victim who, at the time of the hearing under this subsection, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person, but shall be afforded a reasonable opportunity to present views by alternate means.''.

(c) FACTORS TO BE CONSIDERED.—Section 3142(g) of title 18, United States Code, is amended—

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

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) the views of the victim; and''.

(d) 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.—Prior to any detention hearing 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) VICTIM CONTACT INFORMATION.—With respect to any case described in paragraph (1), the victim shall notify the appropriate authority of an address or other means of contact by which notification under this subsection may be made. The confidentiality of any information relating to a victim shall be maintained.''.

SEC. 5102. VICTIM DEFINED.

Section 3156(a) of title 18, United States Code, 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 ''; and''; and

(3) by adding at the end the following:

''(6) the term 'victim'—

''(A) means an individual harmed—

"(i) as a result of a commission of an offense involving death or bodily injury to any person, a sexual assault, or an attempted sexual assault; or

"(ii) by any fraud or misrepresentation relating to a sale or other tract 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.".

SEC. 5103. RIGHT OF VICTIM TO SPEEDY TRIAL.

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 incapaci-

tated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 5104. RIGHT OF VICTIM TO JUST SENTENCE.

(a) IN GENERAL.—Section 3553 of title 18, United States Code, is amended—

(1) in subsection (a)—

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

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

''(6) the views of the victim if such views are presented to the court;'';

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

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

''(b) VICTIM'S RIGHT TO ATTENDANCE AND ALLOCUTION AT SENTENCING.—

''(1) VICTIM DEFINED.—In this subsection, the term 'victim' has the meaning given the term in section 3156.

''(2) RIGHT TO ATTENDANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), each victim of an offense shall have the right to be present at the sentencing pro-

ceedings of a defendant convicted of the offense conducted pursuant to this chapter or chapter 228.

"(B) INCARCERATED VICTIMS.—A victim who, at the time that the sentencing proceedings of a defendant are conducted, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person at sentencing proceedings of a defendant, but shall be afforded a reasonable opportunity to present views by alternate means.

"(3) RIGHT TO ADDRESS COURT.—

"(A) IN GENERAL.—Subject to subparagraph (B), before the imposition of sentence under this chapter, each victim of the offense, if present in person or through counsel, shall be afforded an opportunity to address the court on the issue of sentencing, including the presentation of—

"(i) information relating to the extent and scope of the injury or loss suffered by the victim or the family of the victim as a result of the offense;

"(ii) information relating to the impact of the offense on the victim or the family of the victim; and

"(iii) recommendations regarding an appropriate sentence for the defendant, except that nothing in this clause may be construed to authorize the imposition of a sentence not otherwise authorized by law.

"(B) LIMITATIONS.—The court may reasonably limit the number of victims permitted to address the court personally or through counsel under this paragraph, if the court finds, from facts on the record, that the number of victims is so large that affording each victim an opportunity to address the court would—

"(i) amount to cumulative victim impact information; and

"(ii) prolong the sentencing process to the degree that the need to permit each victim an opportunity to address the court is substantially outweighed by the burden on the sentencing process.

"(4) SUBMISSION OF WRITTEN STATEMENT.—A victim, whether or not present in person or through counsel at a sentencing proceeding, may provide the

court a written statement, which may include any information or recommendations described in paragraph (2)(A), in addition to or in lieu of addressing the court under that paragraph. A victim not permitted to address the court under paragraph (2)(B) shall have the right to provide a written statement under this paragraph.

"(5) FAILURE TO ATTEND TRIAL.—The attendance of the victim at all or part of, or testimony during, the trial of the defendant shall not be construed to prevent a victim from exercising the right to attend sentencing or address the court or to otherwise present to the court information pursuant to this subsection.

"(6) TESTIMONY.—No oral statement made or written statement submitted under this subsection shall be considered to be testimony under any other provision of law.

"(7) NOTICE.—The court shall provide reasonable notice to each victim of the right to attend and address the court or otherwise present to the court information pursuant to this subsection, including notice of the scheduled date, time, and place of the sentencing hearing. Notice under this paragraph

may be consolidated with the notice under section 3664(d)(2).

(b) HEARING BEFORE A COURT OR JURY.—Section 3593(b) of title 18, United States Code, is amended by adding at the end the following: ''The provisions of section 3553(b), relating to attendance and allocation by victims, shall apply to hearings under this subsection.''.

(c) RULES OF CRIMINAL PROCEDURE.—Pursuant to chapter 131 title 28, United States Code, the Supreme Court may prescribe amendments to rules of criminal procedure, consistent with this section and the amendments made by this section.

SEC. 5105. RIGHT OF VICTIM TO NOTICE OF RELEASE OR ESCAPE.

(a) IN GENERAL.—Section 3621(a) of title 18, United States Code, is amended by adding at the end the following: ''Notice of commitment shall be provided to each victim of the offense for which the person is committed under this subsection.''.

(b) NOTICE OF INCARCERATION OR RELEASE.—

(1) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"§ 3627. Notice to victims of incarceration or release of defendants

''(a) IN GENERAL.—The Bureau of Prisons shall ensure that reasonable notice is provided to each victim of an offense for which a person is imprisoned pursuant to this subchapter—

''(1) not less than 30 days before such the release of that person under section 3624, assignment of that person to pre-release custody section 3624(c), or transfer of that person under section 3623;

''(2) not less than 10 days before the temporary release of that person under section 3622;

''(3) not less than 12 hours after discovery that such person has escaped;

''(4) not less than 12 hours after the return to custody of such person after an escape; and

''(5) at such other times as is reasonable before any other form of release of that person as may occur.

''(b) APPLICABILITY.—This section applies to any escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental or other health services to persons in the custody of the Bureau of Prisons.

"(c) VICTIM CONTACT INFORMATION.—It shall be the responsibility of a victim to notify the Bureau of Prisons, by means of a form to be provided by the Attorney General, of any change in the mailing address of the victim, or other means of contacting the victim, while the defendant is subject to imprisonment. The Bureau of Prisons shall ensure the confidentiality of any information relating to a victim.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3627. Notice to victims of incarceration or release of defendants.".

SEC. 5106. RIGHTS OF VICTIMS IN PLEA AGREEMENTS.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (e)—

(A) in paragraph (1), by striking the last sentence and inserting the following: "To the extent practicable, and subject to the provisions of subdivision (i)(3), the attorney for the government shall consult with the victims of all offenses chargeable to the defendant regarding any agreement with the defendant. The attorney for the government may impose, and request the court to enforce, such confidentiality

requirements on the victim relating to discussions under this paragraph as the attorney for the government deems appropriate. Except as provided by subdivision (i)(4), the court shall not participate in any discussions under this paragraph.''; and

(B) in paragraph (2), by adding at the end the following: ''In determining whether to accept or reject the agreement, the court shall consider the views of the victim provided pursuant to subdivision (i), giving to such views weight as the court determines to be appropriate.''; and

(2) by adding at the end the following:

''(i) RIGHTS OF VICTIMS.—

''(1) VICTIM DEFINED.—In this rule, the term 'victim' has the meaning given the term in section 3156 of title 18, United States Code.

''(2) NOTIFICATION OF PLEA AGREEMENT HEARINGS.—The Government, before a hearing at which a plea of guilty or nolo contendere is entered, shall, except as provided in paragraph (4), make reasonable efforts to notify the victim of—

''(A) the date and time of the hearing;

"(B) the elements of the proposed plea or plea agreement; and

"(C) the right of the victim to attend the hearing, and, if present, to address the court personally or through counsel on the views of the victim on the proposed plea or plea agreement.

"(3) OPPORTUNITY TO BE HEARD ON PLEA AGREEMENT.—If the victim attends a hearing described in paragraph (2), the court, before accepting a plea of guilty or nolo contendere, shall afford the victim, either personally or through counsel, an opportunity to be heard on the proposed plea or plea agreement.

"(4) WRITTEN STATEMENT.—A victim, whether or not present in person or through counsel, may provide the court a written statement of the views of the victims regarding a proposed plea or plea agreement in addition to or in lieu of addressing the court.

"(5) EXCEPTIONS.—Notwithstanding any other provision of this subdivision—

"(A) in any case in which a victim is a defendant in the same or related case, or in which the Government certifies to the court under seal

that affording such victim any right provided under this rule will jeopardize an ongoing investigation, the victim shall not have such right;

"(B) a victim who, at the time of discussions under subdivision (e) or a hearing under this subdivision, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person, but, subject to subparagraph (A), shall be afforded a reasonable opportunity to present views or participate by alternative means; and

"(C) 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 represent the interests of the victims, except that all victims shall retain the right to submit a written statement under paragraph (4).

"(6) VICTIM CONTACT INFORMATION.—It shall be the responsibility of a victim to notify the attorney for the government of an address or other sufficient means by which a notification required by this subsection may be made. The attorney for the government shall ensure the confidentiality of any information relating to a victim.".

(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 of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims—

(i) to be consulted by the attorney for the government during plea negotiations;

(ii) to provide to the court views on the issue of whether or not the court should accept a plea of guilty or nolo contendere; and

(iii) to have such views considered by the court.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(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 be-

come 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 Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 5107. RIGHT OF VICTIM TO PARTICIPATE IN SENTENCE ADJUSTMENT HEARINGS.

(a) REVOCATION OF PROBATION.—Section 3564 of title 18, United States Code, is amended by adding at the end the following:

''(f) APPLICABILITY OF VICTIMS RIGHTS.—The provisions of section 3553(b) shall apply to proceedings under this section.''.

(b) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (c), by striking ''and (a)(6)'' and inserting ''(a)(6), and (a)(7)''; and

(2) by adding at the end the following:

''(j) APPLICABILITY OF VICTIMS RIGHTS.—The provisions of section 3553(b) shall apply to proceedings under this section.''.

(c) EFFECT OF DEFAULT.—Section 3613A(b)(1) of title 18, United States Code, is amended by adding at the end the following: ''The provisions of section 3553(b) shall apply to any such hearing.''.

(d) RESENTENCING UPON FAILURE TO PAY A FINE OR RESTITUTION.—Section 3614 of title 18, United States Code, is amended—

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

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

''(c) APPLICABILITY OF VICTIMS RIGHTS.—The provisions of section 3553(b) shall apply to any proceeding under this section.''.

SEC. 5108. ENHANCED RIGHT TO BE PRESENT AT TRIAL.

Section 3510 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''make a statement'' and all that follows before the period at the end and inserting ''present information or otherwise participate in accordance with section 3553(b)'';

(2) in subsection (b), by inserting before the period at the end following: '', or present information or otherwise participate in accordance with section 3553(b)'';

(3) in subsection (c), by striking ''includes'' and all that follows before the period at the end and inserting ''has the meaning given the term in section 3156''; and

(4) by adding at the end the following:

''(d) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to victims viewing proceedings pursuant to—

''(1) section 235 of the Antiterrorism and Effective Death Penalty Act of 1996; or

''(2) any rule issued pursuant to section 235(g) of the Antiterrorism and Effective Death Penalty Act of 1996.''.

(b) PROHIBITION ON EXCLUSION.—Section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608) is amended—

(1) in subsection (b)(2), by adding at the end the following: ''The intention of a victim to present information or otherwise participate in a sentencing proceeding in accordance with sections 3553(b) or 3593 shall not be grounds to exclude a victim under this paragraph.''; and

(2) in subsection (f)—

(A) by striking ''As used in'' and inserting ''(1) STATE.—In''; and

(B) by adding at the end the following:

''(2) VICTIM.—In this section, the term 'victim' has the meaning given the term in section 3156 of title 18, United States Code.''.

(c) Pursuant to chapter 131 of title 28, United States Code, the Supreme Court may issue rules, or amend existing rules, to conform to the requirements of this section.

(d) VICTIM AND WITNESS PROTECTION ACT.—Section 502 of the Victim and Witness Protection Act (42 U.S.C. 10606) is amended—

(1) in paragraph (4), by adding at the end the following: ''For purposes of this paragraph, victim statements at sentencing, other information presented by or on behalf of a victim at sentencing, and other victim participation in accordance with section 3553(b) of title 18, United States Code, shall not be considered to be testimony.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 5109. 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 of a State or local government that meets such requirements as the Attorney 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) Ohio.

(B) South Carolina.

(C) Minnesota.

(D) Michigan.

(E) Utah.

(F) Arizona.

(G) Oklahoma.

(H) Mississippi.

(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.

(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) is provided the opportunity to participate 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 jus-

tice 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 op-

erate 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 re-

quirements that 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 additional 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. 5110. 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, or 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 beyond 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)''.

CHAPTER 2—VICTIM RESTITUTION ENFORCEMENT

SEC. 5121. SHORT TITLE.

This chapter may be cited as the ''Victim Restitution Enforcement Act of 1999''.

SEC. 5122. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION ORDER.

Section 3664 of title 18, United States Code, is amended to read as follows:

''§ 3664. Procedure for issuance and enforcement of order of restitution

''(a) IN GENERAL.—

''(1) RELIANCE ON INFORMATION IN PRESENTENCE REPORT.—With respect to each order of restitution under this title, the court shall order the probation service of the court to obtain and include in its presentence report, or in a separate report, as the court directs, information sufficient for the court to exercise its discretion in fashioning a restitution order.

"(2) CONTENTS OF REPORT.—Each report described in paragraph (1) shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant. If the number or identity of victims cannot be reasonably ascertained, or other circumstances exist that make this requirement clearly impracticable, the probation service shall so inform the court.

"(b) DISCLOSURES.—The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a).

"(c) APPLICABILITY OF OTHER LAW.—This chapter, chapter 227, and Rule 32(c) of the Federal Rules of Criminal Procedure are the only laws and rules applicable to proceedings under this section.

"(d) ENSURING AVAILABILITY OF PROPERTY OR ASSETS.—

"(1) IN GENERAL.—

"(A) RESTRAINING ORDER, INJUNCTION, EXECUTION OF PERFORMANCE BOND.—Upon application of the United States, the court may enter a restraining order or injunction, require

the execution of a satisfactory performance bond, or take any other action to preserve the availability of property or assets necessary to satisfy a criminal restitution order under this subchapter. An order under this subparagraph may be entered in the following circumstances:

"(i) Prior to the filing of an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that—

"(I) there is a substantial probability that the United States will obtain a criminal restitution order;

"(II) the defendant has or is likely to take action to dissipate or hide the property or assets of the defendant; and

"(III) the need to preserve the availability of the property or assets through the requested order outweighs the hardship of any party against whom the order is entered.

"(ii) Upon the filing of an indictment or information charging an offense that

may result in a criminal restitution order, and upon the United States showing that the defendant has or is likely to take action to dissipate or hide the property or assets of the defendant.

"(iii) Upon the conviction, or entry of a guilty plea, to an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that the defendant may take action to dissipate or hide the property or assets of the defendant or that an order is necessary to marshal and determine the property or assets of the defendant.

"(B) PERIOD OF EFFECTIVENESS.—An order entered under subparagraph (A) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A)(ii) has been filed.

"(2) NOTICE OF ORDER.—

"(A) IN GENERAL.—Except as provided in paragraph (3), an order entered under this subsection shall be after notice to persons appear-

ing to have an interest in the property and opportunity for a hearing, and upon the United States carrying the burden of proof by a preponderance of the evidence.

"(B) ADMISSIBLE EVIDENCE.—The court may receive and consider, at a hearing held under this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(3) TEMPORARY RESTRAINING ORDER.—

"(A) IN GENERAL.—A temporary restraining order may be entered without notice or opportunity for a hearing if the United States demonstrates that—

"(i) there is probable cause to believe that the property or assets with respect to which the order is sought would be subject to execution upon the entry of a criminal restitution order;

"(ii) there is a substantial probability that the United States will obtain a criminal restitution order; and

"(iii) the provision of notice would jeopardize the availability of the property or assets for execution.

"(B) EXPIRATION OF ORDER.—A temporary order under this paragraph shall expire not later than 10 days after the date on which it is entered, unless—

"(i) the court grants an extension for good cause shown; or

"(ii) the party against whom the order is entered consents to an extension for a longer period.

"(C) HEARING.—A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(4) DISCLOSURE OF CERTAIN INFORMATION.—

"(A) IN GENERAL.—Information concerning the net worth, financial affairs, transactions or interests of the defendant presented to the grand jury may be disclosed to an attorney for the Government assisting in the enforcement of criminal restitution orders, for use in the performance of the duties of that attorney.

"(B) USE OF CONSUMER CREDIT REPORTS.—

"(i) IN GENERAL.—An attorney for the Government responsible for the prosecution of criminal offenses, or responsible for the enforcement of criminal restitution orders, may obtain and use consumer credit reports to—

"(I) obtain an order under this section;

"(II) determine the amount of restitution that is appropriate; or

"(III) enforce a criminal restitution order.

"(ii) GRAND JURY SUBPOENA.—This subparagraph does not limit the availability of grand jury subpoenas to obtain a consumer credit report.

"(iii) PROBATION SERVICE.—Upon conviction, a consumer credit report used under this subparagraph may be furnished to the United States Probation Service.

"(e) INFORMATION TO PROBATION SERVICE.—

"(1) IN GENERAL.—

"(A) PROVISION OF INFORMATION BY GOVERNMENT.—Not later than 60 days after conviction, and in any event not later than 10 days

prior to sentencing, the attorney for the Government after consulting with all victims (when practicable), shall promptly provide the probation service of the court all information readily available to the attorney, including matters occurring before the grand jury relating to the identity of the victim or victims, the amount of losses, and financial matters relating to the defendant.

"(B) PROVISION OF INFORMATION BY DEFENDANTS.—Each defendant shall prepare and file with the probation officer an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant's dependents, and any other information that the court requires relating to such other factors as the court determines to be appropriate.

"(C) NOTICE TO VICTIMS.—The attorney for the Government shall, to the maximum extent practicable and as soon as practicable after the provision of information by the Government

to the probation service under subparagraph (A), provide notice to all victims. The notice shall inform the victims of—

"(i) the offenses for which the defendant was convicted;

"(ii) the amounts subject to restitution and any other information that is relevant to restitution submitted to the probation service;

"(iii) the right of the victim to submit information to the probation service concerning the amount of the losses of the victim;

"(iv) the scheduled date, time, and place of the sentencing hearing;

"(v) the availability of a lien in favor of the victim under subsection (n)(1)(D); and

"(vi) the opportunity of the victim to file a separate affidavit with the court under subparagraph (E).

"(D) LIMITATIONS ON INFORMATION.—Upon ex parte application to the court, and a showing that the requirements of subparagraph (A) may cause harm to any victim, or jeop-

ardize an ongoing investigation, the court may limit the information to be provided to or sought by the probation service of the court.

"(E) AFFIDAVIT OF OBJECTION.—If any victim objects to any of the information provided to the probation service by the attorney for the Government under this paragraph, the victim may file a separate affidavit with the court.

"(2) ADDITIONAL DOCUMENTATION OR TESTIMONY.—After reviewing the report of the probation service of the court, the court may require additional documentation or hear testimony. The privacy of any records filed, or testimony heard, under this section shall be maintained to the greatest extent possible and those records may be filed or testimony heard in camera.

"(3) ADDITIONAL TIME FOR DETERMINATION OF LOSSES.—If the losses to the victim are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or a designee of the United States Attorney) shall so inform the court, and the court shall set a date for the final determination of the losses of the victim, not to exceed 90 days after sen-

tencing. If the losses to the victim cannot reasonably be ascertained, the court shall determine an appropriate amount of restitution based on the available information. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses during which to petition the court for an amended restitution order. The order may be granted only upon a showing of good cause for the failure to include those losses in the initial claim for restitutionary relief.

"(4) REFERRAL TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(5) INSURANCE OF VICTIM NOT CONSIDERED.—In no case shall the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source be considered in determining the amount of restitution.

"(f) EVIDENTIARY STANDARD.—Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The

burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and the dependents of the defendant shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

"(g) FACTORS FOR CONSIDERATION.—

"(1) IN GENERAL.—

"(A) ECONOMIC CIRCUMSTANCES OF VICTIM NOT CONSIDERED.—In each order of restitution, the court shall order restitution to each victim in the full amount of the losses of each victim as determined by the court and without consideration of the economic circumstances of the defendant.

"(B) AWARD OF REASONABLY ASCERTAINABLE LOSSES.—The court shall order restitution in the amount of the total loss that is reasonably ascertainable, if—

"(i) the number of victims is too great;

"(ii) the actual identity of the victims cannot be ascertained; and

"(iii) or the full amount of the losses of each victim cannot be reasonably ascertained;

"(2) AMOUNT AND TIMING OF RESTITUTION.—The restitution order shall be for a sum certain and payable immediately.

"(3) NOMINAL PERIODIC PAYMENTS.—If the court finds from facts on the record that the economic circumstances of the defendant do not allow and are not likely to allow the defendant to make more than nominal payments under the restitution order, the court shall direct the defendant to make nominal periodic payments in the amount the defendant can reasonably be expected to pay by making a diligent and bona fide effort toward the restitution order entered under paragraph (1). Nothing in the paragraph shall impair the obligation of the defendant to make full restitution under this subsection.

"(4) STATUS OF DEBT.—Notwithstanding any payment schedule entered by the court under paragraph (2), each order of restitution shall be a civil debt, payable immediately, and subject to the en-

forcement procedures provided in subsection (n). In no event shall a defendant incur any criminal penalty for failure to make a restitution payment under the restitution order because of the indigence of the defendant.

"(h) VICTIM RIGHTS.—

"(1) NO PARTICIPATION REQUIRED.—No victim shall be required to participate in any phase of a restitution order. If a victim declines to receive restitution made mandatory by this title, the court shall order that the share of the victim of any restitution owed be deposited in the Crime Victims Fund in the Treasury.

"(2) ASSIGNMENT OF INTEREST.—A victim may at any time assign the interest of the victim in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make those payments.

"(3) VICTIMS NOT IDENTIFIED OR LOCATED.—If the victim cannot be located or identified, the court shall direct that the restitution payments be made to the Crime Victims Fund of the Treasury. This paragraph shall not be construed to impair the obligation of the defendant to make those payments.

"(i) JOINT AND SEVERAL LIABILITY OF MULTIPLE DEFENDANTS.—If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant jointly and severally liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the loss of the victim and economic circumstances of each defendant.

"(j) PRIORITY OF PAYMENTS.—If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may issue an order of priority for restitution payments based on the type and amount of the loss of the victim accounting for the economic circumstances of each victim. In any case in which the United States is a victim, the court shall ensure that all individual victims receive full restitution before the United States receives any restitution.

"(k) INSURANCE.—

"(1) IN GENERAL.—If a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution shall be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order

be paid to the victims before any restitution is paid to any such provider of compensation.

"(2) REDUCTION OF AMOUNT.—Any amount paid to a victim under an order of restitution shall be reduced by any amount later recovered as compensatory damages for the same loss by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(3) OTHER RESOURCES.—If a person obligated to provide restitution receives substantial resources from any source, including inheritance, settlement, or other judgment, that person shall be required to apply the value of those resources to any restitution still owed.

"(l) MATERIAL CHANGES IN ECONOMIC STATUS OF DEFENDANT.—The defendant shall notify the court and the Attorney General of any material change in the economic circumstances of the defendant that might affect the ability of the defendant to pay restitution. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

"(m) JURISDICTION OF COURT.—

"(1) IN GENERAL.—The court shall retain jurisdiction over any criminal restitution judgment or amended criminal restitution judgment for a period of 5 years from the date the sentence was imposed. This limitation shall be tolled during any period of time that the defendant—

"(A) was incarcerated;

"(B) was a fugitive; or

"(C) was granted a stay that prevented the enforcement of the restitution order.

"(2) FAILURE TO PAY.—While within the jurisdiction of the court, if the defendant knowingly fails to make a bona fide effort to pay whatever amount of restitution is ordered by the court, or knowingly and willfully refuses to pay restitution, the court may—

"(A) modify the terms or conditions of the probation or supervised release of the defendant;

"(B) extend the probation or supervised release of the defendant until a date not later than 10 years from the date the sentence was imposed;

"(C) revoke the probation or supervised release of the defendant;

"(D) hold the defendant in contempt; or

"(E) increase the sentence of the defendant to any sentence that might originally have been imposed under the applicable statute, without regard to the sentencing guidelines.

"(n) ENFORCEMENT OF ORDER OF RESTITUTION.—

"(1) IN GENERAL.—An order of restitution may be enforced—

"(A) through civil or administrative methods during the period that the restitution lien provided for in section 3613 of title 18, United States Code, is enforceable;

"(B) by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229;

"(C) by the United States regardless of whether for the benefit of the United States, in accordance with the procedures of chapter 176 of part VI of title 28, or in accordance with any other administrative or civil enforcement means available to the United States to enforce a debt due the United States; or

"(D) by any victim named in the restitution order as a lien under section 1962 of title 28.

"(2) ESTOPPEL.—A conviction of a defendant for an offense giving rise to restitution under this section shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, regardless of any State law precluding estoppel for a lack of mutuality. The victim, in the subsequent proceeding, shall not be precluded from establishing a loss that is greater than the loss determined by the court in the earlier criminal proceeding.".

SEC. 5123. CIVIL REMEDIES.

Section 3613 of title 18, United States Code, is amended—

(1) in the section heading, by inserting "or restitution" after "fine"; and

(2) in subsection (a)—

(A) by striking "The United States" and inserting the following:

"(1) FINES.—The United States";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), re-

spectively, and indenting each subparagraph accordingly; and

(C) by adding at the end the following:

"(2) RESTITUTION.—

"(A) IN GENERAL.—

"(i) LIEN.—An order of restitution shall operate as a lien in favor of the United States for its benefit or for the benefit of any non-Federal victims against all property belonging to the defendant or defendants.

"(ii) TIMING.—The lien shall arise at the time of the entry of judgment or order and shall continue until the liability is satisfied, remitted, or set aside, or until it becomes otherwise unenforceable.

"(iii) PERSONS AGAINST WHOM LIEN APPLIES.—The lien shall apply against all property and property interests—

"(I) owned by the defendant or defendants at the time of arrest; and

"(II) subsequently acquired by the defendant or defendants.

"(B) ENTRY OF LIEN.—The lien shall be entered in the name of the United States on be-

half of all ascertained victims, unascertained victims, victims entitled to restitution who choose not to participate in the restitution program and victims entitled to restitution who cannot assert their interests in the lien for any reason.

"(3) JOINTLY HELD PROPERTY.—

"(A) IN GENERAL.—

"(i) DIVISION AND SALE OF PROPERTY.—If the court enforcing an order of restitution under this section determines that the defendant has an interest in property with another, and that the defendant cannot satisfy the restitution order from his or her separate property or income, the court may, after considering all of the equities, order that jointly owned property be divided and sold, upon such conditions as the court deems just, notwithstanding any Federal or State law to the contrary.

"(ii) PROTECTION OF INNOCENT PARTIES.—The court shall take care to protect the reasonable and legitimate interests of the innocent spouse and minor children of the defendant, especially real property used

as the actual home of that innocent spouse and minor children, except to the extent that the court determines that the interest of that innocent spouse and children is the product of the criminal activity of which the defendant has been convicted, or is the result of a fraudulent transfer.

''(B) FRAUDULENT TRANSFERS.—In determining whether there was a fraudulent transfer, the court shall consider whether the debtor made the transfer—

''(i) with actual intent to hinder, delay, or defraud the United States or other victim; or

''(ii) without receiving a reasonably equivalent value in exchange for the transfer.

''(C) CONSIDERATIONS FOR PROTECTION OF INNOCENT PARTIES.—In determining what portion of the jointly owned property shall be set aside for the innocent spouse or children of the defendant, or whether to have sold or divided the jointly held property, the court shall consider—

"(i) the contributions of the other joint owner to the value of the property;

"(ii) the reasonable expectation of the other joint owner to be able to enjoy the continued use of the property; and

"(iii) the economic circumstances and needs of the defendant and dependents of the defendant and the economic circumstances and needs of the victim and the dependents of the victim.".

SEC. 5124. FINES.

Section 3572(b) of title 18, United States Code, is amended to read as follows:

"(b) PAYMENTS; EFFECT OF INDIGENCE.—Any fine, special assessment, restitution, or cost shall be for a sum certain and shall be payable immediately. In no event shall a defendant incur any criminal penalty for failure to make a payment on a fine, special assessment, restitution, or cost as a result of the indigence of the defendant.".

SEC. 5125. RESENTENCING.

Section 3614(a) of title 18, United States Code, is amended by inserting before the period at the end the following: "or may increase the sentence of the defendant to any sentence that might originally have been imposed under the applicable statute".

