

In the Senate of the United States,

July 20, 2006.

Resolved, That the bill from the House of Representatives (H.R. 4472) entitled “An Act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*

3 *“Adam Walsh Child Protection and Safety Act of 2006”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. In recognition of John and Revé Walsh on the occasion of the 25th anniversary of Adam Walsh's abduction and murder.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.

Sec. 102. Declaration of purpose.

Sec. 103. Establishment of program.

Subtitle A—Sex Offender Registration and Notification

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.

Sec. 112. Registry requirements for jurisdictions.

Sec. 113. Registry requirements for sex offenders.

Sec. 114. Information required in registration.

Sec. 115. Duration of registration requirement.

Sec. 116. Periodic in person verification.

Sec. 117. Duty to notify sex offenders of registration requirements and to register.

Sec. 118. Public access to sex offender information through the Internet.

Sec. 119. National Sex Offender Registry.

Sec. 120. Dru Sjodin National Sex Offender Public Website.

Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.

Sec. 122. Actions to be taken when sex offender fails to comply.

Sec. 123. Development and availability of registry management and website software.

Sec. 124. Period for implementation by jurisdictions.

Sec. 125. Failure of jurisdiction to comply.

Sec. 126. Sex Offender Management Assistance (SOMA) Program.

Sec. 127. Election by Indian tribes.

Sec. 128. Registration of sex offenders entering the United States.

Sec. 129. Repeal of predecessor sex offender program.

Sec. 130. Limitation on liability for the National Center for Missing and Exploited Children.

Sec. 131. Immunity for good faith conduct.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

Sec. 141. Amendments to title 18, United States Code, relating to sex offender registration.

Sec. 142. Federal assistance with respect to violations of registration requirements.

Sec. 143. Project Safe Childhood.

Sec. 144. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster.

Sec. 145. Expansion of training and technology efforts.

Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

*Subtitle C—Access to Information and Resources Needed To Ensure That
Children Are Not Attacked or Abused*

- Sec. 151. Access to national crime information databases.*
Sec. 152. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.
Sec. 153. Schools Safe Act.
Sec. 154. Missing child reporting requirements.
Sec. 155. DNA fingerprinting.

**TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO
PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIO-
LENT CRIMES**

- Sec. 201. Prohibition on Internet sales of date rape drugs.*
Sec. 202. Jetseta Gage assured punishment for violent crimes against children.
Sec. 203. Penalties for coercion and enticement by sex offenders.
Sec. 204. Penalties for conduct relating to child prostitution.
Sec. 205. Penalties for sexual abuse.
Sec. 206. Increased penalties for sexual offenses against children.
Sec. 207. Sexual abuse of wards.
Sec. 208. Mandatory penalties for sex-trafficking of children.
Sec. 209. Child abuse reporting.
Sec. 210. Sex offender submission to search as condition of release.
Sec. 211. No limitation for prosecution of felony sex offenses.
Sec. 212. Victims' rights associated with habeas corpus proceedings.
Sec. 213. Kidnapping jurisdiction.
Sec. 214. Marital communication and adverse spousal privilege.
Sec. 215. Abuse and neglect of Indian children.
Sec. 216. Improvements to the Bail Reform Act to address sex crimes and other matters.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

- Sec. 301. Jimmy Ryce State civil commitment programs for sexually dangerous persons.*
Sec. 302. Jimmy Ryce civil commitment program.

**TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX
OFFENDERS FROM ABUSING CHILDREN**

- Sec. 401. Failure to register a deportable offense.*
Sec. 402. Barring convicted sex offenders from having family-based petitions approved.

TITLE V—CHILD PORNOGRAPHY PREVENTION

- Sec. 501. Findings.*
Sec. 502. Other record keeping requirements.
Sec. 503. Record keeping requirements for simulated sexual conduct.
Sec. 504. Prevention of distribution of child pornography used as evidence in prosecutions.
Sec. 505. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.

Sec. 506. Prohibiting the production of obscenity as well as transportation, distribution, and sale.

Sec. 507. Guardians ad litem.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Grant program for expanding Big Brothers Big Sisters mentoring program.

Sec. 604. Biannual report.

Sec. 605. Authorization of appropriations.

Subtitle B—National Police Athletic League Youth Enrichment Act

Sec. 611. Short title.

Sec. 612. Findings.

Sec. 613. Purpose.

Sec. 614. Grants authorized.

Sec. 615. Use of funds.

Sec. 616. Authorization of appropriations.

Sec. 617. Name of League.

Subtitle C—Grants, Studies, and Other Provisions

Sec. 621. Pilot program for monitoring sexual offenders.

Sec. 622. Treatment and management of sex offenders in the Bureau of Prisons.

Sec. 623. Sex offender apprehension grants; juvenile sex offender treatment grants.

Sec. 624. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.

Sec. 625. Grants to combat sexual abuse of children.

Sec. 626. Crime prevention campaign grant.

Sec. 627. Grants for fingerprinting programs for children.

Sec. 628. Grants for Rape, Abuse & Incest National Network.

Sec. 629. Children's safety online awareness campaigns.

Sec. 630. Grants for online child safety programs.

Sec. 631. Jessica Lunsford Address Verification Grant Program.

Sec. 632. Fugitive safe surrender.

Sec. 633. National registry of substantiated cases of child abuse.

Sec. 634. Comprehensive examination of sex offender issues.

Sec. 635. Annual report on enforcement of registration requirements.

Sec. 636. Government Accountability Office studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.

Sec. 637. Sex offender risk classification study.

Sec. 638. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

Sec. 639. The justice for Crime Victims Family Act.

TITLE VII—INTERNET SAFETY ACT

Sec. 701. Child exploitation enterprises.

Sec. 702. Increased penalties for registered sex offenders.

Sec. 703. Deception by embedded words or images.

Sec. 704. Additional prosecutors for offenses relating to the sexual exploitation of children.

Sec. 705. Additional computer-related resources.

Sec. 706. Additional ICAC Task Forces.

Sec. 707. Masha's Law.

1 **SEC. 2. IN RECOGNITION OF JOHN AND REVÉ WALSH ON**
 2 **THE OCCASION OF THE 25TH ANNIVERSARY**
 3 **OF ADAM WALSH'S ABDUCTION AND MURDER.**

4 (a) *ADAM WALSH'S ABDUCTION AND MURDER.*—On
 5 July 27, 1981, in Hollywood, Florida, 6-year-old Adam
 6 Walsh was abducted at a mall. Two weeks later, some of
 7 Adam's remains were discovered in a canal more than 100
 8 miles from his home.

9 (b) *JOHN AND REVÉ WALSH'S COMMITMENT TO THE*
 10 *SAFETY OF CHILDREN.*—Since the abduction and murder
 11 of their son Adam, both John and Revé Walsh have dedi-
 12 cated themselves to protecting children from child predators,
 13 preventing attacks on our children, and bringing child
 14 predators to justice. Their commitment has saved the lives
 15 of numerous children. Congress, and the American people,
 16 honor John and Revé Walsh for their dedication to the well-
 17 being and safety of America's children.

18 **TITLE I—SEX OFFENDER REG-**
 19 **ISTRATION AND NOTIFICA-**
 20 **TION ACT**

21 **SEC. 101. SHORT TITLE.**

22 *This title may be cited as the “Sex Offender Registra-*
 23 *tion and Notification Act”.*

1 **SEC. 102. DECLARATION OF PURPOSE.**

2 *In order to protect the public from sex offenders and*
3 *offenders against children, and in response to the vicious*
4 *attacks by violent predators against the victims listed below,*
5 *Congress in this Act establishes a comprehensive national*
6 *system for the registration of those offenders:*

7 (1) *Jacob Wetterling, who was 11 years old, was*
8 *abducted in 1989 in Minnesota, and remains missing.*

9 (2) *Megan Nicole Kanka, who was 7 years old,*
10 *was abducted, sexually assaulted, and murdered in*
11 *1994, in New Jersey.*

12 (3) *Pam Lychner, who was 31 years old, was at-*
13 *tacked by a career offender in Houston, Texas.*

14 (4) *Jetseta Gage, who was 10 years old, was kid-*
15 *napped, sexually assaulted, and murdered in 2005, in*
16 *Cedar Rapids, Iowa.*

17 (5) *Dru Sjodin, who was 22 years old, was sexu-*
18 *ally assaulted and murdered in 2003, in North Da-*
19 *kota.*

20 (6) *Jessica Lunsford, who was 9 years old, was*
21 *abducted, sexually assaulted, buried alive, and mur-*
22 *dered in 2005, in Homosassa, Florida.*

23 (7) *Sarah Lunde, who was 13 years old, was*
24 *strangled and murdered in 2005, in Ruskin, Florida.*

25 (8) *Amie Zyla, who was 8 years old, was sexu-*
26 *ally assaulted in 1996 by a juvenile offender in*

1 *Waukesha, Wisconsin, and has become an advocate for*
2 *child victims and protection of children from juvenile*
3 *sex offenders.*

4 (9) *Christy Ann Fornoff, who was 13 years old,*
5 *was abducted, sexually assaulted, and murdered in*
6 *1984, in Tempe, Arizona.*

7 (10) *Alexandra Nicole Zapp, who was 30 years*
8 *old, was brutally attacked and murdered in a public*
9 *restroom by a repeat sex offender in 2002, in Bridge-*
10 *water, Massachusetts.*

11 (11) *Polly Klaas, who was 12 years old, was ab-*
12 *ducted, sexually assaulted, and murdered in 1993 by*
13 *a career offender in California.*

14 (12) *Jimmy Ryce, who was 9 years old, was kid-*
15 *napped and murdered in Florida on September 11,*
16 *1995.*

17 (13) *Carlie Brucia, who was 11 years old, was*
18 *abducted and murdered in Florida in February,*
19 *2004.*

20 (14) *Amanda Brown, who was 7 years old, was*
21 *abducted and murdered in Florida in 1998.*

22 (15) *Elizabeth Smart, who was 14 years old, was*
23 *abducted in Salt Lake City, Utah in June 2002.*

24 (16) *Molly Bish, who was 16 years old, was ab-*
25 *ducted in 2000 while working as a lifeguard in War-*

1 *ren, Massachusetts, where her remains were found 3*
 2 *years later.*

3 *(17) Samantha Runnion, who was 5 years old,*
 4 *was abducted, sexually assaulted, and murdered in*
 5 *California on July 15, 2002.*

6 **SEC. 103. ESTABLISHMENT OF PROGRAM.**

7 *This Act establishes the Jacob Wetterling, Megan Ni-*
 8 *cole Kanka, and Pam Lychner Sex Offender Registration*
 9 *and Notification Program.*

10 ***Subtitle A—Sex Offender***
 11 ***Registration and Notification***

12 **SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA**
 13 ***EXPANSION OF SEX OFFENDER DEFINITION***
 14 ***AND EXPANDED INCLUSION OF CHILD PRED-***
 15 ***ATORS.***

16 *In this title the following definitions apply:*

17 *(1) SEX OFFENDER.—The term “sex offender”*
 18 *means an individual who was convicted of a sex of-*
 19 *fense.*

20 *(2) TIER I SEX OFFENDER.—The term “tier I sex*
 21 *offender” means a sex offender other than a tier II or*
 22 *tier III sex offender.*

23 *(3) TIER II SEX OFFENDER.—The term “tier II*
 24 *sex offender” means a sex offender other than a tier*

1 *III sex offender whose offense is punishable by impris-*
2 *onment for more than 1 year and—*

3 *(A) is comparable to or more severe than*
4 *the following offenses, when committed against a*
5 *minor, or an attempt or conspiracy to commit*
6 *such an offense against a minor:*

7 *(i) sex trafficking (as described in sec-*
8 *tion 1591 of title 18, United States Code);*

9 *(ii) coercion and enticement (as de-*
10 *scribed in section 2422(b) of title 18, United*
11 *States Code);*

12 *(iii) transportation with intent to en-*
13 *gage in criminal sexual activity (as de-*
14 *scribed in section 2423(a)) of title 18,*
15 *United States Code;*

16 *(iv) abusive sexual contact (as de-*
17 *scribed in section 2244 of title 18, United*
18 *States Code);*

19 *(B) involves—*

20 *(i) use of a minor in a sexual perform-*
21 *ance;*

22 *(ii) solicitation of a minor to practice*
23 *prostitution; or*

24 *(iii) production or distribution of child*
25 *pornography; or*

1 (C) occurs after the offender becomes a tier
2 I sex offender.

3 (4) *TIER III SEX OFFENDER.*—The term “tier III
4 sex offender” means a sex offender whose offense is
5 punishable by imprisonment for more than 1 year
6 and—

7 (A) is comparable to or more severe than
8 the following offenses, or an attempt or con-
9 spiracy to commit such an offense:

10 (i) aggravated sexual abuse or sexual
11 abuse (as described in sections 2241 and
12 2242 of title 18, United States Code); or

13 (ii) abusive sexual contact (as de-
14 scribed in section 2244 of title 18, United
15 States Code) against a minor who has not
16 attained the age of 13 years;

17 (B) involves kidnapping of a minor (unless
18 committed by a parent or guardian); or

19 (C) occurs after the offender becomes a tier
20 II sex offender.

21 (5) *AMIE ZYLA EXPANSION OF SEX OFFENSE*
22 *DEFINITION.*—

23 (A) *GENERALLY.*—Except as limited by
24 subparagraph (B) or (C), the term “sex offense”
25 means—

1 (i) a criminal offense that has an ele-
2 ment involving a sexual act or sexual con-
3 tact with another;

4 (ii) a criminal offense that is a speci-
5 fied offense against a minor;

6 (iii) a Federal offense (including an of-
7 fense prosecuted under section 1152 or 1153
8 of title 18, United States Code) under sec-
9 tion 1591, or chapter 109A, 110 (other than
10 section 2257, 2257A, or 2258), or 117, of
11 title 18, United States Code;

12 (iv) a military offense specified by the
13 Secretary of Defense under section
14 115(a)(8)(C)(i) of Public Law 105–119 (10
15 U.S.C. 951 note); or

16 (v) an attempt or conspiracy to com-
17 mit an offense described in clauses (i)
18 through (iv).

19 (B) FOREIGN CONVICTIONS.—A foreign con-
20 viction is not a sex offense for the purposes of
21 this title if it was not obtained with sufficient
22 safeguards for fundamental fairness and due
23 process for the accused under guidelines or regu-
24 lations established under section 112.

1 (C) *OFFENSES INVOLVING CONSENSUAL*
2 *SEXUAL CONDUCT.*—*An offense involving consen-*
3 *sual sexual conduct is not a sex offense for the*
4 *purposes of this title if the victim was an adult,*
5 *unless the adult was under the custodial author-*
6 *ity of the offender at the time of the offense, or*
7 *if the victim was at least 13 years old and the*
8 *offender was not more than 4 years older than*
9 *the victim.*

10 (6) *CRIMINAL OFFENSE.*—*The term “criminal of-*
11 *fense” means a State, local, tribal, foreign, or mili-*
12 *tary offense (to the extent specified by the Secretary*
13 *of Defense under section 115(a)(8)(C)(i) of Public*
14 *Law 105–119 (10 U.S.C. 951 note)) or other criminal*
15 *offense.*

16 (7) *EXPANSION OF DEFINITION OF “SPECIFIED*
17 *OFFENSE AGAINST A MINOR” TO INCLUDE ALL OF-*
18 *FENSES BY CHILD PREDATORS.*—*The term “specified*
19 *offense against a minor” means an offense against a*
20 *minor that involves any of the following:*

21 (A) *An offense (unless committed by a par-*
22 *ent or guardian) involving kidnapping.*

23 (B) *An offense (unless committed by a par-*
24 *ent or guardian) involving false imprisonment.*

1 (C) *Solicitation to engage in sexual con-*
2 *duct.*

3 (D) *Use in a sexual performance.*

4 (E) *Solicitation to practice prostitution.*

5 (F) *Video voyeurism as described in section*
6 *1801 of title 18, United States Code.*

7 (G) *Possession, production, or distribution*
8 *of child pornography.*

9 (H) *Criminal sexual conduct involving a*
10 *minor, or the use of the Internet to facilitate or*
11 *attempt such conduct.*

12 (I) *Any conduct that by its nature is a sex*
13 *offense against a minor.*

14 (8) *CONVICTED AS INCLUDING CERTAIN JUVE-*
15 *NILE ADJUDICATIONS.—The term “convicted” or a*
16 *variant thereof, used with respect to a sex offense, in-*
17 *cludes adjudicated delinquent as a juvenile for that*
18 *offense, but only if the offender is 14 years of age or*
19 *older at the time of the offense and the offense adju-*
20 *dicated was comparable to or more severe than aggra-*
21 *vated sexual abuse (as described in section 2241 of*
22 *title 18, United States Code), or was an attempt or*
23 *conspiracy to commit such an offense.*

24 (9) *SEX OFFENDER REGISTRY.—The term “sex*
25 *offender registry” means a registry of sex offenders,*

1 *and a notification program, maintained by a juris-*
2 *diction.*

3 (10) *JURISDICTION.*—*The term “jurisdiction”*
4 *means any of the following:*

5 (A) *A State.*

6 (B) *The District of Columbia.*

7 (C) *The Commonwealth of Puerto Rico.*

8 (D) *Guam.*

9 (E) *American Samoa.*

10 (F) *The Northern Mariana Islands.*

11 (G) *The United States Virgin Islands.*

12 (H) *To the extent provided and subject to*
13 *the requirements of section 127, a federally recog-*
14 *nized Indian tribe.*

15 (11) *STUDENT.*—*The term “student” means an*
16 *individual who enrolls in or attends an educational*
17 *institution, including (whether public or private) a*
18 *secondary school, trade or professional school, and in-*
19 *stitution of higher education.*

20 (12) *EMPLOYEE.*—*The term “employee” includes*
21 *an individual who is self-employed or works for any*
22 *other entity, whether compensated or not.*

23 (13) *RESIDES.*—*The term “resides” means, with*
24 *respect to an individual, the location of the individ-*

1 *ual’s home or other place where the individual habit-*
2 *ually lives.*

3 (14) *MINOR.—The term “minor” means an indi-*
4 *vidual who has not attained the age of 18 years.*

5 **SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.**

6 (a) *JURISDICTION TO MAINTAIN A REGISTRY.—Each*
7 *jurisdiction shall maintain a jurisdiction-wide sex offender*
8 *registry conforming to the requirements of this title.*

9 (b) *GUIDELINES AND REGULATIONS.—The Attorney*
10 *General shall issue guidelines and regulations to interpret*
11 *and implement this title.*

12 **SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.**

13 (a) *IN GENERAL.—A sex offender shall register, and*
14 *keep the registration current, in each jurisdiction where the*
15 *offender resides, where the offender is an employee, and*
16 *where the offender is a student. For initial registration pur-*
17 *poses only, a sex offender shall also register in the jurisdic-*
18 *tion in which convicted if such jurisdiction is different from*
19 *the jurisdiction of residence.*

20 (b) *INITIAL REGISTRATION.—The sex offender shall*
21 *initially register—*

22 (1) *before completing a sentence of imprisonment*
23 *with respect to the offense giving rise to the registra-*
24 *tion requirement; or*

1 (2) *not later than 3 business days after being*
2 *sentenced for that offense, if the sex offender is not*
3 *sentenced to a term of imprisonment.*

4 (c) *KEEPING THE REGISTRATION CURRENT.*—*A sex of-*
5 *fender shall, not later than 3 business days after each*
6 *change of name, residence, employment, or student status,*
7 *appear in person in at least 1 jurisdiction involved pursu-*
8 *ant to subsection (a) and inform that jurisdiction of all*
9 *changes in the information required for that offender in the*
10 *sex offender registry. That jurisdiction shall immediately*
11 *provide that information to all other jurisdictions in which*
12 *the offender is required to register.*

13 (d) *INITIAL REGISTRATION OF SEX OFFENDERS UN-*
14 *ABLE TO COMPLY WITH SUBSECTION (b).*—*The Attorney*
15 *General shall have the authority to specify the applicability*
16 *of the requirements of this title to sex offenders convicted*
17 *before the enactment of this Act or its implementation in*
18 *a particular jurisdiction, and to prescribe rules for the reg-*
19 *istration of any such sex offenders and for other categories*
20 *of sex offenders who are unable to comply with subsection*
21 *(b).*

22 (e) *STATE PENALTY FOR FAILURE TO COMPLY.*—*Each*
23 *jurisdiction, other than a Federally recognized Indian tribe,*
24 *shall provide a criminal penalty that includes a maximum*
25 *term of imprisonment that is greater than 1 year for the*

1 *failure of a sex offender to comply with the requirements*
2 *of this title.*

3 **SEC. 114. INFORMATION REQUIRED IN REGISTRATION.**

4 (a) *PROVIDED BY THE OFFENDER.*—*The sex offender*
5 *shall provide the following information to the appropriate*
6 *official for inclusion in the sex offender registry:*

7 (1) *The name of the sex offender (including any*
8 *alias used by the individual).*

9 (2) *The Social Security number of the sex of-*
10 *fender.*

11 (3) *The address of each residence at which the*
12 *sex offender resides or will reside.*

13 (4) *The name and address of any place where the*
14 *sex offender is an employee or will be an employee.*

15 (5) *The name and address of any place where the*
16 *sex offender is a student or will be a student.*

17 (6) *The license plate number and a description*
18 *of any vehicle owned or operated by the sex offender.*

19 (7) *Any other information required by the Attor-*
20 *ney General.*

21 (b) *PROVIDED BY THE JURISDICTION.*—*The jurisdic-*
22 *tion in which the sex offender registers shall ensure that*
23 *the following information is included in the registry for that*
24 *sex offender:*

25 (1) *A physical description of the sex offender.*

1 (2) *The text of the provision of law defining the*
2 *criminal offense for which the sex offender is reg-*
3 *istered.*

4 (3) *The criminal history of the sex offender, in-*
5 *cluding the date of all arrests and convictions; the*
6 *status of parole, probation, or supervised release; reg-*
7 *istration status; and the existence of any outstanding*
8 *arrest warrants for the sex offender.*

9 (4) *A current photograph of the sex offender.*

10 (5) *A set of fingerprints and palm prints of the*
11 *sex offender.*

12 (6) *A DNA sample of the sex offender.*

13 (7) *A photocopy of a valid driver's license or*
14 *identification card issued to the sex offender by a ju-*
15 *risdiction.*

16 (8) *Any other information required by the Attor-*
17 *ney General.*

18 **SEC. 115. DURATION OF REGISTRATION REQUIREMENT.**

19 (a) *FULL REGISTRATION PERIOD.*—*A sex offender*
20 *shall keep the registration current for the full registration*
21 *period (excluding any time the sex offender is in custody*
22 *or civilly committed) unless the offender is allowed a reduc-*
23 *tion under subsection (b). The full registration period is—*

24 (1) *15 years, if the offender is a tier I sex of-*
25 *fender;*

1 (2) 25 years, if the offender is a tier II sex of-
2 fender; and

3 (3) the life of the offender, if the offender is a tier
4 III sex offender.