Subtitle B—Combating Violence Against Women and Children

CHAPTER 1—VIOLENCE AGAINST WOMEN

SEC. 5201. SHORT TITLE.

This chapter may be cited as the ''Violence Against Women Act of 1999''.

SEC. 5202. DEFINITIONS.

In this chapter—

(1) the term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

Subchapter A—Strengthening Law Enforcement To Reduce Violence Against Women

SEC. 5203. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

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

(1) in the part heading, by adding "**AND ENFORCEMENT OF PROTECTION ORDERS**" at the end;

(2) in section 2101(b), by adding at the end the following:

"(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, and courts to facilitate interstate enforcement of protection orders."; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", including the enforcement of protection orders from other States and jurisdictions;"; and

(iii) by adding at the end the following:

"(3) have established cooperative agreements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions; and

"(4) will use the grant to develop and install data collection and communication systems, includ-

ing computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking protection orders and violations of protection orders.''; and

(B) by adding at the end the following:

''(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in subsection (b)(3). Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding ''AND ENFORCEMENT OF PROTECTION ORDERS'' at the end.

SEC. 5204. REAUTHORIZATION OF STOP GRANTS.

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

"(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T $185,000,000 for each of fiscal years 2000 through 2003.".

(b) STATE COALITION GRANTS.—Section 2001(b)(5) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by inserting ", and the forms of violence and abuse suffered by women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))".

SEC. 5205. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended to read as follows:

"(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U $65,000,000 for each of fiscal years 2000 through 2003.".

SEC. 5206. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Z as part AA;

(2) by redesignating section 2601 as section 2701; and

(3) by inserting after part Y the following:

"PART Z—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUSES

"SEC. 2601. PURPOSE OF THE PROGRAM AND GRANTS.

''(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist institutions of higher education in bringing together college personnel, security, students, and victim services to strengthen law enforcement strategies in combating violent crimes against women on campuses and to improve services to victims.

''(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread investigation, apprehension, prosecution, and adjudication of persons committing violent crimes against women on campuses, and specifically, for the purposes of—

"(1) training campus administrators and campus security personnel to more effectively identify and respond to violent crimes against women on campus, including the crimes of sexual assault, stalking, and domestic violence;

"(2) developing and implementing more effective campus security and investigative policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women on campus, including the crimes of sexual assault, stalking, and domestic violence;

"(3) developing, enlarging, or strengthening victim services programs, for local campuses, including sexual assault, stalking, and domestic violence programs;

"(4) developing or improving delivery of victim services on campuses, including on-campus programs that provide counseling, support, and victim advocacy; and

"(5) supporting improved coordination between campus administrators and campus security personnel, and local criminal justice authorities to reduce violent crimes against women on campus.

"SEC. 2602. CAMPUS GRANTS.

"(a) IN GENERAL.—The Attorney General may make grants to institutions of higher education in accordance with this part, for use by campus personnel and nonprofit victim services programs to assist campus administrators and campus security personnel (including employees, contractors, and volunteers) to develop and strengthen—

"(1) effective security and investigation strategies to combat violent crimes against women on campuses, particularly sexual assault, stalking, and domestic violence; and

"(2) victim services in cases involving violent crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victims services agencies.

"(b) APPLICATION REQUIREMENTS.—Each application under this part shall meet the requirements of section 517 and shall include documentation demonstrating—

"(1) need for the grant funds;

"(2) intended use of the grant funds;

"(3) expected results from the use of the grant funds; and

"(4) characteristics of the population being served, including number of students and type of campus and demographic characteristics of the pop-

ulation and documentation of services to underserved populations.

"(c) CERTIFICATIONS.—The certifications described in this subsection are certifications that the applicant will—

"(1) use the grant amount under this part for the purposes described in section 2601(b);

"(2) establish a plan to monitor and evaluate the use of funds; and

"(3) use any Federal funds received under this part to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(d) DISBURSEMENT.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Attorney General shall—

"(A) make a grant in accordance with this part to the applicant; or

"(B) inform the applicant of the reasons that the application does not meet the requirements of section 517 or the requirements of this section.

"(2) REGULATIONS.—In making grants under this part, the Attorney General shall—

"(A) equitably distribute moneys on a geographic basis, including nonurban and rural areas of various geographic sizes; and

"(B) recognize and address the needs of underserved, including rural, populations.

"(e) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total cost of the projects described in the application submitted under this part.

"SEC. 2603. DEFINITIONS.

"In this part—

"(1) the terms 'domestic violence', 'sexual assault', 'underserved populations', and 'victim services' have the meaning given the terms in section 2003; and

"(2) the term 'institutions of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended—

(1) in paragraph (3), by striking "and X" and inserting "X, and Z"; and

(2) by adding at the end the following:

"(24) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part Z $10,000,000 for each of fiscal years 2000 through 2003.".

SEC. 5207. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

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

"(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of this Act to carry out this section $40,000,000 for each of fiscal years 2000 through 2003.".

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

"(3) ALLOTMENT FOR INDIAN TRIBES.—

"(A) IN GENERAL.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall

be available for grants to Indian tribal governments.

"(B) REALLOTMENT OF FUNDS.—If, beginning 9 months after the last day of any fiscal year for which amounts are made available to carry out this paragraph, any amount made available under this paragraph remains unobligated, the unobligated amount may be allocated without regard to subparagraph (A).".

SEC. 5208. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

"SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle $3,000,000 for each of fiscal years 2000 through 2003.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting "and implement" after "improve".

SEC. 5209. DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261(a) of title 18, United States Code, is amended to read as follows:

''(a) OFFENSES.—

''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or to or from Indian country with the intent to injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

''(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to or from Indian country by force, coercion, duress, or fraud, and who, in the course of or as a result of such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).''.

(b) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Interstate stalking

''Whoever—

"(1) with the intent to injure, harass, or intimidate another person, engages in the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family (as defined in section 115); or

"(2) with the intent to injure, harass, or intimidate another person, travels in interstate or foreign commerce or to or from Indian country, and in the course of or as a result of such travel engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family (as defined in section 115),

shall be punished as provided in section 2261.".

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262(a) of title 18, United States Code, is amended to read as follows:

"(a) OFFENSES.—

"(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or to or from Indian country with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection

against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to or from Indian country by force, coercion, duress, or fraud, and in the course of or as a result of such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by inserting after the first undesignated paragraph the following:

"'serious bodily injury' has the meaning stated in section 2119(2)."; and

(2) by striking the final undesignated paragraph and inserting the following:

"'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.".

SEC. 5210. DOMESTIC VIOLENCE AGAINST WOMEN BY MEMBERS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall conduct a detailed review of the extent of the occurrence of domestic violence by members of the Armed Forces at military installations inside and outside the United States and the actions taken within the Department of Defense to prevent, control, and otherwise respond to domestic violence by Armed Forces personnel at the military installations. The Secretary shall commence the review not later than 30 days after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Senate and the House of Representatives a report on the review required by subsection (a). The report shall in-

clude a detailed discussion of the results of the review and any recommendations for actions responding to domestic violence at the military installations.

Subchapter B—Strengthening Services to Victims of Violence

SEC. 5211. SHELTERS FOR BATTERED WOMEN AND CHILDREN.

(a) REAUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $120,000,000 for each of the fiscal years 2001 and 2002.

"(2) SOURCE OF FUNDS.—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).".

(b) NEEDS ASSESSMENT.—Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

"SEC. 319. NEEDS ASSESSMENT.

"In carrying out this title, the Secretary shall provide for the conduct of a nationwide needs assessment relating to the programs carried out under this title. In awarding grants, application shall indicate number of persons served and develop a plan for evaluating need and utility of services.".

SEC. 5212. NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) REAUTHORIZATION.—Section 316(f)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)(1)) is amended to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $2,000,000 for each of fiscal years 2000 through 2003.".

(b) REPORT BY GRANTEES.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by adding at the end the following:

"(g) REPORT BY GRANTEES.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, each recipient of a grant under this section shall prepare and submit a report to the Secretary that evaluates

the effectiveness of the use of amounts received by the recipient under this section and containing such other information as the Secretary may prescribe.

"(2) NOTICE AND PUBLIC COMMENT.—Before renewing any grant under this section, the Secretary shall publish in the Federal Register a copy of each report submitted under this subsection and provide not less than 90 days for notice and opportunity for public comment on the published report.".

SEC. 5213. BATTERED IMMIGRANT WOMEN.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting "of an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" after "The status";

(B) in subsection (a), by adding at the end the following: "An alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) who files for adjustment of status under this subsection

shall pay a $1,000 fee, subject to the provisions of section 245(k).'';

(C) in subsection (c)(2), by striking ''201(b) or a special'' and inserting ''201(b), an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), or a special'';

(D) in subsection (c)(4), by striking ''201(b))'' and inserting ''201(b) or an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1))'';

(E) in subsection (c)(5), by inserting ''(other than an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1))'' after ''an alien''; and

(F) in subsection (c)(8), by inserting ''(other than an alien who qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)'' after ''any alien''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for ad-

justment of status pending on or after the date of enactment of this Act.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IN GENERAL.—

(A) SPECIAL RULE FOR CALCULATING CONTINUOUS PERIOD FOR BATTERED SPOUSE OR CHILD.—Paragraph (1) of section 240A(d) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended to read as follows:

''(1) TERMINATION OF CONTINUOUS PERIOD.—

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

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

(B) EXEMPTION FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVAL FOR BATTERED SPOUSE OR CHILD.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

"(C) Aliens whose removal is canceled under subsection (b)(2).".

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

(2) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—

(A) IN GENERAL.—Subparagraph (C) of section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996

(8 U.S.C. 1101 note) (as amended by section 203 of the Nicaraguan Adjustment and Central American Relief Act) is amended—

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

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

(ii) in clause (i)—

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

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

(III) by adding at the end the following:

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

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

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

(1) REMOVAL PROCEEDINGS.—

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

"(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) does not apply, if the basis of the motion is to apply for adjustment of status based on a petition filed under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2) and if the motion to reopen is accompanied by a

cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.''.

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

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) does not apply if the basis of the motion is to apply for

relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act, clause (ii) or (iii) of section 204(a)(1)(B) of such Act, or section 244(a)(3) of such Act (as so in effect) and if the motion to reopen is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

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

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

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

244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

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

(II) subsection (b) of this section.

Subchapter C—Limiting the Effects of Violence on Children

SEC. 5214. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.

(a) IN GENERAL.—Section 316(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5712d(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $20,000,000 for each of fiscal years 2000 through 2003.".

(b) DISSEMINATION OF INFORMATION.—Section 316 of part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) DISSEMINATION OF INFORMATION.—The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of amounts expended and the projects funded under this subtitle, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.''.

SEC. 5215. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

''(a) AUTHORIZATION.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent

Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle—

"(1) $9,000,000 for fiscal year 2000;

"(2) $10,000,000 for fiscal year 2001; and

"(3) $12,000,000 for each of fiscal years 2002 and 2003.".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle—

"(1) $2,000,000 for fiscal year 2000; and

"(2) $2,300,000 for each of fiscal years 2001 through 2003.".

(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)),

and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.

Subchapter D—Strengthening Education and Training To Combat Violence Against Women

SEC. 5216. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL.—The Attorney General shall make grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In making grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of violence, abuse, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of violence, abuse, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Re-

duction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2000 through 2003.

SEC. 5217. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) groups that provide services to or advocate on behalf of individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and''.

(2) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act

of 1994 (42 U.S.C. 14211) to carry out this section $6,000,000 for each of fiscal years 2000 through 2003.''.

CHAPTER 2—GENERAL REFORMS

SEC. 5221. PARTICIPATION OF RELIGIOUS ORGANIZATIONS IN VIOLENCE AGAINST WOMEN ACT OF 1994 PROGRAMS.

Notwithstanding any other provision of law—

(1) religious organizations shall be eligible to participate in any grant program authorized pursuant to the Violence Against Women Act of 1994 (title IV of Public Law 103–322) that allows for the participation of nongovernmental entities, programs, or agencies, or any private organizations;

(2) no Federal or State governmental agency receiving funds under any such program shall discriminate against an organization on the basis that the organization has a religious character; and

(3) nothing in this section may be construed to preempt any provision of a State constitution or State statute that prohibits or restricts the expenditure of State funds in or by religious organizations.

SEC. 5222. DEATH PENALTY FOR FATAL INTERSTATE DOMESTIC VIOLENCE OFFENSES.

Sections 2261(b)(1) and 2262(b)(1) of title 18, United States Code, are each amended by inserting ''or may be sentenced to death,'' after ''years,''.

SEC. 5223. DEATH PENALTY FOR FATAL INTERSTATE VIOLATIONS OF PROTECTIVE ORDERS.

Section 2262 of title 18, United States Code, is amended by inserting ''or may be sentenced to death,'' after ''years,''.

SEC. 5224. EVIDENCE OF DISPOSITION OF DEFENDANT TOWARD VICTIM IN DOMESTIC VIOLENCE CASES AND OTHER CASES.

Rule 404(b) of the Federal Rules of Evidence is amended by striking ''or absence of mistake or accident'' and inserting ''absence of mistake or accident, or a disposition toward a particular individual,''.

SEC. 5225. HIV TESTING OF DEFENDANTS IN SEXUAL ASSAULT CASES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"§ 2249. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

''(a) TESTING AT TIME OF PRETRIAL RELEASE DETERMINATION.—

''(1) IN GENERAL.—In a case in which a person is charged with an offense under this chapter, upon request of the victim, a judicial officer issuing an order pursuant to section 3142(a) shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that followup tests for the virus be performed 6 months and 12 months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order.

''(2) TIMING.—The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible.

''(3) NO RELEASE FROM CUSTODY.—Any person upon whom a test is performed under this section—

''(A) shall not be released from custody until the test is performed; and

"(B) unless indigent, shall be responsible for paying for the test at the time the test is performed.

"(b) TESTING AT LATER TIME.—

"(1) IN GENERAL.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that followup tests be performed 6 months and 12 months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim.

"(2) TIMING.—A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the completion of service of the sentence by the person.

"(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of followup testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) DISCLOSURE OF TEST RESULTS.—

"(1) IN GENERAL.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court.

"(2) DISCLOSURE TO VICTIM.—The judicial officer or court shall ensure that the results are disclosed to the victim (or to the parent or legal guardian of the victim, as appropriate), the attorney for the government, and the person tested.

"(3) APPLICABILITY OF OTHER LAW.—Test results disclosed pursuant to this subsection shall be subject to paragraphs (5) through (7) of section 40503(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 14011(b)).

"(4) COUNSELING.—Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling, unless the recipient does not wish to receive such counseling.

"(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend the Federal sentencing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that the offender was infected with the human immunodeficiency virus, except if the offender did not en-

gage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following:

''2249. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.''.

(c) AMENDMENTS TO TESTING PROVISIONS.—Section 40503(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14011(b)) is amended—

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

''(b) TESTING OF DEFENDANTS.—'';

(2) in paragraph (1)—

(A) by inserting '', or the Government in such a case,'' after ''subsection (a)'';

(B) by inserting ''(or to the parent or legal guardian of the victim, as appropriate)'' after ''communicated to the victim''; and

(C) by inserting '', unless the recipient does not wish to receive such counseling'' after ''counseling''; and

(3) in paragraph (2)—

(A) by striking ''to obtain an order under paragraph (1), the victim must demonstrate

that'' and inserting ''the victim or the Government may obtain an order under paragraph (1) by showing that'';

(B) in subparagraph (A)—

(i) by striking ''the offense'' and inserting ''a sexual assault involving alleged conduct that poses a risk of transmission of the etiologic agent for acquired immune deficiency syndrome''; and

(ii) by inserting ''and'' after the semicolon;

(C) in subparagraph (B), by striking ''after appropriate counseling; and'' and inserting a period; and

(D) by striking subparagraph (C).

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 5231. INCREASED PENALTIES FOR POSSESSION OF MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS AND MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

(a) SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended—

(1) by striking ''5'' and inserting ''15'';

(2) by striking ''2'' and inserting ''5''; and

(3) by striking ''10'' and inserting ''20''.

(b) CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended—

(1) by striking ''5'' and inserting ''15'';

(2) by striking ''2'' and inserting ''5''; and

(3) by striking ''10'' and inserting ''20''.

SEC. 5232. CHILD ABUSE MURDERS.

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

(1) in subsection (a)—

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

(B) by inserting ''or perpetrated as part of a pattern or practice of assault or torture against a child or children under the perpetrator's care or control;'' after ''robbery;''; and

(2) by adding at the end the following:

''(c) DEFINITIONS.—In this section—

''(1) the term 'assault' has the same meaning as in section 113;

''(2) the term 'child' means a person who is less than 18 years of age;

''(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing serious bodily injury

(as defined in section 1365) to a child under the perpetrator's care or control;

''(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on not less than 2 occasions; and

''(5) the term 'torture' means an act, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).''.

SEC. 5233. SENTENCING ENHANCEMENT FOR CRIMES COMMITTED IN THE PRESENCE OF CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the term ''crime of violence'' has the meaning given the term in section 25 of title 18, United States Code; and

(2) the term ''child'' means a person who is less than 15 years of age.

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

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

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

(2) consider providing an additional sentencing enhancement for persons convicted of offenses described in subsection (b) in appropriate circumstances;

(3) consult with individuals or groups representing crime victims, victimized and exploited children, victims of domestic violence, the Indian tribal governments, law enforcement, and the Federal judiciary as part of the review described in subsection (b);

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

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

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

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

(d) EMERGENCY AUTHORITY.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act has not expired.

(e) STUDY AND REPORT ON EXPOSURE OF CHILDREN TO CRIMES OF VIOLENCE.—Not later than June 1, 2000, the United States Sentencing Commission shall submit a report to Congress on issues relating to the exposure of children to crimes of violence. The report shall explain the changes to sentencing policy made by the Sentencing Commission in response to this Act and include any recommendations that the Commission may have for retention or modification of current penalty levels, including statutory penalty levels, and for otherwise combating exposure of children to crimes of violence and the serious effects that are associated with such exposure.

SEC. 5234. RIGHTS OF CHILD VICTIMS AND WITNESSES.

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

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

(2) in subparagraph (B), by striking ''committed against another person'' and inserting '', other than a crime the child committed or to which the child contributed as a codefendant or conspirator''.

(b) ALTERNATIVES TO LIVE IN-COURT TESTIMONY.—Section 3509(b) of title 18, United States Code, is amended, in each of paragraphs (1)(A) and (2)(A), by inserting ''or an offense to which a child is a witness'' after ''child''.

(c) PRIVACY PROTECTION.—Section 3509(d) of title 18, United States Code, is amended—

(1) in each paragraphs (1), (2), and (3)(A), by inserting ''or a person who was a child at the time of the offense'' after ''child'' each place it appears;

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting '', evidence, or other items'' after ''documents'' each place it appears; and

(B) by adding at the end the following:

''(C) The requirements of subparagraph (A) shall apply, regardless of whether the person described in that paragraph continues to act in a ca-

pacity described in subparagraph (B) at the time of the disclosure.'';

(3) in paragraph (2)—

(A) by inserting '', evidence, or other items'' after ''papers''; and

(B) in each of subparagraphs (A) and (B), by inserting '', evidence, or other item'' after ''paper'';

(4) in paragraph (3), by inserting ''or a person who was a child at the time of the offense'' after ''child'' the second and third places it appears;

(5) in paragraph (4)—

(A) by inserting ''or a person who was a child at the time of the offense'' after ''child'' the first and third places it appears; and

(B) by striking ''or an adult attendant'' and inserting ''an adult attendant, or a victim or witness assistance program''; and

(6) by adding at the end the following:

''(5) APPLICABILITY TO GRAND JURY PROCEEDINGS.—The provisions of this subsection may be applied to proceedings of the grand jury, including lists of witnesses and exhibits.''.

(d) CLOSING THE COURTROOM.—Section 3509(e) of title 18, United States Code, is amended by inserting ''or

a person who was a child at the time of the offense'' after ''child'' each place it appears.

(e) ADULT ATTENDANT.—Section 3509(i) of title 18, United States Code, is amended—

(1) in the last sentence, by striking ''child attendant'' and inserting ''adult attendant''; and

(2) by inserting '', if such testimony or deposition is carried out under subsection (b)'' before the period at the end.

SEC. 5235. TECHNICAL CORRECTIONS TO FORFEITURE STATUTES FOR SEXUAL EXPLOITATION OF MINORS.

(a) CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.—Section 2253(a) of title 18, United States Code, is amended by striking ''or 2423'' and inserting ''2423, or 2425''.

(b) CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.—Section 2254(a)(1) of title 18, United States Code, is amended by striking ''or 2423'' and inserting ''2423, or 2425''.

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

SEC. 5236. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by adding at the end the following:

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

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

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

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

''(2) Of the amount available for grants under this subsection—

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

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

(b) VICTIMS OF TERRORISM.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"The Director may make supplemental grants, as provided in either section 1402(d)(4)(B) or 1404, to States for eligible crime victim compensation and assistance programs, and to instrumentalities of the Federal Government, and to organizations or agencies which provide emergency and ongoing assistance to victims of crime, to provide emergency relief (including compensation, assistance, and crisis response) and to provide emergency responders with training and technical assistance, for the benefit of—

"(1) victims of a terrorist act or mass violence occurring within the United States (as defined in section 2340 of title 18, United States Code); and

"(2) individuals—

"(A) who are—

"(i) citizens of the United States; or

"(ii) officers or employees of the Federal Government; and

"(B) who—

"(i) while outside of the United States are victims of a terrorist act or mass violence; and

"(ii) are not eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

SEC. 5237. VICTIMIZATION DATA ON DISABLED PERSONS.

The Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking section 5 and inserting the following:

"SEC. 5. NATIONAL CRIME VICTIMIZATION SURVEY.

"Not later than 1 year after completion of the study under section 4, the Bureau of Justice Statistics shall initiate revisions to the National Crime Victimization Survey, following a period of experimentation and pretesting, designed to systematically gather data from individuals with developmental disabilities relating to—

"(1) the nature of crimes against such individuals; and

"(2) the specific characteristics of such victims.".

SEC. 5238. WIRETAPPING AUTHORITY FOR SEX TOURISM INVESTIGATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 2423(b) (relating to travel with intent to engage in sexual acts with juveniles)," before "section 1203".

Subtitle C—Victims Rights Amendment

SEC. 5301. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) each year in the United States there are 9,000,000 victims of violent crime who suffer injury and loss at the hands of violent offenders;

(2) the Constitution of the United States provides fundamental rights to defendants in the criminal justice process, including the right to due process, the right to be informed of the nature and cause of the accusation, the right to a speedy and public trial by an impartial jury, the right to confront witnesses, the right to counsel, and the right to be free from the compulsion to self-incrimination;

(3) the Constitution of the United States contains no specific rights protecting victims in the criminal justice process;

(4) the Constitution of the United States does not preserve for crime victims—

(A) a right to notice of proceedings related to the crime against them;

(B) the right to have their interest in a speedy trial considered;

(C) the right to be present and heard at proceedings related to the crime against them, including bail hearings, plea acceptance hearings, and sentencing hearings;

(D) the right to be informed and have their safety considered when the criminal by whom they were victimized is released or escapes; or

(E) the right to an order that restitution be made by the criminal by whom they were victimized; and

(5) victims of crime often feel abused by the criminal justice system which frequently does not recognize their rights.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should pass and refer to the States

for consideration and ratification an amendment to the Constitution of the United States recognizing and protecting the rights of victims of crime in the criminal justice process.

Subtitle D—Recognition of Victims in Sentencing

SEC. 5401. COMPOSITION OF UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by inserting after ''same political party.'' the following: ''Of the members who are not Federal judges, not less than 2 members shall be individuals who are victims of a crime of violence (as that term is defined in section 16 of title 18) or, in the case of a homicide, an immediate family member of such a victim.''.

(b) APPLICABILITY.—The amendment made by this section shall apply with respect to any appointment made on or after the date of enactment of this Act.

TITLE VI—PRISONS AND JAILS

Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

SEC. 6101. REAUTHORIZATION OF GRANTS.

(a) AUTHORIZATION OF 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) subject to the requirements of section 20105(f), to open or operate a correctional facility or jail, including the hiring and training of correctional officers and other correctional facility or jail personnel.''.

(b) SPECIAL RULES.—Section 20105 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705) is amended—

(1) in subsection (a)(1), by striking ''not more than 15'' and inserting ''not less than 20''; and

(2) by adding at the end the following:

"(f) OPERATING COSTS.—Notwithstanding any other provision of this subtitle, a State (or a unit of local government located in a State) that otherwise meets the requirements of section 20103 or 20104, may use amounts received under this subtitle for the operation of prisons or jails, including the hiring or training of correctional officers or other correctional facility or jail personnel, if the State certifies to the Attorney General that—

"(1) the State has met the requirements of section 20104 for each of the 3 preceding years;

"(2) the population of correctional facilities and jails in the State or unit of local government is not less than 10 percent below rated capacity for such facilities;

"(3) the State has not, during the preceding 12 months, rented prison bed space in another State for the purpose of relieving prison or jail overcrowding; and

"(4) the State has implemented, or, within 18 months after the initial certification under this subsection, will implement—

"(A) laws, policies, or procedures requiring inmates to pay minimal amounts as a user co-payment for the utilization of prison or jail medical services; and

"(B) laws, policies, or procedures, including the requirement of payment of filing fees, to discourage the filing in State court of frivolous or harassing lawsuits by inmates.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 20108(a)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)(1)) is amended to read as follows:

"(1) AUTHORIZATIONS.—There is authorized to be appropriated to carry out this subtitle $700,000,000 for each of fiscal years 2001 through 2005.".

(d) PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking "to carry out this section—" and all that follows before the period at the end and inserting the following: "to carry out this section, an amount equal to the amount to which all Indian tribes that qualify for a grant under this section would collectively be entitled, if such tribes were collectively treated as a State for purposes of section 20108(a)(2)".

(e) ELIMINATION OF CERTAIN PAYMENTS.—

(1) IN GENERAL.—Subtitle A of title II of Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701 et seq.) is amended—

(A) by striking sections 20110 and 20111; and

(B) by redesignating section 20112 as section 20110.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended, in the matter relating to subtitle A of title II—

(A) by striking the items relating to section 20110 and 20111; and

(B) by redesignating the item relating to section 20112 as an item relating to section 20110.

Subtitle B—Criminal Alien Incarceration

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Transfer of Alien Prisoners Act of 1999''.

SEC. 6202. TRANSFERS OF ALIEN PRISONERS.

(a) IN GENERAL.—Not later than December 31, 2000, the Attorney General shall begin transferring un-

documented aliens who are in the United States, incarcerated in a Federal, State, or local prison, whose convictions have become final, to the custody of the government of the alien's country of nationality for service of the duration of the alien's sentence in the alien's country.

(b) INAPPLICABILITY TO CERTAIN ALIENS.—This section does not apply to aliens who are nationals of a foreign country that the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 has repeatedly provided support for acts of international terrorism.

SEC. 6203. CONSENT UNNECESSARY.

(a) TREATY RENEGOTIATION.—The Secretary of State shall renegotiate all treaties requiring the consent of an alien who is in the United States, whether present lawfully or unlawfully, who is, or who is about to be, incarcerated in a Federal, State, or local prison or jail before such person may be transferred to the country of nationality of that person to ensure that no such consent is required in any case under any treaty. If the Secretary of State is unable to negotiate with a foreign nation a new treaty that would go into effect by December 31, 2000, that does not require such consent, the Secretary shall withdraw the United States as a party to any existing treaty requiring such consent.

(b) GENERAL REPEAL.—Notwithstanding any other provision of law, the consent of an alien covered by this subtitle shall not be required before such alien may be designated for transfer or before such alien may be transferred to the country of nationality of that alien.

SEC. 6204. CERTIFICATION TRANSFER REQUIREMENT.

Not later than March 1 of each year, the President shall submit to Congress a certification as to whether each foreign country has accepted, and has confined for the duration of their sentences, the persons described in section 6203(a).

SEC. 6205. INTERNATIONAL PRISONER TRANSFER REPORT.

(a) IN GENERAL.—Not later than March 1 of each year, the President shall transmit to the Majority Leader of the Senate, the Speaker of the House of Representatives, the Chairmen and Ranking Members of the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives a report that—

(1) describes the operation of the provisions of this subtitle; and

(2) highlights the effectiveness of those provisions with regard to the 10 countries having the greatest number of their nationals incarcerated in

the United States, both in transferring such persons from the United States to their country of nationality and in confining such persons for the duration of their sentences.

(b) CONTENTS OF REPORT.—The report prepared under subsection (a) shall set forth—

(1) the number of aliens convicted of a Federal, State, or local criminal offense in the United States, and the types of offenses involved, during the preceding calendar year;

(2) the number of aliens described in paragraph (1) who were sentenced to terms of incarceration;

(3) the number of aliens described in paragraph (1) who were eligible for transfer pursuant to those provisions;

(4) the number of aliens described in paragraph (2) who were transferred pursuant to the provisions of this subtitle;

(5) the number, location, length of their period of incarceration in the United States, and present status of aliens described in paragraph (2) who have not yet been transferred to the country of nationality;

(6) the extent to which each foreign country whose nationals have been convicted of a Federal,

State, or local criminal offense in the United States has accepted the transfer of such persons, including the percentage of such persons accepted by each foreign country;

(7) the extent to which each foreign country described in paragraph (6) has confined such persons for 85 percent of the duration of their sentences, including the percentage of such persons confined by each foreign country;

(8) the extent to which each foreign country described in paragraph (5) has accomplished (or has failed to accomplish) the goals described in any applicable bilateral or multilateral agreement to which the United States is a party that deals with the subject of the transfer of alien prisoners;

(9) for each foreign country described in paragraph (6)—

(A) a description of the plans, programs, and timetables adopted by such country to accept its own nationals for crimes committed in the United States;

(B) a description of the plans, programs, and timetables adopted by such country for the continued incarceration of its own nationals for crimes committed in the United States;

(C) a list of those countries that are negotiating in good faith with the United States to establish a mechanism for the transfer, receipt, and continued incarceration of such country's nationals;

(D) a list of those countries that have adopted laws or regulations that ensure the transfer, receipt, and incarceration of its nationals in accordance with the provisions of this subtitle; and

(E) a list of those countries that have adopted laws or regulations that ensure the availability to appropriate United States Government personnel of adequate records in connection with the transfer, receipt, and continued incarceration of prisoners pursuant to this subtitle;

(10) a description of the policies adopted, agreements concluded, and plans and programs implemented or proposed by the Federal Government in pursuit of its responsibilities for the prompt transfer of aliens described in subsection (b)(1), as well as for identifying and preventing the re-entry of such persons after their transfer from the United States; and

(11) a description of instances of refusals to cooperate with the United States Government regarding the transfer of aliens described in subsection (b)(1).

SEC. 6206. ANNUAL REPORTS ON FOREIGN ASSISTANCE.

At the time that the report required by section 634 of the Foreign Assistance Act of 1961 is submitted each year, the Secretary of State shall submit a copy of such report to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate, the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate, and the Chairman and Ranking Member of the Committee on International Relations of the House of Representatives.

SEC. 6207. ANNUAL CERTIFICATION PROCEDURES.

(a) WITHHOLDING OF BILATERAL ASSISTANCE, OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE, AND WITHHOLDING OF VISAS.—

(1) BILATERAL ASSISTANCE.—

(A) IN GENERAL.—Fifty percent of the United States assistance allocated each fiscal year for each foreign country shall be withheld from obligation and expenditure to any such country if that country has refused to accept not less than 75 percent of nationals covered by

this subtitle and designated for transfer by the Attorney General within either of the 2 immediately preceding fiscal years or to confine such transferred persons for not less than 85 percent of their sentence, except as provided in subsection (b).

(B) INAPPLICABILITY TO CERTAIN COUNTRIES.—This paragraph does not apply with respect to a country if the President determines in accordance with subsection (b) that its application to that country would be contrary to the vital national interests of the United States, except that any such determination shall not take effect until not less than 30 days after the President submits written notification of that determination to the congressional committees listed in section 6206 in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(C) BILATERAL ASSISTANCE EXEMPTION.—In this subsection, the term ''bilateral assistance'' does not include—

(i) narcotics-related assistance under the Foreign Assistance Act of 1961;

(ii) disaster relief assistance;

(iii) assistance that involves the provision of food (including monetization of food) or medicine; or

(iv) assistance for refugees.

(2) MULTILATERAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary of the Treasury may instruct the United States Executive Directors of each multilateral development bank to vote against any loan or other utilization of the funds of such bank or institution for the benefit of any country if that country has refused to accept not less than 75 percent of its nationals covered by this subtitle and designated for transfer by the Attorney General or to confine such transferred persons for not less than 85 percent of their sentences within either of the 2 immediately preceding fiscal years, except as provided in subsection (b).

(B) DEFINITION OF MULTILATERAL DEVELOPMENT BANK.—In this paragraph, the term ''multilateral development bank'' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development

Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

(3) VISAS.—All visas shall be denied to nationals employed by the government of any foreign country if that country has refused to accept not fewer than 75 percent of its nationals covered by this subtitle and designated for transfer by the Attorney General within either of the 2 immediately preceding fiscal years or to confine such transferred persons for not less than 85 percent of their sentences, except as provided in subsection (b), except that the President or the Secretary of State nonetheless may grant visas to heads of state, certified diplomats, or members of a foreign country's mission to the United Nations.

(b) CERTIFICATION PROCEDURES.—

(1) WHAT MUST BE CERTIFIED.—Subject to subsection (d), the assistance withheld from a country pursuant to subsection (a)(1) may be obligated and expended, the requirement of subsection (a)(2) to vote against multilateral development bank assistance to a country shall not apply, and the withholding of visas from nationals of a country of subsection (a)(3) shall not apply, if the President deter-

mines and certifies to Congress, at the time of the submission of the report required by section 6205, that—

(A) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, to achieve full compliance with the goals and objectives established by this subtitle, except that the President may make such a finding only once during any 5-year period;

(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) be provided, that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2), and that visas not be withheld pursuant to subsection (a)(3); or

(C) only in the case of multilateral development bank assistance, such assistance is directed specifically to programs that provide, or support a foreign country's ability itself to provide, food, water, clothing, shelter, and medical care of that country.

(2) CONSIDERATIONS REGARDING COOPERATION.—In making the determinations described in subsection (b)(1), the President shall consider the extent to which the country has—

(A) met the goals and objectives of this subtitle;

(B) accomplished the goals described in an applicable bilateral agreement with the United States or a multilateral agreement to implement the provisions and purposes of this subtitle; and

(C) taken domestic legal and law enforcement measures to implement the provisions and purposes of this subtitle;

(3) CASE-BY-CASE WAIVER AUTHORITY.—

(A) AUTHORITY.—The President or the Secretary of State may, on a case-by-case basis, allow an alien subject to transfer under section 6202 to remain in the custody of the Attorney General if the President or Secretary of State determines that doing so is necessary to serve the vital interests of the United States or to protect the life or health of the citizen or national. It is the sense of Congress that such case-by-case determinations rarely should be made.

(B) NONDELEGATION OF AUTHORITY.—The authority to make a determination under subparagraph (A) may not be delegated.

(4) INFORMATION TO BE INCLUDED IN NATIONAL INTEREST CERTIFICATION.—If the President makes a certification with respect to a country pursuant to subsection (b)(1), the President shall include in such certification—

(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section, multilateral development bank assistance is not provided to such country, and visas are not issued to the nationals of such country; and

(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in implementing the provisions and purposes of this subtitle.

(c) CONGRESSIONAL REVIEW.—Subsection (d) shall apply if, not later than 30 calendar days after receipt of a certification submitted under subsection (b) at the time

of submission of the report required by this subtitle, Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

(d) DENIAL OF ASSISTANCE FOR COUNTRIES DECERTIFIED.—If the President does not make a certification under subsection (b) with respect to a country or Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in subsection (e) are satisfied—

(1) funds may not be obligated for United States assistance for that government, and funds previously appropriated, but unobligated, for United States assistance for that government may not be expended for the purpose of providing assistance for that government;

(2) the requirement to vote against multilateral development bank assistance pursuant to subsection (a)(2) shall apply with respect to that country, without regard to the date specified in that subsection; and

(3) no visas may be issued to nationals of that country, and no visas already issued shall be held valid by the Department of State, the Immigration and Naturalization Service, or any other department or agency of the Federal Government.

(e) RECERTIFICATION.—Subsection (d) shall apply to a country described in that subsection until—

(1) the President, at the time of submission of the report required by this subtitle, makes a certification under subsection (b)(1)(A) or (b)(1)(B) with respect to that country, and Congress does not enact a joint resolution under subsection (c) disapproving the determination of the President contained in that certification; or

(2) the President, at any other time, makes the certification described in subsection (b)(1)(A) or subsection (b)(1)(B) with respect to that country, except that this paragraph applies only if either—

(A) the President also certifies that—

(i) that country has undergone a fundamental change in government, or

(ii) there has been a fundamental change in the conditions that were the reasons—

(I) why the President had not made a certification with respect to that country under subparagraph (A) or (B) of subsection (b)(1); or

(II) if the defendant had made such a certification and Congress en-

acted a joint resolution disapproving the determination contained in the certification, why Congress enacted that joint resolution; or

(B) Congress enacts a joint resolution approving the determination contained in the certification under subparagraph (A) or (B) of subsection (b)(1).

Any certification under paragraph (2)(A) shall discuss the justification for the certification.

(f) SENATE PROCEDURES.—Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

SEC. 6208. PRISONER TRANSFERS TREATIES.

(a) NEGOTIATION.—The Secretary of State shall begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations should be—

(1) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons;

(2) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts; and

(3) to allow the Federal Government or the States to maintain their original prison sentences in effect so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prison sentences.

(b) CERTIFICATION.—The President shall submit to Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 6209. JUDGMENTS UNAFFECTED.

Nothing in this subtitle may construed to nullify or reduce the effect of a judgment of conviction and sentence entered by a Federal, State, or local court in the United States.

SEC. 6210. UNITED STATES ASSISTANCE DEFINED.

In this subtitle, the term ''United States assistance'' means any assistance under the Foreign Assistance Act of 1961.

SEC. 6211. REPEALS.

(a) The first sentence in section 4100(a) of title 18, United States Code, is repealed.

(b) The first, third, fourth, fifth, and sixth sentences in section 4100(b) of title 18, United States Code, are repealed.

(c) Subsection (c) of section 4100 of title 18, United States Code is repealed.

(d) Subsection (d) of section 4100(a) of title 18, United States Code, is redesignated as subsection (c).

(e) Section 330(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 1704) is amended by inserting ''during fiscal years 1997 and 1998,'' after ''compensation,''.

(f) Section 330(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 1704) is amended by striking '', except as required by treaty,''.

(g) Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 1712) is repealed.

Subtitle C—Drug-Free Prisons and Jails

SEC. 6301. DRUG-FREE PRISONS AND JAILS INCENTIVE GRANTS.

(a) IN GENERAL.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701 et seq.), as amended by section 6101(e) of this title, is amended—

(1) by redesignating section 20110 as section 20111; and

(2) by inserting after section 20109 the following:

"SEC. 20110. DRUG-FREE PRISONS AND JAILS BONUS GRANTS.

"(a) IN GENERAL.—The Attorney General shall make incentive grants in accordance with this section to eligible States and Indian tribes, in order to encourage the establishment and maintenance of drug-free prisons and jails.

"(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle, in each fiscal year, before making the allocations under sections 20106 and 20108(a)(2) or the reservation under section 20109, the Attorney General shall reserve 10 percent of the amount

made available to carry out this subtitle for grants under this section.

"(c) ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a State or Indian tribe shall demonstrate to the Attorney General that the State or Indian tribe—

"(A) meets the requirements of section 20103; and

"(B) has established, or, within 18 months after the initial submission of an application this section will implement, a program or policy of drug-free prisons and jails for correctional and detention facilities, including juvenile facilities, in its jurisdiction.

"(2) CONTENTS OF PROGRAM OR POLICY.—The drug-free prisons and jails program or policy under paragraph (1)(B)—

"(A) shall include—

"(i) a zero-tolerance policy for drug use or presence in State facilities, including routine sweeps and inspections for drugs, routine drug tests, and improved screening for drugs and other contraband of prison visitors and prisoner mail;

"(ii) establishment and enforcement of penalties, including prison disciplinary actions and criminal prosecution for the introduction, possession, or use of drugs in any prison or jail;

"(iii) the implementation of residential drug treatment programs; and

"(iv) drug testing of all inmates upon intake and upon release from incarceration; and

"(B) may include a system of incentives for prisoners to participate in counter-drug programs such as drug treatment and drug-free wings with greater privileges, except that incentives under this paragraph may not include the early release of any prisoner convicted of a crime of violence.

"(d) APPLICATION.—In order to be eligible to receive a grant under this section, a State or Indian tribe shall submit to the Attorney General an application, in such form and containing such information, including rates of positive drug tests among inmates upon intake and release from incarceration, as the Attorney General may reasonably require.

"(e) USE OF FUNDS.—Amounts received by a State or Indian tribe from a grant under this section may be used—

"(1) to implement the program under subsection (c)(2); or

"(2) for any other purpose permitted by this subtitle.

"(f) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—Grants awarded under this section shall be in addition to any other grants a State or Indian tribe may be eligible to receive under this subtitle or under part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.).

"(2) ALLOCATION.—Amounts reserved for grants pursuant to subsection (b) shall be allocated and distributed to eligible States and Indian tribes in the same manner as Truth-in-Sentencing Incentive Grants under section 20104 are allocated and distributed under section 20106(b).".

SEC. 6302. ELIMINATION OF SENTENCING INEQUITIES AND AFTERCARE FOR FEDERAL INMATES.

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

(1) in subsection (b), by striking the last sentence and inserting ''The Bureau shall endeavor to make available appropriate substance abuse treatment or each prisoner who is determined by the Bureau to have a treatable drug abuse problem, with a priority to be given to younger offenders and those who would benefit most from the treatment.''; and

(2) in subsection (e), by striking paragraphs (1), (2), and (5), and redesignating paragraphs (3), (4), and (6), as paragraphs (1), (2), and (3), respectively.

SEC. 6303. PRISON COMMUNICATIONS.

(a) COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT.—Section 2522 of title 18, United States Code, is amended by adding at the end the following:

''(e) EXEMPTION.—

''(1) IN GENERAL.—This chapter and chapter 121 do not apply with respect to the interception by a law enforcement officer of any wire, oral, or electronic communication, or the use of a pen register, a trap and trace device, or a clone pager, if—

''(A) in the case of any wire, oral, or electronic communication, at least one of the parties to the communication is, an inmate or detainee in the custody of the Attorney General of

the United States or is in the custody of a State or political subdivision thereof; or

"(B) in the case of a pen register, a trap and trace device, or a clone pager, the facility is regularly used by, an inmate or detainee in the custody of the Attorney General of the United States or is in the custody of a State or political subdivision thereof.

"(2) STATE DEFINED.—In this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

"(f) REGULATIONS.—The Attorney General shall promulgate regulations governing interceptions described in subsection (e) of this section and interceptions described in section 2511(i), in order to protect communications protected by the attorney-client privilege and the right to counsel guaranteed by the sixth amendment to Constitution of the United States.".

(b) DEMANDS FOR PRODUCTION OF CERTAIN STATEMENTS AND REPORTS.—Section 3500(e)(2) of title 18, United States Code, is amended by inserting before the semicolon the following: ", except any such statement recorded from a telephone in a Federal, State, or local correctional or detention facility, unless the defendant shows

the substantial likelihood that the statement will lead to admissible evidence''.

(c) AUTHORITY TO MONITOR PRISON COMMUNICATIONS.—Section 2511(2) of title 18, United States Code, is amended by adding at the end the following:

''(i) AUTHORITY TO MONITOR PRISON COMMUNICATIONS.—Nothing in this chapter or any other provision of law may be construed to prohibit the routine recording or monitoring by officers of any Federal, State, or local correctional or detention facility of any electronic communication, 1 of the parties to which is an inmate or detainee in such facility.''.

(d) PROVIDING CONTRABAND TO AN INDIVIDUAL IN CUSTODY OF THE BUREAU OF PRISONS OR THE ATTORNEY GENERAL.—Section 1791 of title 18, United States Code, is amended—

(1) in subsection (a), in each of paragraphs (1) and (2), by striking ''inmate of a prison'' and inserting ''individual in the custody of the Bureau of Prisons or the Attorney General, or confined in any institution or facility by direction of the Attorney General''; and

(2) in subsection (d)—

(A) in paragraph (2), by adding ''and'' at the end;

(B) in paragraph (3), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (4).

Subtitle D—Prison Work

SEC. 6401. SHORT TITLE.

This subtitle may be cited as the ''Prison Work Act of 1999''.

SEC. 6402. FEDERAL PRISONER WORK REQUIREMENT.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4048. Prisoner work requirement

''(a) IN GENERAL.—Subject to subsection (b), the Director of the Bureau of Prisons shall ensure that each convicted inmate in the custody of the Attorney General and confined in any Federal prison, correctional facility, jail, or other facility shall be engaged in work. The type of work that a particular inmate shall be engaged in shall be determined on the basis of appropriate security and disciplinary considerations and by the health of the inmate.

''(b) EXCUSE.—An inmate described in subsection (a) may be excused from the requirement of subsection (a) in whole or in part, only as necessitated by—

''(1) security considerations;

''(2) disciplinary action;

"(3) medical certification of disability, such as would make it impractical for prison officials to arrange useful work for the inmate to perform; or

"(4) a need for the inmate to work less than a full work schedule in order to participate in literacy training, drug rehabilitation, or other similar program in addition to performing work.

"(c) NO COMPENSATION.—Nothing in this section shall be construed to entitle any inmate to any wage, compensation, or benefit, or be construed to provide a cause of action by or on behalf of any person against the United States or any officer, employee, or contractor thereof.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Prisoner work requirement.".

SEC. 6403. PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) IN GENERAL.—Section 4124 of title 18, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) A Federal agency that has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

"(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Pol-

icy Act (41 U.S.C. 416) to Federal Prison Industries not less than 15 days before the issuance of a solicitation of offers for the procurement of such product;

"(2) use competitive procedures for the procurement of that product, unless—

"(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

"(B) the Attorney General makes the determination described in subsection (b)(1) not later than 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

"(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

"(b) A Federal agency that has a requirement for a product referred to in subsection (a) shall—

"(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for the purchase of the product if the Attorney General person-

ally determines, within the period described in subsection (a)(2)(B), that—

"(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

"(B) it is necessary to award the contract to Federal Prison Industries in order—

"(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

"(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

"(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison Industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price.".

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

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

''(4) Federal Prison Industries shall, to the maximum extent practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor.''; and

(3) in paragraph (6), as redesignated, by striking ''paragraph (4)(B)'' and inserting ''paragraph (5)(B)''.

(c) MODIFICATION OF PROHIBITION ON SALES OF PRISONER-MADE PRODUCTS.—Section 1761 of title 18, United States Code, is amended by striking subsections (b) through (d) and inserting the following:

''(b)(1) This section does not apply to goods, wares, or merchandise manufactured or produced, or services provided, by inmates at an industry—

''(A) provided by Federal Prison Industries (unless the Attorney General has exercised his or her authority with respect to that product pursuant to section 4124(b)); or

''(B) provided by a State, unless—

"(i) the industry is operated by a person other than the State; and

"(ii) after September 30, 2008, the State does not have in effect any requirement that the departments and agencies of the State purchase a portion of their requirements for such goods, wares, merchandise, or services provided by products produced by inmates at that industry.

"(2) In this subsection, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.".

(d) STUDY OF FOREIGN-MADE GOODS.—The Director of the Bureau of Labor Statistics shall make an initial determination of those goods (described by Standard Industrial Product Code published by the Office of Management and Budget) of which 95 percent or more of the amount sold in the United States are fabricated in a foreign place. The Director shall report that determination to Congress, not later than 180 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6404. PRISONER COMMUNITY SERVICE PROJECTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, as amended by section 6402(a) of this subtitle, is amended by adding at the end the following:

"§ 4049. Community service projects

''(a) Subject to the limitations of this section, and pursuant to rules prescribed by the Attorney General, the chief executive officer of a Federal penal or correctional facility may, as part of an inmate work program, provide products or services, free of charge or at minimal cost, to private, nonprofit organizations (as defined in section 501(c)(3) of the Internal Revenue Code of 1986) or to a component of any State government or political subdivision thereof.

''(b) Products provided under subsection (a) shall be constructed in substantial part through the use of scrap or waste materials that constitute excess property, as defined in section 3(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(e)). Such products shall not be resold by the recipient.

''(c) Services provided under subsection (a)—

''(1) shall be used only for the benefit of the recipient entity and not for the benefit of any individual or organization other than the recipient; and

''(2) shall not displace an employee of the recipient or result in a reduction in hours, wages, or

employment benefits of any employee of the recipient.

''(d) No goods or services may be provided under this section by a Federal penal or correctional facility, if the provision of those goods or services would reduce the number of inmates employed at any Federal Prison Industries operations at that facility. Nothing this section shall be construed to increase or otherwise affect the powers of Federal Prison Industries.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 303 of title 18, United States Code, as amended by section 6402(b) of this subtitle, is amended by adding at the end the following:

''4049. Community service projects.''.

(2) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT.—The second undesignated paragraph of section 602(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), is amended—

(A) in paragraph (20), by striking ''or'' at the end;

(B) in paragraph (21), by striking the period at the end of and inserting a semicolon; and

(C) by inserting after paragraph (21) the following:

''(22) the Federal Bureau of Prisons, with respect to the disposal of property used to produce those products described in section 4049 of title 18, United States Code.''.

(3) EXCEPTION TO PROHIBITION ON SHIPMENT OF GOODS.—Section 1761(b) of title 18, United States Code, is amended by striking the period at the end and inserting '', nor to products provided pursuant to section 4049 of this title.''.

Subtitle E—Federal Incarceration Improvement

SEC. 6501. SHORT TITLE.

This subtitle may be cited as the ''Federal Incarceration Improvement Act''.

SEC. 6502. REPORT ON FEDERAL PRISON OVERCROWDING.

(a) IN GENERAL.—Not later than 180 days 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 and the Committees on Appropriations of the Senate and the House of Representatives a report on overcrowding in the Federal prison system.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include—

(1) 10-year projections for the population of the Federal prison system; and

(2) specific recommendations on prison space needs, including—

(A) potential sites for new Federal prisons;

(B) cost estimates for the construction of additional Federal prison space; and

(C) specific timetables for the construction of additional Federal prison space.

SEC. 6503. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) TRANSFER AND REDESIGNATION.—The second section designated as section 1932 of title 28, United States Code (relating to revocation of earned release credit), is—

(1) redesignated as section 3624A of title 18, United States Code;

(2) transferred to chapter 229 of title 18, United States Code; and

(3) inserted after section 3624 of title 18, United States Code.

(b) TRANSMISSION OF FINDING.—Section 3624A of title 18, United States Code, as redesignated by subsection (a) of this section, is amended—

(1) by striking ''In any'' and inserting the following:

''(a) FINDING.—In any'';

(2) by striking ''an adult'' and inserting ''a person'';

(3) by striking ''order the revocation'' and all that follows through ''finds that—'' and inserting '', on its own motion or the motion of any adverse party, make a finding regarding whether—'';

(4) in paragraph (2), by striking ''solely'';

(5) in paragraph (3)—

(A) by striking ''testifies'' and inserting ''testified''; and

(B) by striking ''presents false evidence'' and inserting ''presented false allegations, pleadings, evidence, or''; and

(6) by adding at the end the following:

''(b) TRANSMISSION OF FINDING.—If the court makes any affirmative finding under paragraph (1), (2), or (3) of subsection (a)—

''(1) the court shall transmit to the Bureau of Prisons that affirmative finding; and

"(2) upon receipt of an affirmative finding transmitted under paragraph (1), the Bureau of Prisons shall revoke the amount of unvested good time credit or the institutional equivalent accrued to the prisoner pursuant to section 3264 as is determined to be appropriate by the Director of the Bureau of Prisons.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 28.—The analysis for chapter 123 of title 28, United States Code, is amended by striking the second item relating to section 1932 (relating to revocation of earned release credit).

(2) TITLE 18.—The analysis for chapter 229 of title 18, United States Code, is amended by inserting after the item relating to section 3624 the following:

"3624A. Revocation of earned release credit.".

(d) RELEASE OF PRISONER.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking the fourth sentence and inserting the following: "Credit that has not been earned may not later be granted, and credit that has been revoked pursuant to section 3624A may not later be reinstated."; and

(2) in paragraph (2), by inserting ", and may be revoked by the Bureau of Prisons for noncompli-

ance with institutional disciplinary regulations at any time before vesting'' before the period at the end.

SEC. 6504. IMPLEMENTATION OF A FEDERAL SENTENCE OF DEATH.

(a) IN GENERAL.—Section 3596(a) of title 18, United States Code, is amended—

(1) by striking ''pursuant to this chapter''; and

(2) by striking ''in the manner'' and all that follows before the period at the end of the subsection and inserting ''pursuant to regulations promulgated by the Attorney General''.

(b) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall promulgate regulations to provide for the implementation of a sentence of death under section 3596 of title 18, United States Code, as amended by this section.

(c) FACILITIES.—

(1) IN GENERAL.—Section 3597 of title 18, United States Code, is amended to read as follows:

''§ 3597. Facilities for the implementation of a sentence of death

''(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence

of death shall use appropriate Federal facilities for that purpose.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—

"(1) IN GENERAL.—No employee of the Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, or any employee providing services to that department, bureau, or service under contract, shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if that participation is contrary to the moral or religious convictions of the employee.

"(2) PARTICIPATION DEFINED.—In this subsection, the term 'participation' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out those activities.".

(2) CHAPTER ANALYSIS.—The analysis for chapter 228 of title 18, United States Code, is amended by striking the item relating to section 3597 and inserting the following:

"3597. Facilities for the implementation of a sentence of death.".

SEC. 6505. PRISON AMENITIES.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, as amended by subtitle D of this title, is amended by adding at the end the following:

"§ 4050. Certain amenities for prisoners prohibited

''(a) IN GENERAL.—Except as provided in subsection (b), the Bureau of Prisons shall ensure that no prisoner or detainee under its jurisdiction—

''(1) engages in any physical activity designed to increase or enhance the fighting ability of the prisoner or detainee;

''(2) engages in any physical activity designed to increase the physical strength of such prisoner or detainee; or

''(3) is permitted—

''(A) access to in-cell television viewing, except for prisoners segregated from the general prison population for their own safety;

''(B) access to the viewing of any movie or film, through whatever medium presented, that has been given a Motion Picture Association of America rating of NC–17, R, or X;

''(C) possession of any in-cell coffee pot, hot plate, or other heating element;

''(D) access to any pornographic or other sexually explicit printed material;

"(E) access to any bodybuilding or weightlifting equipment; or

"(F) use or possession of any electric or electronic musical equipment.

"(b) EXCEPTION FOR CERTAIN PRISONERS.—The Director of the Bureau of Prisons may grant an exception to paragraph (2) or (3)(E) of subsection (a) with respect to a prisoner or detainee, if a licensed medical doctor employed by or under contract to the Bureau of Prisons certifies that such exception is medically necessary in order to enable the prisoner or detainee to pursue a program of physical therapy or rehabilitation.

"(c) EFFECT ON OTHER REGULATIONS.—Nothing in this section shall be construed to preempt or repeal any regulation or policy of the Bureau of Prisons that imposes greater restrictions on prisoners and detainees than those required by this section, or to prevent the adoption by the Bureau of Prisons of any regulation or policy that imposes greater restrictions on prisoners and detainees than those required by this section.

"(d) NO CAUSE OF ACTION.—Nothing in this section shall be construed to create a cause of action by or on behalf of any person against the United States or any officer, employee, or contractor thereof.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, as amended by subtitle D of this title, is amended by adding at the end the following:

"4050. Certain amenities for prisoners prohibited.".

SEC. 6506. PRISONER HEALTH CARE COPAYMENTS.

(a) HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter 303 of title 18, United States Code, as amended by section 6505(a) of this subtitle, is amended by adding at the end the following:

"§ 4051. Fees for health care services for prisoners

"(a) DEFINITIONS.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit' means a visit, as determined by the Director, by a prisoner to an

1 institutional or noninstitutional health care provider;
2 and
3 ''(5) the term 'prisoner' means—
4 ''(A) any individual who is incarcerated in
5 an institution under the jurisdiction of the Bu-
6 reau of Prisons; or
7 ''(B) any other individual, as designated by
8 the Director, who has been charged with or con-
9 victed of an offense against the United States.
10 ''(b) FEES FOR HEALTH CARE SERVICES.—
11 ''(1) IN GENERAL.—The Director, in accord-
12 ance with this section and with such regulations as
13 the Director shall promulgate to carry out this sec-
14 tion, may assess and collect a fee for health care
15 services provided in connection with each health care
16 visit requested by a prisoner.
17 ''(2) EXCLUSION.—The Director may not as-
18 sess or collect a fee under this section for preventa-
19 tive health care services, as determined by the Direc-
20 tor.
21 ''(c) PERSONS SUBJECT TO FEE.—Each fee assessed
22 under this section shall be collected by the Director from
23 the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $2.