5 (b) *REDUCED PERIOD FOR CLEAN RECORD.*—

6 (1) *CLEAN RECORD.*—The full registration pe-
7 riod shall be reduced as described in paragraph (3)
8 for a sex offender who maintains a clean record for
9 the period described in paragraph (2) by—

10 (A) not being convicted of any offense for
11 which imprisonment for more than 1 year may
12 be imposed;

13 (B) not being convicted of any sex offense;

14 (C) successfully completing any periods of
15 supervised release, probation, and parole; and

16 (D) successfully completing of an appro-
17 priate sex offender treatment program certified
18 by a jurisdiction or by the Attorney General.

19 (2) *PERIOD.*—In the case of—

20 (A) a tier I sex offender, the period during
21 which the clean record shall be maintained is 10
22 years; and

23 (B) a tier III sex offender adjudicated de-
24 linquent for the offense which required registra-
25 tion in a sex registry under this title, the period

1 *during which the clean record shall be main-*
2 *tained is 25 years.*

3 (3) *REDUCTION.*—*In the case of—*

4 (A) *a tier I sex offender, the reduction is 5*
5 *years;*

6 (B) *a tier III sex offender adjudicated de-*
7 *linquent, the reduction is from life to that period*
8 *for which the clean record under paragraph (2)*
9 *is maintained.*

10 **SEC. 116. PERIODIC IN PERSON VERIFICATION.**

11 *A sex offender shall appear in person, allow the jurisdic-*
12 *tion to take a current photograph, and verify the infor-*
13 *mation in each registry in which that offender is required*
14 *to be registered not less frequently than—*

15 (1) *each year, if the offender is a tier I sex of-*
16 *fender;*

17 (2) *every 6 months, if the offender is a tier II*
18 *sex offender; and*

19 (3) *every 3 months, if the offender is a tier III*
20 *sex offender.*

21 **SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRA-**
22 **TION REQUIREMENTS AND TO REGISTER.**

23 (a) *IN GENERAL.*—*An appropriate official shall, short-*
24 *ly before release of the sex offender from custody, or, if the*
25 *sex offender is not in custody, immediately after the sen-*

1 tencing of the sex offender, for the offense giving rise to the
2 duty to register—

3 (1) inform the sex offender of the duties of a sex
4 offender under this title and explain those duties;

5 (2) require the sex offender to read and sign a
6 form stating that the duty to register has been ex-
7 plained and that the sex offender understands the reg-
8 istration requirement; and

9 (3) ensure that the sex offender is registered.

10 (b) *NOTIFICATION OF SEX OFFENDERS WHO CANNOT*
11 *COMPLY WITH SUBSECTION (a).*—*The Attorney General*
12 *shall prescribe rules for the notification of sex offenders who*
13 *cannot be registered in accordance with subsection (a).*

14 **SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMATION**
15 **THROUGH THE INTERNET.**

16 (a) *IN GENERAL.*—*Except as provided in this section,*
17 *each jurisdiction shall make available on the Internet, in*
18 *a manner that is readily accessible to all jurisdictions and*
19 *to the public, all information about each sex offender in*
20 *the registry. The jurisdiction shall maintain the Internet*
21 *site in a manner that will permit the public to obtain rel-*
22 *evant information for each sex offender by a single query*
23 *for any given zip code or geographic radius set by the user.*
24 *The jurisdiction shall also include in the design of its Inter-*
25 *net site all field search capabilities needed for full partici-*

1 *pation in the Dru Sjodin National Sex Offender Public*
2 *Website and shall participate in that website as provided*
3 *by the Attorney General.*

4 (b) *MANDATORY EXEMPTIONS.—A jurisdiction shall*
5 *exempt from disclosure—*

6 (1) *the identity of any victim of a sex offense;*

7 (2) *the Social Security number of the sex of-*
8 *fender;*

9 (3) *any reference to arrests of the sex offender*
10 *that did not result in conviction; and*

11 (4) *any other information exempted from disclo-*
12 *sure by the Attorney General.*

13 (c) *OPTIONAL EXEMPTIONS.—A jurisdiction may ex-*
14 *empt from disclosure—*

15 (1) *any information about a tier I sex offender*
16 *convicted of an offense other than a specified offense*
17 *against a minor;*

18 (2) *the name of an employer of the sex offender;*

19 (3) *the name of an educational institution where*
20 *the sex offender is a student; and*

21 (4) *any other information exempted from disclo-*
22 *sure by the Attorney General.*

23 (d) *LINKS.—The site shall include, to the extent prac-*
24 *ticable, links to sex offender safety and education resources.*

1 (e) *CORRECTION OF ERRORS.*—*The site shall include*
2 *instructions on how to seek correction of information that*
3 *an individual contends is erroneous.*

4 (f) *WARNING.*—*The site shall include a warning that*
5 *information on the site should not be used to unlawfully*
6 *injure, harass, or commit a crime against any individual*
7 *named in the registry or residing or working at any re-*
8 *ported address. The warning shall note that any such action*
9 *could result in civil or criminal penalties.*

10 **SEC. 119. NATIONAL SEX OFFENDER REGISTRY.**

11 (a) *INTERNET.*—*The Attorney General shall maintain*
12 *a national database at the Federal Bureau of Investigation*
13 *for each sex offender and any other person required to reg-*
14 *ister in a jurisdiction's sex offender registry. The database*
15 *shall be known as the National Sex Offender Registry.*

16 (b) *ELECTRONIC FORWARDING.*—*The Attorney Gen-*
17 *eral shall ensure (through the National Sex Offender Reg-*
18 *istry or otherwise) that updated information about a sex*
19 *offender is immediately transmitted by electronic for-*
20 *warding to all relevant jurisdictions.*

21 **SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC**
22 **WEBSITE.**

23 (a) *ESTABLISHMENT.*—*There is established the Dru*
24 *Sjodin National Sex Offender Public Website (hereinafter*

1 *in this section referred to as the “Website”), which the At-*
2 *torney General shall maintain.*

3 **(b) INFORMATION TO BE PROVIDED.**—*The Website*
4 *shall include relevant information for each sex offender and*
5 *other person listed on a jurisdiction’s Internet site. The*
6 *Website shall allow the public to obtain relevant informa-*
7 *tion for each sex offender by a single query for any given*
8 *zip code or geographical radius set by the user in a form*
9 *and with such limitations as may be established by the At-*
10 *torney General and shall have such other field search capa-*
11 *bilities as the Attorney General may provide.*

12 **SEC. 121. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE**
13 **ZAPP COMMUNITY NOTIFICATION PROGRAM.**

14 **(a) ESTABLISHMENT OF PROGRAM.**—*There is estab-*
15 *lished the Megan Nicole Kanka and Alexandra Nicole Zapp*
16 *Community Notification Program (hereinafter in this sec-*
17 *tion referred to as the “Program”).*

18 **(b) PROGRAM NOTIFICATION.**—*Except as provided in*
19 *subsection (c), immediately after a sex offender registers or*
20 *updates a registration, an appropriate official in the juris-*
21 *isdiction shall provide the information in the registry (other*
22 *than information exempted from disclosure by the Attorney*
23 *General) about that offender to the following:*

1 (1) *The Attorney General, who shall include that*
2 *information in the National Sex Offender Registry or*
3 *other appropriate databases.*

4 (2) *Appropriate law enforcement agencies (in-*
5 *cluding probation agencies, if appropriate), and each*
6 *school and public housing agency, in each area in*
7 *which the individual resides, is an employee or is a*
8 *student.*

9 (3) *Each jurisdiction where the sex offender re-*
10 *sides, is an employee, or is a student, and each juris-*
11 *diction from or to which a change of residence, em-*
12 *ployment, or student status occurs.*

13 (4) *Any agency responsible for conducting em-*
14 *ployment-related background checks under section 3 of*
15 *the National Child Protection Act of 1993 (42 U.S.C.*
16 *5119a).*

17 (5) *Social service entities responsible for pro-*
18 *tecting minors in the child welfare system.*

19 (6) *Volunteer organizations in which contact*
20 *with minors or other vulnerable individuals might*
21 *occur.*

22 (7) *Any organization, company, or individual*
23 *who requests such notification pursuant to procedures*
24 *established by the jurisdiction.*

1 (c) *FREQUENCY.*—Notwithstanding subsection (b), an
2 organization or individual described in subsection (b)(6) or
3 (b)(7) may opt to receive the notification described in that
4 subsection no less frequently than once every five business
5 days.

6 **SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER**
7 **FAILS TO COMPLY.**

8 An appropriate official shall notify the Attorney Gen-
9 eral and appropriate law enforcement agencies of any fail-
10 ure by a sex offender to comply with the requirements of
11 a registry and revise the jurisdiction’s registry to reflect the
12 nature of that failure. The appropriate official, the Attorney
13 General, and each such law enforcement agency shall take
14 any appropriate action to ensure compliance.

15 **SEC. 123. DEVELOPMENT AND AVAILABILITY OF REGISTRY**
16 **MANAGEMENT AND WEBSITE SOFTWARE.**

17 (a) *DUTY TO DEVELOP AND SUPPORT.*—The Attorney
18 General shall, in consultation with the jurisdictions, de-
19 velop and support software to enable jurisdictions to estab-
20 lish and operate uniform sex offender registries and Inter-
21 net sites.

22 (b) *CRITERIA.*—The software should facilitate—

23 (1) immediate exchange of information among
24 jurisdictions;

1 (2) *public access over the Internet to appropriate*
2 *information, including the number of registered sex*
3 *offenders in each jurisdiction on a current basis;*

4 (3) *full compliance with the requirements of this*
5 *title; and*

6 (4) *communication of information to community*
7 *notification program participants as required under*
8 *section 121.*

9 (c) *DEADLINE.*—*The Attorney General shall make the*
10 *first complete edition of this software available to jurisdic-*
11 *tions within 2 years of the date of the enactment of this*
12 *Act.*

13 **SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDIC-**
14 **TIONS.**

15 (a) *DEADLINE.*—*Each jurisdiction shall implement*
16 *this title before the later of—*

17 (1) *3 years after the date of the enactment of this*
18 *Act; and*

19 (2) *1 year after the date on which the software*
20 *described in section 123 is available.*

21 (b) *EXTENSIONS.*—*The Attorney General may author-*
22 *ize up to two 1-year extensions of the deadline.*

23 **SEC. 125. FAILURE OF JURISDICTION TO COMPLY.**

24 (a) *IN GENERAL.*—*For any fiscal year after the end*
25 *of the period for implementation, a jurisdiction that fails,*

1 *as determined by the Attorney General, to substantially im-*
2 *plement this title shall not receive 10 percent of the funds*
3 *that would otherwise be allocated for that fiscal year to the*
4 *jurisdiction under subpart 1 of part E of title I of the Om-*
5 *nibus Crime Control and Safe Streets Act of 1968 (42*
6 *U.S.C. 3750 et seq.).*

7 *(b) STATE CONSTITUTIONALITY.—*

8 *(1) IN GENERAL.—When evaluating whether a*
9 *jurisdiction has substantially implemented this title,*
10 *the Attorney General shall consider whether the juris-*
11 *isdiction is unable to substantially implement this title*
12 *because of a demonstrated inability to implement cer-*
13 *tain provisions that would place the jurisdiction in*
14 *violation of its constitution, as determined by a rul-*
15 *ing of the jurisdiction’s highest court.*

16 *(2) EFFORTS.—If the circumstances arise under*
17 *paragraph (1), then the Attorney General and the ju-*
18 *risdiction shall make good faith efforts to accomplish*
19 *substantial implementation of this title and to rec-*
20 *oncile any conflicts between this title and the jurisdic-*
21 *tion’s constitution. In considering whether compliance*
22 *with the requirements of this title would likely violate*
23 *the jurisdiction’s constitution or an interpretation*
24 *thereof by the jurisdiction’s highest court, the Attor-*
25 *ney General shall consult with the chief executive and*

1 *chief legal officer of the jurisdiction concerning the ju-*
2 *isdiction's interpretation of the jurisdiction's con-*
3 *stitution and rulings thereon by the jurisdiction's*
4 *highest court.*

5 (3) *ALTERNATIVE PROCEDURES.*—*If the jurisdic-*
6 *tion is unable to substantially implement this title be-*
7 *cause of a limitation imposed by the jurisdiction's*
8 *constitution, the Attorney General may determine*
9 *that the jurisdiction is in compliance with this Act*
10 *if the jurisdiction has made, or is in the process of*
11 *implementing reasonable alternative procedures or ac-*
12 *commodations, which are consistent with the purposes*
13 *of this Act.*

14 (4) *FUNDING REDUCTION.*—*If a jurisdiction does*
15 *not comply with paragraph (3), then the jurisdiction*
16 *shall be subject to a funding reduction as specified in*
17 *subsection (a).*

18 (c) *REALLOCATION.*—*Amounts not allocated under a*
19 *program referred to in this section to a jurisdiction for fail-*
20 *ure to substantially implement this title shall be reallocated*
21 *under that program to jurisdictions that have not failed*
22 *to substantially implement this title or may be reallocated*
23 *to a jurisdiction from which they were withheld to be used*
24 *solely for the purpose of implementing this title.*

1 (d) *RULE OF CONSTRUCTION.*—*The provisions of this*
2 *title that are cast as directions to jurisdictions or their offi-*
3 *cial*s constitute, in relation to States, only conditions re-
4 quired to avoid the reduction of Federal funding under this
5 section.

6 **SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE**
7 **(SOMA) PROGRAM.**

8 (a) *IN GENERAL.*—*The Attorney General shall estab-*
9 *lish and implement a Sex Offender Management Assistance*
10 *program (in this title referred to as the “SOMA program”),*
11 *under which the Attorney General may award a grant to*
12 *a jurisdiction to offset the costs of implementing this title.*

13 (b) *APPLICATION.*—*The chief executive of a jurisdic-*
14 *tion desiring a grant under this section shall, on an annual*
15 *basis, submit to the Attorney General an application in*
16 *such form and containing such information as the Attorney*
17 *General may require.*

18 (c) *BONUS PAYMENTS FOR PROMPT COMPLIANCE.*—*A*
19 *jurisdiction that, as determined by the Attorney General,*
20 *has substantially implemented this title not later than 2*
21 *years after the date of the enactment of this Act is eligible*
22 *for a bonus payment. The Attorney General may make such*
23 *a payment under the SOMA program for the first fiscal*
24 *year beginning after that determination. The amount of the*
25 *payment shall be—*

1 (1) 10 percent of the total received by the juris-
2 diction under the SOMA program for the preceding
3 fiscal year, if that implementation is not later than
4 1 year after the date of enactment of this Act; and

5 (2) 5 percent of such total, if not later than 2
6 years after that date.

7 (d) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
8 tion to any amounts otherwise authorized to be appro-
9 priated, there are authorized to be appropriated such sums
10 as may be necessary to the Attorney General, to be available
11 only for the SOMA program, for fiscal years 2007 through
12 2009.

13 **SEC. 127. ELECTION BY INDIAN TRIBES.**

14 (a) *ELECTION.*—

15 (1) *IN GENERAL.*—A federally recognized Indian
16 tribe may, by resolution or other enactment of the
17 tribal council or comparable governmental body—

18 (A) elect to carry out this subtitle as a ju-
19 risdiction subject to its provisions; or

20 (B) elect to delegate its functions under this
21 subtitle to another jurisdiction or jurisdictions
22 within which the territory of the tribe is located
23 and to provide access to its territory and such
24 other cooperation and assistance as may be need-
25 ed to enable such other jurisdiction or jurisdic-

1 *tions to carry out and enforce the requirements*
2 *of this subtitle.*

3 (2) *IMPUTED ELECTION IN CERTAIN CASES.—A*
4 *tribe shall be treated as if it had made the election*
5 *described in paragraph (1)(B) if—*

6 (A) *it is a tribe subject to the law enforce-*
7 *ment jurisdiction of a State under section 1162*
8 *of title 18, United States Code;*

9 (B) *the tribe does not make an election*
10 *under paragraph (1) within 1 year of the enact-*
11 *ment of this Act or rescinds an election under*
12 *paragraph (1)(A); or*

13 (C) *the Attorney General determines that*
14 *the tribe has not substantially implemented the*
15 *requirements of this subtitle and is not likely to*
16 *become capable of doing so within a reasonable*
17 *amount of time.*

18 (b) *COOPERATION BETWEEN TRIBAL AUTHORITIES*
19 *AND OTHER JURISDICTIONS.—*

20 (1) *NONDUPLICATION.—A tribe subject to this*
21 *subtitle is not required to duplicate functions under*
22 *this subtitle which are fully carried out by another ju-*
23 *risdiction or jurisdictions within which the territory*
24 *of the tribe is located.*

1 (2) *COOPERATIVE AGREEMENTS.*—A tribe may,
2 *through cooperative agreements with such a jurisdic-*
3 *tion or jurisdictions—*

4 (A) *arrange for the tribe to carry out any*
5 *function of such a jurisdiction under this subtitle*
6 *with respect to sex offenders subject to the tribe’s*
7 *jurisdiction; and*

8 (B) *arrange for such a jurisdiction to carry*
9 *out any function of the tribe under this subtitle*
10 *with respect to sex offenders subject to the tribe’s*
11 *jurisdiction.*

12 **SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING**
13 **THE UNITED STATES.**

14 *The Attorney General, in consultation with the Sec-*
15 *retary of State and the Secretary of Homeland Security,*
16 *shall establish and maintain a system for informing the rel-*
17 *evant jurisdictions about persons entering the United States*
18 *who are required to register under this title. The Secretary*
19 *of State and the Secretary of Homeland Security shall pro-*
20 *vide such information and carry out such functions as the*
21 *Attorney General may direct in the operation of the system.*

22 **SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PRO-**
23 **GRAM.**

24 (a) *REPEAL.*—*Sections 170101 (42 U.S.C. 14071) and*
25 *170102 (42 U.S.C. 14072) of the Violent Crime Control and*

1 *Law Enforcement Act of 1994, and section 8 of the Pam*
2 *Lychner Sexual Offender Tracking and Identification Act*
3 *of 1996 (42 U.S.C. 14073), are repealed.*

4 (b) *EFFECTIVE DATE.*—*Notwithstanding any other*
5 *provision of this Act, this section shall take effect on the*
6 *date of the deadline determined in accordance with section*
7 *124(a).*

8 **SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL**
9 **CENTER FOR MISSING AND EXPLOITED CHIL-**
10 **DREN.**

11 *Section 227 of the Victims of Child Abuse Act of 1990*
12 *(42 U.S.C. 13032) is amended by adding at the end the*
13 *following:*

14 “(g) *LIMITATION ON LIABILITY.*—

15 “(1) *IN GENERAL.*—*Except as provided in para-*
16 *graphs (2) and (3), the National Center for Missing*
17 *and Exploited Children, including any of its direc-*
18 *tors, officers, employees, or agents, is not liable in any*
19 *civil or criminal action arising from the performance*
20 *of its CyberTipline responsibilities and functions, as*
21 *defined by this section, or from its efforts to identify*
22 *child victims.*

23 “(2) *INTENTIONAL, RECKLESS, OR OTHER MIS-*
24 *CONDUCT.*—*Paragraph (1) does not apply in an ac-*
25 *tion in which a party proves that the National Center*

1 *for Missing and Exploited Children, or its officer, em-*
2 *ployee, or agent as the case may be, engaged in inten-*
3 *tional misconduct or acted, or failed to act, with ac-*
4 *tual malice, with reckless disregard to a substantial*
5 *risk of causing injury without legal justification, or*
6 *for a purpose unrelated to the performance of respon-*
7 *sibilities or functions under this section.*

8 “(3) *ORDINARY BUSINESS ACTIVITIES.—Para-*
9 *graph (1) does not apply to an act or omission re-*
10 *lated to an ordinary business activity, such as an ac-*
11 *tivity involving general administration or operations,*
12 *the use of motor vehicles, or personnel management.”.*

13 **SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.**

14 *The Federal Government, jurisdictions, political sub-*
15 *divisions of jurisdictions, and their agencies, officers, em-*
16 *ployees, and agents shall be immune from liability for good*
17 *faith conduct under this title.*

1 ***Subtitle B—Improving Federal***
 2 ***Criminal Law Enforcement To***
 3 ***Ensure Sex Offender Compliance***
 4 ***With Registration and Notifica-***
 5 ***tion Requirements and Protec-***
 6 ***tion of Children From Violent***
 7 ***Predators***

8 ***SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES***
 9 ***CODE, RELATING TO SEX OFFENDER REG-***
 10 ***ISTRATION.***

11 *(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—*

12 *(1) IN GENERAL.—Part I of title 18, United*
 13 *States Code, is amended by inserting after chapter*
 14 *109A the following:*

15 ***“CHAPTER 109B—SEX OFFENDER AND***
 16 ***CRIMES AGAINST CHILDREN REGISTRY***

“Sec.
“2250. Failure to register.

17 ***“§ 2250. Failure to register***

18 *“(a) IN GENERAL.—Whoever—*

19 *“(1) is required to register under the Sex Of-*
 20 *fender Registration and Notification Act;*

21 *“(2)(A) is a sex offender as defined for the pur-*
 22 *poses of the Sex Offender Registration and Notifica-*
 23 *tion Act by reason of a conviction under Federal law*
 24 *(including the Uniform Code of Military Justice), the*

1 *law of the District of Columbia, Indian tribal law, or*
2 *the law of any territory or possession of the United*
3 *States; or*

4 “(B) *travels in interstate or foreign commerce, or*
5 *enters or leaves, or resides in, Indian country; and*

6 “(3) *knowingly fails to register or update a reg-*
7 *istration as required by the Sex Offender Registration*
8 *and Notification Act;*

9 *shall be fined under this title or imprisoned not more than*
10 *10 years, or both.*

11 “(b) *AFFIRMATIVE DEFENSE.—In a prosecution for a*
12 *violation under subsection (a), it is an affirmative defense*
13 *that—*

14 “(1) *uncontrollable circumstances prevented the*
15 *individual from complying;*

16 “(2) *the individual did not contribute to the cre-*
17 *ation of such circumstances in reckless disregard of*
18 *the requirement to comply; and*

19 “(3) *the individual complied as soon as such cir-*
20 *cumstances ceased to exist.*

21 “(c) *CRIME OF VIOLENCE.—*

22 “(1) *IN GENERAL.—An individual described in*
23 *subsection (a) who commits a crime of violence under*
24 *Federal law (including the Uniform Code of Military*
25 *Justice), the law of the District of Columbia, Indian*

1 *tribal law, or the law of any territory or possession*
2 *of the United States shall be imprisoned for not less*
3 *than 5 years and not more than 30 years.*

4 “(2) *ADDITIONAL PUNISHMENT.*—*The punish-*
5 *ment provided in paragraph (1) shall be in addition*
6 *and consecutive to the punishment provided for the*
7 *violation described in subsection (a).”.*

8 (2) *CLERICAL AMENDMENT.*—*The table of chap-*
9 *ters for part I of title 18, United States Code, is*
10 *amended by inserting after the item relating to chap-*
11 *ter 109A the following:*

“109B. Sex offender and crimes against children registry 2250”.