"(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

"(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) USE OF AMOUNTS.—

"(1) RESTITUTION TO SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 24-month period; and

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, as amended by section 6505(b) of this subtitle, is amended by adding at the end the following:

"4051. Fees for health care services for prisoners.".

(b) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL FACILITIES.—Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(1) the prisoner—

"(A) is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government; and

"(B) is not indigent;

"(2) the fee—

"(A) is authorized under State law; and

"(B) does not exceed the amount collected from State or local prisoners for the same services; and

"(3) the services—

"(A) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(B) are provided at the request of the prisoner; and

"(C) are not preventative health care services.".

SEC. 6507. STUDY AND REPORT ON PROBATION AND SUPERVISED RELEASE.

(a) FINDINGS.—Congress finds that—

(1) the probation service of the Federal courts serves as a critical link in the Federal criminal justice system;

(2) public safety and the credibility and integrity of the criminal justice system depend on the close and adequate supervision of Federal convicts sentenced to terms of probation and supervised release;

(3) presentencing reports prepared by Federal probation officers form an important basis for the imposition of just and adequate sentences on criminal defendants;

(4) the recognition of the rights of victims in the criminal justice system, including the right to an order of restitution from the defendant, depends on the work performed by Federal probation officer; and

(5) the increase in Federal criminal cases and the imposition of additional duties on Federal probation officers require an evaluation of the resources and workload of the probation service of the courts to ensure the public safety, the recognition of victims' rights, and the smooth administration of justice in the Federal courts.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Chief Justice of the United States, the Attorney General, the Committees on the Judiciary of the Senate and the House of Representatives, and the Committees on Appropriations of the Senate and the House of Represent-

atives, a report on the resources of the probation service of the Federal courts.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) an analysis of the workload of the Federal probation service, including—

(i) the average number of persons supervised by each Federal probation officer;

(ii) the average annual number of presentence reports made by each Federal probation officer; and

(iii) the average annual number of victim restitution cases handled by each Federal probation officer; and

(B) recommendations on—

(i) the resources needed by the probation service to meet its increasing duties and to adequately supervise defendants sentenced to probation or terms of supervised release;

(ii) means by which to improve the consistency and reliability of the imposition and enforcement of orders of restitution in Federal criminal cases; and

(iii) other means by which to expeditiously improve the functioning of the probation service of the Federal courts in order to—

(I) ensure the close and adequate supervision of defendants sentenced to probation or terms of supervised release for the public safety;

(II) improve the recognition of victims' rights in the criminal justice system; and

(III) enhance the smooth administration of justice in the Federal courts.

SEC. 6508. MEDICARE RATE ENFORCEMENT MECHANISM.

Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by inserting a comma at the end;

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

(3) by inserting after subparagraph (S)(iii) the following:

"(T) to be a participating provider of medical care for prisoners and detainees in the custody of

the Attorney General, in accordance with the practices, payment methodology, and amounts prescribed under regulations issued by the Attorney General.''.

SEC. 6509. MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, as amended by section 6506(a)(1) of this subtitle, is amended by adding at the end the following:

''§ 4052. Confidentiality of medical quality assurance records

''(a) DEFINITIONS.—In this section:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means any health care professional who is authorized by the Bureau of Prisons or any granting authority to provide health care services.

''(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term 'medical quality assurance program' means any activity carried out by or for the Bureau of Prisons to assess the quality of medical care, including activities conducted by individuals, medical or dental treatment facility committees, or other review bodies responsible for quality assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources

management review and identification, and prevention of medical or dental incidents and risks.

"(3) MEDICAL QUALITY ASSURANCE RECORD.—The term 'medical quality assurance record' means the proceedings, records, minutes, and reports, including internal agency documents, that emanate from or refer to quality assurance program activities described in paragraph (1) and are produced or compiled by the Bureau of Prisons as part of a medical quality assurance program.

"(b) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for the Bureau of Prisons as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (d).

"(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (b) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (d).

"(2) PERSONS REVIEWING RECORDS.—A person who reviews or creates medical quality assurance

records for the Bureau of Prisons or who participates in any proceeding for the purpose of reviewing or creating such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

''(d) AUTHORIZED DISCLOSURE.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (b) may be disclosed, and a person referred to in subsection (c) may give testimony in connection with such a record, only—

''(A) to a Federal, State, or local law enforcement officer, if the record is requested in connection with a criminal investigation.

''(B) to a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

"(C) to health care personnel, to the extent necessary to meet a medical emergency affecting the health or safety of any individual; or

"(D) to an officer or employee of the Bureau of Prisons who has a need for such record or testimony to perform official duties.

"(2) DELETION OF CERTAIN INFORMATION.—Except for a disclosure under paragraph (1)(A), the name of and other identifying information regarding any inmate receiving health care services from the Bureau of Prisons, any Bureau of Prisons employee or contractor, or any other individual associated with the Bureau of Prisons for purposes of a medical quality assurance program, contained in a medical quality assurance record or document described in subsection (b), shall be deleted from that record or document before any disclosure is made under this subsection.

"(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section may be construed—

"(1) to authorize or require the withholding from any person or entity aggregate statistical information regarding the result of Bureau of Prisons medical quality assurance programs.

"(2) to authorize the withholding of any medical quality assurance record from a committee of the House of Representatives or the Senate, any joint committee of Congress, or the General Accounting Office, if such record pertains to any matter within their respective jurisdictions.

"(f) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record in any manner or for any purpose except as provided in this section.

"(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (b) may not be made available to any person under section 522 of title 5.

"(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (b) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

"(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including an inmate's medical records, on the ground that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(j) REGULATIONS.—The Director of the Bureau of Prisons may prescribe regulations to implement this section.

"(k) PENALTIES.—Any person who willfully discloses a medical quality assurance record other than as provided in this section, knowing that such record is a medical quality assurance record, shall be fined not more than $5,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, as amended by section 6506(a)(2) is amended by adding at the end the following:

"4052. Confidentiality of medical quality assurance records.".

SEC. 6510. ADMINISTRATION OF FEDERAL PRISON COMMISSARIES.

(a) IN GENERAL.—Section 4043 of title 18, United States Code, is amended to read as follows:

"§ 4043. Prison Commissary Administration

''(a) The Director of the Bureau of Prisons may establish, operate, and maintain commissaries in Federal penal or correctional facilities, from and through which articles and services may be procured, sold, rendered, or otherwise provided or made available for the benefit of inmates confined within those facilities. Only those articles or services authorized by the Director of the Bureau of Prisons may be procured from or through prison commissaries for the use of inmates.

''(b) There is established in the Treasury of the United States a revolving fund to be known as the Prison Commissary Fund, which shall be available to the Bureau of Prisons without fiscal year limitation to carry out the purposes, functions, and powers authorized by this section. Funds currently on deposit in the ''Commissary funds, Federal prisons'' account of the Treasury shall be transferred to the Prison Commissary Fund.

''(c) The Director of the Bureau of Prisons may accept gifts or bequests of money for credit to the Fund. The Director may also accept gifts or bequests of other property, real or personal, for use or other disposition by the Bureau of Prisons. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"(d) Amounts in the Prison Commissary Fund that are not needed for operations shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Prison Commissary Fund.

"(e) There shall be deposited in the Fund, subject to withdrawal by the Bureau of Prisons—

"(1) revenues received from the sale of articles through prison commissaries;

"(2) revenues received from services rendered by prison commissaries;

"(3) a gift or bequest of money for credit to the Fund;

"(4) proceeds from the sale or disposal of donated property, real or personal, for credit to the Fund; and

"(5) earnings or interest that may be derived from investments of the Fund.

"(f)(1) The Fund shall be available for the payment of any expenses incurred by the Bureau of Prisons in establishing, operating, and maintaining prison commissaries, including the employment of personnel, the purchase of equipment, security-related or otherwise, and those expenses incurred in the provision of articles or serv-

ices procured, sold, rendered, or otherwise provided or made available to inmates.

''(2) The Director of the Bureau of Prisons may use amounts from the Prison Commissary Fund for any purpose, including expenditures for programs, goods, and services, that benefits the general welfare of inmates. No inmate shall be entitled to any portion of the Fund.

''(g) Employees compensated by or through the Prison Commissary Fund may be assigned additional duties other than those directly related to commissary activities.

''(h) The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1321(a) of title 31, United States Code, is amended by striking ''Commissary funds, Federal prisons''.

SEC. 6511. MEDICAL PAY ALLOWANCE.

(a) IN GENERAL.—Chapter 59 of title 5, United States Code, is amended by adding after section 5948 the following:

''§ 5949. Physician assistants and nurse practitioners comparability allowances

''(a) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified physician

assistants and nurse practitioners, the Director of the Bureau of Prisons, subject to the provisions of this section, section 5307, and such regulations as may be prescribed to carry out this section, may enter into a service agreement with a physician assistant or nurse practitioner that provides for the completion of a specified period of service in the Bureau of Prisons in return for an allowance for the duration of such agreement in an amount to be determined by the Director and specified in the agreement, but not to exceed $20,000 per annum.

''(b) An allowance may not be paid pursuant to this section to any physician assistant or nurse practitioner who—

''(1) is employed on less than a half-time or intermittent basis;

''(2) occupies an internship or residency training position;

''(3) is a reemployed annuitant; or

''(4) is fulfilling a scholarship obligation.

''(c) The amount of each allowance shall be determined by the Director, subject to such regulations, criteria, and conditions as may be prescribed.

''(d) Any agreement entered into by a physician assistant or nurse practitioner under this section shall be for a period of 1 year of service in the Bureau of Prisons

unless the physician assistant or nurse practitioner requests an agreement for a longer period of service. No agreement shall be entered into under this section later than September 30, 2002, nor shall any agreement cover a period of service extending beyond September 30, 2004.

''(e) Unless otherwise provided for in the agreement under subsection (f) of this section, an agreement under this section shall provide that the physician assistant or nurse practitioner, in the event that such individual voluntarily, or because of misconduct, fails to complete at least 1 year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the Director, pursuant to such regulations as may be prescribed under this section, determines that such failure is necessitated by circumstances beyond the control of the physician assistant or nurse practitioner.

''(f) Any agreement under this section shall specify the terms under which the Director and the physician assistant or nurse practitioner may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician assistant or nurse practitioner for each reason for termination.

''(g) In this section, 'physician assistant or nurse practitioner' means any individual employed as a physician

assistant, who holds a State license, or as a nurse practitioner, who holds a State license, who is paid under—

"(1) section 5332, relating to the General Schedule;

"(2) section 5371, relating to certain health care positions; or

"(3) section 5305.

"(h)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or other benefits related to basic pay.

"(2) Any allowance under this section for a physician assistant or nurse practitioner shall be paid in the same manner and at the same time as the physician assistant's or nurse practitioner's basic pay is paid.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) LIMITATION.—Section 5307(a)(2)(C) of title 5, United States Code, is amended by striking "or 5948" and inserting "5948, or 5949".

(2) CHAPTER ANALYSIS.—The analysis for chapter 59 of title 5, United States Code, is amended by adding at the end the following:

"5949. Physician assistants and nurse practitioners comparability allowances.".

SEC. 6512. JUDICIAL DISTRICT DESIGNATION.

Section 113 of title 28, United States Code, is amended by striking ''Federal Correctional Institution, Butner'' each place that term appears and inserting ''Federal Correctional Complex, Butner''.

SEC. 6513. OFFENSES INVOLVING INDIVIDUALS IN CUSTODY.

(a) SEXUAL ABUSE OFFENSES.—Chapter 109A of title 18, United States Code, is amended—

(1) by inserting ''or, with respect to any person in the custody of the Bureau of Prisons or the Attorney General or confined in any institution or facility by direction of the Attorney General'' after ''in a Federal prison,'' each place it appears;

(2) in section 2243(b), by striking ''one year'' and inserting ''3 years'';

(3) in section 2244(a)(4), by striking ''six months'' and inserting ''2 years''; and

(4) in section 2244(b), by striking ''six months'' and inserting ''2 years''.

(b) ASSAULT.—Section 113(a) of title 18, United States Code, is amended by inserting ''or, with respect to any person in the custody of the Bureau of Prisons or the Attorney General or confined in any institution or facility by direction of the Attorney General,'' after ''within

the special maritime and territorial jurisdiction of the United States,''.

(c) MURDER BY A FEDERAL PRISONER.—Section 1118(a) of title 18, United States Code, is amended by inserting ''or in the custody of the Bureau of Prisons or the Attorney General or confined in any institution or facility by direction of the Attorney General,'' after ''Federal correctional institution''.

SEC. 6514. PRISON CREDIT AND AGING PRISONER REFORM.

(a) PRISON CREDIT REFORM.—Section 3585(b) of title 18, United States Code, is amended to read as follows:

''(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time spent in official detention prior to the date the sentence commences only if that official detention—

''(1) is as a result of the offense for which the sentence was imposed; and

''(2) has not been credited toward another sentence or applied in any manner to an undischarged concurrent term of imprisonment.''.

(b) GOOD TIME CREDITS FOR FOREIGN PRISONERS TRANSFERRED TO THE UNITED STATES.—

(1) IN GENERAL.—Section 4105(c) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting ''by the Bureau of Prisons and deducted from the sentence imposed by the foreign court'' after ''These credits shall be combined'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (2) the following:

''(3) If the term of imprisonment under section 4106A(b)(1)(A) is less than or equal to the total sentence imposed and certified by the foreign authorities on the basis of considerations other than the limitation arising under section 4106A(b)(1)(C), the Bureau of Prisons shall calculate credits for satisfactory behavior at the rate provided in section 3624(b) and computed on the basis of the term of imprisonment under section 4106A(b)(1)(A). If the credits calculated under this paragraph produce a release date that is earlier than the release date otherwise determined under this section, the release date calculated under this paragraph shall apply to the transferred offender.

"(4) Upon release from imprisonment, the offender shall commence service of any period of supervised release established pursuant to section 4106A(b)(1)(A), and the balance of the foreign sentence remaining at the time of release from prison shall not be reduced by credits for satisfactory behavior, or labor, or any other credit that has been applied to establish the offender's release date.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 4106A(b)(1)(A) of title 18, United States Code, is amended by striking "release date" and inserting "term of imprisonment".

(c) ALLOWING A TERM OF SUPERVISED RELEASE AFTER THE RELEASE OF CERTAIN OFFENDERS.—Section 3582(c)(1)(A) of title 18, United States Code, is amended—

(1) by inserting "(and may impose a sentence of probation or supervised release with or without conditions)" after "may reduce the term of imprisonment"; and

(2) in clause (ii), by striking ", pursuant to a sentence imposed under section 3559(c),".

SEC. 6515. AUTHORIZATION OF VIDEO TELECONFERENCING FOR CERTAIN PROCEEDINGS.

Rule 43(c) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (3) by striking ''or'' after the semicolon;

(2) in paragraph (4) by striking the period and inserting a semicolon and ''or''; and

(3) by adding at the end the following:

''(5) when—

''(A) the proceeding is the initial appearance, arraignment, taking of the plea, other pretrial session, or the sentencing hearing; and

''(B)(i) the defendant, in writing, waives the right to be present in court; or

''(ii) the court finds, for good cause shown in exceptional circumstances and upon appropriate safeguards, that communication with a defendant (who is not physically present before the court) by video teleconferencing is an adequate substitute for the defendant's physical presence.''.

Subtitle F—United States Marshals Service

SEC. 6601. FEDERAL JUDICIARY SECURITY.

Section 566(e)(1) of title 28, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) provide for the personal protection of, and residential security for, Federal jurists and provide for the personal protection of court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes the functioning of the judicial process or any other official proceeding; and".

SEC. 6602. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Administrative subpoenas to apprehend fugitives

"(a) In this section—

"(1) the term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony

under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment (or equivalent document) under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information or indictment (or equivalent document under State law) or having been convicted of committing a felony under Federal or State law; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

"(2) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade,

the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075;

''(3) the term 'State' means a State of the United States, the District of Colombia, and any commonwealth, territory, or possession of the United States; and

''(4) the term 'relevant or material' means there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought.

''(b) In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds relevant or material in the investigation. The attendance of witnesses and the production of records may be required from any

place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

''(c) A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(d) In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried

on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered. Any failure to obey the order of the court may be punishable by the court as contempt thereof. All process in any such case may be served in any judicial district in which the person may be found.

''(e) This section shall be construed and applied in a manner consistent with section 2703 and with section 1102 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3402).

''(f) The Attorney General may delegate the authorities provided in this section only pursuant to the issuance of formal guidelines.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

''1075. Administrative subpoenas to apprehend fugitives.''.

SEC. 6603. PRISONER MEDICAL PAYMENT EFFICIENCY.

(a) IN GENERAL.—Section 4006 of title 18, United States Code, is amended to read as follows:

"§ 4006. Subsistence for prisoners

''The Attorney General shall acquire subsistence and medical care for persons in the custody of the United States Marshals Service at fair and reasonable prices.''.

(b) MEDICAL EXPENSES FOR PRISONERS IN THE CUSTODY OF THE UNITED STATES MARSHALS SERVICE.—

(1) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§ 4015. Allowable medical costs and expenses for Federal prisoners

''(a) IN GENERAL.—Notwithstanding section 4013, funds available for the United States Marshals Service may be used to acquire medical care for persons in the custody of the United States Marshals Service at fair and reasonable prices.

''(b) COSTS.—Without specific authorization from the Attorney General, the expenses incurred in the provision of medical care under this paragraph shall not exceed the costs and expenses charged in the provision of similar health care services paid pursuant to the medicare program under title XVII of the Social Security Act and the medicaid program under title XIX of such Act.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 301 of title 18,

United States Code, is amended by adding at the end the following:

"4015. Allowable medical costs and expenses for Federal prisoners.".

SEC. 6604. SUBSISTENCE FOR PERSONS IN CUSTODY OF UNITED STATES MARSHALS.

(1) IN GENERAL.—Chapter 301 of title 18, United States Code, as amended by section 6603(b)(1) of this subtitle, is amended by adding at the end the following:

"§ 4016. Subsistence for persons in custody

"Notwithstanding any other provision of law, the Attorney General shall acquire subsistence for persons in the custody of the United States Marshals Service at fair and reasonable prices.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 301 of title 18, United States Code, as amended by section 6603(b)(2) of this subtitle, is amended by adding at the end the following:

"4016. Subsistence for persons in custody.".

SEC. 6605. AIR TRANSPORTATION FOR LAW ENFORCEMENT PURPOSES.

Section 40102(a)(37) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "but" at the end;

(2) by redesignating subparagraph (B) as subparagraph (C);

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

"(B) includes a privately leased or rented aircraft and crew, if the aircraft is operated for the purpose of transporting prisoners or detainees; and"; and

(4) in the flush sentence at the end of subparagraph (C), as redesignated, by striking "if the unit of government on whose behalf" and all that follows before the period at the end and inserting "if the aircraft is used for purposes of law enforcement, search and rescue, or responding to an imminent threat to property or natural resources".

Subtitle G—Federal Prisoner and Criminal Alien Detention

SEC. 6701. MEETING LONG-TERM FEDERAL DETENTION NEEDS.

(a) LONG-TERM FEDERAL DETENTION NEEDS.—Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) The Director of the United States Marshals Service—

"(1) may designate districts singly or in combination—

"(A) experiencing or projected to experience a severe shortage in the number of spaces for Federal detainees; or

"(B) experiencing or projected to experience high growth in the number of Federal detainees; and

"(2) may enter into contracts or cooperative agreements pursuant to subsection (a)(4) to meet the long-term detention needs of the district or districts designated under paragraph (1) of this subsection.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for contracts or cooperative agreements under section 4013(a)(4) of title 18, United States Code—

(A) $50,000,000 for fiscal year 2000;

(B) $53,000,000 for fiscal year 2001; and

(C) $55,000,000 for fiscal year 2002; and

(2) to carry out section 4013(c) of title 18, United States Code, as added by subsection (a) of this section, $5,000,000 for each of fiscal years 2000 and 2001.

SEC. 6702. REPORT ON FEDERAL DETENTION SPACE SHORTAGE.

(a) IN GENERAL.—Not later than 180 days 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 on detention space for Federal detainees in the custody of the United States Marshals Service and the Immigration and Naturalization Service.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include—

(1) 10-year projections for the detainee populations of the United States Marshals Service and the Immigration and Naturalization Service;

(2) specific plans to ensure space is available to meet projected needs;

(3) specific plans to comply with detention and removal requirements of the Immigration Reform Act of 1996; and

(4) recommendations on the feasibility and advisability of consolidating all detention activities of the Department of Justice under 1 agency of the Department of Justice.

SEC. 6703. FAIRNESS IN BAIL BOND FORFEITURE.

Rule 46(e)(1) of the Federal Rules of Criminal Procedure is amended by striking ''there is a breach of condition

of'' and inserting ''the defendant fails to appear as required by''.

Subtitle H—Prison Litigation Reform

SEC. 6801. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) TRANSFER AND REDESIGNATION.—Section 3626 of title 18, United States Code, is—

(1) transferred to the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997 et seq.);

(2) redesignated as section 13 of that Act; and

(3) inserted after section 12 of that Act (42 U.S.C. 1997j).

(b) AMENDMENTS.—Section 13 of the Civil Rights of Institutionalized Persons Act, as redesignated by subsection (a) of this section, is amended—

(1) in subsection (b)(3), by adding at the end the following: ''Noncompliance with an order for prospective relief by any party, including the party seeking termination of that order, shall not constitute grounds for refusal to terminate the prospective relief, if the party's noncompliance does not constitute a current and ongoing violation of a Federal right.'';

(2) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

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

"(e) PROCEDURE FOR ENTERING PROSPECTIVE RELIEF.—

"(1) IN GENERAL.—In any civil action with respect to prison conditions, a court entering an order for prospective relief shall enter written findings specifying—

"(A) the Federal right the court finds to have been violated;

"(B) the facts establishing that violation;

"(C) the particular plaintiff or plaintiffs who suffered actual injury caused by that violation;

"(D) the actions of each defendant that warrant and require the entry of prospective relief against that defendant;

"(E) the reasons for which, in the absence of prospective relief, each defendant as to whom the relief is being entered will not take adequate measures to correct the violation of the Federal right;

"(F) the reasons for which no more narrowly drawn or less intrusive prospective relief would correct the current and ongoing violation of the Federal right; and

"(G) the estimated impact of the prospective relief on public safety and the operation of any affected criminal justice system.

"(2) CONFLICT WITH STATE LAW.—If the prospective relief ordered in any civil action with respect to prison conditions requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State law, the court shall, in addition to the findings required under paragraph (1), enter findings regarding the reasons for which—

"(A) Federal law requires such relief to be ordered in violation of State or local law;

"(B) the specific relief is necessary to correct the violation of a Federal right; and

"(C) no other relief will correct the violation of the Federal right.";

(4) in subsection (f), as redesignated—

(A) in paragraph (3), in the first sentence, by inserting before the period at the end the following: ", including that the case requires

the determination of complex or novel questions of law, or that the court plans to order or has ordered a hearing under paragraph (5)(E) or discovery under paragraph (5)(F)''; and

(B) by adding at the end the following:

''(5) TERMINATION OF PROSPECTIVE RELIEF.—

''(A) CONTENTS OF ANSWER TO MOTION TO TERMINATE.—

''(i) IN GENERAL.—In the answer to the motion to terminate prospective relief, the plaintiff may oppose termination in accordance with this subparagraph, on the ground that the prospective relief remains necessary to correct a current and ongoing violation of a Federal right.

''(ii) RELIEF ENTERED BEFORE ENACTMENT OF PRISON LITIGATION REFORM ACT OF 1995.—If the prospective relief sought to be terminated was entered before the date of enactment of the Prison Litigation Reform Act of 1995, the answer opposing termination under clause (i) shall allege—

"(I) the specific Federal right alleged to be the object of a current violation;

"(II) specific facts that, if true, would establish that current violation;

"(III) the particular plaintiff or plaintiffs who are currently suffering actual injury caused by that violation;

"(IV) the actions of each named defendant that constitute that violation of the particular plaintiff's or plaintiffs' right;

"(V)(aa) the portion of the complaint or amended complaint filed prior to the original entry of the prospective relief sought to be retained that alleged the violation of that Federal right;

"(bb) the portion of the court order originally ordering the prospective relief that found the violation of that Federal right; or

"(cc) both the materials specified in items (aa) and (bb), if the violation

of right was both alleged and established;

"(VI) the manner in which the current and ongoing violation can be remedied by maintaining the existing prospective relief; and

"(VII) the reasons for which, in the absence of prospective relief, each defendant as to whom the relief would be maintained would not take adequate measures to correct the violation of the Federal right.

"(iii) RELIEF ENTERED AFTER ENACTMENT OF PRISON LITIGATION REFORM ACT OF 1995.—If the prospective relief was entered after the date of enactment of the Prison Litigation Reform Act of 1995, the answer opposing termination under clause (i) shall allege—

"(I) the specific Federal right alleged to be the object of a current violation;

"(II) specific facts that, if true, would establish that current violation;

"(III) the particular plaintiff or plaintiffs who are currently suffering actual injury caused by that violation;

"(IV) the current actions of each named defendant that constitute that violation of the particular plaintiff's or plaintiffs' right;

"(V) the findings required by subsection (e) made by the court at the time of the original entry of the prospective relief that established that the right had been violated and that the prospective relief was necessary to correct the violation;

"(VI) the manner in which the current and ongoing violation can be remedied by maintaining the existing prospective relief; and

"(VII) the reasons for which, in the absence of prospective relief, each defendant as to whom the relief would be maintained would not take adequate measures to correct the violation of the Federal right.

"(iv) The answer shall be accompanied by affidavits, references to the record, and any other materials on which the plaintiff relies to support the allegations required to be contained in the answer under clause (ii) or (iii).

"(B) CONTENTS OF RESPONSE TO ANSWER.—

"(i) IN GENERAL.—If the defendant disputes plaintiff's factual allegations, defendant shall file a response to the answer setting forth the factual allegations the defendant challenges.

"(ii) ADDITIONAL REQUIREMENTS.—In any case in which the defendant seeks termination of the relief on the ground that it is not narrowly tailored, overly intrusive, or poses too great a burden on public safety or the operation of a criminal justice system, or that it requires the defendant to violate State or local law without meeting the requirements of subsection (a)(1)(B)—

"(I) the defendant shall set forth the factual basis for these claims in its response; and

"(II) the defendant shall also set forth alternative relief that would correct the violation of the Federal right and that is more narrowly tailored, less intrusive, less burdensome to public safety or the operation of the affected criminal justice system, or does not require a violation of State or local law.

"(iii) SUPPORTING DOCUMENTATION.—The defendant's response shall be accompanied by affidavits, references to the record, and any other materials on which the defendant relies to support its challenge to the plaintiff's factual allegations or the factual basis for its claims regarding the propriety or scope of the relief.

"(C) BURDEN OF PERSUASION.—The plaintiff shall have the burden of persuasion with respect to each point required to be contained in the answer. The defendant shall have the burden of persuasion with respect to wheth-

er the relief extends further than necessary to correct the violation of the Federal right, is not narrowly drawn nor the least intrusive means to correct the violation of the Federal right, excessively burdens public safety or the operation of a prison system, or requires the defendant to violate State or local law without meeting the requirements of subsection (a)(1)(B).

"(D) SUMMARY DETERMINATION.—The court shall grant the motion to terminate if the plaintiff's answer fails to satisfy the requirements of subparagraph (A) or if the materials accompanying the plaintiff's answer together with the materials accompanying the defendant's response fail to carry the plaintiff's burden of persuasion or fail to create a genuine issue of material fact regarding whether the relief should be maintained.

"(E) EVIDENTIARY HEARING.—If the court determines that there is a genuine issue of material fact that precludes it from making a summary determination concerning the motion on the basis of the materials filed by the parties, the court may conduct a limited evi-

dentiary hearing to resolve any disputed material facts identified by the court.

"(F) DISCOVERY.—If the court determines that the plaintiff's answer meets the requirements of paragraph (5)(A), that there are genuine issues of material fact that preclude it from making a summary determination concerning the motion based on the material filed by the parties, and that discovery would assist in resolving these issues, the court may permit limited, narrowly tailored, and expeditious discovery relating to the disputed material facts identified by the court.