12 (b) *DIRECTIVE TO THE UNITED STATES SENTENCING*
13 *COMMISSION.*—*In promulgating guidelines for use of a sen-*
14 *tencing court in determining the sentence to be imposed for*
15 *the offense specified in subsection (a), the United States*
16 *Sentencing Commission shall consider the following mat-*
17 *ters, in addition to the matters specified in section 994 of*
18 *title 28, United States Code:*

19 (1) *Whether the person committed another sex of-*
20 *fense in connection with, or during, the period for*
21 *which the person failed to register.*

22 (2) *Whether the person committed an offense*
23 *against a minor in connection with, or during, the*
24 *period for which the person failed to register.*

1 (3) *Whether the person voluntarily attempted to*
2 *correct the failure to register.*

3 (4) *The seriousness of the offense which gave rise*
4 *to the requirement to register, including whether such*
5 *offense is a tier I, tier II, or tier III offense, as those*
6 *terms are defined in section 111.*

7 (5) *Whether the person has been convicted or ad-*
8 *judicated delinquent for any offense other than the of-*
9 *fense which gave rise to the requirement to register.*

10 (c) *FALSE STATEMENT OFFENSE.*—*Section 1001(a) of*
11 *title 18, United States Code, is amended by adding at the*
12 *end the following: “If the matter relates to an offense under*
13 *chapter 109A, 109B, 110, or 117, or section 1591, then the*
14 *term of imprisonment imposed under this section shall be*
15 *not more than 8 years.”.*

16 (d) *PROBATION.*—*Paragraph (8) of section 3563(a) of*
17 *title 18, United States Code, is amended to read as follows:*

18 *“(8) for a person required to register under the*
19 *Sex Offender Registration and Notification Act, that*
20 *the person comply with the requirements of that Act;*
21 *and”.*

22 (e) *SUPERVISED RELEASE.*—*Section 3583 of title 18,*
23 *United States Code, is amended—*

24 (1) *in subsection (d), in the sentence beginning*
25 *with “The court shall order, as an explicit condition*

1 *of supervised release for a person described in section*
2 *4042(c)(4)”, by striking “described in section*
3 *4042(c)(4)” and all that follows through the end of the*
4 *sentence and inserting “required to register under the*
5 *Sex Offender Registration and Notification Act, that*
6 *the person comply with the requirements of that*
7 *Act.”.*

8 *(2) in subsection (k)—*

9 *(A) by striking “2244(a)(1), 2244(a)(2)”*
10 *and inserting “2243, 2244, 2245, 2250”;*

11 *(B) by inserting “not less than 5,” after*
12 *“any term of years”; and*

13 *(C) by adding at the end the following: “If*
14 *a defendant required to register under the Sex*
15 *Offender Registration and Notification Act com-*
16 *mits any criminal offense under any of chapters*
17 *109A, 110, or 117, or sections 1201 or 1591, for*
18 *which imprisonment for a term longer than 1*
19 *year can be imposed, the court shall revoke the*
20 *term of supervised release and require the defend-*
21 *ant to serve a term of imprisonment under sub-*
22 *section (e)(3) without regard to the exception*
23 *contained therein. Such term shall be not less*
24 *than 5 years.”.*

1 (f) *DUTIES OF THE BUREAU OF PRISONS.*—Paragraph
2 (3) of section 4042(c) of title 18, United States Code, is
3 amended to read as follows:

4 “(3) *The Director of the Bureau of Prisons shall in-*
5 *form a person who is released from prison and required*
6 *to register under the Sex Offender Registration and Notifi-*
7 *cation Act of the requirements of that Act as they apply*
8 *to that person and the same information shall be provided*
9 *to a person sentenced to probation by the probation officer*
10 *responsible for supervision of that person.”.*

11 (g) *CONFORMING AMENDMENTS TO CROSS-REF-*
12 *ERENCES.*—Section 4042(c) of title 18, United States Code,
13 is amended—

14 (1) *in paragraph (1), by striking “(4)” and in-*
15 *serting “(3), or any other person in a category speci-*
16 *fied by the Attorney General,”; and*

17 (2) *in paragraph (2)—*

18 (A) *in the first sentence, by striking “shall*
19 *be subject to a registration requirement as a sex*
20 *offender” and inserting “shall register as re-*
21 *quired by the Sex Offender Registration and No-*
22 *tification Act”;* and

23 (B) *in the fourth sentence, by striking “(4)”*
24 *and inserting “(3)”.*

1 (h) *CONFORMING REPEAL OF DEADWOOD.*—Para-
2 *graph (4) of section 4042(c) of title 18, United States Code,*
3 *is repealed.*

4 (i) *MILITARY OFFENSES.*—

5 (1) *Section 115(a)(8)(C)(i) of Public Law 105–*
6 *119 (111 Stat. 2466) is amended by striking “which*
7 *encompass” and all that follows through “and (B))”*
8 *and inserting “which are sex offenses as that term is*
9 *defined in the Sex Offender Registration and Notifi-*
10 *cation Act”.*

11 (2) *Section 115(a)(8)(C)(iii) of Public Law 105–*
12 *119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended*
13 *by striking “the amendments made by subparagraphs*
14 *(A) and (B)” and inserting “the Sex Offender Reg-*
15 *istration and Notification Act”.*

16 (j) *CONFORMING AMENDMENT RELATING TO PA-*
17 *ROLE.*—*Section 4209(a) of title 18, United States Code, is*
18 *amended in the second sentence by striking “described” and*
19 *all that follows through the end of the sentence and inserting*
20 *“required to register under the Sex Offender Registration*
21 *and Notification Act that the person comply with the re-*
22 *quirements of that Act.”.*

1 **SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLA-**
2 **TIONS OF REGISTRATION REQUIREMENTS.**

3 (a) *IN GENERAL.*—*The Attorney General shall use the*
4 *resources of Federal law enforcement, including the United*
5 *States Marshals Service, to assist jurisdictions in locating*
6 *and apprehending sex offenders who violate sex offender reg-*
7 *istration requirements. For the purposes of section*
8 *566(e)(1)(B) of title 28, United States Code, a sex offender*
9 *who violates a sex offender registration requirement shall*
10 *be deemed a fugitive.*

11 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
12 *authorized to be appropriated such sums as may be nec-*
13 *essary for fiscal years 2007 through 2009 to implement this*
14 *section.*

15 **SEC. 143. PROJECT SAFE CHILDHOOD.**

16 (a) *ESTABLISHMENT OF PROGRAM.*—*Not later than 6*
17 *months after the date of enactment of this Act, the Attorney*
18 *General shall create and maintain a Project Safe Childhood*
19 *program in accordance with this section.*

20 (b) *INITIAL IMPLEMENTATION.*—*Except as authorized*
21 *under subsection (c), funds authorized under this section*
22 *may only be used for the following 5 purposes:*

23 (1) *Integrated Federal, State, and local efforts to*
24 *investigate and prosecute child exploitation cases,*
25 *including—*

1 (A) the partnership by each United States
2 Attorney with each Internet Crimes Against
3 Children Task Force that is a part of the Inter-
4 net Crimes Against Children Task Force Pro-
5 gram authorized and funded under title IV of the
6 Juvenile Justice and Delinquency Prevention Act
7 of 1974 (42 U.S.C. 5771 et seq.) (referred to in
8 this section as the “ICAC Task Force Program”)
9 that exists within the district of such attorney;

10 (B) the partnership by each United States
11 Attorney with other Federal, State, and local law
12 enforcement partners working in the district of
13 such attorney to implement the program de-
14 scribed in subsection (a);

15 (C) the development by each United States
16 Attorney of a district-specific strategic plan to
17 coordinate the investigation and prosecution of
18 child exploitation crimes;

19 (D) efforts to identify and rescue victims of
20 child exploitation crimes; and

21 (E) local training, educational, and aware-
22 ness programs of such crimes.

23 (2) Major case coordination by the Department
24 of Justice (or other Federal agencies as appropriate),

1 including specific integration or cooperation, as ap-
2 propriate, of—

3 (A) the Child Exploitation and Obscenity
4 Section within the Department of Justice;

5 (B) the Innocent Images Unit of the Federal
6 Bureau of Investigation;

7 (C) any task forces established in connection
8 with the Project Safe Childhood program set
9 forth under subsection (a); and

10 (D) the High Tech Investigative Unit with-
11 in the Criminal Division of the Department of
12 Justice.

13 (3) Increased Federal involvement in child por-
14 nography and enticement cases by providing addi-
15 tional investigative tools and increased penalties
16 under Federal law.

17 (4) Training of Federal, State, and local law en-
18 forcement through programs facilitated by—

19 (A) the National Center for Missing and
20 Exploited Children;

21 (B) the ICAC Task Force Program; and

22 (C) any other ongoing program regarding
23 the investigation and prosecution of computer-fa-
24 cilitated crimes against children, including

1 *training and coordination regarding leads*
2 *from—*

3 *(i) Federal law enforcement operations;*

4 *and*

5 *(ii) the CyberTipline and Child Vic-*
6 *tim-Identification programs managed and*
7 *maintained by the National Center for*
8 *Missing and Exploited Children.*

9 (5) *Community awareness and educational pro-*
10 *grams through partnerships to provide national pub-*
11 *lic awareness and educational programs through—*

12 *(A) the National Center for Missing and*
13 *Exploited Children;*

14 *(B) the ICAC Task Force Program; and*

15 *(C) any other ongoing programs that—*

16 *(i) raises national awareness about the*
17 *threat of online sexual predators; or*

18 *(ii) provides information to parents*
19 *and children seeking to report possible vio-*
20 *lations of computer-facilitated crimes*
21 *against children.*

22 (c) *EXPANSION OF PROJECT SAFE CHILDHOOD.—Not-*
23 *withstanding subsection (b), funds authorized under this*
24 *section may be also be used for the following purposes:*

1 (1) *The addition of not less than 8 Assistant*
2 *United States Attorneys at the Department of Justice*
3 *dedicated to the prosecution of cases in connection*
4 *with the Project Safe Childhood program set forth*
5 *under subsection (a).*

6 (2) *The creation, development, training, and de-*
7 *ployment of not less than 10 new Internet Crimes*
8 *Against Children task forces within the ICAC Task*
9 *Force Program consisting of Federal, State, and local*
10 *law enforcement personnel dedicated to the Project*
11 *Safe Childhood program set forth under subsection*
12 *(a), and the enhancement of the forensic capacities of*
13 *existing Internet Crimes Against Children task forces.*

14 (3) *The development and enhancement by the*
15 *Federal Bureau of Investigation of the Innocent Im-*
16 *ages task forces.*

17 (4) *Such other additional and related purposes*
18 *as the Attorney General determines appropriate.*

19 (d) *AUTHORIZATION OF APPROPRIATIONS.—For the*
20 *purpose of carrying out this section, there are authorized*
21 *to be appropriated—*

22 (1) *for the activities described under subsection*
23 (i)—

24 (A) *\$18,000,000 for fiscal year 2007; and*

1 (B) such sums as may be necessary for each
2 of the 5 succeeding fiscal years; and

3 (2) for the activities described under subsection
4 (c)—

5 (A) for fiscal year 2007—

6 (i) \$15,000,000 for the activities under
7 paragraph (1);

8 (ii) \$10,000,000 for activities under
9 paragraph (2); and

10 (iii) \$4,000,000 for activities under
11 paragraph (3); and

12 (B) such sums as may be necessary for each
13 of the 5 succeeding fiscal years.

14 **SEC. 144. FEDERAL ASSISTANCE IN IDENTIFICATION AND**
15 **LOCATION OF SEX OFFENDERS RELOCATED**
16 **AS A RESULT OF A MAJOR DISASTER.**

17 *The Attorney General shall provide assistance to juris-*
18 *dictions in the identification and location of a sex offender*
19 *relocated as a result of a major disaster.*

20 **SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EF-**
21 **FORTS.**

22 (a) *TRAINING.*—*The Attorney General shall—*

23 (1) *expand training efforts with Federal, State,*
24 *and local law enforcement officers and prosecutors to*
25 *effectively respond to the threat to children and the*

1 *public posed by sex offenders who use the Internet and*
2 *technology to solicit or otherwise exploit children;*

3 *(2) facilitate meetings involving corporations*
4 *that sell computer hardware and software or provide*
5 *services to the general public related to use of the*
6 *Internet, to identify problems associated with the use*
7 *of technology for the purpose of exploiting children;*

8 *(3) host national conferences to train Federal,*
9 *State, and local law enforcement officers, probation*
10 *and parole officers, and prosecutors regarding pro-ac-*
11 *tive approaches to monitoring sex offender activity on*
12 *the Internet;*

13 *(4) develop and distribute, for personnel listed in*
14 *paragraph (3), information regarding multidisci-*
15 *plinary approaches to holding offenders accountable*
16 *to the terms of their probation, parole, and sex of-*
17 *fender registration laws; and*

18 *(5) partner with other agencies to improve the*
19 *coordination of joint investigations among agencies to*
20 *effectively combat online solicitation of children by*
21 *sex offenders.*

22 **(b) TECHNOLOGY.**—*The Attorney General shall—*

23 *(1) deploy, to all Internet Crimes Against Chil-*
24 *dren Task Forces and their partner agencies, tech-*

1 *nology modeled after the Canadian Child Exploitation Tracking System; and*

2 (2) *conduct training in the use of that technology.*

3 (c) *REPORT.*—*Not later than July 1, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.*

4 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to the Attorney General, for fiscal year 2007—*

5 (1) *\$1,000,000 to carry out subsection (a); and*

6 (2) *\$2,000,000 to carry out subsection (b).*

7 **SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING.**

8 (a) *ESTABLISHMENT.*—*There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the “SMART Office”).*

9 (b) *DIRECTOR.*—*The SMART Office shall be headed by a Director who shall be appointed by the President. The*

1 *Director shall report to the Attorney General through the*
2 *Assistant Attorney General for the Office of Justice Pro-*
3 *grams and shall have final authority for all grants, cooper-*
4 *ative agreements, and contracts awarded by the SMART*
5 *Office. The Director shall not engage in any employment*
6 *other than that of serving as the Director, nor shall the Di-*
7 *rector hold any office in, or act in any capacity for, any*
8 *organization, agency, or institution with which the Office*
9 *makes any contract or other arrangement.*

10 (c) *DUTIES AND FUNCTIONS.—The SMART Office is*
11 *authorized to—*

12 (1) *administer the standards for the sex offender*
13 *registration and notification program set forth in this*
14 *Act;*

15 (2) *administer grant programs relating to sex of-*
16 *fender registration and notification authorized by this*
17 *Act and other grant programs authorized by this Act*
18 *as directed by the Attorney General;*

19 (3) *cooperate with and provide technical assist-*
20 *ance to States, units of local government, tribal gov-*
21 *ernments, and other public and private entities in-*
22 *volved in activities related to sex offender registration*
23 *or notification or to other measures for the protection*
24 *of children or other members of the public from sexual*
25 *abuse or exploitation; and*

1 (4) *perform such other functions as the Attorney*
2 *General may delegate.*

3 ***Subtitle C—Access to Information***
4 ***and Resources Needed To En-***
5 ***sure That Children Are Not At-***
6 ***tacked or Abused***

7 ***SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION***
8 ***DATABASES.***

9 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
10 *sion of law, the Attorney General shall ensure access to the*
11 *national crime information databases (as defined in section*
12 *534 of title 28, United States Code) by—*

13 (1) *the National Center for Missing and Ex-*
14 *ploited Children, to be used only within the scope of*
15 *the Center’s duties and responsibilities under Federal*
16 *law to assist or support law enforcement agencies in*
17 *administration of criminal justice functions; and*

18 (2) *governmental social service agencies with*
19 *child protection responsibilities, to be used by such*
20 *agencies only in investigating or responding to re-*
21 *ports of child abuse, neglect, or exploitation.*

22 (b) *CONDITIONS OF ACCESS.*—*The access provided*
23 *under this section, and associated rules of dissemination,*
24 *shall be—*

25 (1) *defined by the Attorney General; and*

1 (2) *limited to personnel of the Center or such*
 2 *agencies that have met all requirements set by the At-*
 3 *torney General, including training, certification, and*
 4 *background screening.*

5 **SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND**

6 **CHECKS BEFORE APPROVAL OF ANY FOSTER**
 7 **OR ADOPTIVE PLACEMENT AND TO CHECK**
 8 **NATIONAL CRIME INFORMATION DATABASES**
 9 **AND STATE CHILD ABUSE REGISTRIES; SUS-**
 10 **PENSION AND SUBSEQUENT ELIMINATION OF**
 11 **OPT-OUT.**

12 (a) *REQUIREMENT TO COMPLETE BACKGROUND*
 13 *CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE*
 14 *PLACEMENT AND TO CHECK NATIONAL CRIME INFORMA-*
 15 *TION DATABASES AND STATE CHILD ABUSE REGISTRIES;*
 16 *SUSPENSION OF OPT-OUT.—*

17 (1) *REQUIREMENT TO CHECK NATIONAL CRIME*
 18 *INFORMATION DATABASES AND STATE CHILD ABUSE*
 19 *REGISTRIES.—Section 471(a)(20) of the Social Secu-*
 20 *rity Act (42 U.S.C. 671(a)(20)) is amended—*

21 (A) *in subparagraph (A)—*

22 (i) *in the matter preceding clause*

23 (I)—

24 (I) *by inserting “, including fin-*
 25 *gerprint-based checks of national crime*

1 *information databases (as defined in*
2 *section 534(e)(3)(A) of title 28, United*
3 *States Code),” after “criminal records*
4 *checks”; and*

5 *(II) by striking “on whose behalf*
6 *foster care maintenance payments or*
7 *adoption assistance payments are to be*
8 *made” and inserting “regardless of*
9 *whether foster care maintenance pay-*
10 *ments or adoption assistance payments*
11 *are to be made on behalf of the child”;*
12 *and*

13 *(ii) in each of clauses (i) and (ii), by*
14 *inserting “involving a child on whose behalf*
15 *such payments are to be so made” after “in*
16 *any case”; and*

17 *(B) by adding at the end the following:*

18 *“(C) provides that the State shall—*

19 *“(i) check any child abuse and neglect reg-*
20 *istry maintained by the State for information on*
21 *any prospective foster or adoptive parent and on*
22 *any other adult living in the home of such a pro-*
23 *spective parent, and request any other State in*
24 *which any such prospective parent or other adult*
25 *has resided in the preceding 5 years, to enable*

1 *the State to check any child abuse and neglect*
2 *registry maintained by such other State for such*
3 *information, before the prospective foster or*
4 *adoptive parent may be finally approved for*
5 *placement of a child, regardless of whether foster*
6 *care maintenance payments or adoption assist-*
7 *ance payments are to be made on behalf of the*
8 *child under the State plan under this part;*

9 *“(ii) comply with any request described in*
10 *clause (i) that is received from another State;*
11 *and*

12 *“(iii) have in place safeguards to prevent*
13 *the unauthorized disclosure of information in*
14 *any child abuse and neglect registry maintained*
15 *by the State, and to prevent any such informa-*
16 *tion obtained pursuant to this subparagraph*
17 *from being used for a purpose other than the*
18 *conducting of background checks in foster or*
19 *adoptive placement cases;”.*

20 (2) *SUSPENSION OF OPT-OUT.—Section*
21 *471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B))*
22 *is amended—*

23 *(A) by inserting “, on or before September*
24 *30, 2005,” after “plan if”; and*

1 (B) by inserting “, on or before such date,”
2 after “or if”.

3 (b) *ELIMINATION OF OPT-OUT.*—Section 471(a)(20) of
4 such Act (42 U.S.C. 671(a)(20)), as amended by subsection
5 (a) of this section, is amended—

6 (1) in subparagraph (A), in the matter preceding
7 clause (i), by striking “unless an election provided for
8 in subparagraph (B) is made with respect to the
9 State,”; and

10 (2) by striking subparagraph (B) and redesignating
11 subparagraph (C) as subparagraph (B).

12 (c) *EFFECTIVE DATE.*—

13 (1) *GENERAL.*—The amendments made by sub-
14 section (a) shall take effect on October 1, 2006, and
15 shall apply with respect to payments under part E of
16 title IV of the Social Security Act for calendar quar-
17 ters beginning on or after such date, without regard
18 to whether regulations to implement the amendments
19 are promulgated by such date.

20 (2) *ELIMINATION OF OPT-OUT.*—The amend-
21 ments made by subsection (b) shall take effect on Oc-
22 tober 1, 2008, and shall apply with respect to pay-
23 ments under part E of title IV of the Social Security
24 Act for calendar quarters beginning on or after such

1 date, without regard to whether regulations to imple-
2 ment the amendments are promulgated by such date.

3 (3) *DELAY PERMITTED IF STATE LEGISLATION*
4 *REQUIRED.*—If the Secretary of Health and Human
5 Services determines that State legislation (other than
6 legislation appropriating funds) is required in order
7 for a State plan under section 471 of the Social Secu-
8 rity Act to meet the additional requirements imposed
9 by the amendments made by a subsection of this sec-
10 tion, the plan shall not be regarded as failing to meet
11 any of the additional requirements before the first day
12 of the first calendar quarter beginning after the first
13 regular session of the State legislature that begins
14 after the otherwise applicable effective date of the
15 amendments. If the State has a 2-year legislative ses-
16 sion, each year of the session is deemed to be a sepa-
17 rate regular session of the State legislature.

18 **SEC. 153. SCHOOLS SAFE ACT.**

19 (a) *SHORT TITLE.*—This section may be cited as the
20 “Schools Safely Acquiring Faculty Excellence Act of 2006”.

21 (b) *IN GENERAL.*—The Attorney General of the United
22 States shall, upon request of the chief executive officer of
23 a State, conduct fingerprint-based checks of the national
24 crime information databases (as defined in section

1 534(f)(3)(A) of title 28, United States Code as redesignated
2 under subsection (e)) pursuant to a request submitted by—

3 (1) a child welfare agency for the purpose of—

4 (A) conducting a background check required
5 under section 471(a)(20) of the Social Security
6 Act on individuals under consideration as pro-
7 spective foster or adoptive parents; or

8 (B) an investigation relating to an incident
9 of abuse or neglect of a minor; or

10 (2) a private or public elementary school, a pri-
11 vate or public secondary school, a local educational
12 agency, or State educational agency in that State, on
13 individuals employed by, under consideration for em-
14 ployment by, or otherwise in a position in which the
15 individual would work with or around children in the
16 school or agency.

17 (c) *FINGERPRINT-BASED CHECK*.—Where possible, the
18 check shall include a fingerprint-based check of State crimi-
19 nal history databases.

20 (d) *FEEES*.—The Attorney General and the States may
21 charge any applicable fees for the checks.

22 (e) *PROTECTION OF INFORMATION*.—An individual
23 having information derived as a result of a check under
24 subsection (b) may release that information only to appro-
25 priate officers of child welfare agencies, public or private

1 *elementary or secondary schools, or educational agencies or*
2 *other persons authorized by law to receive that information.*

3 (f) *CRIMINAL PENALTIES.—An individual who know-*
4 *ingly exceeds the authority in subsection (b), or knowingly*
5 *releases information in violation of subsection (e), shall be*
6 *imprisoned not more than 10 years or fined under title 18,*
7 *United States Code, or both.*

8 (g) *CHILD WELFARE AGENCY DEFINED.—In this sec-*
9 *tion, the term “child welfare agency” means—*

10 (1) *the State or local agency responsible for ad-*
11 *ministering the plan under part B or part E of title*
12 *IV of the Social Security Act; and*

13 (2) *any other public agency, or any other private*
14 *agency under contract with the State or local agency*
15 *responsible for administering the plan under part B*
16 *or part E of title IV of the Social Security Act, that*
17 *is responsible for the licensing or approval of foster*
18 *or adoptive parents.*

19 (h) *DEFINITION OF EDUCATION TERMS.—In this sec-*
20 *tion, the terms “elementary school”, “local educational*
21 *agency”, “secondary school”, and “State educational agen-*
22 *cy” have the meanings given to those terms in section 9101*
23 *of the Elementary and Secondary Education Act of 1965*
24 *(20 U.S.C. 7801).*

1 (i) *TECHNICAL CORRECTION.*—Section 534 of title 28,
2 *United States Code, is amended by redesignating the second*
3 *subsection (e) as subsection (f).*

4 **SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.**

5 (a) *IN GENERAL.*—Section 3702 of the *Crime Control*
6 *Act of 1990 (42 U.S.C. 5780) is amended—*

7 (1) *by redesignating paragraphs (2) and (3) as*
8 *paragraphs (3) and (4), respectively;*

9 (2) *by inserting after paragraph (1) the fol-*
10 *lowing:*

11 “(2) *ensure that no law enforcement agency*
12 *within the State establishes or maintains any policy*
13 *that requires the removal of a missing person entry*
14 *from its State law enforcement system or the National*
15 *Crime Information Center computer database based*
16 *solely on the age of the person; and”;* and

17 (3) *in paragraph (3), as redesignated, by strik-*
18 *ing “immediately” and inserting “within 2 hours of*
19 *receipt”.*

20 (b) *DEFINITIONS.*—Section 403(1) of the *Comprehen-*
21 *sive Crime Control Act of 1984 (42 U.S.C. 5772) is amend-*
22 *ed by striking “if” through subparagraph (B) and inserting*
23 *a semicolon.*

1 **SEC. 155. DNA FINGERPRINTING.**

2 *The first sentence of section 3(a)(1)(A) of the DNA*
3 *Analysis Backlog Elimination Act of 2000 (42 U.S.C.*
4 *14135a(a)(1)(A)) is amended by striking “arrested” and in-*
5 *serting “arrested, facing charges, or convicted”.*

6 **TITLE II—FEDERAL CRIMINAL**
7 **LAW ENHANCEMENTS NEED-**
8 **ED TO PROTECT CHILDREN**
9 **FROM SEXUAL ATTACKS AND**
10 **OTHER VIOLENT CRIMES**

11 **SEC. 201. PROHIBITION ON INTERNET SALES OF DATE RAPE**
12 **DRUGS.**

13 *Section 401 of the Controlled Substances Act (21*
14 *U.S.C. 841) is amended by adding at the end the following:*

15 *“(g) INTERNET SALES OF DATE RAPE DRUGS.—*

16 *“(1) Whoever knowingly uses the Internet to dis-*
17 *tribute a date rape drug to any person, knowing or*
18 *with reasonable cause to believe that—*

19 *“(A) the drug would be used in the commis-*
20 *sion of criminal sexual conduct; or*

21 *“(B) the person is not an authorized pur-*
22 *chaser;*

23 *shall be fined under this title or imprisoned not more*
24 *than 20 years, or both.*

25 *“(2) As used in this subsection:*

26 *“(A) The term ‘date rape drug’ means—*

1 “(i) *gamma hydroxybutyric acid*
2 *(GHB) or any controlled substance ana-*
3 *logue of GHB, including gamma butyro-*
4 *lactone (GBL) or 1,4-butanediol;*

5 “(ii) *ketamine;*

6 “(iii) *flunitrazepam; or*

7 “(iv) *any substance which the Attorney*
8 *General designates, pursuant to the rule-*
9 *making procedures prescribed by section*
10 *553 of title 5, United States Code, to be*
11 *used in committing rape or sexual assault.*

12 *The Attorney General is authorized to remove*
13 *any substance from the list of date rape drugs*
14 *pursuant to the same rulemaking authority.*

15 “(B) *The term ‘authorized purchaser’ means*
16 *any of the following persons, provided such per-*
17 *son has acquired the controlled substance in ac-*
18 *cordance with this Act:*

19 “(i) *A person with a valid prescription*
20 *that is issued for a legitimate medical pur-*
21 *pose in the usual course of professional*
22 *practice that is based upon a qualifying*
23 *medical relationship by a practitioner reg-*
24 *istered by the Attorney General. A ‘quali-*
25 *fying medical relationship’ means a medical*

1 *relationship that exists when the practi-*
2 *tioner has conducted at least 1 medical*
3 *evaluation with the authorized purchaser in*
4 *the physical presence of the practitioner,*
5 *without regard to whether portions of the*
6 *evaluation are conducted by other health*
7 *professionals. The preceding sentence shall*
8 *not be construed to imply that 1 medical*
9 *evaluation demonstrates that a prescription*
10 *has been issued for a legitimate medical*
11 *purpose within the usual course of profes-*
12 *sional practice.*

13 “(ii) Any practitioner or other reg-
14 istrant who is otherwise authorized by their
15 registration to dispense, procure, purchase,
16 manufacture, transfer, distribute, import, or
17 export the substance under this Act.

18 “(iii) A person or entity providing
19 documentation that establishes the name,
20 address, and business of the person or entity
21 and which provides a legitimate purpose for
22 using any ‘date rape drug’ for which a pre-
23 scription is not required.

24 “(3) The Attorney General is authorized to pro-
25 mulgate regulations for record-keeping and reporting

1 of subparagraphs (A) through (D) of section
2 3591(a)(2) of this title;

3 “(2) if the crime of violence is kidnapping (as
4 defined in section 1201) or maiming (as defined in
5 section 114), be imprisoned for life or any term of
6 years not less than 25; and

7 “(3) if the crime of violence results in serious
8 bodily injury (as defined in section 1365), or if a
9 dangerous weapon was used during and in relation to
10 the crime of violence, be imprisoned for life or for any
11 term of years not less than 10.”.

12 **SEC. 203. PENALTIES FOR COERCION AND ENTICEMENT BY**
13 **SEX OFFENDERS.**

14 Section 2422(b) of title 18, United States Code, is
15 amended by striking “not less than 5 years and not more
16 than 30 years” and inserting “not less than 10 years or
17 for life”.

18 **SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD**
19 **PROSTITUTION.**

20 Section 2423(a) of title 18, United States Code, is
21 amended by striking “5 years and not more than 30 years”
22 and inserting “10 years or for life”.

23 **SEC. 205. PENALTIES FOR SEXUAL ABUSE.**

24 Section 2242 of title 18, United States Code, is amend-
25 ed by striking “, imprisoned not more than 20 years, or

1 *both*” and inserting “and imprisoned for any term of years
2 *or for life*”.

3 **SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES**
4 **AGAINST CHILDREN.**

5 (a) *SEXUAL ABUSE AND CONTACT.*—

6 (1) *AGGRAVATED SEXUAL ABUSE OF CHIL-*
7 *DREN.*—Section 2241(c) of title 18, United States
8 Code, is amended by striking “, imprisoned for any
9 term of years or life, or both” and inserting “and im-
10 prisoned for not less than 30 years or for life”.

11 (2) *ABUSIVE SEXUAL CONTACT WITH CHIL-*
12 *DREN.*—Section 2244 of chapter 109A of title 18,
13 United States Code, is amended—

14 (A) *in subsection (a)*—

15 (i) *in paragraph (1), by inserting*
16 *“subsection (a) or (b) of” before “section*
17 *2241”;*

18 (ii) *by striking “or” at the end of*
19 *paragraph (3);*

20 (iii) *by striking the period at the end*
21 *of paragraph (4) and inserting “; or”;* and

22 (iv) *by inserting after paragraph (4)*
23 *the following:*

24 “(5) *subsection (c) of section 2241 of this title*
25 *had the sexual contact been a sexual act, shall be*

1 *fined under this title and imprisoned for any term of*
 2 *years or for life.”; and*

3 *(B) in subsection (c), by inserting “(other*
 4 *than subsection (a)(5))” after “violates this sec-*
 5 *tion”.*

6 *(3) SEXUAL ABUSE OF CHILDREN RESULTING IN*
 7 *DEATH.—Section 2245 of title 18, United States*
 8 *Code, is amended to read as follows:*

9 **“§ 2245. Offenses resulting in death**

10 *“(a) IN GENERAL.—A person who, in the course of an*
 11 *offense under this chapter, or sections 1591, 2251, 2251A,*
 12 *2260, 2421, 2422, 2423, or 2425, murders an individual,*
 13 *shall be punished by death or imprisoned for any term of*
 14 *years or for life.”.*

15 *(4) DEATH PENALTY AGGRAVATING FACTOR.—*
 16 *Section 3592(c)(1) of title 18, United States Code, is*
 17 *amended by inserting “section 2245 (offenses resulting*
 18 *in death),” after “(wrecking trains),”.*

19 *(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF*
 20 *CHILDREN.—*

21 *(1) SEXUAL EXPLOITATION OF CHILDREN.—Sec-*
 22 *tion 2251(e) of title 18, United States Code, is*
 23 *amended—*

24 *(A) by inserting “section 1591,” after “this*
 25 *chapter,” the first place it appears;*

1 (B) by striking “the sexual exploitation of
2 children” the first place it appears and inserting
3 “aggravated sexual abuse, sexual abuse, abusive
4 sexual contact involving a minor or ward, or sex
5 trafficking of children, or the production, posses-
6 sion, receipt, mailing, sale, distribution, ship-
7 ment, or transportation of child pornography”;
8 and

9 (C) by striking “any term of years or for
10 life” and inserting “not less than 30 years or for
11 life”.

12 (2) *ACTIVITIES RELATING TO MATERIAL INVOLV-*
13 *ING THE SEXUAL EXPLOITATION OF CHILDREN.*—*Sec-*
14 *tion 2252(b) of title 18, United States Code, is*
15 *amended in paragraph (1)—*

16 (A) by striking “paragraphs (1)” and in-
17 serting “paragraph (1)”;

18 (B) by inserting “section 1591,” after “this
19 chapter,”; and

20 (C) by inserting “, or sex trafficking of chil-
21 dren” after “pornography”.

22 (3) *ACTIVITIES RELATING TO MATERIAL CONSTI-*
23 *TUTING OR CONTAINING CHILD PORNOGRAPHY.*—*Sec-*
24 *tion 2252A(b) of title 18, United States Code, is*
25 *amended in paragraph (1)—*

1 (A) by inserting “section 1591,” after “this
2 chapter,”; and

3 (B) by inserting “, or sex trafficking of chil-
4 dren” after “pornography”.

5 (4) *USING MISLEADING DOMAIN NAMES TO DI-*
6 *RECT CHILDREN TO HARMFUL MATERIAL ON THE*
7 *INTERNET.*—Section 2252B(b) of title 18, United
8 States Code, is amended by striking “4” and insert-
9 ing “10”.

10 (5) *EXTRATERRITORIAL CHILD PORNOGRAPHY*
11 *OFFENSES.*—Section 2260(c) of title 18, United States
12 Code, is amended to read as follows:

13 “(c) *PENALTIES.*—

14 “(1) A person who violates subsection (a), or at-
15 tempts or conspires to do so, shall be subject to the
16 penalties provided in subsection (e) of section 2251
17 for a violation of that section, including the penalties
18 provided for such a violation by a person with a
19 prior conviction or convictions as described in that
20 subsection.

21 “(2) A person who violates subsection (b), or at-
22 tempts or conspires to do so, shall be subject to the
23 penalties provided in subsection (b)(1) of section 2252
24 for a violation of paragraph (1), (2), or (3) of sub-
25 section (a) of that section, including the penalties

1 *provided for such a violation by a person with a*
2 *prior conviction or convictions as described in sub-*
3 *section (b)(1) of section 2252.”.*

4 *(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN*
5 *REPEATED SEX OFFENSES AGAINST CHILDREN.—Section*
6 *3559(e)(2)(A) of title 18, United States Code, is amended*
7 *by inserting “1591 (relating to sex trafficking of children),”*
8 *after “under section”.*

9 **SEC. 207. SEXUAL ABUSE OF WARDS.**

10 *Chapter 109A of title 18, United States Code, is*
11 *amended—*

12 *(1) in section 2243(b), by striking “five years”*
13 *and inserting “15 years”; and*

14 *(2) by inserting a comma after “Attorney Gen-*
15 *eral” each place it appears.*

16 **SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING**
17 **OF CHILDREN.**

18 *Section 1591(b) of title 18, United States Code, is*
19 *amended—*

20 *(1) in paragraph (1)—*

21 *(A) by striking “or imprisonment” and in-*
22 *serting “and imprisonment”;*

23 *(B) by inserting “not less than 15” after*
24 *“any term of years”; and*

25 *(C) by striking “, or both”; and*

1 (2) *in paragraph (2)*—

2 (A) *by striking “or imprisonment for not*
3 *more than 40 years, or both” and inserting “and*
4 *imprisonment for not less than 10 years or for*
5 *life”*; and

6 (B) *by striking “, or both”*.

7 **SEC. 209. CHILD ABUSE REPORTING.**

8 Section 2258 of title 18, United States Code, is amend-
9 ed by striking “guilty of a Class B misdemeanor” and in-
10 serting “fined under this title or imprisoned not more than
11 1 year or both”.

12 **SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CON-**
13 **DITION OF RELEASE.**

14 (a) *CONDITIONS OF PROBATION.*—Section 3563(b) of
15 title 18, United States Code, is amended—

16 (1) *in paragraph (21), by striking “or”* ;

17 (2) *in paragraph (22) by striking the period at*
18 *the end and inserting “or;” and*

19 (3) *by inserting after paragraph (22) the fol-*
20 *lowing:*

21 “(23) *if required to register under the Sex Of-*
22 *fender Registration and Notification Act, submit his*
23 *person, and any property, house, residence, vehicle,*
24 *papers, computer, other electronic communication or*
25 *data storage devices or media, and effects to search at*

1 *any time, with or without a warrant, by any law en-*
2 *forcement or probation officer with reasonable sus-*
3 *picion concerning a violation of a condition of proba-*
4 *tion or unlawful conduct by the person, and by any*
5 *probation officer in the lawful discharge of the offi-*
6 *cer’s supervision functions.”.*

7 **(b) SUPERVISED RELEASE.**—*Section 3583(d) of title*
8 *18, United States Code, is amended by adding at the end*
9 *the following: “The court may order, as an explicit condi-*
10 *tion of supervised release for a person who is a felon and*
11 *required to register under the Sex Offender Registration*
12 *and Notification Act, that the person submit his person,*
13 *and any property, house, residence, vehicle, papers, com-*
14 *puter, other electronic communications or data storage de-*
15 *vices or media, and effects to search at any time, with or*
16 *without a warrant, by any law enforcement or probation*
17 *officer with reasonable suspicion concerning a violation of*
18 *a condition of supervised release or unlawful conduct by*
19 *the person, and by any probation officer in the lawful dis-*
20 *charge of the officer’s supervision functions.”.*

21 **SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY**
22 **SEX OFFENSES.**

23 *Chapter 213 of title 18, United States Code, is*
24 *amended—*

25 (1) *by adding at the end the following:*

1 **“§ 3299. Child abduction and sex offenses**

2 *“Notwithstanding any other law, an indictment may*
 3 *be found or an information instituted at any time without*
 4 *limitation for any offense under section 1201 involving a*
 5 *minor victim, and for any felony under chapter 109A, 110*
 6 *(except for section 2257 and 2257A), or 117, or section*
 7 *1591.”; and*

8 *(2) by adding at the end of the table of sections*
 9 *at the beginning of the chapter the following new*
 10 *item:*

“3299. Child abduction and sex offenses”.

11 **SEC. 212. VICTIMS’ RIGHTS ASSOCIATED WITH HABEAS COR-**
 12 **PUS PROCEEDINGS.**

13 *Section 3771(b) of title 18, United States Code, is*
 14 *amended—*

15 *(1) by striking “In any court proceeding” and*
 16 *inserting the following:*

17 *“(1) IN GENERAL.—In any court proceeding”;*

18 *and*

19 *(2) by adding at the end the following:*

20 *“(2) HABEAS CORPUS PROCEEDINGS.—*

21 *“(A) IN GENERAL.—In a Federal habeas*
 22 *corpus proceeding arising out of a State convic-*
 23 *tion, the court shall ensure that a crime victim*
 24 *is afforded the rights described in paragraphs*
 25 *(3), (4), (7), and (8) of subsection (a).*

1 “(B) *ENFORCEMENT.*—

2 “(i) *IN GENERAL.*—*These rights may*
3 *be enforced by the crime victim or the crime*
4 *victim’s lawful representative in the man-*
5 *ner described in paragraphs (1) and (3) of*
6 *subsection (d).*

7 “(ii) *MULTIPLE VICTIMS.*—*In a case*
8 *involving multiple victims, subsection (d)(2)*
9 *shall also apply.*

10 “(C) *LIMITATION.*—*This paragraph relates*
11 *to the duties of a court in relation to the rights*
12 *of a crime victim in Federal habeas corpus pro-*
13 *ceedings arising out of a State conviction, and*
14 *does not give rise to any obligation or require-*
15 *ment applicable to personnel of any agency of*
16 *the Executive Branch of the Federal Government.*

17 “(D) *DEFINITION.*—*For purposes of this*
18 *paragraph, the term ‘crime victim’ means the*
19 *person against whom the State offense is com-*
20 *mitted or, if that person is killed or incapac-*
21 *tated, that person’s family member or other law-*
22 *ful representative.”.*

23 **SEC. 213. KIDNAPPING JURISDICTION.**

24 *Section 1201 of title 18, United States Code, is*
25 *amended—*

1 (1) *in subsection (a)(1), by striking “if the per-*
2 *son was alive when the transportation began” and in-*
3 *serting “, or the offender travels in interstate or for-*
4 *foreign commerce or uses the mail or any means, facil-*
5 *ity, or instrumentality of interstate or foreign com-*
6 *merce in committing or in furtherance of the commis-*
7 *sion of the offense”;* and

8 (2) *in subsection (b), by striking “to interstate”*
9 *and inserting “in interstate”.*

10 **SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUS-**
11 **AL PRIVILEGE.**

12 *The Committee on Rules, Practice, Procedure, and*
13 *Evidence of the Judicial Conference of the United States*
14 *shall study the necessity and desirability of amending the*
15 *Federal Rules of Evidence to provide that the confidential*
16 *marital communications privilege and the adverse spousal*
17 *privilege shall be inapplicable in any Federal proceeding*
18 *in which a spouse is charged with a crime against—*

19 (1) *a child of either spouse; or*

20 (2) *a child under the custody or control of either*
21 *spouse.*

22 **SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.**

23 *Section 1153(a) of title 18, United States Code, is*
24 *amended by inserting “felony child abuse or neglect,” after*
25 *“years,”.*

1 **SEC. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO**
2 **ADDRESS SEX CRIMES AND OTHER MATTERS.**

3 *Section 3142 of title 18, United States Code, is*
4 *amended—*

5 *(1) in subsection (c)(1)(B), by inserting at the*
6 *end the following: “In any case that involves a minor*
7 *victim under section 1201, 1591, 2241, 2242,*
8 *2244(a)(1), 2245, 2251, 2251A, 2252(a)(1),*
9 *2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2),*
10 *2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or*
11 *2425 of this title, or a failure to register offense under*
12 *section 2250 of this title, any release order shall con-*
13 *tain, at a minimum, a condition of electronic moni-*
14 *toring and each of the conditions specified at sub-*
15 *paragraphs (iv), (v), (vi), (vii), and (viii).”*

16 *(2) in subsection (f)(1)—*

17 *(A) in subparagraph (C), by striking “or”*
18 *at the end; and*

19 *(B) by adding at the end the following:*

20 *“(E) any felony that is not otherwise a*
21 *crime of violence that involves a minor victim or*
22 *that involves the possession or use of a firearm*
23 *or destructive device (as those terms are defined*
24 *in section 921), or any other dangerous weapon,*
25 *or involves a failure to register under section*
26 *2250 of title 18, United States Code; or”; and*

1 (3) *in subsection (g), by striking paragraph (1)*
2 *and inserting the following:*

3 “(1) *the nature and circumstances of the offense*
4 *charged, including whether the offense is a crime of*
5 *violence, a Federal crime of terrorism, or involves a*
6 *minor victim or a controlled substance, firearm, ex-*
7 *plosive, or destructive device;”.*

8 **TITLE III—CIVIL COMMITMENT**
9 **OF DANGEROUS SEX OFFEND-**
10 **ERS**

11 **SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PRO-**
12 **GRAMS FOR SEXUALLY DANGEROUS PER-**
13 **SONS.**

14 (a) *GRANTS AUTHORIZED.—Except as provided in*
15 *subsection (b), the Attorney General shall make grants to*
16 *jurisdictions for the purpose of establishing, enhancing, or*
17 *operating effective civil commitment programs for sexually*
18 *dangerous persons.*

19 (b) *LIMITATION.—The Attorney General shall not*
20 *make any grant under this section for the purpose of estab-*
21 *lishing, enhancing, or operating any transitional housing*
22 *for a sexually dangerous person in or near a location where*
23 *minors or other vulnerable persons are likely to come into*
24 *contact with that person.*

25 (c) *ELIGIBILITY.—*

1 (1) *IN GENERAL.*—*To be eligible to receive a*
2 *grant under this section, a jurisdiction shall, before*
3 *the expiration of the compliance period—*

4 (A) *have established a civil commitment*
5 *program for sexually dangerous persons that is*
6 *consistent with guidelines issued by the Attorney*
7 *General; or*

8 (B) *submit a plan for the establishment of*
9 *such a program.*

10 (2) *COMPLIANCE PERIOD.*—*The compliance pe-*
11 *riod referred to in paragraph (1) expires on the date*
12 *that is 2 years after the date of the enactment of this*
13 *Act. However, the Attorney General may, on a case-*
14 *by-case basis, extend the compliance period that ap-*
15 *plies to a jurisdiction if the Attorney General con-*
16 *siders such an extension to be appropriate.*

17 (3) *RELEASE NOTICE.*—

18 (A) *Each civil commitment program for*
19 *which funding is required under this section*
20 *shall require the issuance of timely notice to a*
21 *State official responsible for considering whether*
22 *to pursue civil commitment proceedings upon the*
23 *impending release of any person incarcerated by*
24 *the State who—*

1 (i) *has been convicted of a sexually vio-*
2 *lent offense; or*

3 (ii) *has been deemed by the State to be*
4 *at high risk for recommitting any sexual of-*
5 *fense against a minor.*