"(G) FINDINGS.—

"(i) IN GENERAL.—If the court denies the motion to terminate prospective relief, the court shall enter written findings specifying—

"(I) the Federal right the court finds to be currently violated;

"(II) the facts establishing that the violation is continuing to occur;

"(III) the particular plaintiff or plaintiffs who are currently suffering actual injury caused by that violation;

"(IV) the actions of each defendant that warrant and require the continuation of the prospective relief against that defendant;

"(V) the reasons for which, in the absence of continued prospective relief, each defendant as to whom the relief is continued will not take adequate measures to correct the violation of the Federal right;

"(VI) the reasons for which no more narrowly drawn or less intrusive prospective relief would correct the current and ongoing violation of the Federal right;

"(VII) the impact of the prospective relief on public safety and the operation of any affected criminal justice system; and

"(VIII) if the prospective relief requires the defendant to violate State or local law, the reasons for which—

"(aa) Federal law requires the continuation of relief that violates State or local law;

"(bb) the specific relief is necessary to correct the violation of a Federal right; and

"(cc) no other relief will correct the violation of the Federal right.

"(ii) REQUIREMENTS FOR MOTIONS ORDERED BEFORE ENACTMENT OF PRISON LITIGATION REFORM ACT OF 1995.—In the case of a motion to terminate prospective relief entered before the date of enactment of the Prison Litigation Reform Act of 1995, in addition to the requirements of clause (i), the court's written findings shall also specify—

"(I)(aa) the portion of the complaint or amended complaint that previously alleged that violation of Federal right;

"(bb) the findings the court made at the time it originally entered the prospective relief concerning that violation of Federal right; or

"(cc) both the findings specified in items (aa) and (bb), if the violation

was originally both alleged and established; and

"(II) the prospective relief previously ordered to remedy that violation.

"(iii) REQUIREMENTS FOR MOTIONS ORDERED AFTER ENACTMENT OF PRISON LITIGATION REFORM ACT OF 1995.—In the case of a motion to terminate prospective relief originally ordered after the date of enactment of the Prison Litigation Reform Act of 1995, in addition to the requirements of clause (i), the court shall also enter written findings specifying—

"(I) the findings required by subsection (e) made by the court at the time the relief was originally entered establishing that violation of Federal right; and

"(II) the prospective relief previously ordered to remedy that violation.";

(5) in subsection (g), as redesignated—

(A) by striking the subsection designation and heading and inserting the following:

"(g) SPECIAL MASTERS FOR CIVIL ACTIONS WITH RESPECT TO PRISON CONDITIONS.—";

(B) in paragraph (1)(B), by striking "under this subsection";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "institution"; and

(ii) by adding at the end the following:

"(D) APPLICABILITY.—

"(i) IN GENERAL.—This paragraph shall not apply to any special master appointed before the date of enactment of the Prison Litigation Reform Act of 1995, unless their original appointment expires on or after that date of enactment.

"(ii) SPECIAL MASTERS COVERED.—This paragraph applies to all special masters appointed or reappointed after the date of enactment of the Prison Litigation Reform Act of 1995, regardless of the cause of the expiration of any initial appointment.";

(D) in paragraph (3), by striking "under this subsection";

(E) in paragraph (4)—

(i) by striking ''under this section'';

(ii) by inserting ''(A)'' after ''(4)'';

(iii) in subparagraph (A), as so designated, by adding at the end the following: ''In no event shall a court require a party to pay the compensation, expenses, or costs of the special master. Notwithstanding any other provision of law (including section 306 of the Act entitled 'An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997,' contained in section 101(a) of title I of division A of the Act entitled 'An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1997' (110 Stat. 3009201)) and except as provided in subparagraph (B), the requirement under the preceding sentence shall apply to the compensation and payment of expenses or costs of a special master for any action that is commenced before, on, or after the date of enactment of the Prison Litigation Reform Act of 1995.''; and

(iv) by adding at the end the following:

''(B) The payment requirements under subparagraph (A) shall not apply to the payment of a special master who was appointed before the date of enactment of the Prison Litigation Reform Act of 1995 (110 Stat. 1321165 et seq.) of compensation, expenses, or costs relating to activities of the special master under this subsection that were carried out during the period beginning on the date of enactment of the Prison Litigation Reform Act of 1995 and ending on the date of enactment of this subparagraph.'';

(F) in paragraph (5), by striking from ''In any civil action'' and all that follows through ''subsection, the'' and inserting ''The''; and

(G) in paragraph (6)—

(i) by striking ''appointed under this subsection'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) may be authorized by a court to conduct hearings on the record, and shall make any findings based on the record as a whole;'';

(iii) in subparagraph (B), by striking ''communications;'' and inserting ''engage in any communications ex parte; and''; and

(iv) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C); and

(6) in subsection (h), as redesignated—

(A) in paragraph (1), by striking ''settlements'' and inserting ''settlement agreements'';

(B) in paragraph (3)—

(i) by inserting ''Federal, State, local, or other'' before ''facility'';

(ii) by striking ''violations'' and inserting ''a violation'';

(iii) by striking ''terms and conditions'' and inserting ''terms or conditions''; and

(iv) by inserting ''or other post-conviction conditional or supervised release,'' after ''probation,'';

(C) in paragraph (5), by striking ''or local facility'' and inserting ''local, or other facility'';

(D) in paragraph (8) by striking ''inherent'';

(E) in paragraph (9), by striking the period at the end and inserting a semicolon;

(F) by adding at the end the following:

''(10) the term 'violation of a Federal right'—

''(A) means a violation of a Federal constitutional or Federal statutory right;

''(B) does not include a violation of a court order that is not independently a violation of a Federal statutory or Federal constitutional right; and

''(C) shall not be interpreted to expand the authority of any individual or class to enforce the legal rights that individual or class may have pursuant to existing law with regard to institutionalized persons, or to expand the authority of the United States to enforce those rights on behalf of any individual or class.''; and

(G) by redesignating paragraphs (8) and (9) as paragraphs (9) and (8), respectively, and inserting paragraph (9), as redesignated, after paragraph (8), as redesignated.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by redesignating

section 3627, as added by section 5105(b) of this Act, as section 3626.

(2) CHAPTER ANALYSIS.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended—

(A) by striking the item relating to section 3626; and

(B) by redesignating the item relating to section 3627, as added by section 5105(b) of this Act, as an item relating to section 3626.

SEC. 6802. LIMITATION ON FEES.

Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''any action brought by a prisoner who is confined in any jail, prison, or other correctional facility'' and inserting ''any civil action with respect to prison conditions brought by a plaintiff who is or who has been confined in any prison'';

(ii) by inserting ''or other provision of Federal law'' after (42 U.S.C. 1988)''; and

(iii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) the fee was directly and reasonably incurred in—

''(i) proving an actual violation of the plaintiff's Federal rights that resulted in an order for relief;

''(ii) successfully obtaining contempt sanctions for a violation of previously ordered prospective relief that meets the standards set forth in section 13, if the plaintiff made a good faith effort to resolve the matter without court action; or

''(iii) successfully obtaining court ordered enforcement of previously ordered prospective relief that meets the standards set forth in section 13, if the enforcement order was necessary to prevent an imminent risk of serious bodily injury to the plaintiff and the plaintiff made a good faith attempt to resolve the matter without court action; and

''(B) the amount of the fee is proportionately related to the court ordered relief for the violation.'';

(B) in paragraph (2), by striking the last sentence and inserting ''If a monetary judgment is the sole or principal relief awarded, the award of attorney's fees shall not exceed 100 percent of the judgment.'';

(C) in paragraph (3)—

(i) by striking ''greater than 150 percent'' and inserting ''greater than the lesser of—

''(A) 100 percent''; and

(ii) by striking ''counsel.'' and inserting ''counsel; or

''(B) a rate of $100 per hour.''; and

(D) in paragraph (4), by striking ''prisoner'' and inserting ''plaintiff'';

(2) in subsection (e), by striking ''Federal civil action'' and inserting ''civil action arising under Federal law'' and by striking ''prisoner confined in a jail, prison, or other correctional facility'' and inserting ''prisoner who is or has been confined in any prison'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''action brought with respect to prison conditions'' and inserting ''civil action with respect to prison

conditions brought'' and by striking ''jail, prison, or other correctional facility'' and inserting ''prison''; and

(B) in paragraph (2), by striking ''facility'' and inserting ''prison''; and

(4) by striking subsections (g) and (h) and inserting the following:

''(g) WAIVER OF RESPONSE.—Any defendant may waive the right to respond to any complaint in any civil action arising under Federal law brought by a prisoner. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint or waive any affirmative defense available to the defendant. No relief shall be granted to the plaintiff unless a response has been filed. The court may direct any defendant to file a response to the cognizable claims identified by the court. The court shall specify as to each named defendant the applicable cognizable claims.

''(h) DEFINITIONS.—In this section, the terms 'civil action with respect to prison conditions', 'prison', and 'prisoner' have the meanings given the terms in section 13(h).''.

SEC. 6803. NOTICE OF MALICIOUS FILINGS.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended—

(1) in section 1915A(c)—

(A) by striking ''(c) DEFINITION.—As used in this section'' and inserting the following:

''§ 1915C. Definition

''In sections 1915A and 1915B'';

(B) by inserting ''Federal, State, local, or other'' before ''facility'';

(C) by striking ''violations'' and inserting ''a violation'';

(D) by striking ''terms and conditions'' and inserting ''terms or conditions''; and

(E) by inserting ''or other post-conviction conditional or supervised release,'' after ''probation,''; and

(2) by inserting after section 1915A the following:

''§ 1915B. Notice to State authorities of finding of malicious filing by a prisoner

''(a) FINDING.—In any civil action brought in Federal court by a prisoner (other than a prisoner confined in a Federal correctional facility), the court may, on its

own motion or the motion of any adverse party, make a finding whether—

"(1) the claim was filed for a malicious purpose;

"(2) the claim was filed to harass the party against which it was filed; or

"(3) the claimant testified falsely or otherwise knowingly presented false allegations, pleadings, evidence, or information to the court.

"(b) TRANSMISSION OF FINDING.—The court shall transmit to the State Department of Corrections or other appropriate authority any affirmative finding under subsection (a). If the court makes such a finding, the Department of Corrections or other appropriate authority may, pursuant to State or local law—

"(1) revoke such amount of good time credit or the institutional equivalent accrued to the prisoner as is deemed appropriate; or

"(2) consider such finding in determining whether the prisoner should be released from prison under any other State or local program governing the release of prisoners, including parole, probation, other post-conviction or supervised release, or diversionary program.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915A the following:

"1915B. Notice to State authorities of finding of malicious filing by prisoner.
"1915C. Definition.".

SEC. 6804. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"§ 1632. Limitation on prisoner release orders

"(a) IN GENERAL.—Notwithstanding section 13 of the Civil Rights of Institutionalized Persons Act or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court defined under section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of—

"(1) a conviction of a felony under the laws of the relevant jurisdiction; or

"(2) a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 13(h) of the Civil Rights of Institutionalized Persons Act; and

"(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"1632. Limitation on prisoner release orders.".

TITLE VII—CRIMINAL LAW AND PROCEDURAL IMPROVEMENTS

Subtitle A—Equal Protection for Victims

SEC. 7101. RIGHT OF VICTIM TO IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "the government and the defendant (or defendants jointly) are each entitled to 10 peremptory challenges".

SEC. 7102. JURY TRIAL IMPROVEMENTS.

(a) JURIES OF 6.—

(1) IN GENERAL.—Rule 23(b) of the Federal Rules of Criminal Procedure is amended—

(A) by striking ''JURY OF LESS THAN TWELVE. JURIES'' and inserting the following: ''(b) NUMBER OF JURORS.—

''(1) IN GENERAL.—Except as provided in subsection (2), juries''; and

(B) by adding at the end the following:

''(2) JURIES OF 6.—Juries may be of 6 on request in writing by the defendant with the approval of the court and the consent of the government.''.

(2) ALTERNATE JURORS.—Rule 24(c) of the Federal Rules of Criminal Procedure is amended—

(A) by striking ''In a case'' and inserting the following:

''(1) IN GENERAL.—In a case''; and

(B) by adding at the end the following:

''(2) JURIES OF 6.—In the case of a jury of 6, the court shall direct that not more than 3 jurors in addition to the regular jury be called and impanelled to sit as alternate jurors.''.

(b) CAPITAL CASES.—Section 3593(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(3) in the first sentence, by striking ''If the attorney'' and inserting the following:

''(1) IN GENERAL.—If the attorney'';

(4) in the second sentence, by striking ''The hearing'' and inserting the following:

''(2) TRIER OF FACT.—The hearing''; and

(5) by striking the last sentence and inserting the following:

''(3) JURY IMPANELLED FOR THE PURPOSE OF THE HEARING.—

''(A) IN GENERAL.—A jury impanelled under paragraph (2)(B) may be made of 6 on request in writing by the defendant with the approval of the court and the consent of the government.

''(B) NO REQUEST FOR JURY OF 6.—If a jury of 6 is not impanelled under subparagraph (A), the jury shall be made of 12, unless, at any time before the conclusion of the hearing, the

parties stipulate, with the approval of the court, that the jury shall consist of a lesser number.''.

SEC. 7103. REJOINDER TO ATTACKS ON THE CHARACTER OF THE VICTIM BY ADMISSION OF EVIDENCE OF THE CHARACTER OF THE ACCUSED.

Rule 404(a)(1) of the Federal Rules of Evidence is amended by inserting before the semicolon at the end the following: '', or, if an accused offers evidence of a pertinent trait of character of the victim of the crime, evidence of a pertinent trait of character of the accused offered by the prosecution''.

SEC. 7104. USE OF NOTICES OF RELEASE OF PRISONERS.

Section 4042(b) of title 18, United States Code, is amended by striking paragraph (4).

SEC. 7105. BALANCE IN THE COMPOSITION OF RULES COMMITTEES.

Section 2073 of title 28, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following: ''On each such committee that makes recommendations concerning rules that affect criminal cases (including recommendations relating to the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, the Rules Governing Section 2254 Cases,

and the Rules Governing Section 2255 Cases), the number of members who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.''; and

(2) in subsection (b), by adding at the end the following: ''The number of members of the standing committee who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.''.

Subtitle B—Reform of Judicially Created Exclusionary Rules

SEC. 7201. ENFORCEMENT OF CONFESSION REFORM STATUTE.

(a) IN GENERAL.—Section 3501(e) of title 18, United States Code, is amended—

(1) by striking ''(e) As used in this section, the term'' and inserting the following:

"(e) DEFINITIONS.—In this section:

"(1) ANY CRIMINAL PROSECUTION BY THE UNITED STATES.—The term 'any criminal prosecution by the United States' includes a prosecution by the United States under the Uniform Code of Military Justice.

"(2) CONFESSION.—The term"; and

(2) by adding at the end the following:

"(3) OFFENSE AGAINST THE LAWS OF THE UNITED STATES.—The term 'offense against the laws of the United States' includes an offense under the punitive articles of the Uniform Code of Military Justice (Subchapter X of chapter 47 of title 10).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) takes effect on the date of enactment of this Act; and

(2) applies to any criminal prosecution brought by or under the authority of the United States, including a military prosecution or a prosecution brought by the District of Columbia, regardless of whether the prosecution was commenced before that date if the prosecution did not become final before that date.

SEC. 7202. CHALLENGES TO CONVICTION OR SENTENCE ON THE BASIS OF VOLUNTARY CONFESSION.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§ 2255A. Challenges to conviction or sentence on the basis of voluntary confession

''(a) DEFINITION OF CONFESSION.—In this section, the term 'confession' has the meaning given the term in section 3501(e) of title 18.

''(b) LIMITATION.—No writ of habeas corpus or other post-conviction remedy under section 2241, 2244, 2254, or 2255 or any other provision of Federal law shall lie to challenge the custody or sentence of a person on the ground that the custody or sentence of the person is the result in whole or in part of the voluntary confession of the person.

''(c) DETERMINATIONS REGARDING POST-CONVICTION REMEDIES.—For purposes of subsection (a), in determining whether a post-conviction remedy lies under a provision of law described in subsection (b), and in determining whether any such remedy should be granted—

''(1) the court shall apply the standards set forth in section 3501(b) of title 18; and

''(2) in applying the standards under paragraph (1) in a case seeking a post-conviction remedy from

a State court conviction, the court shall apply the standards set forth in section 2254(d).

"(d) NO EFFECT ON OTHER LAW.—Nothing in this section modifies or otherwise affects any requirement under Federal law relating to the obtaining or granting of post-conviction relief.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2255A. Challenges to conviction or sentence on the basis of voluntary confession.".

SEC. 7203. OBLIGATION OF ATTORNEYS FOR THE UNITED STATES TO PRESENT CERTAIN ARGUMENTS.

Section 518 of title 28, United States Code, is amended by adding at the end the following:

"(c) VOLUNTARY CONFESSIONS.—

"(1) DEFINITION OF CONFESSION.—In this subsection, the term 'confession' has the meaning given the term in section 3501(e) of title 18.

"(2) IN GENERAL.—When, in any Federal criminal prosecution, the defendant seeks to suppress or to exclude from evidence the defendant's own voluntary confession, the attorney for the United States shall seek the admission of the confession into evidence under section 3501(a) of title 18.

"(3) APPEAL.—In any appeal from a ruling admitting or suppressing a defendant's voluntary confession, the attorney for the United States shall argue that section 3501(a) of title 18 requires the admission of the confession or forbids its suppression.".

SEC. 7204. ADMISSIBILITY OF VOLUNTARY CONFESSIONS IN STATE COURT PROCEEDINGS.

(a) DEFINITION OF CONFESSION.—In this section, the term "confession" has the meaning given the term in section 3501(e) of title 18, United States Code.

(b) ADMISSIBILITY.—Federal law shall not bar the admission into evidence in State court of the voluntary confession of any defendant in the criminal prosecution of that defendant if—

(1) the prosecuting authority does not seek admission of the confession to establish its case in chief; or

(2) the confession was obtained by interrogation reasonably prompted by a concern for public safety.

(c) STANDARDS.—For purposes of this section, the standards specified in section 3501(b) of title 18, United States Code, shall govern whether a confession is voluntary.

(d) RULE OF CONSTRUCTION.—Nothing in this section requires the exclusion from evidence of a voluntary confession under circumstances not described in subsection (b).

SEC. 7205. NO POLICE OFFICER LIABILITY FOR SEEKING OR OBTAINING VOLUNTARY CONFESSION.

(a) DEFINITION OF CONFESSION.—In this section, the term ''confession'' has the meaning given the term in section 3501(e) of title 18, United States Code.

(b) NO LIABILITY.—The act of a person acting under color of any statute, ordinance, regulation, custom, or usage of the United States or of any State or territory or the District of Columbia in seeking or obtaining the voluntary confession of another person shall not, by itself and in the absence of any other act that violates a person's right under the Constitution, give rise to any liability of the person in an action under section 1979 of the Revised Statutes (42 U.S.C. 1983) or any other Federal law.

(c) STANDARDS.—For purposes of this section, the standards specified in section 3501(b) of title 18, United States Code, shall govern whether a confession is voluntary.

SEC. 7206. ADMISSIBILITY OF EVIDENCE OBTAINED BY SEARCH OR SEIZURE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§ 3510. Admissibility of evidence obtained by search or seizure

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—

"(1) IN GENERAL.—Evidence that is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that the search or seizure was in conformity with the fourth amendment.

"(2) PRIMA FACIE EVIDENCE.—That evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of circumstances justifying an objectively reasonable belief that a search or seizure was in conformity with the fourth amendment.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—

"(1) IN GENERAL.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that the evidence was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless the exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(2) SPECIAL RULE RELATING TO OBJECTIVELY REASONABLE SEARCHES AND SEIZURES.—Evidence that, but for this paragraph, is excludable under paragraph (1) shall not be excluded if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that the search or seizure was in conformity with the statute, administrative rule or regulation, or rule of procedure the violation of which occasioned its being excludable.".

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) does not require or authorize the exclusion of evidence in any proceeding.

(c) CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3510. Admissibility of evidence obtained by search or seizure.".

SEC. 7207. LAURIE SHOW VICTIM PROTECTION (RETRIAL IN STATE COURT OF PERSONS THAT FILE AN APPLICATION FOR WRIT OF HABEAS CORPUS).

Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j) RETRIAL IN STATE COURT.—No Federal court shall bar the retrial in State court of a person that files an application for a writ of habeas corpus.''.

Subtitle C—Federal Law Enforcement Improvements

CHAPTER 1—GENERAL PROVISIONS

SEC. 7301. AMENDMENTS RELATING TO VIOLENCE IN INDIAN COUNTRY.

(a) Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and''.

(b) Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction'' after ''chargeable under State law''.

(c) Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''twenty years''.

(d) Section 1153(a) of title 18, United States Code, is amended by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 is greater than five years,'' after ''a felony under chapter 109A,''.

(e) Section 1163 of title 18, United States Code, is amended in the second paragraph by striking ''so''.

SEC. 7302. AMENDMENTS TO ANTI-TERRORISM STATUTES.

(a) Section 178 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''means any microorganism, virus, or infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product'' and inserting the following: ''means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance'';

(2) in paragraph (2), by striking ''means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recom-

binant 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), by striking ''recombinant molecule, or biological product that may be engineered as a result of biotechnology'' and inserting ''recombinant or synthesized molecule''.

(b) Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a), by striking '', including any biological agent, toxin, or vector (as those terms are defined in section 178)''; and

(2) in subparagraph (c)(2)(C), by striking ''a disease organism'' and inserting ''any biological agent, toxin, or vector (as those terms are defined in section 178 of this title)''.

SEC. 7303. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

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

(1) in subsection (a)—

(A) in paragraph (5), by striking ''ten'' and inserting ''twenty''; and

(B) in paragraph (6), by striking ''three'' and inserting ''ten''; and

(2) in subsection (b)—

(A) by striking ''and'' after paragraph (1);

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

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

''(3) 'serious bodily injury' has the meaning given the term in section 2119.''.

SEC. 7304. CONFORMING AMENDMENT TO RETURN SECTION 115 TO THE SAME SCOPE AS SECTION 1114.

Section 115(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''an official whose killing would be a crime under section 1114 of this title'' and inserting ''an officer or employee whose killing would be a crime under section 1114'';

(2) in paragraph (1)(B), by striking ''an official whose killing would be a crime under such section''

and inserting ''an officer or employee described in section 1114''; and

(3) in paragraph (1), by striking ''such official, judge, or law enforcement officer'' each place it appears and inserting ''such official, judge, law enforcement officer, or officer or employee''.

SEC. 7305. ELIMINATION OF REDUNDANT PENALTY FOR KILLING IN THE COURSE OF A BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended—

(1) by striking ''kills any person, or forces'' and inserting ''(i) forces''; and

(2) by inserting ''(ii)'' before ''if death results''.

SEC. 7306. ELIMINATION OF UNJUSTIFIED SCIENTER ELEMENT FOR CARJACKING.

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

SEC. 7307. 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

"Sec.
"3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the armed forces outside the United States.
"3262. Delivery to authorities of foreign countries.
"3263. Regulations.
"3264. Employment by the Armed Forces 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) OFFENSE.—A person who, 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) CONCURRENT JURISDICTION.—Nothing 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-mar-

tial, military commissions, provost courts, or other military tribunals.

"(c) PROSECUTION BY A FOREIGN GOVERNMENT.—No prosecution of a person may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting the 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) ARRESTS.—

"(1) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation may designate and authorize any person serving in a law enforcement position in the Department of Defense, or 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) who there is probable cause to believe engaged in conduct that constitutes a criminal offense under that section.

"(2) RELEASE.—A person arrested under paragraph (1) 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 described in that paragraph unless—

"(A) the person is delivered to authorities of a foreign country under section 3262; or

"(B) charges are preferred against the person under chapter 47 of title 10 for the conduct.

"§ 3262. Delivery to authorities of foreign countries

"(a) IN GENERAL.—A person in the custody of the United States for an alleged violation of section 3261(a) may be delivered to the appropriate authorities of a foreign country in which the 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) DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of State, shall determine

what officials of a foreign country constitute appropriate authorities for the purpose of this section.

"§ 3263. Regulations

''The Secretary of Defense and the Commandant of the Coast Guard, in consultation with the Secretary of State, shall each issue regulations governing the apprehension, detention, and removal of persons under this chapter for their respective agencies. The regulations shall be uniform throughout the Department of Defense.

"§ 3264. Employment by the Armed Forces or Accompanying the Armed Forces outside the United States

''For the purposes of this chapter—

''(1) a person shall be considered to be employed by the Armed Forces outside the United States if the person—

''(A) is employed as a civilian employee of a military department or of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside the United States in connection with such employment; and

"(C) is not a national of the host nation; and

"(2) a person shall be considered to be accompanying the Armed Forces outside the United States if the person—

"(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) CONFORMING AMENDMENT.—The analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Criminal Offenses Committed Outside the United States ..... 3261".

SEC. 7308. ADDITION OF ATTEMPT COVERAGE FOR 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. 7309. CLARIFICATION OF INTERSTATE THREAT STATUTE.

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 amended by striking ''any threat to injure'' and inserting ''any threat to kill or injure''.

SEC. 7310. STATUS KILLINGS OF FEDERAL EMPLOYEES AND CONSOLIDATION OF 18 U.S.C. 1114 AND 1121.

Section 1114 of title 18, United States Code, is amended—

(1) by inserting ''or because of the status of the victim as such an officer or employee,'' after ''on account of the performance of official duties,''; and

(2) by inserting ''or, if the person assisting is an officer or employee of a State, local or Indian tribal government, because of the status of the victim as such an officer or employee,'' after ''on account of that assistance,''.

SEC. 7311. AMENDMENTS OF DRIVE-BY SHOOTING STATUTE.

(a) Section 36 of title 18, United States Code, is amended—

(1) by amending the title to read ''Shooting into a group in furtherance of a major drug offense'';

(2) in paragraph (a)(1), by striking ''punishable under section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c))'' and inserting ''punishable under section 408(a) of the Controlled Substances Act (21 U.S.C. 848(a))'';

(3) in paragraphs (b)(1) and (b)(2), by striking ''with the intent to intimidate,'' and inserting ''with the intent to kill, intimidate,''.

(b) The table of sections for chapter 2 of title 18, United States Code, is amended by striking ''Drive-by shooting'' and inserting ''Shooting into a group in furtherance of a major drug offense''.

SEC. 7312. THREATS AGAINST FORMER PRESIDENTS AND OTHERS ELIGIBLE FOR SECRET SERVICE PROTECTION.

Section 879 of title 18, United States Code, is amended to read as follows:

"§ 879. Threats against former Presidents and others eligible for Secret Service Protection

"(a) DEFINITIONS.—In this section:

"(1) IMMEDIATE FAMILY.—The term "immediate family" means a person to whom the President, President-elect, former President, Vice President, or Vice President-elect, former Vice President or major candidate for the office of President or Vice President—

"(A) is related by blood, marriage, or adoption; or

"(B) stands in loco parentis.

"(2) MAJOR CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE PRESIDENT.—The term "major candidate for the office of President or Vice President" means a candidate referred to in subsection (a)(7) of section 3056 of this title.

"(3) PRESIDENT-ELECT; VICE PRESIDENT-ELECT.—The terms "President-elect" and "Vice President-elect" have the meanings given those terms in section 871(b) of this title.

"(b) Whoever knowingly and willfully threatens to kill, kidnap, or inflict bodily harm upon—

"(1) a former President, a former Vice President, the spouse of a former President or former Vice President during the former President or

former Vice President's lifetime, or the widow or widower of a former President or former Vice President until their death or remarriage;

"(2) a member of the immediate family of the President, the President-elect, a former President, the Vice President, the Vice President-elect, or a former Vice President;

"(3) a major candidate for the office of President or Vice President, or the spouse or a member of the immediate family of such candidate; or

"(4) any other person who is protected pursuant to section 3056(a) (5) and (6) of this title;

shall be fined under this title or imprisoned not more than three years, or both.".

SEC. 7313. PROTECTION OF THE OLYMPICS.

(a) IN GENERAL.—Section 1111 of title 18, United States Code, is amended by adding at the end the following:

"(c) OLYMPIC GAMES.—

"(1) STATE DEFINED.—In this subsection, the term 'State' means a State, the District of Columbia, and any territory or possession of the United States.

"(2) OFFENSE.—A person that kills a person during and in relation to any international Olympic

Games that are held within any State shall be punished in accordance with subsection (b) and section 1112.

"(3) ATTEMPTED OFFENSE.—A person that attempts to violate this subsection shall be punished in accordance with section 1113.".

(b) INTERNATIONALLY PROTECTED PERSONS.—Section 1116 (b)(4) 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) any participant or guest attending any international sporting event sponsored or sanctioned by the International Olympic Committee or the United States Olympic Committee incorporated under chapter 2205 of title 36, United States Code.".

SEC. 7314. AMENDMENTS TO SENTENCING GUIDELINES.

(a) IN GENERAL.—In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

(1) EFFECT OF POST-OFFENSE REHABILITATION.—

"§ 5H1.13. Post-offense rehabilitation.

''Post-offense rehabilitation or any similar undertaking by the defendant shall not be a ground for imposing a sentencing outside the applicable guidelines range, except in a case in which the defendant initiates substantial steps toward rehabilitation before the defendant has reason to believe that law enforcement authorities have learned of the defendant's offense.''.

(2) EFFECT OF PROSECUTORIAL DISCRETION.—

"§ 5H1.14. Pleas bargaining and other prosecutorial policies.

''Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.''.

SEC. 7315. BOMB HOAX STATUTE.

Section 35(a) of title 18 United States Code, in amended by striking ''$1,000'' and inserting ''$25,000''.

SEC. 7316. 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 a sale of 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) CORRECTION OF ERRONEOUS AMENDATORY LANGUAGE ON EXECUTED AMENDMENT.—Effective on the date of enactment of Public Law 103–322, section 60003(a)(13) of Public Law 103–322 is amended by striking ''$1,000,000 or imprisonment'' and inserting ''$1,000,000 and imprisonment''.

(5) INSERTION OF MISSING WORDS.—

(A) SECTION 3286.—Section 3286 of title 18, United States Code, is amended by inserting ''section'' before ''2332b''.

(B) SECTION 3553.—Section 3553(e) of title 18, United States Code, is amended by inserting ''a'' before ''minimum''.

(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) CORRECTION OF MISSPELLED WORD.—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) MISPLACED WORDS IN STATEMENT OF PENALTY.—Section 2251(d) of title 18, United States Code, is amended in the first sentence by striking ''or imprisoned not less than 10 years nor more than 20 years, and both'' and inserting '', imprisoned not less than 10 nor more than 20 years, or both''.

(b) PUNCTUATION AND SIMILAR ERRORS.—

(1) CAPITALIZATION IN LANGUAGE TO BE STRICKEN.—Effective on the date of its enactment, section 607(g)(2) of the Economic Espionage Act of

1996 is amended by striking ''territory'' and inserting ''Territory''.

(2) PARAGRAPHING.—Section 521(a) of title 18, United States Code, is amended—

(A) by inserting before the first undesignated paragraph the following:

''In this section:''; and

(B) in the third undesignated paragraph, by striking ''State means'' and inserting the following:

''State means''.

(3) SUBSECTION PLACEMENT CORRECTION.—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(4) 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)''; and

(B) by inserting ''(relating to wrecking trains)'' after ''1992''.

(5) CORRECTION TO ALLOW FOR INSERTION OF NEW SUBPARAGRAPH.—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(C) in subparagraph (F), by striking ''Any'' and inserting ''any''.

CHAPTER 2—PROFESSIONAL STANDARDS FOR FEDERAL PROSECUTORS

SEC. 7321. ETHICAL STANDARDS FOR FEDERAL PROSECUTORS.

(a) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) GENERAL.—Section 530B of title 28, United States Code, is amended to read as follows:

''§ 530B. Ethical standards for Federal prosecutors

''(a) DEFINITION OF FEDERAL PROSECUTOR.—In this section, the term 'Federal prosecutor' means an attorney employed by the Department of Justice who is directly engaged in the prosecution of violations of Federal civil or criminal law.

''(b) SUBJECTION TO STATE LAW.—Except as provided in subsection (c), a Federal prosecutor shall be sub-

ject to all laws and rules governing ethical conduct of attorneys of the State in which the Federal prosecutor is licensed as an attorney.

"(c) EXCEPTION.—A Federal prosecutor shall not be subject to a State law or rule governing ethical conduct of attorneys to the extent that the State law or rule—

"(1) is inconsistent with Federal law; or

"(2) interferes with the effectuation of Federal law.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended by striking the item for section 530B and inserting the following:

"530B. Ethical standards for Federal prosecutors.".

(3) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate such regulations as are necessary to carry out section 530B of title 28, United States Code, as added by paragraph (1).

(b) PROHIBITED CONDUCT FOR DEPARTMENT OF JUSTICE EMPLOYEES.—

(1) IN GENERAL.—The Attorney General shall establish by rule that it shall be punishable conduct for any officer or employee of the Department of Justice, in the discharge of his or her official duties, intentionally to—

(A) seek the indictment of any person in the absence of a reasonable belief of probable cause, as prohibited by the Principles of Federal Prosecution, United States Attorneys' Manual 9–27.200 et seq.;

(B) fail to disclose exculpatory evidence to the defense, in violation of his or her obligations under Brady v. Maryland (373 U.S. 83 (1963));

(C) mislead a court as to the guilt of any person by knowingly making a false statement of material fact or law;

(D) offer evidence known to be false;

(E) alter evidence in violation of section 1512 of title 18, United States Code;

(F) attempt to corruptly influence or color a witness's testimony with the intent to encourage untruthful testimony, in violation of section 1503 or 1512 of title 18, United States Code;

(G) violate a defendant's right to discovery under Rule 16(a) of the Federal Rules of Criminal Procedure;

(H) offer or provide sexual activities to any government witness or potential witness in ex-

change for or on account of his or her testimony; or

(I) improperly disseminate confidential, non-public information to any person during an investigation or trial, in violation of—

(i) section 50.2 of title 28, Code of Federal Regulations;

(ii) rule 6(e) of the Federal Rules of Criminal Procedure;

(iii) subsection (b) or (c) of section 2232 of title 18, United States Code;

(iv) section 6103 of the Internal Revenue Code of 1986; or

(v) United States Attorneys' Manual 1–7.000 et seq.

(2) PENALTIES.—The Attorney General shall establish a range of penalties for engaging in conduct prohibited under paragraph (1), which shall include—

(A) reprimand;

(B) demotion;

(C) dismissal;

(D) suspension from employment;

(E) referral of ethical charges to the bar; and

(F) referral of evidence related to the conduct, if appropriate, to a grand jury for possible criminal prosecution.

(3) SUBSTANTIVE RIGHTS.—Nothing in paragraph (1)—

(A) establishes any substantive right on behalf of a criminal defendant, civil litigant, target or subject of an investigation, witness, counsel for a represented party or parties, or any other person; or

(B) provides a basis for—

(i) dismissing any criminal or civil charge or proceeding against any person in any court of the United States; or

(ii) excluding relevant evidence in any proceeding in any court of the United States.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—On June 1 of each year, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the activities and operations of the Office of Professional Responsibility

of the Department of Justice during the fiscal year that ended on September 30 of the preceding year.

(2) ELEMENTS OF REPORT.—A report under paragraph (1) shall—

(A) include the number, type, and disposition of all investigations conducted or supervised by the Office of Professional Responsibility; and

(B) include a summary of the findings of each investigation in which the Department of Justice found that an officer or employee of the Department of Justice—

(i) engaged in willful misconduct; or

(ii) committed a willful violation of subsection (b)(1).

(3) CONFIDENTIALITY.—A report under paragraph (1) shall be confidential and shall not disclose information that would interfere with any pending investigation or improperly infringe on the privacy rights of any individual.

(d) COMMISSION ON FEDERAL PROSECUTORIAL CONDUCT.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Federal Prosecutorial Conduct (referred to in this subsection as the ''Commission'').

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) conduct a review regarding—

(I) whether there are specific Federal duties related to investigation and prosecution of violations of Federal law which are incompatible with the regulation of the conduct of Federal prosecutors (as that term is defined in section 530B of title 28, United States Code) by any State law or rule governing ethical conduct of attorneys; and

(II) the procedures utilized by the Department of Justice to investigate and punish inappropriate conduct by Federal prosecutors; and

(ii) not later than 12 months after the date on which the members of the Commission are appointed under paragraph (2)(B), submit to the Attorney General a

report concerning the review under clause (i), including any recommendations of the Commission relating to the matters reviewed under clause (i).

(C) CONSULTATION.—In carrying out subparagraph (B), the Commission shall consult with the Attorney General, the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate, the American Bar Association and other organizations of attorneys, representatives of Federal, State, and local law enforcement agencies, and Federal and State courts.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 7 members, each of whom—

(i) shall be appointed by the Chief Justice of the United States, after consultation with the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate, and representatives of judges, prosecutors, defense attorneys, law enforcement officials, victims of crime, and others

interested in the criminal justice process; and

(ii) shall be a judge of the United States (as defined in section 451 of title 28, United States Code).

(B) APPOINTMENT.—The members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIRPERSON.—The Commission shall elect a chairperson and vice chairperson from among its members.

(E) QUORUM.—Four members of the Commission shall constitute a quorum, but 2 members may conduct hearings.

(3) COMPENSATION.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum

amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director, who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines to be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this subparagraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission may request from any department, agency, or independent instrumentality of the Federal Government any information and assistance the Commission determines to be necessary to carry out its functions under this subsection. Each such department, agency, and independent instrumentality may provide such information and assistance to the extent permitted by law when requested by the chairperson of the Commission.

(6) REPORT OF THE ATTORNEY GENERAL.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall submit to the Commission a report, which shall, with respect to the 3-year period preceding the date on which the report is submitted under this paragraph—

(A) include the number, type, and disposition of all investigations conducted or supervised by the Office of Professional Responsibility of the Department of Justice;

(B) include a summary of the findings of each investigation in which the Department of Justice found that an officer or employee of the Department of Justice engaged in willful misconduct; and

(C) be confidential and not disclose information that would interfere with any pending investigation or improperly infringe upon the privacy rights of any individual.

(7) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits the report under paragraph (1)(B)(ii).

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums, not to exceed $900,000, as are

necessary to carry out this subsection, to remain available until expended.

SEC. 7322. CLARIFICATION OF OFFICIAL DUTY EXCEPTION.

(a) FINDINGS.—Congress finds that—

(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) is based in part on the fact that several Federal statutes, including chapter 601 of title 18, United States Code (commonly known as the ''immunity statute'', the Sentencing Reform Act of 1984 (98 Stat. 1987), and chapter 224 of title 18, United States Code (commonly known as 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 37 years since section 201 of title 18, United States Code, was enacted, 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 Supreme Court, in numerous decisions since 1962, including Giglio v. United States (405 U.S. 150) and United States v. Mezzanatto (513 U.S. 196), has reviewed and implicitly approved the practice described in paragraph (4);

(6) even before the enactment of section 201 of title 18, United States Code, the United States Supreme Court implicitly endorsed the practice when the Court 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'' (314 U.S. 219, 227);

(7) on July 1, 1998, a panel of the United States Court of Appeals for the Tenth Circuit, in United States v. Singleton (109 U.S. 3), ruled that—

(A) the language of section 201(c) of title 18, United States Code, holding criminally liable whoever ''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

(B) the conviction of a drug dealer and money launderer must 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) on January 8, 1999, the Tenth Circuit ruled in Singleton (144 F.3d 1343) that section 201(c)(2) of title 18, United States Code, does not apply to the United States or to an Assistant United

States Attorney functioning within the official scope of the office; and

(10) despite the final 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 the reasonable exercise of their discretion in the public interest.

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

(1) to promote effective law enforcement by ensuring that prosecutors and other public officials, including civil enforcement officials, continue to employ 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 into before the date of enactment of this Act; and

(3) to clarify, for the benefit of courts interpreting section 201 of title 18, United States Code, that—

(A) Congress has never intended to prohibit such agreements; and

(B) this Act and the amendments made by this Act are intended to endorse a practice that is already lawful rather than to render lawful a practice previously forbidden by an Act of Congress.

(c) CLARIFICATION OF OFFICIAL DUTY EXCEPTION.—Section 201(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting before the semicolon at the end the following: ", except that this paragraph does not apply to a public official who is acting within the scope of the official duties of the public official to investigate or prosecute any violation of criminal or civil law"; and

(2) in paragraph (3), by inserting before the semicolon at the end the following: ", except that this paragraph does not apply to a potential witness who demands, seeks, receives, accepts, or agrees to

receive or accept anything of value that may be directly or indirectly given, offered, or promised consistent with paragraph (2)''.

CHAPTER 3—AMENDMENTS RELATING TO COURTS AND SENTENCING

SEC. 7331. 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. 7332. ELIMINATION OF OUTMODED CERTIFICATION REQUIREMENTS.

(a) Section 3731 of title 18, United States Code, is amended in the second paragraph by striking '', if the United States attorney certifies to the district court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding''.

(b) Section 2518(10)(b) of title 18, United States Code, is amended by striking '', if the United States Attorney shall certify to the judge or other official granting such motion or denying such application that the appeal is not taken for purposes of delay''.

SEC. 7333. IMPROVEMENT OF HATE CRIMES SENTENCING PROCEDURE.

Section 280003(b) of Public Law 103–322 is amended by striking ''the finder of fact at trial'' and inserting ''the court at sentencing''.

SEC. 7334. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Subparagraphs (A), (B), (C), and (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. 7335. 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 sentence of supervised release)'' after ''may reduce the term of imprisonment''.

SEC. 7336. CORRECTION OF ABERRANT STATUTES TO PERMIT IMPOSITION OF BOTH A FINE AND IMPRISONMENT RATHER THAN ONLY EITHER PENALTY.

(a) Section 401 of title 18, United States Code, is amended by inserting ''or both,'' after ''fine or imprisonment,''.

(b) Section 1705 of title 18, United States Code, is amended by inserting '', or both'' after ''years''.

(c) Sections 1916, 2234, and 2235 of title 18, United States Code, are each amended by inserting '', or both'' after ''year''.

SEC. 7337. CLARIFICATION THAT MAKING RESTITUTION IS A PROPER CONDITION OF SUPERVISED RELEASE.

Subsections (c) and (e) of section 3583 of title 18, United States Code, are each amended by striking ''and (a)(6)'' and inserting '', (a)(6), (a)(7), and (a)(8)''.

SEC. 7338. STATE CLEMENCY AND PARDON DECISIONS.

(a) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

''§ 1369. State clemency and pardon decisions

''(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, no Federal court shall have jurisdiction to hear any cause or

claim arising from the exercise of a State's executive clemency or pardon power or the process or procedures used under such power.

"(b) REVIEW BY THE SUPREME COURT.—This section does not affect the jurisdiction of the Supreme Court to review any decision of the highest court of a State that involves a cause or claim arising from the exercise of a State's executive clemency or pardon power, or the process or procedures utilized under such power.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 85 of title 28, United States Code, is amended by adding at the end the following:

"1369. State clemency and pardon decisions.".

CHAPTER 4—AMENDMENTS RELATING TO WHITE COLLAR CRIME

SEC. 7341. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 or 3486 of this title or" before "the Antitrust Civil Process Act".

SEC. 7342. ADDITION OF ATTEMPTED THEFT AND COUNTERFEITING OFFENSES TO ELIMINATE GAPS AND INCONSISTENCIES IN COVERAGE.

(a) Section 153 of title 18, United States Code, is amended by inserting ", or attempts so to appropriate, embezzle, spend or transfer," before "any property".

(b) 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''.

(c) Section 655 of title 18, United States Code, is amended by inserting ''or attempts to steal or so take,'' after ''unlawfully takes,''.

(d) Sections 656 and 657 of title 18, United States Code, are each amended—

(1) by inserting '', or attempts to embezzle, abstract, purloin, or willfully misapply,'' after ''willfully misapplies''; and

(2) by inserting ''or attempted to be embezzled, abstracted, purloined, or misapplied'' after ''misapplied''.

(e) Section 658 of title 18, United States Code, is amended by inserting ''or attempts so to remove, dispose of, or convert,'' before ''any property''.

(f) Section 659 of title 18, United States Code, is amended—

(1) in the first and third paragraphs by inserting ''or attempts to embezzle, steal, or so take or carry away,'' after ''carries away,''; and

(2) in the fourth paragraph by inserting ''or attempts to embezzle, steal, or so take,'' before ''from any railroad car''.

(g) Section 661 of title 18, United States Code, is amended—

(1) by inserting ''or attempts so to take and carry away,'' before ''any personal property''; and

(2) by inserting ''or attempted to be taken'' after ''taken'' each place it appears.

(h) 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''.

(i) Section 665(a) of title 18, United States Code, is amended—

(1) by inserting '', or attempts to embezzle, so misapply, steal, or obtain by fraud,'' before ''any of the moneys''; and

(2) by inserting ''or attempted to be embezzled, misapplied, stolen, or obtained by fraud'' after ''obtained by fraud''.

(i) 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''.

(j) Section 1025 of title 18, United States Code, is amended—

(1) by inserting ''or attempts to obtain'' after ''obtains''; and

(2) by inserting ''or attempted to be obtained'' after ''obtained''.

(k) Section 1163 of title 18, United States Code, is amended by inserting ''attempts so to embezzle, steal, convert, or misapply,'' after ''willfully misapplies,''.

(l) Sections 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''.

(m) Sections 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,''.

(n) 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''.

(o) 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''.

(p) Section 1709 of title 18, United States Code is amended—

(1) by inserting ''or attempts to embezzle'' after ''embezzles''; and

(2) by inserting '', or attempts to steal, abstract, or remove,'' after ''removes''.

(q) 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''.

(r) 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.

(s) Section 669(a) of title 18, United States Code, is amended by inserting '', or attempts to embezzle, steal, convert without authority, or intentionally misapply,'' before ''any of the moneys''.

(t) Section 477 of title 18, United States Code, is amended by inserting '', or attempts so to sell, give, or deliver,'' before ''any such imprint''.

(u) Section 479 of title 18, United States Code, is amended by inserting ''or attempts to utter or pass,'' after ''passes,''.

(v) Section 490 of title 18, United States Code, is amended by inserting ''attempts to pass, utter, or sell,'' before ''or possesses''.

(w) Section 513(a) of title 18, United States Code, is amended by inserting ''or attempts to utter,'' after ''utters''.

SEC. 7343. 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. 7344. THEFT OF VESSELS.

(a) 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) 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''.

SEC. 7345. 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 subparagraph (i);

(2) by striking the period and inserting ''; or'' at the end of subparagraph (ii); and

(3) by adding the following new subparagraph:

''(iii) the Controlled Substances Act, the Controlled Substances Import and Export Act, or section 60501 of the Internal Revenue Code of 1986.''.

SEC. 7346. CONFORMING AMENDMENT TO INJUNCTION AGAINST FRAUD STATUTE.

Section 1345(a)(2) of title 18, United States Code, is amended by inserting ''violation of this chapter or section 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. 7347. CORRECTION OF ERROR IN PERJURY RECANTATION STATUTE.

Section 1623(d) of title 18, United States Code, is amended by striking ''or'' the second place it appears and inserting ''and''.

SEC. 7348. ELIMINATION OF PROOF OF VALUE REQUIREMENT FOR FELONY THEFT OR CONVERSION OF GRAND JURY MATERIAL.

Section 641 of title 18, United States Code, is amended by striking ''but if the value of such property does not exceed the sum of $1,000, he'' and inserting ''but if the value of such property, other than property constituting 'matters occurring before the grand jury' within the meaning of Rule 6(e) of the Federal Rules of Criminal Procedure, does not exceed the sum of $1000,''.

SEC. 7349. AMENDMENT OF INTERSTATE TRAVEL FRAUD STATUTE TO COVER TRAVEL BY PERPETRATOR.

Section 2314 of title 18, United States Code, is amended in the second undesignated paragraph by inserting ''travels in or'' before ''transports or causes to be transported''.

SEC. 7350. MARIJUANA PLANTS.

Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking ''except in the case of 100 or more marihuana

plants'' and inserting ''except in the case of 50 or more marihuana plants''.

SEC. 7351. PARTICIPATION OF FOREIGN AND STATE GOVERNMENT PERSONNEL UNDER FEDERAL SUPERVISION IN CERTAIN INTERCEPTIONS.

Section 2518(5) of title 18, United States Code, is amended by inserting ''(including personnel of a foreign government or of a State or subdivision of a State or of an Indian tribe)'' after ''Government personnel''.

SEC. 7352. CONFORMING AMENDMENTS RELATING TO SUPERVISED RELEASE.

(a) Sections 1512(a)(1)(C), 1512(b)(3), 1512(c)(2), 1513(a)(1)(B), and 1513(b)(2) of title 18, United States Code, 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) Section 3142 of title 18, United States Code, is amended—

(1) in subsection (d)(1), by inserting '', supervised release,'' after ''probation''; and

(2) in subsection (g)(3), by inserting ''or supervised release'' after ''probation''.

SEC. 7353. STRENGTHENING OF STATUTE PUNISHING EVASION OR EMBEZZLEMENT OF CUSTOMS DUTIES.

Section 542 of title 18, United States Code, is amended—

(1) by striking ''two years'' and inserting ''five years''; and

(2) by inserting after the third undesignated paragraph the following: ''This section shall not be construed to require proof of any mental state with respect to whether the defendant's willful act or omission would deprive the government of any lawful duties.''.

SEC. 7354. 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. 7355. 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. 7356. CLARIFYING AMENDMENT TO SECTION 704.

Section 704(b)(2) of title 18, United States Code, is amended by striking ''with respect to a Congressional Medal of Honor''.

SEC. 7357. AMENDMENT TO SECTION 1547 TO CONFORM TO ENACTMENT OF THE IMMIGRATION BILL.

Section 1547 of title 18, United States Code, is amended by striking ''under this chapter (other than an offense under section 1545)'' and inserting ''under section 1546(b)''.

SEC. 7358. EXPANDED JURISDICTION OVER CHILD BUYING AND SELLING OFFENSES IN FEDERAL ENCLAVES.

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. 7359. TECHNICAL AMENDMENT TO RESTORE WIRETAP AUTHORITY FOR CERTAIN MONEY LAUNDERING OFFENSES.

Section 2516(1)(g) of title 18, United States Code, is amended by striking ''a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions)'' and inserting ''a violation of section 5322 or 5324 of title 31, United States Code (dealing with the reporting and illegal structuring of currency transactions)''.

SEC. 7360. FLUNITRAZEPAM PENALTIES.

Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (1)(C), by striking ''1 gram of'' before ''flunitrazepam,''; and

(2) in subparagraph (1)(D), by striking ''or 30 grams of flunitrazepam,''.

SEC. 7361. REMOVAL OF THE SUNSET PROVISION FOR THE S VISA CLASSIFICATION PROGRAM.

Section 214(k)(2) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1184(k)(2)) is repealed.

SEC. 7362. REPEAL OF DUPLICATIVE PROCEDURES.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by striking subsections (g) through (p), (q)(1) through (3), and (r); and

(2) by redesignating subsections (q)(4) through (10) as subsections (f)(1) through (7).

SEC. 7363. REPEAL OF OUTMODED PROVISIONS RELATING TO THE CANAL ZONE.

(a) Section 14 of title 18, United States Code, and the item relating thereto in the chapter analysis for chapter 1 of title 18, United States Code, are repealed.

(b) Section 1261 of title 18, United States Code, is amended—

(1) by striking ''(a) The Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (b).

(c) Section 3183 of title 18, United States Code, is amended by striking ''or the Panama Canal Zone,''.

(d) Section 3241 of title 18, United States Code, is amended by striking ''United States District Court for the Canal Zone and the''.

(e) This section, except subsection (d), shall take effect on January 1, 2000.

SEC. 7364. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) IN GENERAL.—

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed

following embarkation until the moment when any such door is opened for disembarkation; and

"(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

"(5) IN SERVICE.—The term 'in service' means—

"(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

"(B) in any event includes the entire period during which the aircraft is in flight.

"(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

"(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

"(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

"(9) 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.

"(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

"(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.".

(b) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not

more than $500,000, imprisonment for not more than 25 years, or both.

"(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

"(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

"(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

"(c) CIVIL REMEDIES.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

"(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or

to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

"(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

"(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

"(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

"(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

"(d) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under

this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

"(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

"(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

"(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

"(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

"(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

"(1) AUTHORIZATION.—

"(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

"(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

"(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

"(B) CONTENTS.—A subpoena under subparagraph (A) shall—

"(i) describe the object required to be produced; and

"(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

"(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

"(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

"(b) SERVICE.—

"(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

"(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

"(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent

authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

"(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

"(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

"(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

"(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

"(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.".

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.".

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 38 (relating to aircraft parts fraud)," after "section 32 (relating to destruction of aircraft or aircraft facilities),".

CHAPTER 5—FRAUD AGAINST THE ELDERLY

SEC. 7471. DEFINITIONS.

In this chapter:

(1) CRIME.—The term ''crime'' means any criminal offense under Federal or State law.

(2) NURSING HOME.—The term ''nursing home'' means any institution or residential care facility defined as such for licensing purposes under State law, or if State law does not employ the term nursing home, the equivalent term or terms as determined by the Secretary of Health and Human Services, pursuant to section 1908(e) of the Social Security Act (42 U.S.C. 1396g(e)).

(3) SENIOR.—The term ''senior'' means an individual who is more than 55 years of age.

SEC. 7472. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors; and

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

SEC. 7473. ENHANCED SENTENCING PENALTIES BASED ON AGE OF VICTIM.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—In the exercise of its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend section 3A1.1(a) of the Federal sentencing guidelines to include the age of a crime victim as 1 of the criteria for determining whether the application of a sentencing enhancement is appropriate.

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

(1) ensure that the Federal sentencing guidelines and the policy statements of the Commission reflect the serious economic and physical harms associated with criminal activity targeted at seniors due to their particular vulnerability;

(2) consider providing increased penalties for persons convicted of offenses in which the victim was a senior in appropriate circumstances;

(3) consult with individuals or groups representing seniors, law enforcement agencies, victims organizations, and the Federal judiciary, as part of the review described in subsection (a);

(4) ensure reasonable consistency with other Federal sentencing guidelines and directives;

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

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

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

(c) REPORT.—Not later than December 31, 2000, the Commission shall submit to Congress a report on issues relating to the age of crime victims, which shall include—

(1) an explanation of any changes to sentencing policy made by the Commission under this section; and

(2) any recommendations of the Commission for retention or modification of penalty levels, including statutory penalty levels, for offenses involving seniors.

SEC. 7474. STUDY AND REPORT ON HEALTH CARE FRAUD SENTENCES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and the policy statements of the Commission with respect to persons convicted of offenses involving fraud in connection with a health care benefit program (as defined in section 24(b) of title 18, United States Code).

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

(1) ensure that the Federal sentencing guidelines and the policy statements of the Commission reflect the serious harms associated with health care fraud and the need for aggressive and appropriate law enforcement action to prevent such fraud;

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

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

(4) ensure reasonable consistency with other Federal sentencing guidelines and directives;

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

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

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

(c) REPORT.—Not later than December 31, 2000, the Commission shall submit to Congress a report on issues relating to offenses described in subsection (a), which shall include—

(1) an explanation of any changes to sentencing policy made by the Commission under this section; and

(2) any recommendations of the Commission for retention or modification of penalty levels, including statutory penalty levels, for those offenses.

SEC. 7475. INCREASED PENALTIES FOR FRAUD RESULTING IN SERIOUS INJURY OR DEATH.

Sections 1341 and 1343 of title 18, United States Code, are each amended by inserting before the last sentence the following: ''If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title, imprisoned not more than 20 years, or both, and if the violation results in death, such person shall be fined under this title, imprisoned for any term of years or life, or both.''.

SEC. 7476. TELEMARKETING SCAMS.

(a) EXPANSION OF SCOPE OF TELEMARKETING FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES.—Section 2325(1) of title 18, United States Code, is amended by striking ''telephone calls'' and inserting ''wire communications utilizing a telephone service''.

(b) BLOCKING OR TERMINATION OF TELEPHONE SERVICE ASSOCIATED WITH TELEMARKETING FRAUD.—

(1) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

"§ 2328. Blocking or termination of telephone service

"(a) DEFINITIONS.—In this section:

"(1) REASONABLE NOTICE TO THE SUBSCRIBER.—

"(A) IN GENERAL.—The term 'reasonable notice to the subscriber', in the case of a subscriber of a common carrier, means any information necessary to provide notice to the subscriber that—

"(i) the wire communications facilities furnished by the common carrier may not be used for the purpose of transmitting, receiving, forwarding, or delivering a wire communication in interstate or foreign commerce for the purpose of executing any scheme or artifice to defraud in connection with the conduct of telemarketing; and

"(ii) such use constitutes sufficient grounds for the immediate discontinuance or refusal of the leasing, furnishing, or maintaining of the facilities to or for the subscriber.