6 (B) *The program shall further require that*
7 *upon receiving notice under subparagraph (A),*
8 *the State official shall consider whether or not to*
9 *pursue a civil commitment proceeding, or any*
10 *equivalent proceeding required under State law.*

11 (d) *ATTORNEY GENERAL REPORTS.—Not later than*
12 *January 31 of each year, beginning with 2008, the Attorney*
13 *General shall submit to the Committee on the Judiciary of*
14 *the Senate and the Committee on the Judiciary of the House*
15 *of Representatives a report on the progress of jurisdictions*
16 *in implementing this section and the rate of sexually violent*
17 *offenses for each jurisdiction.*

18 (e) *DEFINITIONS.—As used in this section:*

19 (1) *The term “civil commitment program”*
20 *means a program that involves—*

21 (A) *secure civil confinement, including ap-*
22 *propriate control, care, and treatment during*
23 *such confinement; and*

1 (B) *appropriate supervision, care, and*
2 *treatment for individuals released following such*
3 *confinement.*

4 (2) *The term “sexually dangerous person” means*
5 *a person suffering from a serious mental illness, ab-*
6 *normality, or disorder, as a result of which the indi-*
7 *vidual would have serious difficulty in refraining*
8 *from sexually violent conduct or child molestation.*

9 (3) *The term “jurisdiction” has the meaning*
10 *given such term in section 111.*

11 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
12 *authorized to be appropriated to carry out this section*
13 *\$10,000,000 for each of fiscal years 2007 through 2010.*

14 **SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.**

15 *Chapter 313 of title 18, United States Code, is*
16 *amended—*

17 (1) *in the chapter analysis—*

18 (A) *in the item relating to section 4241, by*
19 *inserting “or to undergo postrelease proceedings”*
20 *after “trial”; and*

21 (B) *by inserting at the end the following:*

 “4248. *Civil commitment of a sexually dangerous person*”;

22 (2) *in section 4241—*

23 (A) *in the heading, by inserting or “**TO***
24 **UNDERGO POSTRELEASE PROCEEDINGS”**
25 *after “**TRIAL**”;*

1 (B) in the first sentence of subsection (a),
2 by inserting “or at any time after the commence-
3 ment of probation or supervised release and
4 prior to the completion of the sentence,” after
5 “defendant,”;

6 (C) in subsection (d)—

7 (i) by striking “trial to proceed” each
8 place it appears and inserting “proceedings
9 to go forward”; and

10 (ii) by striking “section 4246” and in-
11 serting “sections 4246 and 4248”; and

12 (D) in subsection (e)—

13 (i) by inserting “or other proceedings”
14 after “trial”; and

15 (ii) by striking “chapter 207” and in-
16 serting “chapters 207 and 227”;

17 (3) in section 4247—

18 (A) by striking “, or 4246” each place it
19 appears and inserting “, 4246, or 4248”;

20 (B) in subsections (g) and (i), by striking
21 “4243 or 4246” each place it appears and insert-
22 ing “4243, 4246, or 4248”;

23 (C) in subsection (a)—

24 (i) by amending subparagraph (1)(C)
25 to read as follows:

1 “(C) drug, alcohol, and sex offender treat-
2 ment programs, and other treatment programs
3 that will assist the individual in overcoming a
4 psychological or physical dependence or any con-
5 dition that makes the individual dangerous to
6 others; and”;

7 (ii) in paragraph (2), by striking
8 “and” at the end;

9 (iii) in paragraph (3), by striking the
10 period at the end and inserting a semicolon;
11 and

12 (iv) by inserting at the end the fol-
13 lowing:

14 “(4) ‘bodily injury’ includes sexual abuse;

15 “(5) ‘sexually dangerous person’ means a person
16 who has engaged or attempted to engage in sexually
17 violent conduct or child molestation and who is sexu-
18 ally dangerous to others; and

19 “(6) ‘sexually dangerous to others’ with respect a
20 person, means that the person suffers from a serious
21 mental illness, abnormality, or disorder as a result of
22 which he would have serious difficulty in refraining
23 from sexually violent conduct or child molestation if
24 released.”;

1 (D) in subsection (b), by striking “4245 or
2 4246” and inserting “4245, 4246, or 4248”;

3 (E) in subsection (c)(4)—

4 (i) by redesignating subparagraphs (D)
5 and (E) as subparagraphs (E) and (F) re-
6 spectively; and

7 (ii) by inserting after subparagraph
8 (C) the following:

9 “(D) if the examination is ordered under
10 section 4248, whether the person is a sexually
11 dangerous person;”; and

12 (F) in subsections (e) and (h)—

13 (i) by striking “hospitalized” each
14 place it appears and inserting “committed”;
15 and

16 (ii) by striking “hospitalization” each
17 place it appears and inserting “commit-
18 ment” ; and

19 (4) by inserting at the end the following:

20 **“§4248. Civil commitment of a sexually dangerous**
21 **person**

22 “(a) INSTITUTION OF PROCEEDINGS.—In relation to
23 a person who is in the custody of the Bureau of Prisons,
24 or who has been committed to the custody of the Attorney
25 General pursuant to section 4241(d), or against whom all

1 *criminal charges have been dismissed solely for reasons re-*
2 *lating to the mental condition of the person, the Attorney*
3 *General or any individual authorized by the Attorney Gen-*
4 *eral or the Director of the Bureau of Prisons may certify*
5 *that the person is a sexually dangerous person, and trans-*
6 *mit the certificate to the clerk of the court for the district*
7 *in which the person is confined. The clerk shall send a copy*
8 *of the certificate to the person, and to the attorney for the*
9 *Government, and, if the person was committed pursuant*
10 *to section 4241(d), to the clerk of the court that ordered the*
11 *commitment. The court shall order a hearing to determine*
12 *whether the person is a sexually dangerous person. A certifi-*
13 *cate filed under this subsection shall stay the release of the*
14 *person pending completion of procedures contained in this*
15 *section.*

16 “(b) *PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION*
17 *AND REPORT.*—*Prior to the date of the hearing, the court*
18 *may order that a psychiatric or psychological examination*
19 *of the defendant be conducted, and that a psychiatric or*
20 *psychological report be filed with the court, pursuant to the*
21 *provisions of section 4247(b) and (c).*

22 “(c) *HEARING.*—*The hearing shall be conducted pursu-*
23 *ant to the provisions of section 4247(d).*

24 “(d) *DETERMINATION AND DISPOSITION.*—*If, after the*
25 *hearing, the court finds by clear and convincing evidence*

1 *that the person is a sexually dangerous person, the court*
2 *shall commit the person to the custody of the Attorney Gen-*
3 *eral. The Attorney General shall release the person to the*
4 *appropriate official of the State in which the person is dom-*
5 *iciled or was tried if such State will assume responsibility*
6 *for his custody, care, and treatment. The Attorney General*
7 *shall make all reasonable efforts to cause such a State to*
8 *assume such responsibility. If, notwithstanding such efforts,*
9 *neither such State will assume such responsibility, the At-*
10 *torney General shall place the person for treatment in a*
11 *suitable facility, until—*

12 “(1) *such a State will assume such responsi-*
13 *bility; or*

14 “(2) *the person’s condition is such that he is no*
15 *longer sexually dangerous to others, or will not be sex-*
16 *ually dangerous to others if released under a pre-*
17 *scribed regimen of medical, psychiatric, or psycho-*
18 *logical care or treatment;*

19 *whichever is earlier.*

20 “(e) *DISCHARGE.—When the Director of the facility in*
21 *which a person is placed pursuant to subsection (d) deter-*
22 *mines that the person’s condition is such that he is no*
23 *longer sexually dangerous to others, or will not be sexually*
24 *dangerous to others if released under a prescribed regimen*
25 *of medical, psychiatric, or psychological care or treatment,*

1 *he shall promptly file a certificate to that effect with the*
2 *clerk of the court that ordered the commitment. The clerk*
3 *shall send a copy of the certificate to the person's counsel*
4 *and to the attorney for the Government. The court shall*
5 *order the discharge of the person or, on motion of the attor-*
6 *ney for the Government or on its own motion, shall hold*
7 *a hearing, conducted pursuant to the provisions of section*
8 *4247(d), to determine whether he should be released. If, after*
9 *the hearing, the court finds by a preponderance of the evi-*
10 *dence that the person's condition is such that—*

11 “(1) *he will not be sexually dangerous to others*
12 *if released unconditionally, the court shall order that*
13 *he be immediately discharged; or*

14 “(2) *he will not be sexually dangerous to others*
15 *if released under a prescribed regimen of medical,*
16 *psychiatric, or psychological care or treatment, the*
17 *court shall—*

18 “(A) *order that he be conditionally dis-*
19 *charged under a prescribed regimen of medical,*
20 *psychiatric, or psychological care or treatment*
21 *that has been prepared for him, that has been*
22 *certified to the court as appropriate by the Di-*
23 *rector of the facility in which he is committed,*
24 *and that has been found by the court to be ap-*
25 *propriate; and*

1 “(B) order, as an explicit condition of re-
2 lease, that he comply with the prescribed regimen
3 of medical, psychiatric, or psychological care or
4 treatment.

5 The court at any time may, after a hearing employ-
6 ing the same criteria, modify or eliminate the regi-
7 men of medical, psychiatric, or psychological care or
8 treatment.

9 “(f) *REVOCATION OF CONDITIONAL DISCHARGE.*—The
10 director of a facility responsible for administering a regi-
11 men imposed on a person conditionally discharged under
12 subsection (e) shall notify the Attorney General and the
13 court having jurisdiction over the person of any failure of
14 the person to comply with the regimen. Upon such notice,
15 or upon other probable cause to believe that the person has
16 failed to comply with the prescribed regimen of medical,
17 psychiatric, or psychological care or treatment, the person
18 may be arrested, and, upon arrest, shall be taken without
19 unnecessary delay before the court having jurisdiction over
20 him. The court shall, after a hearing, determine whether
21 the person should be remanded to a suitable facility on the
22 ground that he is sexually dangerous to others in light of
23 his failure to comply with the prescribed regimen of med-
24 ical, psychiatric, or psychological care or treatment.

1 “(g) *RELEASE TO STATE OF CERTAIN OTHER PER-*
2 *SONS.—If the director of the facility in which a person is*
3 *hospitalized or placed pursuant to this chapter certifies to*
4 *the Attorney General that a person, against whom all*
5 *charges have been dismissed for reasons not related to the*
6 *mental condition of the person, is a sexually dangerous per-*
7 *son, the Attorney General shall release the person to the ap-*
8 *propriate official of the State in which the person is domi-*
9 *ciled or was tried for the purpose of institution of State*
10 *proceedings for civil commitment. If neither such State will*
11 *assume such responsibility, the Attorney General shall re-*
12 *lease the person upon receipt of notice from the State that*
13 *it will not assume such responsibility, but not later than*
14 *10 days after certification by the director of the facility.”.*

15 **TITLE IV—IMMIGRATION LAW**
16 **REFORMS TO PREVENT SEX**
17 **OFFENDERS FROM ABUSING**
18 **CHILDREN**

19 **SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.**

20 *Section 237(a)(2)(A) of the Immigration and Nation-*
21 *ality Act (8 U.S.C. 1227(a)(2)(A)) is amended—*

22 (1) *by redesignating clause (v) as clause (vi);*

23 *and*

24 (2) *by inserting after clause (iv) the following*
25 *new clause:*

1 “(v) *FAILURE TO REGISTER AS A SEX*
2 *OFFENDER.—Any alien who is convicted*
3 *under section 2250 of title 18, United States*
4 *Code, is deportable.*”.

5 **SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM**
6 ***HAVING FAMILY-BASED PETITIONS AP-***
7 ***PROVED.***

8 (a) *IMMIGRANT FAMILY MEMBERS.—Section 204(a)(1)*
9 *of the Immigration and Nationality Act (8 U.S.C.*
10 *1154(a)(1)), is amended—*

11 (1) *in subparagraph (A)(i), by striking “Any”*
12 *and inserting “Except as provided in clause (viii),*
13 *any”;*

14 (2) *in subparagraph (A), by inserting after*
15 *clause (vi) the following:*

16 “(viii)(I) *Clause (i) shall not apply to*
17 *a citizen of the United States who has been*
18 *convicted of a specified offense against a*
19 *minor, unless the Secretary of Homeland*
20 *Security, in the Secretary’s sole and*
21 *unreviewable discretion, determines that the*
22 *citizen poses no risk to the alien with re-*
23 *spect to whom a petition described in clause*
24 *(i) is filed.*

1 “(II) For purposes of subclause (I), the
2 term ‘specified offense against a minor’ is
3 defined as in section 111 of the Adam
4 Walsh Child Protection and Safety Act of
5 2006.”; and

6 (3) in subparagraph (B)(i)—

7 (A) by striking “(B)(i) Any alien” and in-
8 serting the following: “(B)(i)(I) Except as pro-
9 vided in subclause (II), any alien”; and

10 (B) by adding at the end the following:

11 “(I) Subclause (I) shall not apply
12 in the case of an alien lawfully admit-
13 ted for permanent residence who has
14 been convicted of a specified offense
15 against a minor (as defined in sub-
16 paragraph (A)(viii)(II)), unless the
17 Secretary of Homeland Security, in the
18 Secretary’s sole and unreviewable dis-
19 cretion, determines that such person
20 poses no risk to the alien with respect
21 to whom a petition described in sub-
22 clause (I) is filed.”.

23 (b) *NONIMMIGRANTS*.—Section 101(a)(15)(K) (8
24 U.S.C. 1101(a)(15)(K)), is amended by inserting “(other
25 than a citizen described in section 204(a)(1)(A)(viii)(I))”

1 after “citizen of the United States” each place that phrase
2 appears.

3 **TITLE V—CHILD PORNOGRAPHY**
4 **PREVENTION**

5 **SEC. 501. FINDINGS.**

6 Congress makes the following findings:

7 (1) The effect of the intrastate production, trans-
8 portation, distribution, receipt, advertising, and pos-
9 session of child pornography on the interstate market
10 in child pornography.

11 (A) The illegal production, transportation,
12 distribution, receipt, advertising and possession
13 of child pornography, as defined in section
14 2256(8) of title 18, United States Code, as well
15 as the transfer of custody of children for the pro-
16 duction of child pornography, is harmful to the
17 physiological, emotional, and mental health of
18 the children depicted in child pornography and
19 has a substantial and detrimental effect on soci-
20 ety as a whole.

21 (B) A substantial interstate market in child
22 pornography exists, including not only a multi-
23 million dollar industry, but also a nationwide
24 network of individuals openly advertising their
25 desire to exploit children and to traffic in child

1 *pornography. Many of these individuals dis-*
2 *tribute child pornography with the expectation of*
3 *receiving other child pornography in return.*

4 *(C) The interstate market in child pornog-*
5 *raphy is carried on to a substantial extent*
6 *through the mails and other instrumentalities of*
7 *interstate and foreign commerce, such as the*
8 *Internet. The advent of the Internet has greatly*
9 *increased the ease of transporting, distributing,*
10 *receiving, and advertising child pornography in*
11 *interstate commerce. The advent of digital cam-*
12 *eras and digital video cameras, as well as video-*
13 *tape cameras, has greatly increased the ease of*
14 *producing child pornography. The advent of in-*
15 *expensive computer equipment with the capacity*
16 *to store large numbers of digital images of child*
17 *pornography has greatly increased the ease of*
18 *possessing child pornography. Taken together,*
19 *these technological advances have had the unfor-*
20 *tunate result of greatly increasing the interstate*
21 *market in child pornography.*

22 *(D) Intrastate incidents of production,*
23 *transportation, distribution, receipt, advertising,*
24 *and possession of child pornography, as well as*
25 *the transfer of custody of children for the produc-*

1 *tion of child pornography, have a substantial*
2 *and direct effect upon interstate commerce be-*
3 *cause:*

4 *(i) Some persons engaged in the pro-*
5 *duction, transportation, distribution, re-*
6 *ceipt, advertising, and possession of child*
7 *pornography conduct such activities entirely*
8 *within the boundaries of one state. These*
9 *persons are unlikely to be content with the*
10 *amount of child pornography they produce,*
11 *transport, distribute, receive, advertise, or*
12 *possess. These persons are therefore likely to*
13 *enter the interstate market in child pornog-*
14 *raphy in search of additional child pornog-*
15 *raphy, thereby stimulating demand in the*
16 *interstate market in child pornography.*

17 *(ii) When the persons described in sub-*
18 *paragraph (D)(i) enter the interstate mar-*
19 *ket in search of additional child pornog-*
20 *raphy, they are likely to distribute the child*
21 *pornography they already produce, trans-*
22 *port, distribute, receive, advertise, or possess*
23 *to persons who will distribute additional*
24 *child pornography to them, thereby stimu-*

1 *lating supply in the interstate market in*
2 *child pornography.*

3 *(iii) Much of the child pornography*
4 *that supplies the interstate market in child*
5 *pornography is produced entirely within the*
6 *boundaries of one state, is not traceable,*
7 *and enters the interstate market surrep-*
8 *titiously. This child pornography supports*
9 *demand in the interstate market in child*
10 *pornography and is essential to its exist-*
11 *ence.*

12 *(E) Prohibiting the intrastate production,*
13 *transportation, distribution, receipt, advertising,*
14 *and possession of child pornography, as well as*
15 *the intrastate transfer of custody of children for*
16 *the production of child pornography, will cause*
17 *some persons engaged in such intrastate activi-*
18 *ties to cease all such activities, thereby reducing*
19 *both supply and demand in the interstate market*
20 *for child pornography.*

21 *(F) Federal control of the intrastate inci-*
22 *dents of the production, transportation, distribu-*
23 *tion, receipt, advertising, and possession of child*
24 *pornography, as well as the intrastate transfer of*
25 *children for the production of child pornography,*

1 *is essential to the effective control of the inter-*
2 *state market in child pornography.*

3 *(2) The importance of protecting children from*
4 *repeat exploitation in child pornography:*

5 *(A) The vast majority of child pornography*
6 *prosecutions today involve images contained on*
7 *computer hard drives, computer disks, and re-*
8 *lated media.*

9 *(B) Child pornography is not entitled to*
10 *protection under the First Amendment and thus*
11 *may be prohibited.*

12 *(C) The government has a compelling State*
13 *interest in protecting children from those who*
14 *sexually exploit them, and this interest extends*
15 *to stamping out the vice of child pornography at*
16 *all levels in the distribution chain.*

17 *(D) Every instance of viewing images of*
18 *child pornography represents a renewed violation*
19 *of the privacy of the victims and a repetition of*
20 *their abuse.*

21 *(E) Child pornography constitutes prima*
22 *facie contraband, and as such should not be dis-*
23 *tributed to, or copied by, child pornography de-*
24 *fendants or their attorneys.*

1 (F) *It is imperative to prohibit the repro-*
2 *duction of child pornography in criminal cases*
3 *so as to avoid repeated violation and abuse of*
4 *victims, so long as the government makes reason-*
5 *able accommodations for the inspection, viewing,*
6 *and examination of such material for the pur-*
7 *poses of mounting a criminal defense.*

8 **SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.**

9 (a) *IN GENERAL.*—Section 2257 of title 18, United
10 *States Code, is amended—*

11 (1) *in subsection (a), by inserting after “video-*
12 *tape,” the following: “digital image, digitally- or*
13 *computer-manipulated image of an actual human*
14 *being, picture,”;*

15 (2) *in subsection (e)(1), by adding at the end the*
16 *following: “In this paragraph, the term ‘copy’ in-*
17 *cludes every page of a website on which matter de-*
18 *scribed in subsection (a) appears.”;*

19 (3) *in subsection (f), by—*

20 (A) *in paragraph (3), by striking “and”*
21 *after the semicolon;*

22 (B) *in paragraph (4), by striking the period*
23 *and inserting “; and”; and*

24 (C) *by adding at the end the following:*

1 “(5) for any person to whom subsection (a) ap-
2 plies to refuse to permit the Attorney General or his
3 or her designee to conduct an inspection under sub-
4 section (c).”; and

5 (4) by striking subsection (h) and inserting the
6 following:

7 “(h) In this section—

8 “(1) the term ‘actual sexually explicit conduct’
9 means actual but not simulated conduct as defined in
10 clauses (i) through (v) of section 2256(2)(A) of this
11 title;

12 “(2) the term ‘produces’—

13 “(A) means—

14 “(i) actually filming, videotaping,
15 photographing, creating a picture, digital
16 image, or digitally- or computer-manipu-
17 lated image of an actual human being;

18 “(ii) digitizing an image, of a visual
19 depiction of sexually explicit conduct; or,
20 assembling, manufacturing, publishing, du-
21 plicating, reproducing, or reissuing a book,
22 magazine, periodical, film, videotape, dig-
23 ital image, or picture, or other matter in-
24 tended for commercial distribution, that

1 *contains a visual depiction of sexually ex-*
2 *PLICIT conduct; or*

3 *“(iii) inserting on a computer site or*
4 *service a digital image of, or otherwise*
5 *managing the sexually explicit content, of a*
6 *computer site or service that contains a vis-*
7 *ual depiction of, sexually explicit conduct;*
8 *and*

9 *“(B) does not include activities that are*
10 *limited to—*

11 *“(i) photo or film processing, including*
12 *digitization of previously existing visual de-*
13 *pications, as part of a commercial enterprise,*
14 *with no other commercial interest in the*
15 *sexually explicit material, printing, and*
16 *video duplication;*

17 *“(ii) distribution;*

18 *“(iii) any activity, other than those ac-*
19 *tivities identified in subparagraph (A), that*
20 *does not involve the hiring, contracting for,*
21 *managing, or otherwise arranging for the*
22 *participation of the depicted performers;*

23 *“(iv) the provision of a telecommuni-*
24 *cations service, or of an Internet access serv-*
25 *ice or Internet information location tool (as*

1 *those terms are defined in section 231 of the*
2 *Communications Act of 1934 (47 U.S.C.*
3 *231)); or*

4 *“(v) the transmission, storage, re-*
5 *trieval, hosting, formatting, or translation*
6 *(or any combination thereof) of a commu-*
7 *nication, without selection or alteration of*
8 *the content of the communication, except*
9 *that deletion of a particular communication*
10 *or material made by another person in a*
11 *manner consistent with section 230(c) of the*
12 *Communications Act of 1934 (47 U.S.C.*
13 *230(c)) shall not constitute such selection or*
14 *alteration of the content of the communica-*
15 *tion; and*

16 *“(3) the term ‘performer’ includes any person*
17 *portrayed in a visual depiction engaging in, or as-*
18 *isting another person to engage in, sexually explicit*
19 *conduct.”.*

20 **(b) CONSTRUCTION.**—*The provisions of section 2257*
21 *shall not apply to any depiction of actual sexually explicit*
22 *conduct as described in clause (v) of section 2256(2)(A) of*
23 *title 18, United States Code, produced in whole or in part,*
24 *prior to the effective date of this section unless that depic-*
25 *tion also includes actual sexually explicit conduct as de-*

1 *scribed in clauses (i) through (iv) of section 2256(2)(A) of*
2 *title 18, United States Code.*

3 **SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMU-**
4 **LATED SEXUAL CONDUCT.**

5 *(a) IN GENERAL.—Chapter 110 of title 18, United*
6 *States Code, is amended by inserting after section 2257 the*
7 *following:*

8 **“SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMU-**
9 **LATED SEXUAL CONDUCT.**

10 *“(a) Whoever produces any book, magazine, periodical,*
11 *film, videotape, digital image, digitally- or computer-ma-*
12 *nipulated image of an actual human being, picture, or other*
13 *matter that—*

14 *“(1) contains 1 or more visual depictions of sim-*
15 *ulated sexually explicit conduct; and*

16 *“(2) is produced in whole or in part with mate-*
17 *rials which have been mailed or shipped in interstate*
18 *or foreign commerce, or is shipped or transported or*
19 *is intended for shipment or transportation in inter-*
20 *state or foreign commerce;*

21 *shall create and maintain individually identifiable records*
22 *pertaining to every performer portrayed in such a visual*
23 *depiction.*

1 “(b) Any person to whom subsection (a) applies shall,
2 with respect to every performer portrayed in a visual depic-
3 tion of simulated sexually explicit conduct—

4 “(1) ascertain, by examination of an identifica-
5 tion document containing such information, the per-
6 former’s name and date of birth, and require the per-
7 former to provide such other indicia of his or her
8 identity as may be prescribed by regulations;

9 “(2) ascertain any name, other than the per-
10 former’s present and correct name, ever used by the
11 performer including maiden name, alias, nickname,
12 stage, or professional name; and

13 “(3) record in the records required by subsection
14 (a) the information required by paragraphs (1) and
15 (2) and such other identifying information as may be
16 prescribed by regulation.

17 “(c) Any person to whom subsection (a) applies shall
18 maintain the records required by this section at their busi-
19 ness premises, or at such other place as the Attorney Gen-
20 eral may by regulation prescribe and shall make such
21 records available to the Attorney General for inspection at
22 all reasonable times.

23 “(d)(1) No information or evidence obtained from
24 records required to be created or maintained by this section
25 shall, except as provided in this section, directly or indi-

1 *rectly, be used as evidence against any person with respect*
2 *to any violation of law.*

3 “(2) *Paragraph (1) shall not preclude the use of such*
4 *information or evidence in a prosecution or other action*
5 *for a violation of this chapter or chapter 71, or for a viola-*
6 *tion of any applicable provision of law with respect to the*
7 *furnishing of false information.*

8 “(e)(1) *Any person to whom subsection (a) applies*
9 *shall cause to be affixed to every copy of any matter de-*
10 *scribed in subsection (a)(1) in such manner and in such*
11 *form as the Attorney General shall by regulations prescribe,*
12 *a statement describing where the records required by this*
13 *section with respect to all performers depicted in that copy*
14 *of the matter may be located. In this paragraph, the term*
15 *‘copy’ includes every page of a website on which matter de-*
16 *scribed in subsection (a) appears.*

17 “(2) *If the person to whom subsection (a) applies is*
18 *an organization the statement required by this subsection*
19 *shall include the name, title, and business address of the*
20 *individual employed by such organization responsible for*
21 *maintaining the records required by this section.*

22 “(f) *It shall be unlawful—*

23 “(1) *for any person to whom subsection (a) ap-*
24 *plies to fail to create or maintain the records as re-*

1 *quired by subsections (a) and (c) or by any regula-*
2 *tion promulgated under this section;*

3 *“(2) for any person to whom subsection (a) ap-*
4 *plies knowingly to make any false entry in or know-*
5 *ingly to fail to make an appropriate entry in, any*
6 *record required by subsection (b) or any regulation*
7 *promulgated under this section;*

8 *“(3) for any person to whom subsection (a) ap-*
9 *plies knowingly to fail to comply with the provisions*
10 *of subsection (e) or any regulation promulgated pur-*
11 *suant to that subsection; or*

12 *“(4) for any person knowingly to sell or other-*
13 *wise transfer, or offer for sale or transfer, any book,*
14 *magazine, periodical, film, video, or other matter,*
15 *produced in whole or in part with materials which*
16 *have been mailed or shipped in interstate or foreign*
17 *commerce or which is intended for shipment in inter-*
18 *state or foreign commerce, that—*

19 *“(A) contains 1 or more visual depictions*
20 *made after the date of enactment of this sub-*
21 *section of simulated sexually explicit conduct;*
22 *and*

23 *“(B) is produced in whole or in part with*
24 *materials which have been mailed or shipped in*
25 *interstate or foreign commerce, or is shipped or*

1 *transported or is intended for shipment or trans-*
2 *portation in interstate or foreign commerce;*
3 *which does not have affixed thereto, in a manner pre-*
4 *scribed as set forth in subsection (e)(1), a statement*
5 *describing where the records required by this section*
6 *may be located, but such person shall have no duty*
7 *to determine the accuracy of the contents of the state-*
8 *ment or the records required to be kept.*

9 “(5) *for any person to whom subsection (a) ap-*
10 *plies to refuse to permit the Attorney General or his*
11 *or her designee to conduct an inspection under sub-*
12 *section (c).*

13 “(g) *As used in this section, the terms ‘produces’ and*
14 *‘performer’ have the same meaning as in section 2257(h)*
15 *of this title.*

16 “(h)(1) *The provisions of this section and section 2257*
17 *shall not apply to matter, or any image therein, containing*
18 *one or more visual depictions of simulated sexually explicit*
19 *conduct, or actual sexually explicit conduct as described in*
20 *clause (v) of section 2256(2)(A), if such matter—*

21 “(A)(i) *is intended for commercial distribution;*

22 “(ii) *is created as a part of a commercial enter-*
23 *prise by a person who certifies to the Attorney Gen-*
24 *eral that such person regularly and in the normal*
25 *course of business collects and maintains individually*

1 *identifiable information regarding all performers, in-*
2 *cluding minor performers, employed by that person,*
3 *pursuant to Federal and State tax, labor, and other*
4 *laws, labor agreements, or otherwise pursuant to in-*
5 *dustry standards, where such information includes the*
6 *name, address, and date of birth of the performer; and*

7 *“(iii) is not produced, marketed or made avail-*
8 *able by the person described in clause (ii) to another*
9 *in circumstances such than an ordinary person would*
10 *conclude that the matter contains a visual depiction*
11 *that is child pornography as defined in section*
12 *2256(8); or*

13 *“(B)(i) is subject to the authority and regulation*
14 *of the Federal Communications Commission acting in*
15 *its capacity to enforce section 1464 of this title, re-*
16 *garding the broadcast of obscene, indecent or profane*
17 *programming; and*

18 *“(ii) is created as a part of a commercial enter-*
19 *prise by a person who certifies to the Attorney Gen-*
20 *eral that such person regularly and in the normal*
21 *course of business collects and maintains individually*
22 *identifiable information regarding all performers, in-*
23 *cluding minor performers, employed by that person,*
24 *pursuant to Federal and State tax, labor, and other*
25 *laws, labor agreements, or otherwise pursuant to in-*

1 *dustry standards, where such information includes the*
2 *name, address, and date of birth of the performer.*

3 *“(2) Nothing in subparagraphs (A) and (B) of para-*
4 *graph (1) shall be construed to exempt any matter that con-*
5 *tains any visual depiction that is child pornography, as*
6 *defined in section 2256(8), or is actual sexually explicit*
7 *conduct within the definitions in clauses (i) through (iv)*
8 *of section 2256(2)(A).*

9 *“(i)(1) Whoever violates this section shall be impris-*
10 *oned for not more than 1 year, and fined in accordance*
11 *with the provisions of this title, or both.*

12 *“(2) Whoever violates this section in an effort to con-*
13 *ceal a substantive offense involving the causing, trans-*
14 *porting, permitting or offering or seeking by notice or ad-*
15 *vertisement, a minor to engage in sexually explicit conduct*
16 *for the purpose of producing a visual depiction of such con-*
17 *duct in violation of this title, or to conceal a substantive*
18 *offense that involved trafficking in material involving the*
19 *sexual exploitation of a minor, including receiving, trans-*
20 *porting, advertising, or possessing material involving the*
21 *sexual exploitation of a minor with intent to traffic, in vio-*
22 *lation of this title, shall be imprisoned for not more than*
23 *5 years and fined in accordance with the provisions of this*
24 *title, or both.*

1 “(3) Whoever violates paragraph (2) after having been
2 previously convicted of a violation punishable under that
3 paragraph shall be imprisoned for any period of years not
4 more than 10 years but not less than 2 years, and fined
5 in accordance with the provisions of this title, or both.

6 “The provisions of this section shall not become effec-
7 tive until 90 days after the final regulations implementing
8 this section are published in the Federal Register. The pro-
9 visions of this section shall not apply to any matter, or
10 image therein, produced, in whole or in part, prior to the
11 effective date of this section.

12 “(k) On an annual basis, the Attorney General shall
13 submit a report to Congress—

14 “(1) concerning the enforcement of this section
15 and section 2257 by the Department of Justice during
16 the previous 12-month period; and

17 “(2) including—

18 “(A) the number of inspections undertaken
19 pursuant to this section and section 2257;

20 “(B) the number of open investigations pur-
21 suant to this section and section 2257;

22 “(C) the number of cases in which a person
23 has been charged with a violation of this section
24 and section 2257; and

1 “(D) for each case listed in response to sub-
 2 paragraph (C), the name of the lead defendant,
 3 the federal district in which the case was
 4 brought, the court tracking number, and a syn-
 5 opsis of the violation and its disposition, if any,
 6 including settlements, sentences, recoveries and
 7 penalties.”.

8 (b) *CHAPTER ANALYSIS.*—The chapter analysis for
 9 chapter 110 of title 18, United States Code, is amended by
 10 inserting after the item for section 2257 the following:

 “2257A. Recordkeeping requirements for simulated sexual conduct.”.

11 **SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD POR-**
 12 **NOGRAPHY USED AS EVIDENCE IN PROSECU-**
 13 **TIONS.**

14 Section 3509 of title 18, United States Code, is amend-
 15 ed by adding at the end the following:

16 “(m) *PROHIBITION ON REPRODUCTION OF CHILD*
 17 *PORNOGRAPHY.*—

18 “(1) In any criminal proceeding, any property
 19 or material that constitutes child pornography (as de-
 20 fined by section 2256 of this title) shall remain in the
 21 care, custody, and control of either the Government or
 22 the court.

23 “(2)(A) Notwithstanding Rule 16 of the Federal
 24 Rules of Criminal Procedure, a court shall deny, in
 25 any criminal proceeding, any request by the defend-

1 *ant to copy, photograph, duplicate, or otherwise re-*
2 *produce any property or material that constitutes*
3 *child pornography (as defined by section 2256 of this*
4 *title), so long as the Government makes the property*
5 *or material reasonably available to the defendant.*

6 *“(B) For the purposes of subparagraph (A),*
7 *property or material shall be deemed to be reasonably*
8 *available to the defendant if the Government provides*
9 *ample opportunity for inspection, viewing, and exam-*
10 *ination at a Government facility of the property or*
11 *material by the defendant, his or her attorney, and*
12 *any individual the defendant may seek to qualify to*
13 *furnish expert testimony at trial.”.*

14 **SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FOR-**
15 **FEITURE IN CHILD EXPLOITATION AND OB-**
16 **SCENITY CASES.**

17 *(a) CONFORMING FORFEITURE PROCEDURES FOR OB-*
18 *SCENITY OFFENSES.—Section 1467 of title 18, United*
19 *States Code, is amended—*

20 *(1) in subsection (a)(3), by inserting a period*
21 *after “of such offense” and striking all that follows;*
22 *and*

23 *(2) by striking subsections (b) through (n) and*
24 *inserting the following:*

1 “(b) *The provisions of section 413 of the Controlled*
2 *Substances Act (21 U.S.C. 853), with the exception of sub-*
3 *sections (a) and (d), shall apply to the criminal forfeiture*
4 *of property pursuant to subsection (a).*”

5 “(c) *Any property subject to forfeiture pursuant to sub-*
6 *section (a) may be forfeited to the United States in a civil*
7 *case in accordance with the procedures set forth in chapter*
8 *46 of this title.*”

9 **(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—**
10 *Section 2253(a) of title 18, United States Code, is*
11 *amended—*

12 (1) *in the matter preceding paragraph (1)—*

13 (A) *by inserting “or who is convicted of an*
14 *offense under section 2252B of this chapter,”*
15 *after “2260 of this chapter”; and*

16 (B) *by striking “an offense under section*
17 *2421, 2422, or 2423 of chapter 117” and insert-*
18 *ing “an offense under chapter 109A”;*

19 (2) *in paragraph (1), by inserting “2252A,*
20 *2252B, or 2260” after “2252”; and*

21 (3) *in paragraph (3), by inserting “or any prop-*
22 *erty traceable to such property” before the period.*

23 **(c) CRIMINAL FORFEITURE PROCEDURE.—***Section*
24 *2253 of title 18, United States Code, is amended by striking*
25 *subsections (b) through (o) and inserting the following:*

1 “(b) Section 413 of the Controlled Substances Act (21
2 U.S.C. 853) with the exception of subsections (a) and (d),
3 applies to the criminal forfeiture of property pursuant to
4 subsection (a).”.

5 (d) *CIVIL FORFEITURE*.—Section 2254 of title 18,
6 United States Code, is amended to read as follows:

7 “**§ 2254. Civil forfeiture**

8 “Any property subject to forfeiture pursuant to section
9 2253 may be forfeited to the United States in a civil case
10 in accordance with the procedures set forth in chapter 46.”.

11 **SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY**

12 **AS WELL AS TRANSPORTATION, DISTRIBUTION,**
13 **AND SALE.**

14 (a) *SECTION 1465*.—Section 1465 of title 18 of the
15 United States Code is amended—

16 (1) by inserting “**PRODUCTION AND-**” before
17 “**TRANSPORTATION**” in the heading of the section;

18 (2) by inserting “produces with the intent to
19 transport, distribute, or transmit in interstate or for-
20 eign commerce, or whoever knowingly” after “whoever
21 knowingly” and before “transports or travels in”; and

22 (3) by inserting a comma after “in or affecting
23 such commerce”.

24 (b) *SECTION 1466*.—Section 1466 of title 18 of the
25 United States Code is amended—

1 (1) *in subsection (a), by inserting “producing*
 2 *with intent to distribute or sell, or” before “selling or*
 3 *transferring obscene matter,”;*

4 (2) *in subsection (b), by inserting, “produces”*
 5 *before “sells or transfers or offers to sell or transfer*
 6 *obscene matter”;* and

7 (3) *in subsection (b) by inserting “production,”*
 8 *before “selling or transferring or offering to sell or*
 9 *transfer such material.”.*

10 **SEC. 507. GUARDIANS AD LITEM.**

11 *Section 3509(h)(1) of title 18, United States Code, is*
 12 *amended by inserting “, and provide reasonable compensa-*
 13 *tion and payment of expenses for,” before “a guardian”.*

14 **TITLE VI—GRANTS, STUDIES,**
 15 **AND PROGRAMS FOR CHIL-**
 16 **DREN AND COMMUNITY SAFE-**
 17 **TY**

18 **Subtitle A—Mentoring Matches for**
 19 **Youth Act**

20 **SEC. 601. SHORT TITLE.**

21 *This subtitle may be cited as the “Mentoring Matches*
 22 *for Youth Act of 2006”.*

23 **SEC. 602. FINDINGS.**

24 *Congress finds the following:*

1 (1) *Big Brothers Big Sisters of America, which*
2 *was founded in 1904 and chartered by Congress in*
3 *1958, is the oldest and largest mentoring organization*
4 *in the United States.*

5 (2) *There are over 450 Big Brothers Big Sisters*
6 *of America local agencies providing mentoring pro-*
7 *grams for at-risk children in over 5,000 communities*
8 *throughout every State, Guam, and Puerto Rico.*

9 (3) *Over the last decade, Big Brothers Big Sis-*
10 *ters of America has raised a minimum of 75 percent*
11 *of its annual operating budget from private sources*
12 *and is continually working to grow private sources of*
13 *funding to maintain this ratio of private to Federal*
14 *funds.*

15 (4) *In 2005, Big Brothers Big Sisters of America*
16 *provided mentors for over 235,000 children.*

17 (5) *Big Brothers Big Sisters of America has a*
18 *goal to provide mentors for 1,000,000 children per*
19 *year.*

20 **SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTH-**
21 **ERS BIG SISTERS MENTORING PROGRAM.**

22 *In each of fiscal years 2007 through 2012, the Admin-*
23 *istrator of the Office of Juvenile Justice and Delinquency*
24 *Prevention (hereafter in this Act referred to as the “Admin-*
25 *istrator”)* may make grants to Big Brothers Big Sisters of

1 *America to use for expanding the capacity of and carrying*
2 *out the Big Brothers Big Sisters mentoring programs for*
3 *at-risk youth.*

4 **SEC. 604. BIENNIAL REPORT.**

5 (a) *IN GENERAL.*—*Big Brothers Big Sisters of Amer-*
6 *ica shall submit 2 reports to the Administrator in each of*
7 *fiscal years 2007 through 2013. Big Brothers Big Sisters*
8 *of America shall submit the first report in a fiscal year*
9 *not later than April 1 of that fiscal year and the second*
10 *report in a fiscal year not later than September 30 of that*
11 *fiscal year.*

12 (b) *REQUIRED CONTENT.*—*Each such report shall in-*
13 *clude the following:*

14 (1) *A detailed statement of the progress made by*
15 *Big Brothers Big Sisters of America in expanding the*
16 *capacity of and carrying out mentoring programs for*
17 *at-risk youth.*

18 (2) *A detailed statement of how the amounts re-*
19 *ceived under this Act have been used.*

20 (3) *A detailed assessment of the effectiveness of*
21 *the mentoring programs.*

22 (4) *Recommendations for continued grants and*
23 *the appropriate amounts for such grants.*

1 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated to carry out*
3 *this Act—*

4 *(1) \$9,000,000 for fiscal year 2007;*

5 *(2) \$10,000,000 for fiscal year 2008;*

6 *(3) \$11,500,000 for fiscal year 2009;*

7 *(4) \$13,000,000 for fiscal year 2010; and*

8 *(5) \$15,000,000 for fiscal year 2011.*

9 ***Subtitle B—National Police Ath-***
10 ***letic League Youth Enrichment***
11 ***Act***

12 **SEC. 611. SHORT TITLE.**

13 *This subtitle may be cited as the “National Police Ath-*
14 *letic League Youth Enrichment Reauthorization Act of*
15 *2006”.*

16 **SEC. 612. FINDINGS.**

17 *Section 2 of the National Police Athletic League Youth*
18 *Enrichment Act of 2000 (42 U.S.C. 13751 note) is*
19 *amended—*

20 *(1) in paragraph (1)—*

21 *(A) by redesignating subparagraphs (C)*
22 *through (G) as subparagraphs (D) through (H),*
23 *respectively; and*

24 *(B) by inserting after subparagraph (B) the*
25 *following:*

1 “(C) develop life enhancing character and
2 leadership skills in young people;”;

3 (2) in paragraph (2) by striking “55-year” and
4 inserting “90-year”;

5 (3) in paragraph (3)—

6 (A) by striking “320 PAL chapters” and in-
7 serting “350 PAL chapters”; and

8 (B) by striking “1,500,000 youth” and in-
9 serting “2,000,000 youth”;

10 (4) in paragraph (4), by striking “82
11 percent” and inserting “85 percent”;

12 (5) in paragraph (5), in the second sentence, by
13 striking “receive no” and inserting “rarely receive”;

14 (6) in paragraph (6), by striking “17 are at
15 risk” and inserting “18 are at risk”; and

16 (7) in paragraph (7), by striking “1999” and in-
17 serting “2005”.

18 **SEC. 613. PURPOSE.**

19 Section 3 of the National Police Athletic League Youth
20 Enrichment Act of 2000 (42 U.S.C. 13751 note) is
21 amended—

22 (1) in paragraph (1)—

23 (A) by striking “320 established PAL chap-
24 ters” and inserting “342 established PAL chap-
25 ters”; and

1 (B) by striking “and” at the end;
2 (2) in paragraph (2), by striking “2006.” and
3 inserting “2010; and”; and
4 (3) by adding at the end the following:
5 “(3) support of an annual gathering of PAL
6 chapters and designated youth leaders from such
7 chapters to participate in a 3-day conference that ad-
8 dresses national and local issues impacting the youth
9 of America and includes educational sessions to ad-
10 vance character and leadership skills.”.

11 **SEC. 614. GRANTS AUTHORIZED.**

12 Section 5 of the National Police Athletic League Youth
13 Enrichment Act of 2000 (42 U.S.C. 13751 note) is
14 amended—

15 (1) in subsection (a), by striking “2001 through
16 2005” and inserting “2006 through 2010”; and
17 (2) in subsection (b)(1)(B), by striking “not less
18 than 570 PAL chapters in operation before January
19 1, 2004” and inserting “not fewer than 500 PAL
20 chapters in operation before January 1, 2010”.

21 **SEC. 615. USE OF FUNDS.**

22 Section 6(a)(2) of the National Police Athletic League
23 Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is
24 amended—

1 (1) *in the matter preceding subparagraph (A),*
2 *by striking “four” and inserting “two”; and*

3 (2) *in subparagraph (A)—*

4 (A) *in the matter preceding clause (i), by*
5 *striking “two programs” and inserting “one pro-*
6 *gram”;*

7 (B) *in clause (iii), by striking “or”;*

8 (C) *in clause (iv), by striking “and” and*
9 *inserting “or”; and*

10 (D) *by inserting after clause (iv) the fol-*
11 *lowing:*

12 *“(v) character development and leader-*
13 *ship training; and”.*

14 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 8(a) of the National Police Athletic League
16 Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is
17 amended by striking “2001 through 2005” and inserting
18 “2006 through 2010”.

19 **SEC. 617. NAME OF LEAGUE.**

20 (a) *DEFINITIONS.*—Section 4(4) of the National Police
21 Athletic League Youth Enrichment Act of 2000 (42 U.S.C.
22 13751 note) is amended in the paragraph heading, by strik-
23 ing “Athletic” and inserting “Athletic/activities”.

24 (b) *TEXT.*—The National Police Athletic League Youth
25 Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended

1 *by striking “Police Athletic League” each place such term*
 2 *appears and inserting “Police Athletic/Activities League”.*

3 ***Subtitle C—Grants, Studies, and***
 4 ***Other Provisions***

5 ***SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OF-***
 6 ***FENDERS.***

7 *(a) SEX OFFENDER MONITORING PROGRAM.—*

8 *(1) GRANTS AUTHORIZED.—*

9 *(A) IN GENERAL.—The Attorney General is*
 10 *authorized to award grants (referred to as “Jes-*
 11 *sica Lunsford and Sarah Lunde Grants”) to*
 12 *States, local governments, and Indian tribal gov-*
 13 *ernments to assist in—*

14 *(i) carrying out programs to outfit sex*
 15 *offenders with electronic monitoring units;*
 16 *and*

17 *(ii) the employment of law enforcement*
 18 *officials necessary to carry out such pro-*
 19 *grams.*

20 *(B) DURATION.—The Attorney General*
 21 *shall award grants under this section for a pe-*
 22 *riod not to exceed 3 years.*

23 *(C) MINIMUM STANDARDS.—The electronic*
 24 *monitoring units used in the pilot program shall*
 25 *at a minimum—*

1 (i) provide a single-unit tracking de-
2 vice for each offender that—

3 (I) contains a central processing
4 unit with global positioning system
5 and cellular technology in a single
6 unit; and

7 (II) provides two- and three-way
8 voice communication; and

9 (ii) permit active, real-time, and con-
10 tinuous monitoring of offenders 24 hours a
11 day.