"(B) INCLUDED MATTER.—The term includes any tariff filed by the common carrier with the Federal Communications Commission that contains the information specified in subparagraph (A).

"(2) WIRE COMMUNICATION.—The term 'wire communication' has the meaning given that term in section 2510(1) of this title.

"(3) WIRE COMMUNICATIONS FACILITY.—The term 'wire communications facility' means any facility (including instrumentalities, personnel, and services) used by a common carrier for purposes of the transmission, receipt, forwarding, or delivery of wire communications.

"(b) IN GENERAL.—If a common carrier subject to the jurisdiction of the Federal Communications Commission is notified in writing by the Attorney General, acting within the Attorney General's jurisdiction, that any wire communications facility furnished by such common carrier is being used or will be used by a subscriber for the purpose of transmitting or receiving a wire communication in interstate or foreign commerce for the purpose of executing any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, in connection with

the conduct of telemarketing, the common carrier shall discontinue or refuse the leasing, furnishing, or maintaining of the facility to or for the subscriber after reasonable notice to the subscriber.

"(c) PROHIBITION OF DAMAGES.—No damages, penalty, or forfeiture, whether civil or criminal, shall be found or imposed against any common carrier for any act done by the common carrier in compliance with a notice received from the Attorney General under this section.

"(d) RELIEF.—

"(1) IN GENERAL.—Nothing in this section may be construed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court, that—

"(A) the leasing, furnishing, or maintaining of a facility should not be discontinued or refused under this section; or

"(B) the leasing, furnishing, or maintaining of a facility that has been so discontinued or refused should be restored.

"(2) SUPPORTING INFORMATION.—In any action brought under this subsection, the court may direct that the Attorney General present evidence in

support of the notice made under subsection (a) to which such action relates.''.

(2) CONFORMING AMENDMENT.—The analysis for that chapter is amended by adding at the end the following:

''2328. Blocking or termination of telephone service.''.

SEC. 7477. GRAND JURY DISCLOSURE IN INVESTIGATIONS OF HEALTH CARE OFFENSES.

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

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

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

''(c) GRAND JURY DISCLOSURE.—Subject to section 3486(f), upon ex parte motion of an attorney for the government showing that such disclosure would be of assistance to enforce any provision of Federal law, a court may direct the disclosure of any matter occurring before a grand jury during an investigation of a Federal health care offense (as defined in section 24(a) of this title) to an attorney for the government to use in any investigation or civil proceeding relating to fraud or false claims in connection with a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))).''.

SEC. 7478. VICTIM RESTITUTION.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

"(r) VICTIM RESTITUTION.—

"(1) DEFINITION OF VICTIM.—

"(A) IN GENERAL.—In this subsection, the term 'victim' means a person other than a person with a legal right, title, or interest in the forfeited property sufficient to satisfy the standing requirements of subsection (n)(2) who may be entitled to restitution from the forfeited funds pursuant to section 9.8 of part 9 of title 28, Code of Federal Regulations (or any successor regulation).

"(B) INCLUSIONS.—In this subsection, the term 'victim' includes any person who is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity.

"(2) SATISFACTION OF ORDER OF RESTITUTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a defendant may not use property subject to forfeiture under this section to satisfy an order of restitution.

"(B) EXCEPTION.—If there are 1 or more identifiable victims entitled to restitution from a defendant, and the defendant has no assets other than the property subject to forfeiture with which to pay restitution to the victim or victims, the attorney for the Government may move to dismiss a forfeiture allegation against the defendant before entry of a judgment of forfeiture in order to allow the property to be used by the defendant to pay restitution in whatever manner the court determines to be appropriate if the court grants the motion. In granting a motion under this subparagraph, the court shall include a provision ensuring that costs associated with the identification, seizure, management, and disposition of the property are recovered by the United States.

"(3) RESTORATION OF FORFEITED PROPERTY.—

"(A) IN GENERAL.—If an order of forfeiture is entered pursuant to this section and

the defendant has no assets other than the forfeited property to pay restitution to 1 or more identifiable victims who are entitled to restitution, the Government shall restore the forfeited property to the victims pursuant to subsection (i)(1) once the ancillary proceeding under subsection (n) has been completed and the costs of the forfeiture action have been deducted.

"(B) DISTRIBUTION OF PROPERTY.—On motion of the attorney for the Government, the court may enter any order necessary to facilitate the distribution of any property restored under this paragraph.".

Subtitle D—Federal Law Enforcement Agency Improvements

SEC. 7501. REPEAL OF PROVISION REQUIRING COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

Section 808 of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1310) is repealed.

SEC. 7502. FLIGHT TO AVOID PROSECUTION OR GIVING TESTIMONY.

Section 1073 of title 18, United States Code, is amended in the first sentence of the first undesignated

paragraph by inserting after ''commerce'' the following: '', or enters or leaves Indian country,''.

SEC. 7503. CONTRABAND IN PRISON.

Section 1791(d)(4) of title 18, United States Code, is amended to read as follows:

''(4) PRISON.—The term 'prison' means any facility (including any privately owned facility) housing any person detained under chapter 807 or under section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), or imprisoned under subchapter C of chapter 229.''.

SEC. 7504. PERSONNEL MANAGEMENT SYSTEM FOR CERTAIN POSITIONS IN THE FEDERAL BUREAU OF INVESTIGATION.

Section 122 of Public Law 105–119 (111 Stat. 2469) is amended—

(1) in subsection (a), by striking ''3-year period'' and inserting ''4-year period''; and

(2) in subsection (h), by adding at the end the following: ''An employee may not be separated from employment with the Federal Bureau of Investigation or receive a reduction in pay by reason of the termination of authority.''.

SEC. 7505. HUMANITARIAN ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) the employees of the Drug Enforcement Administration and the Federal Bureau of Investigation unselfishly give of themselves, and they make significant personal sacrifices in the performance of their official duties;

(2) unfortunately, given the unique and demanding nature of their jobs and the unpredictable risks associated with their duties, employees of those agencies may be seriously injured, become seriously ill, or be killed during the performance of official duties; and

(3) in 1990, Congress recognized the tremendous sacrifice made by those employees and authorized the Drug Enforcement Administration and the Federal Bureau of Investigation to expend appropriated funds for humanitarian assistance designed to aid, assist, or comfort employees or their immediate families in appropriate instances.

(b) AMENDMENT.—Title XXXII of the Crime Control Act of 1990 is amended by striking section 3201 (Public Law 101–647; 28 U.S.C. 509 note) and inserting the following:

"SEC. 3201. HUMANITARIAN ASSISTANCE.

''(a) FINANCIAL ASSISTANCE.—The Administrator of Drug Enforcement Administration (referred to in this sec-

tion as the 'Administrator'), in the sole discretion of the Administrator, and the Director of the Federal Bureau of Investigation (referred to in this section as the 'Director'), in the sole discretion of the Director, may pay humanitarian assistance expenses incurred—

"(1) by an employee of the Drug Enforcement Administration or Federal Bureau of Investigation as a result of serious illness, serious injury, or death of the employee occurring while on official business; or

"(2) by a member of the immediate family of such an employee, incident to the serious illness, serious injury, or death of the employee occurring while on official business.

"(b) OTHER ASSISTANCE.—The Administrator and the Director may use Government equipment (including vehicles) and incidental materials in humanitarian matters involving the serious injury, serious illness, or death of an employee occurring while on official business when necessary to provide comfort, assistance, or aid to the employee or the immediate family of the employee, so long as such use would not interfere with the mission and responsibilities of the Drug Enforcement Administration or the Federal Bureau of Investigation.

"(c) REGULATIONS AND PROCEDURES.—The Administrator and the Director may promulgate regulations and procedures to carry out this section.

"(d) RIGHTS AND BENEFITS.—This section does not convey or imply the conveyance of any right or benefit, substantive or procedural in nature, enforceable at law by an individual seeking to compel the payment of any expenses or the performance of any action by the Drug Enforcement Administration or the Federal Bureau of Investigation under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) to the Drug Enforcement Administration, $50,000 for each fiscal year; and

"(2) to the Federal Bureau of Investigation, $50,000 for each fiscal year.".

SEC. 7506. SCHOLARSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the demands on supervisors in law enforcement agencies are growing more challenging every year;

(2) it is essential that law enforcement supervisors be well equipped to meet those demands;

(3) additional educational opportunities would make law enforcement supervisors more effective managers and would directly benefit their agencies; and

(4) a Federal program allowing qualified managers to attend graduate school full time on a Government scholarship while receiving regular pay and benefits, in order to obtain a masters degree in a job-related field, would help to better prepare law enforcement supervisors to meet the demands placed on them.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The heads of the Department of Justice law enforcement agencies may, under regulations promulgated by the Attorney General, send employees in supervisory positions as students to accredited masters degree programs in areas related to their jobs.

(2) LIMITATION.—Not more than 10 such employees from each law enforcement agency may begin such training in any fiscal year.

(3) ELIGIBILITY.—To be eligible for training under subsection (a), an employee—

(A) shall be a citizen of the United States;

(B) shall have served with the agency for a period of not less than 6 years;

(C) shall be in pay grade GS–13 or above as of the time the training begins; and

(D) shall sign an agreement that, unless sooner separated from employment with the agency, the employee will—

(i) complete the educational course of training; and

(ii) agree to—

(I) serve in the law enforcement agency following completion or other termination of training for a period of time determined under regulations promulgated by the Attorney General; or

(II) reimburse the agency pro rata for the costs of the training.

(4) SELECTION.—Employees of a law enforcement agency shall be selected for training under paragraph (1) on a competitive basis under regulations promulgated by the Attorney General.

(5) EDUCATIONAL EXPENSES.—Educational expenses of a law enforcement agency incurred incident to the training of employees under this section

(including tuition, fees, books, and laboratory expenses) shall be paid from any funds appropriated for the agency.

SEC. 7507. NONCOMPETITIVE CONVERSION TO CAREER APPOINTMENTS OF CERTAIN EMPLOYEES OF THE DRUG ENFORCEMENT ADMINISTRATION.

(a) IN GENERAL.—An employee of the Drug Enforcement Administration who is serving under a Schedule B appointment under authority of title 5, Code of Federal Regulations and section 213.3201(a) (Office of Personnel Management Schedule B appointment authorization number 213.3210(c)), in the discretion of the Administrator of the Drug Enforcement Administration, may be converted noncompetitively to a career or a career-conditional appointment on completion of at least 3 years of full time service, if—

(1) the employee's past performance and conduct has been satisfactory; and

(2) the employee meets qualifications and other requirements established by the Director of the Office of Personnel Management.

(b) SCHEDULE B APPOINTMENTS.—

(1) IN GENERAL.—The Administrator of the Drug Enforcement Administration may grant Sched-

ule B appointments to individuals who are selected for positions in the GS–132 or GS–1801 job series.

(2) CONVERSION.—Individuals hired under appointments under paragraph (1) may be converted to career or career-conditional appointments on satisfaction of the conditions stated in subsection (a).

SEC. 7508. OFFICE OF PROFESSIONAL RESPONSIBILITY.

Section 506(a) of the Controlled Substances Act (21 U.S.C. 876(a)) is amended in the first sentence by inserting ''or in any investigation into an allegation of misconduct by an employee of the Drug Enforcement Administration'' after ''encapsulating machines''.

SEC. 7509. CUSTOMS CYBERSMUGGLING CENTER.

(a) FINDINGS.—Congress finds that—

(1) in August, 1977, the United States Customs Service established the Customs Cybersmuggling Center (C3);

(2) C3 is responsible for the investigation of violations related to, inter alia, international child pornography, child exploitation, and child sex tourism; drug trafficking; the violation of Intellectual Property Rights (IPR) statutes; the trafficking in weapons of mass destruction, their delivery systems, and spare parts; and international money laundering;

(3) the goals and objectives of C3 are—

(A) to direct and coordinate the United States Customs Service cybersmuggling initiatives;

(B) to maximize and optimize the utilization of all available United States Customs Service resources to combat cybersmuggling activity;

(C) to complement and support the investigative programs of the United States Customs Service, Office of Investigations;

(D) to identify, prepare for, and prevent future uses of cyberspace for the conduct of smuggling-related activity;

(E) to develop the necessary capabilities that will enable the United States Customs Service to meet future threats facilitated by the use of cyberspace;

(F) to protect the health and welfare of United States citizens, other residents, and industry from smuggling activity perpetrated and/or facilitated through the use of international cyberspace;

(G) to protect United States businesses and industry from international economic espionage facilitated by the use of cyberspace;

(H) to increase compliance with the laws, regulations, policies, and procedures governing international commerce, travel, and transportation;

(I) to identify and target for investigation international cybersmuggling violators and violations;

(J) to coordinate international cybersmuggling investigations on behalf of the United States Customs Service;

(K) to assist and support United States Customs Services field offices investigate cybersmuggling activity for the purpose of effecting arrests, indictments, and convictions;

(L) to assist and support United States Customs Service field offices interdict, seize, and forfeit illegal and illicit merchandise and cargo entering and/or exiting the United States by illegal means, whose transportation is facilitated through the use of the Internet or other cyberspacial media;

(M) to assist and support the United States Customs Service in the identification and seizure of assets derived from cybersmuggling-related activities; and

(N) to terminate and otherwise disrupt the use of international cyberspace for illegal and illicit purposes while, at the same time, protecting the rights of United States citizens as granted by the Constitution and laws of the United States;

(4) C3 oversees, among other things—

(A) the National Child Pornography and Child Sexual Exploitation Program, which is responsible for coordinating all child pornography/child sexual exploitation investigations and related matters on behalf of the United States Customs Service;

(B) the National Computer Forensics Program, which is responsible for coordinating all computer forensics activity within the United States Customs Service as well as oversight and supervision of the CIS 2000 initiative as it applies to the United States Customs Service; and

(C) the National Cybersmuggling Program, which is responsible for the identification and

development of nonchild pornography/child sexual exploitation-related targets suspected of being involved in cybersmuggling activities and, once identified, for providing the responsible United States Customs Service field office with the information necessary to support indictment, arrest, seizure, and forfeiture; and

(5) additional funding is required for the United States Customs Cybersmuggling Center to effectively perform its functions.

(b) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS CYBERSMUGGLING CENTER.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Customs Service $5,000,000 for each of the fiscal years 2000, 2001, 2002, and 2003, to carry out the programs established by the Cybersmuggling Center of the United States Customs Service.

(2) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amounts appropriated under paragraph (1), the United States Customs Service shall provide 2.50 percent of each fiscal year appropriation to the National Center for Missing and Exploited Children for the operation of the

child pornography cyber tipline of the Center and for increased public awareness of the tipline.

(3) DISCRETIONARY AUTHORITY.—Of the remaining amounts appropriated under paragraph (1), the United States Customs Service may allocate such funds for the hiring and retention of agents and other necessary personnel, the purchase of equipment and supplies, and for training and educational purposes, as are consistent with the attainment of the goals and objectives described in subsection (a).

TITLE VIII—21st CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

SEC. 8001. SHORT TITLE.

This title may be cited as the ''21st Century Department of Justice Appropriations Authorization Act''.

Subtitle A—Authorization of Appropriations for Fiscal Years 2000, 2001, and 2002

SEC. 8101. SPECIFIC SUMS AUTHORIZED TO BE APPROPRIATED.

There are authorized to be appropriated for fiscal years 2000, 2001, and 2002, to carry out the activities

of the Department of Justice (including, without limitation, any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) For General Administration: $249,989,000 for fiscal year 2000, $262,489,000 for fiscal year 2001, and $275,613,450 for fiscal year 2002.

(2) For Administrative Review and Appeals (administration of pardon and clemency petitions and for immigration-related activities): $152,106,000 for fiscal year 2000, $159,712,000 for fiscal year 2001, and $167,697,600 for fiscal year 2002.

(3) For the Office of Inspector General: $36,341,000 for fiscal year 2000, $38,158,000 for fiscal year 2001, and $40,065,900 for fiscal year 2002, which shall include for each such year, without limitation, not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General.

(4) For General Legal Activities: $509,781,000 for fiscal year 2000, $535,270,000 for fiscal year 2001, and $562,033,500 for fiscal year 2002, which

shall include for each such year, without limitation—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals; and

(B) not to exceed $20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General.

(5) For the Antitrust Division: $107,987,000 for fiscal year 2000, $113,386,000 for fiscal year 2001, and $119,055,300 for fiscal year 2002.

(6) For United States Attorneys: $1,162,343,000 for fiscal year 2000, $1,220,460,000 for fiscal year 2001, and $1,281,483,000 for fiscal year 2002.

(7) For the Federal Bureau of Investigation: $3,164,679,000 for fiscal year 2000, $3,322,913,000 for fiscal year 2001, and $3,489,058,600 for fiscal year 2002, which shall include for each such year, without limitation—

(A) not to exceed $14,146,000 for construction, to remain available until expended; and

(B) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General.

(8) For the United States Marshals Service: $554,785,000 for fiscal year 2000, $582,525,000 for fiscal year 2001, and $611,651,250 for fiscal year 2002, which shall include for each such year, without limitation—

(A) not to exceed $6,300,000 for construction, to remain available until expended; and

(B) $10,000,000 for administrative expenses of the Justice Prisoner and Alien Transportation System, to remain available until expended.

(9) For the Drug Enforcement Administration: $1,252,358,000 for fiscal year 2000, $1,314,994,000 for fiscal year 2001, and $1,380,743,700 for fiscal year 2002, which shall include for each such year, without limitation—

(A) not to exceed $8,000,000 for construction, to remain available until expended;

(B) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General or the Deputy Attorney General; and

(C) not to exceed $15,000,000 for diversion control.

(10) For the Immigration and Naturalization Service: $2,839,756,000 for fiscal year 2000, $2,981,544,000 for fiscal year 2001, and $3,130,621,200 for fiscal year 2002, which shall include for each such year, without limitation—

(A) not to exceed $118,170,000 for construction, to remain available until expended;

(B) not to exceed $50,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General; and

(C) $4,000,000 for each fiscal year to establish and operate—

(i) a district office in Memphis, Tennessee, for the States of Tennessee, Arkansas, and Kentucky, and the portion of the State of Mississippi north of the city of Jackson;

(ii) a district office in San Jose, California, for the counties of Monterey, Santa Clara, San Benito, and Santa Cruz of the State of California;

(iii) a suboffice in Nashville, Tennessee, for the counties of Anderson, Blount, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Cumberland, Davidson, DeKalb, Dickson, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, Monroe, Montgomery, Morgan, Overton, Pickett, Putnam, Roane, Robertson, Rutherford, Scott, Sevier, Smith, Stewart, Sullivan, Sumner, Trousdale, Unicoi, Union, Washington, White, Williamson, and Wilson of the State of Tennessee;

(iv) a district office in Charlotte, North Carolina, for the States of North Carolina and South Carolina; and

(v) a suboffice in St. George, Utah, for the counties of Washington, Kane, Iron, Garfield, San Juan, Wayne, Piute, Beaver, Sevier, and Millard.

(11) For Fees and Expenses of Witnesses: $99,750,000 for fiscal year 2000, $104,738,000 for fiscal year 2001, and $109,974,900 for fiscal year 2002, to remain available until expended, which shall include for each such year, without limitation, not to exceed $6,000,000 for construction relating to protected witness safe sites.

(12) For Interagency Crime and Drug Enforcement (expenses, not otherwise provided for, relating to the investigation and prosecution of individuals involved in organized crime drug trafficking): $319,215,000 for fiscal year 2000, $335,176,000 for fiscal year 2001, and $351,934,800 for fiscal year 2002.

(13) For the Federal Prison System, including the National Institute of Corrections: $4,733,900,000 for fiscal year 2000,

$4,970,595,000 for fiscal year 2001, and $5,219,124,700 for fiscal year 2002.

(14) For the Foreign Claims Settlement Commission: $1,402,000 for fiscal year 2000, $1,472,000 for fiscal year 2001, and $1,545,600 for fiscal year 2002.

(15) For the Community Relations Service: $5,000,000 for fiscal year 2000, $4,500,000 for fiscal year 2001, and $4,000,000 for fiscal year 2002.

(16) For the Assets Forfeiture Fund (expenses authorized by section 524 of title 28, United States Code): $24,150,000 for fiscal year 2000, $25,358,000 for fiscal year 2001, and $26,625,900 for fiscal year 2002.

(17) For Federal Prisoner Detention: $526,428,000 for fiscal year 2000, $552,749,400 for fiscal year 2001, and $580,386,700 for fiscal year 2002, to remain available until expended.

(18) For the United States Parole Commission: $8,002,000 for fiscal year 2000, $8,402,000 for fiscal year 2001, and $8,822,100 for fiscal year 2002.

(19) For official reception and representation expenses of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), not to

exceed $200,000 for each of fiscal years 2000, 2001, and 2002.

SEC. 8102. FEDERAL PRISON INDUSTRIES.

Notwithstanding chapter 307 of title 18, United States Code, not to exceed $3,429,000 for fiscal year 2000, not to exceed $3,601,000 for fiscal year 2001, and not to exceed $3,781,050 for fiscal year 2002, of the funds available to Federal Prison Industries may be used for—

(1) administrative expenses; and

(2) services authorized by section 3109 of title 5, United States Code, all to be computed on an accrual basis in accordance with the current prescribed accounting system of Federal Prison Industries. Such funds shall be exclusive of depreciation, payment of claims, and expenditures that such accounting system requires to be capitalized or charged to the cost of commodities acquired or produced (including, without limitation, selling and shipping expenses) and expenses incurred in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property of Federal Prison Industries.

SEC. 8103. APPOINTMENT OF ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS; REDUCTION OF CERTAIN LITIGATION POSITIONS.

(a) APPOINTMENTS.—Not later than September 30, 2001, the Attorney General may exercise authority under section 542 of title 28, United States Code, to appoint 200 assistant United States attorneys in addition to the number of assistant United States attorneys serving on the date of enactment of this Act.

(b) SELECTION OF APPOINTEES.—Individuals first appointed under subsection (a) shall be appointed from among attorneys who are incumbents of 200 full-time litigation positions in divisions of the Department of Justice and whose official duty station is at the seat of Government.

(c) TERMINATION OF POSITIONS.—Each of the 200 litigation positions that become vacant by reason of an appointment made in accordance with subsections (a) and (b) shall be terminated at the time the vacancy arises.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2000 and 2001.

Subtitle B—Authorizations of Appropriations for Specific Programs

SEC. 8201. AMENDMENTS TO THE CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.

(a) EXPEDITIOUS DEPORTATION FOR DENIED ASYLUM APPLICANTS.—Section 130005(c) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1158 note) is amended—

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

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

(3) by adding at the end the following:

''(5) $90,000,000 for fiscal year 2000;

''(6) $90,000,000 for fiscal year 2001; and

''(7) $90,000,000 for fiscal year 2002.''.

(b) AMENDMENTS TO VIOLENCE AGAINST WOMEN ACT OF 1994.—Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1910) 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 a semicolon; and

(3) by adding at the end the following:

''(4) $500,000 for fiscal year 2000;

''(5) $500,000 for fiscal year 2001; and

''(6) $500,000 for fiscal year 2002.''.

(c) BORDER CONTROL IMPROVEMENT.—Section 130006(a) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1101 note) is amended—

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

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

(3) by adding at the end the following:

''(5) $477,750,000 for fiscal year 2000;

''(6) $501,637,500 for fiscal year 2001; and

''(7) $526,719,370 for fiscal year 2002.''.

(d) EXPANDED SPECIAL DEPORTATION PROCEEDINGS.—Section 130007(d) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

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

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

(3) by adding at the end the following:

''(5) $236,000,000 for fiscal year 2000;

"(6) $236,000,000 for fiscal year 2001; and

"(7) $236,000,000 for fiscal year 2002.".

(e) TRAINING PROGRAMS.—Section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941(c)) is amended by striking paragraphs (1) and (2), and inserting the following:

"(1) $1,000,000 for fiscal year 2000;

"(2) $1,000,000 for fiscal year 2001; and

"(3) $1,000,000 for fiscal year 2002.".

(f) MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.—Section 240001(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181(d)) 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 a semicolon; and

(3) by adding at the end the following:

"(4) $900,000 for fiscal year 2000;

"(5) $900,000 for fiscal year 2001; and

"(6) $900,000 for fiscal year 2002.".

(g) MOTOR VEHICLE THEFT PREVENTION PROGRAM.—Section 220002(h) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14171(h)) 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 a semicolon; and

(3) by adding at the end the following:

''(4) $750,000 for fiscal year 2000;

''(5) $750,000 for fiscal year 2001; and

''(6) $750,000 for fiscal year 2002.''.

(h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE ACT.—Section 40295(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13971(c)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) $15,000,000 for fiscal year 2000;

''(E) $15,000,000 for fiscal year 2001; and

''(F) $15,000,000 for fiscal year 2002.''.

SEC. 8202. AMENDMENTS TO THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.

The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1214) is amended—

(1) in section 819(b), by striking ''for fiscal'' and all that follows through ''section'', and inserting ''to carry out this section $5,000,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, and $5,000,000 for fiscal year 2002''; and

(2) in section 821, by striking ''not more than $10,000,000 for fiscal year 1997'' and inserting ''$10,000,000 for fiscal year 2000, $10,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002''.

SEC. 8203. COMMUNICATIONS ASSISTANCE.

The Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.) is amended—

(1) in section 108(c)(3), by striking ''on or before January 1, 1995'' and inserting ''before October 1, 2000'';

(2) in section 109—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''**JANUARY 1, 1995**'' and inserting ''**OCTOBER 1, 2000**''; and

(ii) by striking ''January 1, 1995'' and inserting ''October 1, 2000'';

(B) in subsection (b)—

(i) in the subsection heading, by striking "**JANUARY 1, 1995**" and inserting "**OCTOBER 1, 2000**";

(ii) in paragraph (1)—

(I) in the matter preceding subparagraph (A) by striking "January 1, 1995" and inserting "October 1, 2000"; and

(II) in subparagraph (J), by striking "January 1, 1995" and inserting "October 1, 2000"; and

(iii) in paragraph (2), by striking "January 1, 1995" and inserting "October 1, 2000"; and

(C) in subsection (d)—

(i) in the subsection heading, by striking "**JANUARY 1, 1995**" and inserting "**OCTOBER 1, 2000**"; and

(ii) by striking "January 1, 1995" and inserting "October 1, 2000";

(3) in section 110, by striking "and 1998" and inserting "1998, 1999, and 2000"; and

(4) in section 111(b), by striking "on the date that is 4 years after the date of enactment of this Act" and inserting "October 1, 2000".

SEC. 8204. CRIMINAL ALIEN ASSISTANCE.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) $800,000,000 for fiscal year 2000;

"(B) $850,000,000 for fiscal year 2001; and

"(C) $900,000,000 for fiscal year 2002.".

SEC. 8205. VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) for fiscal year 2001, $6,025,000,000;

"(2) for fiscal year 2002, $6,169,000,000;

"(3) for fiscal year 2003, $6,316,000,000;

"(4) for fiscal year 2004, $6,458,000,000; and

"(5) for fiscal year 2005, $6,616,000,000.".

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

"SEC. 310002. DISCRETIONARY LIMITS.

"(a) DISCRETIONARY LIMITS.—For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974

(2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 2001—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

"(2) with respect to fiscal year 2002—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

"(3) with respect to fiscal year 2003—

"(A) for the discretionary category, amounts of budget authority and outlays nec-

essary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

"(4) with respect to fiscal year 2004—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

"(5) with respect to fiscal year 2005—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.".

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) any concurrent resolution on the budget for any of the fiscal years 2001 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2001 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b))) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution under section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907a) has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn.

"(d) APPEALS.—

"(1) TIME.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be.

"(2) VOTE TO SUSTAIN APPEAL.—An affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and defi-

cits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.''.

Subtitle C—Permanent Enabling Provisions

SEC. 8301. PERMANENT AUTHORITY.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

''§ 530C. Authority to use available funds

''(a) IN GENERAL.—Except to the extent provided otherwise by law applicable to funds available to carry out the activities of the Department of Justice (including, without limitation, any bureau, office, board, division, commission, subdivision, unit, or other component thereof) and in addition to authority provided in subsections (a) and (b) of section 524, or any other provision of law consistent herewith, including, without limitation, Public Law 96–132 (93 Stat. 1040), section 102(b) of Public Law 102–395 (106 Stat. 1838), and section 815(d) of Public Law 104–132 (110 Stat. 1315), the Attorney General may use such funds as provided in subsection (b).