12 (2) APPLICATION.—

13 (A) IN GENERAL.—Each State, local govern-
14 ment, or Indian tribal government desiring a
15 grant under this section shall submit an applica-
16 tion to the Attorney General at such time, in
17 such manner, and accompanied by such informa-
18 tion as the Attorney General may reasonably re-
19 quire.

20 (B) CONTENTS.—Each application sub-
21 mitted pursuant to subparagraph (A) shall—

22 (i) describe the activities for which as-
23 sistance under this section is sought; and

24 (ii) provide such additional assurances
25 as the Attorney General determines to be es-

1 *essential to ensure compliance with the re-*
2 *quirements of this section.*

3 **(b) INNOVATION.**—*In making grants under this sec-*
4 *tion, the Attorney General shall ensure that different ap-*
5 *proaches to monitoring are funded to allow an assessment*
6 *of effectiveness.*

7 **(c) AUTHORIZATION OF APPROPRIATIONS.**—

8 **(1) IN GENERAL.**—*There are authorized to be ap-*
9 *propriated \$5,000,000 for each of the fiscal years*
10 *2007 through 2009 to carry out this section.*

11 **(2) REPORT.**—*Not later than September 1, 2010,*
12 *the Attorney General shall report to Congress—*

13 **(A)** *assessing the effectiveness and value of*
14 *this section;*

15 **(B)** *comparing the cost effectiveness of the*
16 *electronic monitoring to reduce sex offenses com-*
17 *pared to other alternatives; and*

18 **(C)** *making recommendations for con-*
19 *tinuing funding and the appropriate levels for*
20 *such funding.*

21 **SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFEND-**
22 **ERS IN THE BUREAU OF PRISONS.**

23 *Section 3621 of title 18, United States Code, is amend-*
24 *ed by adding at the end the following new subsection:*

25 **“(f) SEX OFFENDER MANAGEMENT.**—

1 “(1) *IN GENERAL.*—*The Bureau of Prisons shall*
2 *make available appropriate treatment to sex offenders*
3 *who are in need of and suitable for treatment, as fol-*
4 *lows:*

5 “(A) *SEX OFFENDER MANAGEMENT PRO-*
6 *GRAMS.*—*The Bureau of Prisons shall establish*
7 *non-residential sex offender management pro-*
8 *grams to provide appropriate treatment, moni-*
9 *toring, and supervision of sex offenders and to*
10 *provide aftercare during pre-release custody.*

11 “(B) *RESIDENTIAL SEX OFFENDER TREAT-*
12 *MENT PROGRAMS.*—*The Bureau of Prisons shall*
13 *establish residential sex offender treatment pro-*
14 *grams to provide treatment to sex offenders who*
15 *volunteer for such programs and are deemed by*
16 *the Bureau of Prisons to be in need of and suit-*
17 *able for residential treatment.*

18 “(2) *REGIONS.*—*At least 1 sex offender manage-*
19 *ment program under paragraph (1)(A), and at least*
20 *one residential sex offender treatment program under*
21 *paragraph (1)(B), shall be established in each region*
22 *within the Bureau of Prisons.*

23 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
24 *There are authorized to be appropriated to the Bu-*

1 *reau of Prisons for each fiscal year such sums as may*
 2 *be necessary to carry out this subsection.”.*

3 **SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVE-**
 4 **NILE SEX OFFENDER TREATMENT GRANTS.**

5 *Title I of the Omnibus Crime Control and Safe Streets*
 6 *Act of 1968 is amended by adding at the end the following*
 7 *new part:*

8 **“PART X—SEX OFFENDER APPREHENSION**
 9 **GRANTS; JUVENILE SEX OFFENDER TREAT-**
 10 **MENT GRANTS**

11 **“SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.**

12 *“(a) AUTHORITY TO MAKE SEX OFFENDER APPRE-*
 13 *HENSION GRANTS.—*

14 *“(1) IN GENERAL.—From amounts made avail-*
 15 *able to carry out this part, the Attorney General may*
 16 *make grants to States, units of local government, In-*
 17 *Indian tribal governments, other public and private en-*
 18 *tities, and multi-jurisdictional or regional consortia*
 19 *thereof for activities specified in paragraph (2).*

20 *“(2) COVERED ACTIVITIES.—An activity referred*
 21 *to in paragraph (1) is any program, project, or other*
 22 *activity to assist a State in enforcing sex offender reg-*
 23 *istration requirements.*

24 *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*
 25 *are authorized to be appropriated such sums as may be nec-*

1 *essary for fiscal years 2007 through 2009 to carry out this*
2 *part.*

3 **“SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.**

4 *“(a) AUTHORITY To MAKE JUVENILE SEX OFFENDER*
5 *TREATMENT GRANTS.—*

6 *“(1) IN GENERAL.—From amounts made avail-*
7 *able to carry out this part, the Attorney General may*
8 *make grants to units of local government, Indian*
9 *tribal governments, correctional facilities, other public*
10 *and private entities, and multijurisdictional or re-*
11 *gional consortia thereof for activities specified in*
12 *paragraph (2).*

13 *“(2) COVERED ACTIVITIES.—An activity referred*
14 *to in paragraph (1) is any program, project, or other*
15 *activity to assist in the treatment of juvenile sex of-*
16 *fenders.*

17 *“(b) JUVENILE SEX OFFENDER DEFINED.—For pur-*
18 *poses of this section, the term ‘juvenile sex offender’ is a*
19 *sex offender who had not attained the age of 18 years at*
20 *the time of his or her offense.*

21 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
22 *authorized to be appropriated \$10,000,000 for each of fiscal*
23 *years 2007 through 2009 to carry out this part.”.*

1 **SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES**
2 **CLEARED THROUGH USE OF DNA BACKLOG**
3 **CLEARANCE FUNDS.**

4 (a) *IN GENERAL.*—*The Attorney General may make*
5 *grants to train and employ personnel to help prosecute cases*
6 *cleared through use of funds provided for DNA backlog*
7 *elimination.*

8 (b) *AUTHORIZATION.*—*There are authorized to be ap-*
9 *propriated such sums as may be necessary for each of fiscal*
10 *years 2007 through 2011 to carry out this section.*

11 **SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHIL-**
12 **DREN.**

13 (a) *IN GENERAL.*—*The Bureau of Justice Assistance*
14 *is authorized to make grants under this section—*

15 (1) *to any law enforcement agency that serves a*
16 *jurisdiction with 50,000 or more residents; and*

17 (2) *to any law enforcement agency that serves a*
18 *jurisdiction with fewer than 50,000 residents, upon a*
19 *showing of need.*

20 (b) *USE OF GRANT AMOUNTS.*—*Grants under this sec-*
21 *tion may be used by the law enforcement agency to—*

22 (1) *hire additional law enforcement personnel or*
23 *train existing staff to combat the sexual abuse of chil-*
24 *dren through community education and outreach, in-*
25 *vestigation of complaints, enforcement of laws relat-*

1 nization that has expertise in promoting crime prevention
2 through public outreach and media campaigns in coordina-
3 tion with law enforcement agencies and other local govern-
4 ment officials, and representatives of community public in-
5 terest organizations, including schools and youth-serving
6 organizations, faith-based, and victims' organizations and
7 employers.

8 “(b) *APPLICATION*.—To request a grant under this sec-
9 tion, an organization described in subsection (a) shall sub-
10 mit an application to the Attorney General in such form
11 and containing such information as the Attorney General
12 may require.

13 “(c) *USE OF FUNDS*.—An organization that receives
14 a grant under this section shall—

15 “(1) create and promote national public commu-
16 nications campaigns;

17 “(2) develop and distribute publications and
18 other educational materials that promote crime pre-
19 vention;

20 “(3) design and maintain web sites and related
21 web-based materials and tools;

22 “(4) design and deliver training for law enforce-
23 ment personnel, community leaders, and other part-
24 ners in public safety and hometown security initia-
25 tives;

1 “(5) design and deliver technical assistance to
2 States, local jurisdictions, and crime prevention prac-
3 titioners and associations;

4 “(6) coordinate a coalition of Federal, national,
5 and statewide organizations and communities sup-
6 porting crime prevention;

7 “(7) design, deliver, and assess demonstration
8 programs;

9 “(8) operate McGruff-related programs, includ-
10 ing McGruff Club;

11 “(9) operate the Teens, Crime, and Community
12 Program; and

13 “(10) evaluate crime prevention programs and
14 trends.

15 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
16 *are authorized to be appropriated to carry out this*
17 *section—*

18 “(1) for fiscal year 2007, \$7,000,000;

19 “(2) for fiscal year 2008, \$8,000,000;

20 “(3) for fiscal year 2009, \$9,000,000; and

21 “(4) for fiscal year 2010, \$10,000,000.”.

22 **SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR**
23 **CHILDREN.**

24 (a) *IN GENERAL.*—*The Attorney General shall estab-*
25 *lish and implement a program under which the Attorney*

1 *General may make grants to States, units of local govern-*
2 *ment, and Indian tribal governments in accordance with*
3 *this section.*

4 (b) *USE OF GRANT AMOUNTS.—A grant made to a*
5 *State, unit of local government, or Indian tribal govern-*
6 *ment under subsection (a) shall be distributed to law en-*
7 *forcement agencies within the jurisdiction of such State,*
8 *unit, or tribal government to be used for any of the fol-*
9 *lowing activities:*

10 (1) *To establish a voluntary fingerprinting pro-*
11 *gram for children, which may include the taking of*
12 *palm prints of children.*

13 (2) *To hire additional law enforcement per-*
14 *sonnel, or train existing law enforcement personnel, to*
15 *take fingerprints of children.*

16 (3) *To provide information within the commu-*
17 *nity involved about the existence of such a*
18 *fingerprinting program.*

19 (4) *To provide for computer hardware, computer*
20 *software, or other materials necessary to carry out*
21 *such a fingerprinting program.*

22 (c) *LIMITATION.—Fingerprints of a child derived from*
23 *a program funded under this section—*

24 (1) *may be released only to a parent or guardian*
25 *of the child; and*

1 *or attempted rape, according to the Department of*
2 *Justice.*

3 (4) *The Federal Bureau of Investigation ranks*
4 *rape second in the hierarchy of violent crimes for its*
5 *Uniform Crime Reports, trailing only murder.*

6 (5) *The Federal Government, through the Victims*
7 *of Crime Act, Violence Against Women Act, and other*
8 *laws, has long played a role in providing services to*
9 *sexual assault victims and in seeking policies to in-*
10 *crease the number of rapists brought to justice.*

11 (6) *Research suggests that sexual assault victims*
12 *who receive counseling support are more likely to re-*
13 *port their attack to the police and to participate in*
14 *the prosecution of the offender.*

15 (7) *Due in part to the combined efforts of law*
16 *enforcement officials at the local, State, and Federal*
17 *level, as well as the efforts of the Rape, Abuse & Incest*
18 *National Network (RAINN) and its affiliated rape*
19 *crisis centers across the United States, sexual violence*
20 *in America has fallen by more than half since 1994.*

21 (8) *RAINN, a 501(c)(3) nonprofit corporation*
22 *headquartered in the District of Columbia, has since*
23 *1994 provided help to victims of sexual assault and*
24 *educated the public about sexual assault prevention,*
25 *prosecution, and recovery.*

1 (9) *RAINN established and continues to operate*
2 *the National Sexual Assault Hotline, a free, confiden-*
3 *tial telephone hotline that provides help, 24 hours a*
4 *day, to victims nationally.*

5 (10) *More than 1,100 local rape crisis centers in*
6 *the 50 States and the District of Columbia partner*
7 *with RAINN and are members of the National Sexual*
8 *Assault Hotline network (which has helped more than*
9 *970,000 people since its inception in 1994).*

10 (11) *To better serve victims of sexual assault, 80*
11 *percent of whom are under age 30 and 44 percent of*
12 *whom are under age 18, RAINN will soon launch the*
13 *National Sexual Assault Online Hotline, the web's*
14 *first secure hotline service offering live help 24 hours*
15 *a day.*

16 (12) *Congress and the Department of Justice*
17 *have given RAINN funding to conduct its crucial*
18 *work.*

19 (13) *RAINN is a national model of public/pri-*
20 *vate partnership, raising private sector funds to*
21 *match congressional appropriations and receiving ex-*
22 *tensive private in-kind support, including advanced*
23 *technology provided by the communications and tech-*
24 *nology industries to launch the National Sexual As-*

1 *sault Hotline and the National Sexual Assault Online*
2 *Hotline.*

3 (14) *Worth magazine selected RAINN as one of*
4 *“America’s 100 Best Charities”, in recognition of the*
5 *organization’s “efficiency and effectiveness.”*

6 (15) *In fiscal year 2005, RAINN spent more*
7 *than 91 cents of every dollar received directly on pro-*
8 *gram services.*

9 (16) *The demand for RAINN’s services is grow-*
10 *ing dramatically, as evidenced by the fact that, in*
11 *2005, the National Sexual Assault Hotline helped*
12 *137,039 people, an all-time record.*

13 (17) *The programs sponsored by RAINN and its*
14 *local affiliates have contributed to the increase in the*
15 *percentage of victims who report their rape to law en-*
16 *forcement.*

17 (18) *According to a recent poll, 92 percent of*
18 *American women said that fighting sexual and do-*
19 *mestic violence should be a top public policy priority*
20 *(a higher percentage than chose health care, child*
21 *care, or any other issue).*

22 (19) *Authorizing Federal funds for RAINN’s na-*
23 *tional programs would promote continued progress*
24 *with this interstate problem and would make a sig-*

1 *nificant difference in the prosecution of rapists and*
2 *the overall incidence of sexual violence.*

3 (b) *DUTIES AND FUNCTIONS OF THE ADMINIS-*
4 *TRATOR.—*

5 (1) *DESCRIPTION OF ACTIVITIES.—The Adminis-*
6 *trator shall—*

7 (A) *issue such rules as the Administrator*
8 *considers necessary or appropriate to carry out*
9 *this section;*

10 (B) *make such arrangements as may be nec-*
11 *essary and appropriate to facilitate effective co-*
12 *ordination among all Federally funded programs*
13 *relating to victims of sexual assault; and*

14 (C) *provide adequate staff and agency re-*
15 *sources which are necessary to properly carry*
16 *out the responsibilities pursuant to this section.*

17 (2) *ANNUAL GRANT TO RAPE, ABUSE & INCEST*
18 *NATIONAL NETWORK.—The Administrator shall annu-*
19 *ally make a grant to RAINN, which shall be used for*
20 *the performance of the organization's national pro-*
21 *grams, which may include—*

22 (A) *operation of the National Sexual As-*
23 *sault Hotline, a 24-hour toll-free telephone line*
24 *by which individuals may receive help and in-*
25 *formation from trained volunteers;*

1 (B) operation of the National Sexual As-
2 sault Online Hotline, a 24-hour free online serv-
3 ice by which individuals may receive help and
4 information from trained volunteers;

5 (C) education of the media, the general pub-
6 lic, and populations at risk of sexual assault
7 about the incidence of sexual violence and sexual
8 violence prevention, prosecution, and recovery;

9 (D) dissemination, on a national basis, of
10 information relating to innovative and model
11 programs, services, laws, legislation, and policies
12 that benefit victims of sexual assault; and

13 (E) provision of technical assistance to law
14 enforcement agencies, State and local govern-
15 ments, the criminal justice system, public and
16 private nonprofit agencies, and individuals in
17 the investigation and prosecution of cases involv-
18 ing victims of sexual assault.

19 (c) *DEFINITIONS.*—For the purposes of this section:

20 (1) *ADMINISTRATOR.*—The term “Adminis-
21 trator” means the Administrator of the Office of Juve-
22 nile Justice and Delinquency Prevention.

23 (2) *RAINN.*—The term “RAINN” means the
24 Rape, Abuse & Incest National Network, a 501(c)(3)

1 *National Center for Missing and Exploited Children, is au-*
2 *thorized to develop and carry out a public awareness cam-*
3 *paign to demonstrate, explain, and encourage parents and*
4 *community leaders to better access and utilize the Federal*
5 *and State sex offender registries.*

6 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
7 *authorized to be appropriated to carry out this section such*
8 *sums as are necessary for fiscal years 2007 through 2011.*

9 **SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.**

10 (a) *IN GENERAL.—The Attorney General shall, subject*
11 *to the availability of appropriations, make grants to States,*
12 *units of local government, and nonprofit organizations for*
13 *the purposes of establishing and maintaining programs*
14 *with respect to improving and educating children and par-*
15 *ents in the best ways for children to be safe when on the*
16 *Internet.*

17 (b) *DEFINITION OF STATE.—For purposes of this sec-*
18 *tion, the term “State” means any State of the United*
19 *States, the District of Columbia, the Commonwealth of*
20 *Puerto Rico, the Virgin Islands, American Samoa, Guam,*
21 *and the Northern Mariana Islands.*

22 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated to carry out this section such*
24 *sums as are necessary for fiscal years 2007 through 2011.*

1 **SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION**
2 **GRANT PROGRAM.**

3 (a) *ESTABLISHMENT.*—*There is established the Jessica*
4 *Lunsford Address Verification Grant Program (hereinafter*
5 *in this section referred to as the “Program”).*

6 (b) *GRANTS AUTHORIZED.*—*Under the Program, the*
7 *Attorney General is authorized to award grants to State,*
8 *local governments, and Indian tribal governments to assist*
9 *in carrying out programs requiring an appropriate official*
10 *to verify, at appropriate intervals, the residence of all or*
11 *some registered sex offenders.*

12 (c) *APPLICATION.*—

13 (1) *IN GENERAL.*—*Each State or local govern-*
14 *ment seeking a grant under this section shall submit*
15 *an application to the Attorney General at such time,*
16 *in such manner, and accompanied by such informa-*
17 *tion as the Attorney General may reasonably require.*

18 (2) *CONTENTS.*—*Each application submitted*
19 *pursuant to paragraph (1) shall—*

20 (A) *describe the activities for which assist-*
21 *ance under this section is sought; and*

22 (B) *provide such additional assurances as*
23 *the Attorney General determines to be essential*
24 *to ensure compliance with the requirements of*
25 *this section.*

1 (d) *INNOVATION.*—*In making grants under this sec-*
2 *tion, the Attorney General shall ensure that different ap-*
3 *proaches to address verification are funded to allow an as-*
4 *essment of effectiveness.*

5 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

6 (1) *IN GENERAL.*—*There are authorized to be ap-*
7 *propriated for each of the fiscal years 2007 through*
8 *2009 such sums as may be necessary to carry out this*
9 *section.*

10 (2) *REPORT.*—*Not later than April 1, 2009, the*
11 *Attorney General shall report to Congress—*

12 (A) *assessing the effectiveness and value of*
13 *this section;*

14 (B) *comparing the cost effectiveness of ad-*
15 *dress verification to reduce sex offenses compared*
16 *to other alternatives; and*

17 (C) *making recommendations for con-*
18 *tinuing funding and the appropriate levels for*
19 *such funding.*

20 **SEC. 632. FUGITIVE SAFE SURRENDER.**

21 (a) *FINDINGS.*—*Congress finds the following:*

22 (1) *Fugitive Safe Surrender is a program of the*
23 *United States Marshals Service, in partnership with*
24 *public, private, and faith-based organizations, which*
25 *temporarily transforms a church into a courthouse, so*

1 *fugitives can turn themselves in, in an atmosphere*
2 *where they feel more comfortable to do so, and have*
3 *nonviolent cases adjudicated immediately.*

4 *(2) In the 4-day pilot program in Cleveland,*
5 *Ohio, over 800 fugitives turned themselves in. By con-*
6 *trast, a successful Fugitive Task Force sweep, con-*
7 *ducted for 3 days after Fugitive Safe Surrender, re-*
8 *sulted in the arrest of 65 individuals.*

9 *(3) Fugitive Safe Surrender is safer for defend-*
10 *ants, law enforcement, and innocent bystanders than*
11 *needing to conduct a sweep.*

12 *(4) Based upon the success of the pilot program,*
13 *Fugitive Safe Surrender should be expanded to other*
14 *cities throughout the United States.*

15 *(b) ESTABLISHMENT.—The United States Marshals*
16 *Service shall establish, direct, and coordinate a program (to*
17 *be known as the “Fugitive Safe Surrender Program”),*
18 *under which the United States Marshals Service shall ap-*
19 *prehend Federal, State, and local fugitives in a safe, secure,*
20 *and peaceful manner to be coordinated with law enforce-*
21 *ment and community leaders in designated cities through-*
22 *out the United States.*

23 *(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
24 *authorized to be appropriated to the United States Marshals*
25 *Service to carry out this section—*

1 (1) \$3,000,000 for fiscal year 2007;

2 (2) \$5,000,000 for fiscal year 2008; and

3 (3) \$8,000,000 for fiscal year 2009.

4 (d) *OTHER EXISTING APPLICABLE LAW.*—Nothing in
5 this section shall be construed to limit any existing author-
6 ity under any other provision of Federal or State law for
7 law enforcement agencies to locate or apprehend fugitives
8 through task forces or any other means.

9 **SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES**
10 **OF CHILD ABUSE.**

11 (a) *IN GENERAL.*—The Secretary of Health and
12 Human Services, in consultation with the Attorney Gen-
13 eral, shall create a national registry of substantiated cases
14 of child abuse or neglect.

15 (b) *INFORMATION.*—

16 (1) *COLLECTION.*—The information in the reg-
17 istry described in subsection (a) shall be supplied by
18 States and Indian tribes, or, at the option of a State,
19 by political subdivisions of such State, to the Sec-
20 retary of Health and Human Services.

21 (2) *TYPE OF INFORMATION.*—The registry de-
22 scribed in subsection (a) shall collect in a central elec-
23 tronic registry information on persons reported to a
24 State, Indian tribe, or political subdivision of a State

1 *as perpetrators of a substantiated case of child abuse*
2 *or neglect.*

3 *(c) SCOPE OF INFORMATION.—*

4 *(1) IN GENERAL.—*

5 *(A) TREATMENT OF REPORTS.—The infor-*
6 *mation to be provided to the Secretary of Health*
7 *and Human Services under this section shall re-*
8 *late to substantiated reports of child abuse or ne-*
9 *glect.*

10 *(B) EXCEPTION.—If a State, Indian tribe,*
11 *or political subdivision of a State has an elec-*
12 *tronic register of cases of child abuse or neglect*
13 *equivalent to the registry established under this*
14 *section that it maintains pursuant to a require-*
15 *ment or authorization under any other provision*
16 *of law, the information provided to the Secretary*
17 *of Health and Human Services under this sec-*
18 *tion shall be coextensive with that in such reg-*
19 *ister.*

20 *(2) FORM.—Information provided to the Sec-*
21 *retary of Health and Human Services under this*
22 *section—*

23 *(A) shall be in a standardized electronic*
24 *form determined by the Secretary of Health and*
25 *Human Services; and*

1 (B) shall contain case-specific identifying
2 information that is limited to the name of the
3 perpetrator and the nature of the substantiated
4 case of child abuse or neglect, and that complies
5 with clauses (viii) and (ix) of section
6 106(b)(2)(A) of the Child Abuse Prevention and
7 Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii)
8 and (ix)).

9 (d) CONSTRUCTION.—This section shall not be con-
10 strued to require a State, Indian tribe, or political subdivi-
11 sion of a State to modify—

12 (1) an equivalent register of cases of child abuse
13 or neglect that it maintains pursuant to a require-
14 ment or authorization under any other provision of
15 law; or

16 (2) any other record relating to child abuse or
17 neglect, regardless of whether the report of abuse or
18 neglect was substantiated, unsubstantiated, or deter-
19 mined to be unfounded.

20 (e) ACCESSIBILITY.—Information contained in the na-
21 tional registry shall only be accessible to any Federal, State,
22 Indian tribe, or local government entity, or any agent of
23 such entities, that has a need for such information in order
24 to carry out its responsibilities under law to protect chil-
25 dren from child abuse and neglect.

1 (f) *DISSEMINATION.*—*The Secretary of Health and*
2 *Human Services shall establish standards for the dissemi-*
3 *nation of information in the national registry of substan-*
4 *tiated cases of child abuse or neglect. Such standards shall*
5 *comply with clauses (viii) and (ix) of section 106(b)(2)(A)*
6 *of the Child Abuse Prevention and Treatment Act (42*
7 *U.S.C. 5106(b)(2)(A) (viii) and (ix)).*

8 (g) *STUDY.*—

9 (1) *IN GENERAL.*—*The Secretary of Health and*
10 *Human Services shall conduct a study on the feasi-*
11 *bility of establishing data collection standards for a*
12 *national child abuse and neglect registry with rec-*
13 *ommendations and findings concerning—*

14 (A) *costs and benefits of such data collection*
15 *standards;*

16 (B) *data collection standards currently em-*
17 *ployed by each State, Indian tribe, or political*
18 *subdivision of a State;*

19 (C) *data collection standards that should be*
20 *considered to establish a model of promising*
21 *practices; and*

22 (D) *a due process procedure for a national*
23 *registry*

24 (2) *REPORT.*—*Not later than 1 year after the*
25 *date of enactment of this Act, the Secretary of Home-*

1 *land Security shall submit to the Committees on the*
2 *Judiciary in the House of Representatives and the*
3 *United States Senate and the Senate Committee on*
4 *Health, Education, Labor and Pensions and the*
5 *House Committee on Education and the Workforce a*
6 *report containing the recommendations and findings*
7 *of the study on data collection standards for a na-*
8 *tional child abuse registry authorized under this sub-*
9 *section.*

10 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
11 *There is authorized to be appropriated \$500,000 for*
12 *the period of fiscal years 2006 and 2007 to carry out*
13 *the study required by this subsection.*

14 **SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OF-**
15 **FENDER ISSUES.**

16 (a) *IN GENERAL.—The National Institute of Justice*
17 *shall conduct a comprehensive study to examine the control,*
18 *prosecution, treatment, and monitoring of sex offenders,*
19 *with a particular focus on—*

20 (1) *the effectiveness of the Sex Offender Registra-*
21 *tion and Notification Act in increasing compliance*
22 *with sex offender registration and notification re-*
23 *quirements, and the costs and burdens associated with*
24 *such compliance;*

1 (2) *the effectiveness of sex offender registration*
2 *and notification requirements in increasing public*
3 *safety, and the costs and burdens associated with such*
4 *requirements;*

5 (3) *the effectiveness of public dissemination of*
6 *sex offender information on the Internet in increasing*
7 *public safety, and the costs and burdens associated*
8 *with such dissemination; and*

9 (4) *the effectiveness of treatment programs in re-*
10 *ducing recidivism among sex offenders, and the costs*
11 *and burdens associated with such programs.*

12 (b) *RECOMMENDATIONS.*—*The study described in sub-*
13 *section (a) shall include recommendations for reducing the*
14 *number of sex crimes against children and adults and in-*
15 *creasing the effectiveness of registration requirements.*

16 (c) *REPORTS.*—

17 (1) *IN GENERAL.*—*Not later than 5 years after*
18 *the date of enactment of this Act, the National Insti-*
19 *tute of Justice shall report the results of the study*
20 *conducted under subsection (a) together with findings*
21 *to Congress, through the Internet to the public, to each*
22 *of the 50 governors, to the Mayor of the District of*
23 *Columbia, to territory heads, and to the top official*
24 *of the various Indian tribes.*

1 (2) *INTERIM REPORTS.*—*The National Institute*
2 *of Justice shall submit yearly interim reports.*

3 (d) *APPROPRIATIONS.*—*There are authorized to be ap-*
4 *propriated \$3,000,000 to carry out this section.*

5 **SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REG-**
6 **ISTRATION REQUIREMENTS.**

7 *Not later than July 1 of each year, the Attorney Gen-*
8 *eral shall submit a report to Congress describing—*

9 (1) *the use by the Department of Justice of the*
10 *United States Marshals Service to assist jurisdictions*
11 *in locating and apprehending sex offenders who fail*
12 *to comply with sex offender registration requirements,*
13 *as authorized by this Act;*

14 (2) *the use of section 2250 of title 18, United*
15 *States Code (as added by section 151 of this Act), to*
16 *punish offenders for failure to register;*

17 (3) *a detailed explanation of each jurisdiction's*
18 *compliance with the Sex Offender Registration and*
19 *Notification Act;*

20 (4) *a detailed description of Justice Department*
21 *efforts to ensure compliance and any funding reduc-*
22 *tions, the basis for any decision to reduce funding or*
23 *not to reduce funding under section 125; and*

1 (5) *the denial or grant of any extensions to com-*
2 *ply with the Sex Offender Registration and Notifica-*
3 *tion Act, and the reasons for such denial or grant.*

4 **SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES**
5 **ON FEASIBILITY OF USING DRIVER'S LICENSE**
6 **REGISTRATION PROCESSES AS ADDITIONAL**
7 **REGISTRATION REQUIREMENTS FOR SEX OF-**
8 **FENDERS.**

9 *For the purposes of determining the feasibility of using*
10 *driver's license registration processes as additional registra-*
11 *tion requirements for sex offenders to improve the level of*
12 *compliance with sex offender registration requirements for*
13 *change of address upon relocation and other related updates*
14 *of personal information, the Congress requires the following*
15 *studies:*

16 (1) *Not later than 180 days after the date of the*
17 *enactment of this Act, the Government Accountability*
18 *Office shall complete a study for the Committee on the*
19 *Judiciary of the Senate and the Committee on the Ju-*
20 *diciary of the House of Representatives to survey a*
21 *majority of the States to assess the relative systems*
22 *capabilities to comply with a Federal law that re-*
23 *quired all State driver's license systems to automati-*
24 *cally access State and national databases of registered*
25 *sex offenders in a form similar to the requirement of*

1 *the Nevada law described in paragraph (2). The Gov-*
2 *ernment Accountability Office shall use the informa-*
3 *tion drawn from this survey, along with other expert*
4 *sources, to determine what the potential costs to the*
5 *States would be if such a Federal law came into ef-*
6 *fect, and what level of Federal grants would be re-*
7 *quired to prevent an unfunded mandate. In addition,*
8 *the Government Accountability Office shall seek the*
9 *views of Federal and State law enforcement agencies,*
10 *including in particular the Federal Bureau of Inves-*
11 *tigation, with regard to the anticipated effects of such*
12 *a national requirement, including potential for*
13 *undesired side effects in terms of actual compliance*
14 *with this Act and related laws.*

15 *(2) Not later than February 1, 2007, the Govern-*
16 *ment Accountability Office shall complete a study to*
17 *evaluate the provisions of Chapter 507 of Statutes of*
18 *Nevada 2005 to determine—*

19 *(A) if those provisions are effective in in-*
20 *creasing the registration compliance rates of sex*
21 *offenders;*

22 *(B) the aggregate direct and indirect costs*
23 *for the State of Nevada to bring those provisions*
24 *into effect; and*

1 (C) *how those provisions might be modified*
2 *to improve compliance by registered sex offend-*
3 *ers.*

4 **SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.**

5 (a) *STUDY.*—*The Attorney General shall conduct a*
6 *study of risk-based sex offender classification systems, which*
7 *shall include an analysis of—*

8 (1) *various risk-based sex offender classification*
9 *systems;*

10 (2) *the methods and assessment tools available to*
11 *assess the risks posed by sex offenders;*

12 (3) *the efficiency and effectiveness of risk-based*
13 *sex offender classification systems, in comparison to*
14 *offense-based sex offender classification systems, in—*

15 (A) *reducing threats to public safety posed*
16 *by sex offenders; and*

17 (B) *assisting law enforcement agencies and*
18 *the public in identifying the most dangerous sex*
19 *offenders;*

20 (4) *the resources necessary to implement, and the*
21 *legal implications of implementing, risk-based sex of-*
22 *fender classification systems for sex offender registries;*
23 *and*

1 (5) any other information the Attorney General
2 determines necessary to evaluate risk-based sex of-
3 fender classification systems.

4 (b) *REPORT.*—Not later than 18 months after the date
5 of enactment of this Act, the Attorney General shall report
6 to the Congress the results of the study under this section.

7 (c) *STUDY CONDUCTED BY TASK FORCE.*—The Attor-
8 ney General may establish a task force to conduct the study
9 and prepare the report required under this section. Any task
10 force established under this section shall be composed of
11 members, appointed by the Attorney General, who—

12 (1) represent national, State, and local interests;
13 and

14 (2) are especially qualified to serve on the task
15 force by virtue of their education, training, or experi-
16 ence, particularly in the fields of sex offender manage-
17 ment, community education, risk assessment of sex of-
18 fenders, and sex offender victim issues.

19 **SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING**
20 **THE ACTIVITIES OF SEX OFFENDERS TO RE-**
21 **DUCE THE OCCURRENCE OF REPEAT OF-**
22 **FENSES.**

23 (a) *STUDY.*—The Attorney General shall conduct a
24 study to evaluate the effectiveness of monitoring and re-
25 stricting the activities of sex offenders to reduce the occur-

1 *rence of repeat offenses by such sex offenders, through condi-*
2 *tions imposed as part of supervised release or probation*
3 *conditions. The study shall evaluate—*

4 (1) *the effectiveness of methods of monitoring*
5 *and restricting the activities of sex offenders, includ-*
6 *ing restrictions—*

7 (A) *on the areas in which sex offenders can*
8 *reside, work, and attend school;*

9 (B) *limiting access by sex offenders to the*
10 *Internet or to specific Internet sites; and*

11 (C) *preventing access by sex offenders to*
12 *pornography and other obscene materials;*

13 (2) *the ability of law enforcement agencies and*
14 *courts to enforce such restrictions; and*

15 (3) *the efficacy of any other restrictions that*
16 *may reduce the occurrence of repeat offenses by sex of-*
17 *fenders.*

18 (b) *REPORT.—Not later than 6 months after the date*
19 *of enactment of this Act, the Attorney General shall report*
20 *to the Committee on the Judiciary of the House of Rep-*
21 *resentatives and the Committee on the Judiciary of the Sen-*
22 *ate the results of the study under this section.*

23 **SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.**

24 (a) *SHORT TITLE.—This section may be cited as the*
25 *“Justice for Crime Victims Family Act”.*

1 **(b) STUDY OF MEASURES NEEDED TO IMPROVE PER-**
2 **FORMANCE OF HOMICIDE INVESTIGATORS.**—*Not later than*
3 *6 months after the date of the enactment of this Act, the*
4 *Attorney General shall submit to the Committee on the Ju-*
5 *diciary of the House of Representatives and the Committee*
6 *on the Judiciary of the Senate a report—*

7 (1) *outlining what measures are needed to im-*
8 *prove the performance of Federal, State, and local*
9 *criminal investigators of homicide; and*

10 (2) *including an examination of—*

11 (A) *the benefits of increasing training and*
12 *resources for such investigators, with respect to*
13 *investigative techniques, best practices, and fo-*
14 *rensic services;*

15 (B) *the existence of any uniformity among*
16 *State and local jurisdictions in the measurement*
17 *of homicide rates and clearance of homicide*
18 *cases;*

19 (C) *the coordination in the sharing of infor-*
20 *mation among Federal, State, and local law en-*
21 *forcement and coroners and medical examiners;*
22 *and*

23 (D) *the sources of funding that are in exist-*
24 *ence on the date of the enactment of this Act for*

1 *State and local criminal investigators of homi-*
2 *cide.*

3 *(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES*
4 *INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN*
5 *REMAINS.—Not later than 6 months after the date of the*
6 *enactment of this Act, the Attorney General shall submit*
7 *to the Committee on the Judiciary of the House of Rep-*
8 *resentatives and the Committee on the Judiciary of the Sen-*
9 *ate a report—*

10 *(1) evaluating measures to improve the ability of*
11 *Federal, State, and local criminal investigators of*
12 *homicide to solve homicides involving missing persons*
13 *and unidentified human remains; and*

14 *(2) including an examination of—*

15 *(A) measures to expand national criminal*
16 *records databases with accurate information re-*
17 *lating to missing persons and unidentified*
18 *human remains;*

19 *(B) the collection of DNA samples from po-*
20 *tential ‘high-risk’ missing persons;*

21 *(C) the benefits of increasing access to na-*
22 *tional criminal records databases for medical ex-*
23 *aminers and coroners;*

24 *(D) any improvement in the performance of*
25 *postmortem examinations, autopsies, and report-*

1 *ing procedures of unidentified persons or re-*
2 *mains;*

3 *(E) any coordination between the National*
4 *Center for Missing Children and the National*
5 *Center for Missing Adults;*

6 *(F) website postings (or other uses of the*
7 *Internet) of information of identifiable informa-*
8 *tion such as physical features and characteris-*
9 *tics, clothing, and photographs of missing per-*
10 *sons and unidentified human remains; and*

11 *(G) any improvement with respect to—*

12 *(i) the collection of DNA information*
13 *for missing persons and unidentified*
14 *human remains; and*

15 *(ii) entering such information into the*
16 *Combined DNA Index System of the Federal*
17 *Bureau of Investigation and national*
18 *criminal records databases.*

19 ***TITLE VII—INTERNET SAFETY***
20 ***ACT***

21 ***SEC. 701. CHILD EXPLOITATION ENTERPRISES.***

22 *Section 2252A of title 18, United States Code, is*
23 *amended by adding at the end the following:*

24 *“(g) CHILD EXPLOITATION ENTERPRISES.—*

1 “(1) Whoever engages in a child exploitation en-
 2 terprise shall be fined under this title and imprisoned
 3 for any term of years not less than 20 or for life.

4 “(2) A person engages in a child exploitation en-
 5 terprise for the purposes of this section if the person
 6 violates section 1591, section 1201 if the victim is a
 7 minor, or chapter 109A (involving a minor victim),
 8 110 (except for sections 2257 and 2257A), or 117 (in-
 9 volving a minor victim), as a part of a series of fel-
 10 ony violations constituting three or more separate in-
 11 cidents and involving more than one victim, and
 12 commits those offenses in concert with three or more
 13 other persons.”.

14 **SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OF-**
 15 **FENDERS.**

16 (a) *OFFENSE.*—Chapter 110 of title 18, United States
 17 Code, is amended by adding at the end the following:

18 **“§ 2260A. Penalties for registered sex offenders**

19 “Whoever, being required by Federal or other law to
 20 register as a sex offender, commits a felony offense involving
 21 a minor under section 1201, 1466A, 1470, 1591, 2241,
 22 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422,
 23 2423, or 2425, shall be sentenced to a term of imprisonment
 24 of 10 years in addition to the imprisonment imposed for
 25 the offense under that provision. The sentence imposed

1 *under this section shall be consecutive to any sentence im-*
 2 *posed for the offense under that provision.”.*

3 (b) *CLERICAL AMENDMENT.—The table of sections at*
 4 *the beginning of chapter 110 of title 18, United States Code,*
 5 *is amended by adding at the end the following new item:*

“2260A. Increased penalties for registered sex offenders.”.

6 **SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.**

7 (a) *IN GENERAL.—Chapter 110 of title 18, United*
 8 *States Code, is amended by inserting after section 2252B*
 9 *the following:*

10 **“§ 2252C. Misleading words or digital images on the**
 11 **Internet**

12 *“(a) IN GENERAL.—Whoever knowingly embeds words*
 13 *or digital images into the source code of a website with the*
 14 *intent to deceive a person into viewing material consti-*
 15 *tuting obscenity shall be fined under this title and impris-*
 16 *oned for not more than 10 years.*

17 *“(b) MINORS.—Whoever knowingly embeds words or*
 18 *digital images into the source code of a website with the*
 19 *intent to deceive a minor into viewing material harmful*
 20 *to minors on the Internet shall be fined under this title and*
 21 *imprisoned for not more than 20 years.*

22 *“(c) CONSTRUCTION.—For the purposes of this section,*
 23 *a word or digital image that clearly indicates the sexual*
 24 *content of the site, such as ‘sex’ or ‘porn’, is not misleading.*

25 *“(d) DEFINITIONS.—As used in this section—*

1 “(1) the terms ‘material that is harmful to mi-
2 nors’ and ‘sex’ have the meaning given such terms in
3 section 2252B; and

4 “(2) the term ‘source code’ means the combina-
5 tion of text and other characters comprising the con-
6 tent, both viewable and nonviewable, of a web page,
7 including any website publishing language, program-
8 ming language, protocol or functional content, as well
9 as any successor languages or protocols.”.

10 (b) *TABLE OF SECTIONS.*—The table of sections for
11 chapter 110 of title 18, United States Code, is amended by
12 inserting after the item relating to section 2252B the fol-
13 lowing:

 “2252C. *Misleading words or digital images on the Internet.*”.

14 **SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RE-**
15 **LATING TO THE SEXUAL EXPLOITATION OF**
16 **CHILDREN.**

17 (a) *DEFINITION.*—In this section, the term “offenses
18 relating to the sexual exploitation of children” shall include
19 any offense committed in violation of—

20 (1) chapter 71 of title 18, United States Code,
21 involving an obscene visual depiction of a minor, or
22 transfer of obscene materials to a minor;

23 (2) chapter 109A of title 18, United States Code,
24 involving a victim who is a minor;

25 (3) chapter 109B of title 18, United States Code;

1 (4) *chapter 110 of title 18, United States Code;*

2 (5) *chapter 117 of title 18, United States Code*

3 *involving a victim who is a minor; and*

4 (6) *section 1591 of title 18, United States Code.*

5 (b) *ADDITIONAL PROSECUTORS.—In fiscal year 2007,*
6 *the Attorney General shall, subject to the availability of ap-*
7 *propriations for such purposes, increase by not less than*
8 *200 the number of attorneys in United States Attorneys’*
9 *Offices. The additional attorneys shall be assigned to pros-*
10 *ecute offenses relating to the sexual exploitation of children.*

11 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
12 *authorized to be appropriated to the Department of Justice*
13 *for fiscal year 2007 such sums as may be necessary to carry*
14 *out this section.*

15 **SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.**

16 (a) *DEPARTMENT OF JUSTICE RESOURCES.—In fiscal*
17 *year 2007, the Attorney General shall, subject to the avail-*
18 *ability of appropriations for such purposes, increase by not*
19 *less than 30 the number of computer forensic examiners*
20 *within the Regional Computer Forensic Laboratories*
21 *(RCFL). The additional computer forensic examiners shall*
22 *be dedicated to investigating crimes involving the sexual ex-*
23 *ploitation of children and related offenses.*

24 (b) *DEPARTMENT OF HOMELAND SECURITY RE-*
25 *SOURCES.—In fiscal year 2007, the Secretary of Homeland*

1 *Security shall, subject to the availability of appropriations*
2 *for such purposes, increase by not less than 15 the number*
3 *of computer forensic examiners within the Cyber Crimes*
4 *Center (C3). The additional computer forensic examiners*
5 *shall be dedicated to investigating crimes involving the sex-*
6 *ual exploitation of children and related offenses.*

7 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
8 *authorized to be appropriated to the Department of Justice*
9 *and the Department of Homeland Security for fiscal year*
10 *2007 such sums as may be necessary to carry out this sec-*
11 *tion.*

12 **SEC. 706. ADDITIONAL ICAC TASK FORCES.**

13 (a) *ADDITIONAL TASK FORCES.—In fiscal year 2007,*
14 *the Administrator of the Office of Juvenile Justice and De-*
15 *linquency Prevention shall, subject to the availability of ap-*
16 *propriations for such purpose, increase by not less than 10*
17 *the number of Internet Crimes Against Children Task*
18 *Forces that are part of the Internet Crimes Against Chil-*
19 *dren Task Force Program authorized and funded under title*
20 *IV of the Juvenile Justice and Delinquency Prevention Act*
21 *of 1974 (42 U.S.C. 5771 et seq.). These Task Forces shall*
22 *be in addition to the ones authorized in section 143 of this*
23 *Act.*

24 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
25 *authorized to be appropriated to the Administrator of the*

1 *Office of Juvenile Justice and Delinquency Prevention for*
2 *fiscal year 2007 such sums as may be necessary to carry*
3 *out this section.*

4 **SEC. 707. MASHA'S LAW.**

5 (a) *SHORT TITLE.*—*This section may be cited as*
6 *“Masha’s Law”.*

7 (b) *IN GENERAL.*—*Section 2255(a) of title 18, United*
8 *States Code, is amended—*

9 (1) *in the first sentence—*

10 (A) *by striking “(a) Any minor who is”*
11 *and inserting the following:*

12 *“(a) IN GENERAL.—Any person who, while a minor,*
13 *was”;*

14 (B) *by inserting after “such violation” the*
15 *following: “, regardless of whether the injury oc-*
16 *curred while such person was a minor,”; and*

17 (C) *by striking “such minor” and inserting*
18 *“such person”; and*

19 (2) *in the second sentence—*

20 (A) *by striking “Any minor” and inserting*
21 *“Any person”; and*

22 (B) *by striking “\$50,000” and inserting*
23 *“\$150,000”.*

- 1 *(c) CONFORMING AMENDMENT.—Section 2255(b) of*
2 *title 18, United States Code, is amended by striking “(b)*
3 *Any action” and inserting the following:*
4 *“(b) STATUTE OF LIMITATIONS.—Any action”.*

Amend the title so as to read: “An Act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.”.

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

H. R. 4472

AMENDMENTS