''(b) PERMITTED USES.—

''(1) GENERAL PERMITTED USES.—Such funds may be used for the following:

"(A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then current fiscal year.

"(B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.

"(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

"(D) Official receptions and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions; not including expenses of tours, open to the public, of departmental facilities), in accordance with distributions, procedures, and regulations established or issued by the Attorney General.

"(E) Unforeseen emergencies of a confidential character, to be expended under the di-

rection of the Attorney General and accounted for solely on the certificate of the Attorney General.

"(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

"(G) In accordance with procedures established and regulations issued by the Attorney General—

"(i) attendance at meetings and seminars;

"(ii) conferences and training; and

"(iii) advances of public moneys under section 3324 of title 31: *provided,* That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

"(H) For the conduct of its activities, including for contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the

United States for the purpose of any law administered by the Office of Personnel Management.

"(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and regulations issued by the Attorney General.

"(J) For the payment of rewards, for the purchase of evidence, and for payment for information in connection with law enforcement.

"(K) For expenses or allowances for uniforms as authorized by section 5901 of title 5 but without regard to the general purchase price limitation for the then current fiscal year.

"(L)(i) With respect to dependents of employees of the Department of Justice stationed outside the continental United States, expenses of—

"(I) primary and secondary schooling for such dependents, at a cost not to exceed that authorized by the Department of Defense for the same area, upon a determination by the Attorney General that schools serving the locality are unable to provide adequately for their education;

"(II) transportation of such dependents between their places of residence and the primary and secondary schools serving the locality that they normally would attend, upon a determination by the Attorney General that such schools are not accessible by adequate public means of transportation; and

"(III) transitional and other language and cultural training or education for such dependents, upon a determination by the Attorney General that training or education are necessary for employee welfare and adequate nondepartmental facilities are unavailable;

"(ii) All expenses under clause (i) shall be treated as payments under section 5924(4) of title 5 for purposes of calculating other Federal benefits, entitlements, and taxes.

"(M) Health care program expenses for, and travel and related expenses of, employees of the Department of Justice serving abroad and their families, to be payable in the same manner as applicable to the members of the Foreign Service and their families under sections 904

and 901 of the Foreign Service Act of 1980 (22 U.S.C. 4084, 4081) and the regulations issued by the Secretary of State.

"(2) SPECIFIC PERMITTED USES.—

"(A) AIRCRAFT AND BOATS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

"(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—

"(i) the purchase of ammunition and firearms; and

"(ii) participation in firearms competitions.

"(C) CONSTRUCTION.—

"(i) IN GENERAL.—Funds available for construction may be used for expenses of planning, designing, acquiring, building, constructing, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites for the buildings and facilities, and all necessary expenses incident or related thereto.

"(ii) INTENT.—It is not the intent of clause (i) that funds generally available for salaries and expenses are not also available for certain construction, remodeling, maintenance, and other related construction costs.

"(3) SUBSISTENCE AND MEDICAL EXPENSES OF PERSONS IN THE CUSTODY OF THE UNITED STATES MARSHALS SERVICE.—

"(A) IN GENERAL.—Funds available for Federal Prisoner Detention may be used to acquire subsistence and medical care for persons

in the custody of the United States Marshals Service at fair and reasonable prices.

"(B) COSTS.—Without specific authorization from the Attorney General, the expenses incurred in the provision of such care shall not exceed the costs and expenses charged in the provision of similar health care services paid pursuant to the medicare program under title XVIII of the Social Security Act or the medicaid program under title XIX of such Act.

"(4) FEES AND EXPENSES OF WITNESSES.—Funds available for Fees and Expenses of Witnesses may be used for expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses (including, without limitation, advances of public money) as authorized by section 1821 or other law, but no witness may be paid more than 1 attendance fee for any 1 calendar day.

"(5) FEDERAL BUREAU OF INVESTIGATION.—

"(A) IN GENERAL.—The Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records and name checks for noncriminal justice, nonlaw enforcement employment and licensing purposes,

and for certain employees of private sector contractors with classified government contracts.

"(B) CREDITING.—Fees collected under subparagraph (A) shall be credited to the Salaries and Expenses, Federal Bureau of Investigation, appropriation, without regard to section 3302(b) of title 31 and, to the extent specified in appropriations Acts, shall be available until expended for salaries and other expenses incurred in processing such records.

"(C) LIMITATION.—No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies or in connection with a background check under section 922(t) of title 18.

"(6) IMMIGRATION AND NATURALIZATION SERVICE.—Funds available for the Immigration and Naturalization Service may be used for—

"(A) acquisition of land as sites for enforcement fences, and construction incidental to such fences;

"(B) cash advances to aliens for meals and lodging en route;

"(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

"(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

"(7) FEDERAL PRISON SYSTEM.—Funds available for the Federal prison system may be used for—

"(A) inmate medical services and inmate legal services, within the Federal Prison System;

"(B) the purchase and exchange of farm products and livestock;

"(C) the acquisition of land as authorized by this section and section 4010 of title 18; and

"(D) the construction of buildings and facilities for penal and correctional institutions (including, without limitation, prison camps), by contract or force account, including, without limitation, the payment of United States pris-

oners for their work performed in any such construction.

"(b) RELATED PROVISIONS.—

"(1) LIMITATION OF COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.—None of the funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

"(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.—Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local government may be used under authorities available to the unit or entity receiving such reimbursement.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"530C. Authority to use available funds.".

SEC. 8302. PERMANENT AUTHORITY RELATING TO ENFORCEMENT OF LAWS.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code (as amended by section 8301) is amended by adding at the end the following:

"§ 530D. Report on enforcement of laws

''(a) REPORT.—

''(1) IN GENERAL.—The Attorney General shall submit to Congress a report in any instance in which the Attorney General or any other officer of the Department of Justice—

''(A) establishes or adopts a policy to refrain from enforcing any provision of any Federal statute the enforcement or administration of which is within the responsibility of the officer, because of the officer's opinion (or that of the President) that the provision is not constitutional; or

''(B) determines to contest, or to refrain from defending or asserting, in any judicial, administrative, or other proceeding, any provision of any Federal statute, or not to appeal any judicial, administrative, or other determination affecting the constitutionality of any such provision, because of the officer's opinion (or that of

the President) that the provision is not constitutional.

"(2) SUBMISSION TO CONGRESS.—For the purposes of paragraph (1), a report shall be considered to be submitted to Congress if the report is submitted to—

"(A) the majority leader and minority leader of the Senate;

"(B) the Speaker, majority leader, and minority leader of the House of Representatives;

"(C) the chairman and ranking minority member of the committee in each House of Congress having oversight jurisdiction over the department, agency, or establishment in which a policy described in subsection (a)(1) was established or adopted, or a determination described in subsection (a)(2) was made; and

"(D) the Senate Legal Counsel and the General Counsel of the House of Representatives.

"(b) DEADLINE.—A report under subsection (a) shall be submitted within such time as will reasonably enable each House of Congress to take action to intervene in timely fashion in any proceeding specified in subsection (a)(2), but in no event later than 30 days after the estab-

lishment or adoption of a policy described in subsection (a)(1) or a determination described in subsection (a)(2).

"(c) CONTENTS.—A report under subsection (a) shall—

"(1) specify the provision of the Federal statute involved and the date of the establishment or adoption of the policy described in subsection (a)(1) or of the determination described in subsection (a)(2);

"(2) include a complete and detailed statement of the reasons for the policy or determination; and

"(3) in the case of a determination described in subsection (a)(2), indicate the nature, tribunal, identifying information, and status of the proceeding.

"(d) DECLARATION.—In the case of a determination described in subsection (a)(2), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any opinion expressed as to the constitutionality of the provision involved is the opinion of the executive branch of the Federal Government (or, as applicable, of the department, agency, or establishment).

"(e) APPLICABILITY TO OTHER DEPARTMENT, AGENCIES, AND ESTABLISHMENTS.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department

of Justice shall apply to the head of any Federal department, agency, or establishment authorized to conduct litigation on behalf of the United States, and to the officers of the department, agency, or establishment.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 31 of title 28, United States Code (as amended by section 301), is amended by adding at the end the following:

''530D. Report on enforcement of laws.''.

(2) Public Law 95–521 (92 Stat. 1883) is amended by striking subsection (b).

(3)(A) Not later than 180 days after the date of enactment of this Act, the Attorney General (and the head of each Federal department, agency, or establishment authorized to conduct litigation) shall submit to Congress a report (in accordance with subsections (a), (c), and (e) of section 530D of title 28, United States Code (as added by subsection (a))), on—

(i) all policies described in subsection (a)(1) of that section that were established or adopted before that date of enactment and were in effect on that date; and

(ii) all determinations described in subsection (a)(2) of that section that were made before that date and were in effect on that date.

(B) If any of the determinations described in subparagraph (A)(ii) relates to any judicial, administrative, or other proceeding that is pending on the date specified in subparagraph (A), with respect to any such determination the report required by this paragraph shall be submitted within such time as will reasonably enable each House to take action to intervene in timely fashion in the proceeding, but in no event later than 30 days after that date.

SEC. 8303. NOTIFICATIONS ON USE OF FUNDS.

During any fiscal year for which appropriations are authorized by this Act (either directly, through incorporation by reference, or otherwise), any reprogramming or transfer notice required by the terms of the applicable appropriations Act to be given to any Appropriations Committee of either House of Congress shall also be required to be given, under the same terms, to the Committee on the Judiciary of each House of Congress.

SEC. 8304. MISCELLANEOUS USE PROVISIONS.

(a) The Economic Opportunities Act of 1964 (Public Law 88–452) is amended in section 1006 by replacing ''referendums'' with ''referenda, or any legislation'' in paragraph (d)(4) and by inserting ''upon prior identification, by name, of each class member, and '' after ''except''

in paragraph (d)(5), and in section 1002, by adding at the end the following:

"(9) 'political activity' includes any activity designed or intended to contest or challenge before any tribunal the constitutionality of any statute or regulation.".

(b) Section 510 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) is amended by adding at the end the following:

"(d) NONGOVERNMENTAL ENTITIES.—No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide security enhancements or equipment to any nongovernmental entity.".

(c) Section 1913 of title 18, United States Code, is amended by adding "or any other legislative body" after "Congress" the third and sixth time it appears, by striking "by Congress" the second time it appears, by replacing "appropriation;" with "appropriation, or intended or designed in any manner to influence, favor, or oppose any ballot measure, initiative, or referendum, whether before or after the same may be put on the ballot;", and by replacing "Member of Congress" with "such Members".

(d) Title 5 of section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277, 112 Stat.

2681–107) is amended in the matter immediately under thirteenth heading by inserting ''or any future'' after ''in this'' both times it appears, and by replacing ''to 1998 and 1999'' with '', in any given fiscal year, to the last fiscal year and the current fiscal year''.

SEC. 8305. TECHNICAL AMENDMENT; AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE.

Section 524 of title 28, United States Code, is amended—

(1) in subsection (b)(5), by inserting a comma after ''Fund'' the second place it appears; and

(2) in subsection (c)(9)(B)—

(A) by striking ''year 1997'' and inserting ''years 1999 and 2000''; and

(B) by adding at the end the following: ''Such a transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred.''.

SEC. 8306. PROTECTION OF THE ATTORNEY GENERAL.

Section 533(2) of title 28, United States Code, is amended by inserting ''or the person of the Attorney General'' before the semicolon at the end.

SEC. 8307. EXTENDED ASSIGNMENT ALLOWANCE.

(a) IN GENERAL.—Effective with the enactment of this Act and in any fiscal year that begins after the date

of enactment of that Act, in compliance with policies established or regulations issued by the Attorney General and the Secretary of the Treasury for their respective agencies, the Department of Justice and the Department of the Treasury, respectively, may pay an extended assignment allowance or bonus to any individual assigned to a permanent position located in the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or the territories and possessions of the United States, when the Attorney General or the Secretary of the Treasury, as to his respective agency, determines that the position is difficult to fill and that it is in the interests of the pertinent Department to encourage an incumbent employee to remain in his position.

(b) LIMITATION.—In any calendar year, no allowance or bonus under subsection (a) may exceed $25,000 or 25 percent of an employee's basic pay, whichever is greater.

(c) DISCRETIONARY ACTION.—The amount of any allowance or bonus to be offered under subsection (a), whether to offer an allowance or bonus, and whether to offer payment in the form of an allowance or a bonus shall be solely within the discretion of the Attorney General or the Secretary of the Treasury, as appropriate, and shall not be reviewable or subject to appeal in or before any court or other tribunal.

(d) DECISION NOT TO OFFER.—A decision not to offer an employee an allowance or bonus shall not constitute an adverse action and shall not be reviewable or subject to appeal in or before any court or other tribunal.

(e) NOT PART OF PAY.—An allowance or bonus under subsection (a) shall not be considered to be a part of the pay or basic pay of an employee in the calculation of any entitlement or benefit (including but not limited to overtime, retirement, and lump-sum leave payments), but shall be considered a bonus under section 5307(a)(1) of title 5, United States Code, for purposes of applying the limitation on aggregate payments.

SEC. 8308. LIMITATION ON USE OF FUNDS.

a) IN GENERAL.—No funds available to the Attorney General in any fiscal year shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

(b) ESCORT SERVICES.—Nothing in this section shall be construed to forbid the use of such funds for the provision of escort services necessary for a female inmate in a Bureau of Prisons facility to obtain an abortion outside the facility.

Subtitle D—Miscellaneous

SEC. 8401. REPEALERS.

(a) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—Chapter 319 of title 18, United States Code, is amended—

(1) by striking section 4353; and

(2) in the analysis for the chapter, by striking the item relating to section 4353.

(b) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES MARSHALS SERVICE.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

SEC. 8402. TECHNICAL AMENDMENT.

(a) Section 4013 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''the support of United States prisoners'' and inserting ''Federal prisoner detention'';

(B) in paragraph (2), by adding ''and'' after ''hire;'';

(C) in paragraph (3), by striking ''entities; and'' and inserting ''entities.''; and

(D) in paragraph (4), by inserting ''The Attorney General, in support of United States

prisoners in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for'' before ''entering''; and

(2) by redesignating—

(A) subsection (b) as subsection (c);

(B) subsection (a)(4) as subsection (b); and

(C) subparagraphs (A), (B), and (C) of subsection (a)(4) as paragraphs (1), (2), and (3) of subsection (b).

(b) Section 209(a) of title 18, United States Code, is amended by adding a comma after ''supplements''.

(c) Section 535 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting '', other than chapter 40;'' after ''law'';

(2) in subsections (a) and (b), by replacing ''title 18'' with ''Federal criminal law'';

(3) in subsection (b), by replacing ''or complaint'' with ''matter, or complaint witnessed, discovered, or'' and by inserting ''or the witness, discoverer, or recipient, as appropriate,'' after ''agency,''; and

(4) in subsection (b)(1), by inserting ", in which event the report shall be made to such responsible party" after "law".

SEC. 8403. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title modifies or supersedes the application or operation of the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.).

SEC. 8404. COUNTERTERRORISM FUND AMENDMENTS.

(a) COUNTERTERRORISM FUND.—The matter under the heading "COUNTERTERRORISM FUND" in chapter I of title III of Public Law 104–19 (109 Stat. 249; 28 U.S.C. 524 note) is amended to read as follows:

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a separate fund to be known as the 'Counterterrorism Fund', amounts in which shall remain available without fiscal year limitation.

"(b) USE.—Amounts in the Counterterrorism Fund shall be used—

"(1) to reimburse any Department of Justice component for costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism event;

(B) engaging in, or providing support to, countering, investigating, or prosecuting domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and the facilities of Federal agencies; and

''(2) to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

''(A) counterterrorism technology research and development; and

''(B) providing training and related equipment to State and local law enforcement agencies for prevention and response capabilities against bombs and against chemical, biological, nuclear, and cyber attack.

''(c) REPROGRAMMING PROCEDURES.—For any fiscal year, amounts in the Fund shall not be available for reimbursement under subsection (b)(1) except in accordance with the reprogramming procedures applicable to general Department of Justice appropriations for that year.''.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—The amendment made by subsection (a) does not affect the

amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 8405. USE OF GOVERNMENT VEHICLES.

(a) IN GENERAL.—Section 4(a) of the Act of May 14, 1947 (61 Stat. 86) is amended in the second sentence—

(1) by striking ''the use of the employer's vehicle is subject'' and inserting ''the use (including driving) of the employer's vehicle either is subject''; and

(2) by striking the period at the end and inserting '' or, notwithstanding subsection (b), is required or permitted by the employer under section 1344 of title 31.''.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a)—

(1) takes effect on the date of enactment of this Act; and

(2) shall apply to any civil action pending on that date and to any civil action brought after that date.

SEC. 8406. CLARIFICATION OF LITIGATION AUTHORITY OF ATTORNEY GENERAL.

Section 107(e) of Public Law 103–3 (107 Stat. 17) is amended by striking ''The'' and inserting ''With the express permission of and under the direction and authority of the Attorney General, the''.

SEC. 8407. OVERSIGHT; WASTE, FRAUD, AND ABUSE.

(a) Not later than February 1 of each year, the Attorney General shall provide to the Judiciary and Appropriations Committees of each House of the Congress—

(1) a report identifying and describing every grant, cooperative agreement, or services contract that was made, entered into, awarded, or extended, in the immediately preceding fiscal year, by the Office of Justice Programs (including, without limitation, any component or unit thereof), and including, without limitation, for each such grant, agreement, or contract: the term, the dollar amount or value, the purpose or purposes, the names of all parties (including, without limitation, any subgrantees or subcontractors), and the name of the contracting officer; and

(2) a performance review of every grant, cooperative agreement, or services contract made, entered into, awarded, or extended by the Office of Justice Programs (including, without limitation, any

component or unit thereof) that was terminated or otherwise ended in the immediately preceding fiscal year, and including, without limitation, for each such grant, agreement, or contract: a complete and detailed description of how the appropriated funds involved actually were spent, complete and detailed statistics relating to its performance, purpose or purposes, and effectiveness, and a sworn certificate by each grantee, contractor, subcontractor, or subgrantee that—

(A) the appropriated funds were spent for such purpose or purposes, and only such purpose or purposes;

(B) the terms of the grant, agreement, or contract were complied with; and

(C) all documentation necessary for conducting a full and proper audit under generally accepted accounting principles, and any (additional) documentation that may have been required under the grant, agreement, or contract, have been kept in orderly fashion and will be retained for not less than 3 years from the date of such termination or end.

(b) Section 1005 of the Legal Services Corporation Act (Public Law 93–355) is amended by adding at the end the following:

"(h) WASTE, FRAUD, AND ABUSE.—With respect to any appropriated funds available to the Corporation—

"(1) for purposes of sections 286, 287, 666, 1001, 1002, and 1913 of title 18, United States Code, the Corporation shall be considered to be a department or agency of the United States Government;

"(2) for purposes of sections 3729 through 3733 of title 31, United States Code, the term 'United States Government' shall include, without limitation, the Corporation;

"(3) applicants for financial assistance from the Corporation shall file applications supported by written declarations pursuant to section 1746 of title 28, United States Code, and such declarations shall be subject to sections 1621 and 1622 of title 18 of such Code;

"(4) for purposes of section 1516 of title 18, United States Code—

"(A) the term 'Federal auditor' shall include, without limitation, any auditor employed

or retained on a contractual basis by the Corporation;

"(B) the term 'contract' shall include, without limitation, any grant, contract, or cooperative agreement made by the Corporation; and

"(C) the term 'person', as used in subsection (a) of such section, shall include, without limitation, any party receiving financial assistance under paragraphs 1006(a) (1) or (3) of this Act; and

"(5) funds provided by the Corporation pursuant to section 1006 of this Act shall be deemed to be Federal appropriations when used or in use by any contractor, grantee, subcontractor, or subgrantee of the Corporation, and shall be deemed to be benefits under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance within the meaning of section 666 of title 18, United States Code.

"(i) AUDITS.—The Comptroller General annually shall conduct an audit of the Corporation and shall, not later than December 1 of each year, report the results thereof to the Congress and the Attorney General.".

SEC. 8408. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF JUSTICE.

(a) ASSISTANT ATTORNEY GENERAL AS CHIEF FINANCIAL OFFICER.—Section 507 of title 28, United States Code, is amended by adding at the end the following:

''(c) DEPARTMENT OF JUSTICE.—The Assistant Attorney General for Administration shall be the Chief Financial Officer for the Department of Justice and exercise the authority and functions under section 902 of title 31 relating to that Department.''.

(b) TERMINATION OF EXISTING CHIEF FINANCIAL OFFICER.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by striking subparagraph (I); and

(2) by redesignating subparagraphs (J) through (P) as subparagraphs (I) through (O), respectively.

(c) EXECUTIVE LEVEL IV POSITION.—Section 5315 of title 5, United States Code, is amended by striking the following:

''Chief Financial Officer, Department of Justice.''.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act.

TITLE IX—MISCELLANEOUS

SEC. 9101. CARRYING OF CONCEALED FIREARMS BY QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS.

(a) EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§ 926B. Carrying of concealed firearms by qualified current and former law enforcement officers

"(a) DEFINITIONS.—

"(1) DEFINITIONS.—In this section:

"(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document that—

"(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

"(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

"(B) FIREARM.—The term 'firearm' means a firearm that has traveled, or of which any component has traveled, in interstate or foreign commerce.

"(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means an individual who is—

"(i) retired from service with a public agency, other than for reasons of mental disability;

"(ii) immediately before retirement, was a qualified law enforcement officer with that public agency;

"(iii) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(iv) was not separated from service with a public agency due to a disciplinary action by the agency that precluded the carrying of a firearm;

"(v) meets the requirements established by the State in which the individual resides with respect to—

"(I) training in the use of firearms; and

"(II) carrying a concealed weapon; and

"(vi) is not prohibited by Federal law from receiving a firearm.

"(D) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

"(i) is authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

"(ii) is authorized by the agency to carry a firearm in the course of duty;

"(iii) meets any requirements established by the agency with respect to firearms; and

"(iv) is not the subject of a disciplinary action by the agency that precludes the carrying of a firearm.

"(b) RIGHT TO CARRY CONCEALED FIREARM.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if the individual—

"(1) is a qualified law enforcement officer or a qualified former law enforcement officer; and

"(2) is carrying appropriate written identification.

"(c) EFFECT ON OTHER LAWS.—

"(1) COMMON CARRIERS.—Nothing in this section exempts from section 46505(b)(1) of title 49—

"(A) a qualified law enforcement officer who does not meet the requirements of section 46505(d) of title 49; or

"(B) a qualified former law enforcement officer.

"(2) FEDERAL LAWS.—Nothing in this section supersedes or limits any Federal law (including a regulation) that prohibits or restricts the possession of a firearm on any Federal property, installation, building, base, or park.

"(3) STATE LAWS.—Nothing in this section supersedes or limits any State law that—

"(A) grants a right to carry a concealed firearm that is broader than the right granted under subsection (b);

"(B) permits a private person or entity to prohibit or restrict the possession of concealed firearms on the property of the person or entity; or

"(C) prohibits or restricts the possession of a firearm on any State or local government property, installation, building, base, or park.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified current and former law enforcement officers.".

(b) AUTHORIZATION TO ENTER INTO INTERSTATE COMPACTS.—

(1) IN GENERAL.—The consent of Congress is given to any 2 or more States—

(A) to enter into compacts or agreements for cooperative effort in enabling individuals to carry concealed weapons as dictated by laws of the State within which the owner of the weapon resides and is authorized to carry a concealed weapon; and

(B) to establish agencies or guidelines as the States may determine to be appropriate for making effective such agreements and compacts.

(2) RESERVATION OF RIGHTS.—Congress reserves the right to alter, amend, or repeal this section.

SEC. 9102. EXEMPTION OF THE RETURN OF A PAWNED OR REPAIRED FIREARM FROM THE REQUIREMENT THAT AN INSTANT CRIMINAL BACKGROUND CHECK BE CONDUCTED IN CONNECTION WITH THE TRANSFER OF A FIREARM.

Section 922(t)(1) of title 18, United States Code, is amended by inserting ''(not including returning a firearm to a person from whom the firearm was received)'' before ''to any other person''.

SEC. 9103. FUNDING OF NATIONAL CENTER FOR RURAL LAW ENFORCEMENT.

(a) FUNDING AUTHORITY.—The Attorney General shall annually provide funding for the National Center for Rural Law Enforcement (referred to in this section as the ''Center''), if the executive director of the Center certifies, in writing, to the Attorney General that the Center—

(1) is incorporated in accordance with applicable State law;

(2) is in compliance with the bylaws of the Center;

(3) will use amounts made available under this section in accordance with subsection (b); and

(4) will not support any political party or candidate for elective or appointed office.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Center shall use amounts made available under this section for development of an educational program for law enforcement agencies serving rural areas, and the employees of those agencies, which shall include—

(A) the development and delivery of management education and training, technical assistance, practical research and evaluation, and computer and forensic education and training for employees of law enforcement agencies serving rural areas, tribal police and railroad police, including supervisory and executive managers of those agencies;

(B) the conduct of research into the causes and prevention of criminal activity in rural areas;

(C) equitable educational opportunities;

(D) the development, promotion, and voluntary adoption of national educational and training standards and accreditation certification programs for law enforcement agencies serving rural areas and the employees of those agencies;

(E) the development and dissemination of information designed to assist States and units of local government in rural areas throughout the United States;

(F) grants to, and contracts with, Federal, State, and local governments, law enforcement agencies serving rural areas, public and private agencies, educational institutions, and other organizations and individuals to carry out this subsection;

(G) the establishment and maintenance of a resource and information center for the collection, preparation, and dissemination of information on criminal justice and law enforcement in rural areas, including programs for the prevention of crime and recidivism;

(H) the delivery of assistance, in a consultative capacity, to criminal justice agencies in the development, establishment, maintenance,

and coordination of programs, facilities and services, training, and research relating to crime in rural areas;

(I) assistance to Federal, State, and local government programs and services for law enforcement agencies in rural areas;

(J) the development of technical education and training teams to aid in the development of seminars, workshops, and education and training programs with State and local agencies that work with law enforcement agencies serving rural areas;

(K) conducting, encouraging, and coordinating research relating to law enforcement and criminal justice issues, including the causes, assessment, evaluation, analysis, and prevention of criminal activity;

(L) the formulation and recommendation of law enforcement policies, goals, and standards in rural areas applicable to criminal justice agencies, organizations, institutions, and personnel; and

(M) coordination with institutions of higher education for the purpose of encouraging

programs of study for law enforcement in rural areas at those institutions.

(c) POWERS.—In carrying out subsection (b), the Center may—

(1) apply for and make grants from or to and enter into contracts or cooperative agreements with Federal, State, and local governments, public or private institutions, organizations, entities, and individuals necessary or convenient to the exercise of the functions or powers conferred explicitly or implicitly by this section;

(2) arrange, as permitted by law, for the loan, assistance, or use of facilities or equipment or personnel from Federal agencies, departments, or other entities on a reimbursable or nonreimbursable basis; and

(3) procure the services of experts and consultants in a manner similar to section 3109 of title 5, United States Code, at rates of compensation established by the board of directors of the Center, not to exceed the daily equivalent of the maximum rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SELECTION AND TRANSFER OF SURPLUS PROPERTY.—For purposes of the selection and transfer of surplus property under section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)), the Center shall be treated as a State agency (as designated under State law in accordance with section 203(j)(1) of that Act).

(e) REIMBURSEMENT OF TRAVEL COST.—For purposes of official travel, costs shall be reimbursed in accordance with part 300–1 of title 41, Code of Federal Regulations (or any successor regulation) and other statutory requirements and executive policy applicable for travel by Federal civilian employees and other persons authorized to travel at Government expense.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $22,000,000 for fiscal year 2000; and

(2) such sums as are necessary for fiscal years 2001 through 2005.

SEC. 9104. CENTER FOR DOMESTIC PREPAREDNESS FOR ACTS OF TERRORISM.

(a)(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, fund the Department of Justice Center for Domestic Preparedness.

(2) PURPOSES.—Funds provided pursuant to this section shall be for the following purposes:

(A) the development, delivery, and sustainment of domestic preparedness training programs for State and local first responders;

(B) the acquisition of facilities and equipping for necessary training and support operations;

(C) the establishment of a seaport first responder training facility; and

(D) necessary administrative expenses.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $33,000,000 for each of fiscal years 2000 through 2004 to carry out subsection (a).

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